

# Portugal<sup>1</sup>

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network 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' was replaced by the 'Initial Parental leave'; 'Paternity leave' and optional Parental leave for fathers was replaced by 'Fathers-only Parental leave'; 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)*

- 120 or 150 calendar days, depending on payment level (see 'payment and funding' below). It is mandatory for the mother to take 42 calendar days (six weeks) following the birth (Mothers-only Initial Parental leave (*Licença Parental Inicial Exclusiva da mãe*)); 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.

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### *Payment and funding*

- Initial Parental leave: 120 days at 100 per cent of earnings or 150 days at 80 per cent of earnings, with no upper limit on payments. A sharing bonus is allocated if each parent takes at least 30 consecutive days of leave or two periods of 15 consecutive days once the other parent returns to work: 150 days are paid at 100 per cent of earnings or 180 days at 83 per cent of earnings, with no upper limit on payments.
- If parents decide to divide the 30 days of the fifth month of Initial Parental leave, in order to stay at home simultaneously (each for a maximum of 15 days), payment remains at 80 per cent of earnings for each parent (see 'flexibility in use' below).
- Monthly payment of 'parental benefit' is based on the average of all gross earnings during the first six of the last eight months immediately prior to leave. Previously, this monthly payment included holiday benefits, Christmas benefits, and other extras, but since 2012, the government has excluded these benefits from that average. Therefore, parental benefit now corresponds more closely to previous monthly earnings, whereas before it could be significantly different. Nevertheless, while on leave, parents continue to receive more than when they are working, since they are exempted from paying taxes (social security contributions and IRS) during the leave period. Parents continue to accrue pension credits and other entitlements during the leave period.
- Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefits as compared to the mainland, in order to compensate for the higher cost of living.
- When the level of earnings is very low, there is a minimum payment of €11.70 per day (120 days or 120+30 days shared leave), €9.36 per day (150 days non-shared leave), or €9,65 per day (150+30 days shared leave).
- Parental leave benefit is funded by the social security system, financed by contributions from employers, employees, self-employed workers, and voluntary forms of social security. For employed workers, the total amount of this contribution is 34.75 per cent of the employee's gross monthly salary. Employers contribute with 23.75 per cent and employees 11 per cent.
- Non-employed parents receiving either the social parental benefit or unemployment benefit can claim pension credits regarding their leave period; apart from these two situations, non-employed parents are not eligible for paid leave or pension credits for child-rearing.

### *Flexibility in use*

- Mothers have the option to take up to 30 days of their Mothers-only Initial Parental leave before birth.
- Initial Parental leave may be taken in the following ways:
  - One of the parents (after the mother's mandatory period) 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.
  - Parents may divide 150 days at 100 per cent of earnings between themselves, on the condition that the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or vice versa.
  - Parents may divide 180 days at 83 per cent of earnings between themselves, on the condition that the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or vice versa.
  - During the fifth month, parents can share a maximum of 30 days, in order to stay at home together, but each parent can only stay at home with the other parent for a maximum of 15 days. Therefore, this option of staying at home together will shorten the total amount of leave time, from five to four and a half months, or from six to five and a half months.
- When parents want to take leave at the same time and both work for the same employer in a small company, the employer's agreement is needed.
- Initial Parental leave of 120 or 150 days can be divided between parents, but cannot be taken at the same time by both parents, except in the case just mentioned above: a maximum of 30 days during the fifth month can be divided between the parents (15 days for each), so that they can stay home together.
- Other forms of paid work are not permitted while on paid leave.
- Single parents cannot use the other parent's entitlements.

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

- All female employees with a record of six months of social security contributions (continuous or intermittent – the latter is only possible if the period without contributions is less than six months). Mothers 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 (€438.81 in 2020). The amount and duration of this benefit is:
  - For non-shared leaves, €351.05 for 120 consecutive days (80 per cent of IAS) and €280.84 for 150 consecutive days (64 per cent of IAS).

- For shared leaves, benefit is paid at €351,05 for 150 consecutive days (80 per cent of IAS) and €289.61 for 180 consecutive days (66 per cent of IAS).
- The father's eligibility to use or to share Initial Parental leave is the same as the mother's, however it depends on the mother working or being eligible for other reasons (e.g. low family income, unemployment benefit). For example, if the mother is not eligible at all, the working father can only take his Fathers-only Parental leave of 20 obligatory and 5 optional working days (see 1.b.). If the mother works but the father does not and is not eligible for other reasons (e.g. low family income, unemployment benefit), the mother is still eligible for Initial Parental leave.
- The sharing bonus only applies if both parents work or are eligible for other reasons (e.g. have a low family income, receive unemployment benefit).
- Self-employed workers (who contribute to social security) and unemployed individuals (who are receiving unemployment benefit) are eligible.
- Same-sex parents are eligible.
- Eligibility criteria are the same for leave and for 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 mother*

- In the case of multiple births, the leave period is extended by one month for every additional child.
- In the case of death, mental illness, or the physical incapacity of the parent who is entitled to use the leave, the other parent is entitled to the remaining time (this is referred to as 'Initial Parental leave in the event of one of the parents is unable to take leave'). A minimum of 30 days' leave is granted to the father in the case of the mother's death, mental illness, or physical incapacity.
- A working grandparent is entitled to 30 days' leave, following the birth of a grandchild, if the parent is an adolescent still living at home.
- In the case of poor health or health risks to the mother and foetus posed by work conditions, the pregnant mother is entitled to receive maternity benefits before the birth, for as long as the risk persists (this leave is known as 'health risk leave/benefit during pregnancy'). This leave does not reduce the 120, 150, or 180 days of Initial Parental leave, requires a medical certificate, and is paid at 100 per cent of earnings.
- In the case of premature births, or the hospitalisation of the child or the parent who is taking leave during the period after childbirth, the leave period is increased by the hospitalization period, up to a maximum of 30 days, without prejudice of the duration of Initial Parental leave (see 'legal changes since April 2019'). If the

hospitalization takes more than 30 days, Initial Parental leave may be suspended for as long as the hospitalisation lasts. That allows parents to request for a sick childcare benefit (see 'Other employment-related measures' below).

- When the birth occurs before week 33 (inclusive) of gestation, the leave duration is increased by the total time of the child's hospitalization period, for as long as it lasts, as well as by 30 days after hospital discharge.
- The attribution of the incremental time to leave duration due to hospitalization requires an hospital' statement confirming hospitalization duration.
- In cases of 'specific risks' (i.e. 'nightwork' from 10pm until 7am and 'exposure to specific agents, processes or working conditions,' both as specified by law) during pregnancy, after birth, and while breastfeeding, women may interrupt their work and are entitled to a 'leave/benefit for specific risks,' paid at 65 per cent of their wage. This interruption requires a medical certificate acknowledging the danger to the mother's health or safety and/or to the child's development, as well as an employer's declaration expressing the impossibility of giving the working mother/pregnant woman another schedule or different tasks. This leave does not reduce the 120, 150, or 180 days of Initial Parental leave.

**b. Fathers-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*

- 25 working days, 20 of which are mandatory.

*Payment and funding*

- 100 per cent of gross earnings with no upper limit.
- Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent in leave benefit compared to the mainland.
- Non-employed parents receiving either social parental benefit or unemployment benefit can claim pension credits regarding their leave period; except for these two situations, non-employed parents are not eligible to leave, payment, or pension credits for child-rearing.

### *Flexibility in use*

- Five of the 20 mandatory days must be taken consecutively immediately after birth; the other 15 days must be taken during the first six weeks after birth; the optional five days must be taken while the mother is on Initial Parental leave.
- The law states that 20 days are compulsory. The ATC (Authority for Labour Conditions) carries out inspections in the workplace and has provided new protocols and training for inspectors, who are now required to be attentive to all aspects of Parental leave uptake and not only Maternity leave (enforced since 1976).

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

- As Initial Parental leave. Fathers who have no record or have insufficient contributions are entitled to the mandatory paid leave of 20 working days, as well as to the five optional working days if they meet the low income/flat-rate criteria. Daily payment is €11,70, corresponding to 80 per cent of 1/30 of IAS (€438,81 in 2019).

### *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 20 mandatory days of leave will be increased by two days for every additional child in the case of multiple births. The same applies for the five 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*

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

#### *Payment and funding*

- Unpaid, except if taken immediately after Initial Parental leave, or after the other parent has taken Additional Parental leave. In these cases, it is paid at 25 per cent of average earnings for three months.

- Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefit.
- Pension credits can be claimed by those on Additional Parental leave.

#### *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 part-time basis for 12 months per parent; c) on an alternating basis (i.e. working part-time or full-time, up to a maximum of three months' full-time equivalent per parent); or d) interpolated absences from work, if they are negotiated by collective bargaining.
- If the three months are taken as unpaid Parental leave, they can be taken by both parents at the same time; but paid leave can only be taken by one parent at a time.
- When both parents work for the same employer, the employer has the right to postpone the leave of one of the parents.

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

- As Initial Parental leave. However, paid Additional Parental Leave is not available to parents receiving social parental benefit, nor to parents receiving unemployment or social unemployment benefits.
- Same-sex parents 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 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**

- 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 known as 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 in the case of leave to care for disabled or chronically ill children, see below), there is a suspension of the work contract. This means that all the employee's rights and guarantees are suspended, and only the right to return to their job is safeguarded. The period of childcare leave is also taken into account in the calculation of old age and disability pensions. Non-employed parents are not eligible to leave, payment, or pension credits.

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

- In cases of the adoption of a child under 15 years old, the adopting parents are entitled to Initial Parental leave, including the sharing bonus. In the case of multiple adoptions, leave will be extended by 30 days for every subsequent child adopted. In the case of the death of the adopting parent, leave may be transferred to the spouse, who can take, as an alternative, a minimum of 14 days' leave.
- Adoptive fathers are entitled to the Fathers-only Parental leave (see Section 1b).

##### *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.
- An additional 15 days per year can be used to take care of sick children above the age of 12 (when older than 18 years of age, 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 (minimum payment of €11,70 per day, corresponding to 80 per cent of 1/30 of the Index of Social Support, IAS). Both entitlements are increased by one day for every second and subsequent child. If a child under the age of 12 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 they are not



living in the same household). Employees in the public sector are entitled to a benefit of 65 per cent of their earnings, per day.

- An extra 15 days of unpaid leave per year to care for a disabled 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 disabled or chronically ill child, including an adopted child or step-child in the household, one of the parents is entitled to six months' leave (referred to as leave to care for a disabled or chronically ill child; *Licença para assistência a filho com deficiência, doença crónica ou oncológica*), which may be extended up to 4 years or 6 years if the need is supported by a medical statement. In case of terminal illness, there is no time limit. This leave can only be taken by one of the parents and it is paid at 65 per cent of earnings; the maximum payment per month is equivalent to two times the amount of IAS (€877,62). Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent.

#### *Flexible working*

- If there is a disabled or chronically ill child below one year of age, one of the parents may apply for a five-hour reduction in their weekly working hours, if the other parent is still employed.
- Parents are entitled to four hours of absence (per school term) to attend school meetings, until children reach 18 years of age, with no reduction in their earnings.
- Adopting parents are entitled to be absent at work (up to three times) to attend meetings related to the process of adoption.
- Co-parents are entitled to leave work (up to three times) to be present in pre-natal appointments or medical assisted procreation (PMA) appointments.
- When resident in autonomous regions, co-parents are both entitled to time off work if they need to attend a medical facility outside their island, for medical appointments or birth.
- Parents with children below 12 years of age (no age limit in the case of a child who is chronically ill or disabled, living in the same household) are entitled to flexible work arrangements, which means that the employee may choose, within certain limits, when to start and finish their 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.
- Where there are children below 12 years of age (no age limit in the 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 in the following ways: working part-time for five days per week or working three full days per week. Employers and employees can agree on other arrangements. Part-time work may be extended to up to two years (three years in the case of third and subsequent children, four years in the case of chronically ill or disabled child).

- Parents working part-time or in a flexible working regime, cannot be penalised in their evaluation and career progression.
- Parents with children below three years of age are entitled to teleworking (working from home). If their function fits this working regime and the company has the resources, employers cannot oppose this option.

#### *Specific provision for (breast)feeding*

- Parents are entitled to two hours' nursing leave per day during the first year after the birth, with no reduction of earnings. It is referred to as 'breastfeeding or nursing leave' (*Dispensa para Amamentação e Aleitação*) to make it more gender neutral, since the work time reduction may be used by mothers or fathers. This absence from work to nurse is financially supported by the employer, since there is no benefit/compensation by the social security system. Parents must apply for it, and employers are obligated to comply. 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 either parent, 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. When mothers are breastfeeding, the two hours' reduction can last for as long as the child is breastfed.

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

The maximum period of total post-natal leave available in Portugal is three years (including two years of unpaid childcare leave and six months at 25 per cent of previous earnings). Leave paid at a high rate lasts for up to six months, depending on the sharing options. Since 2015, there is an entitlement to Early Childhood Education and Care (ECEC) from four years of age, in public pre-school education, available for eight hours per day. There is a gap of around one year between the

end of maximum leave taken and public ECEC entitlement, and of three and a half years between the end of well-paid leave and public ECEC entitlement. An extension of the entitlement to public education from three years of age is proposed from 2020, but not yet legislated.

Levels of attendance for children under three years of age are above the average for the countries included in this review and for OECD countries; and on average for children over the age of three years. (See 'relationship between leave and ECEC entitlements' on cross-country comparisons page)

### **3. Changes in policy since April 2019 (including proposals currently under discussion)**

Two new laws (90/2019 and 93/2019) of 4 September 2019, were enacted with relevant changes to the parenting leave system. The main changes are:

- Co-parents residing in the autonomous regions, are now allowed to travel to a hospital unit located outside the island of residence to childbirth (lasting for the entire period considered necessary and appropriate to travel) or for medical appointments, related to pregnancy (both parents).
- Parents are also allowed to time off work to assist children with oncologic illness (for a period of 6 months, extendable to 4 years or 6 years if the need is attested by a medical statement. In case of terminal illness, there is no time limit).
- Initial Parental leave is extended in cases of child hospitalization and in cases of premature childbirth (up to and including 33 weeks) up to a maximum of 30 days or for the entire period of hospitalization in case of special medical care needs.
- The Father's-only Parental leave remains 25 working days, but the compulsory portion has increased from 15 to 20 days. This compulsory portion must be used within the first 6 weeks after childbirth and 5 days must be taken consecutively immediately after childbirth; the remainder of this compulsory period of leave plus the 5 additional optional days of leave can be used either consecutively or divided into shorter periods. The optional days must be used while the mother is on Initial Parental leave.
- The Father's-only Parental leave has been extended to adoptive parents.
- Parents receiving treatment for infertility (MPA) are now allowed to take time off work for a maximum of three consultations within each MPA treatment cycle.
- None of these leaves determine the loss of any rights, being remunerated as effective work.

- The termination of the employment contract of a pregnant employee who has recently given birth or is breastfeeding, or is on Parental leave, if occurring during the probation period, must be communicated by the employer to CITE (Commission for Work and Employment Equality), within 5 working days of the date of termination.
- Non-renewal of a fixed-term employment contract of an employee on Parental leave must also be communicated by the employer to CITE, at least 5 working days prior to the date of final notice.
- A gender neutral approach is enforced with the following statement of law 90/2019: "For the purposes of the application of this decree-law, all references made to the mother and father are extendable to all holders of the right to parenthood, except those related to their biological condition", allowing the extension of parental rights to same sex parents.

## **Policy response to the Covid-19 pandemic up to end June 2020**

### *Childcare and schools*

- All ECEC services and schools were closed from 16 March 2020, though a network of selected services received children from 3 months to 12 years whose parents were essential service workers (e.g. health professionals, fire-fighters, security forces). Closure of these services was reviewed on 9 April and continued until 18 May for ECEC services for children under 36 months and until 1 June for ECEC services for children over 36 months. By then, all ECEC services could resume if they adopted required health guidelines provided by the Ministry of Health and the General-Directorate for Health.
- Schools remained closed until the end of the school year, except for students in Grades 11 and 12, for whom they re-opened on 18 May to allow them to prepare for final exams. During school closure, classroom teaching was replaced by distance learning; tele-schooling was implemented on a national level and on-line classes were implemented whenever possible and when the necessary conditions were met.

### *Parental leave*

- There were no modifications to Parental leave.

### *Other measures for parents and other carers*

- Absence from work due to caring for a child under 12 years or, regardless of age, a dependent with a disability or chronic illness,

arising from the closure of schools or other services, has been deemed as justified, with no loss of rights but with no earnings. Absence from work is not justified where an employee's activity can be performed by teleworking or other means.

- During this period of absence from work, a special allowance has been paid to the employee equivalent to two-thirds of the employee's remuneration, with a minimum of €635 per month and a maximum of €1,905; 50 per cent is paid by the employer and subjected to Social Security contributions and 50 per cent by Social Security. Self-employed workers have also received an allowance, under the same conditions, with a minimum of €438.81 per month and a maximum of €1,097.03. This financial support is only granted to one parent (employee or self-employed) and is only granted once regardless of the number of dependents.
- Where an employee or self-employed worker has had to isolate, a special sickness leave has been introduced with an allowance based on previous earnings.
- Absence from work due to the need to care for a child under 12 years or, regardless of age, a dependent with a disability or chronic illness, arising from the dependent's need to isolate, has been deemed as justified, with no loss of rights but with no earnings. In such cases, Social Security grants an earnings-related monthly allowance. This has been extended to include grandparents providing care, though the allowance for them is at a lower rate of income replacement.

## **4. Uptake of leave**

### **a. Initial Parental leave (formerly Maternity leave)**

There are no definitive figures on the number of births for 2019, but a slight decrease is estimated (about 86,557) in comparison to 2018; however, the number of births are similar to those for the last three years – 87,020 in 2018, 86,154 births in 2017 and 87,126 in 2016. Portugal's fertility rate is still the lowest of all the countries in the European Union and the increase registered since the years of economic crisis (when the birth rate dropped significantly from 101,381 births in 2010 to 82,367 births in 2014) is very modest and insufficient to achieve demographic balance.

After decreasing between 2011 and 2014 (down from 81,027 to 66,991) the total number of paid Initial Parental leaves reversed its downward trend and increased slightly in 2015 (72,185) and in 2016 (73,736). In 2017, the number of paid Initial Parental leaves seems to have resumed its downward trend, decreasing to 70,072, but in 2018 and 2019, the

number of total leaves increased again to 72,674 and 74,249, respectively.

These figures include: parents with a sufficient record of social security contributions entitled to 80 to 100 per cent of earnings compensation (63,504); and parents with no record or an insufficient record of social security contributions (10,745) who are only entitled to a flat-rate benefit (see Section 1a. for benefit eligibility). The latter represented 14.47 per cent of the total number of paid Initial Parental leaves in 2019 (17.9 per cent in 2017 and 16.13 percent in 2018); in fact, since it was first introduced in 2008, the number of such recipients of Initial Parental leaves (i.e. paid to parents with an insufficient record of social contributions) shows a consistent decrease (down from 16,887 in 2008 to 12,522 in 2017, 11,725 in 2018 and 10,745 in 2019).

In 2019, Parental leave benefit taken by parents with a sufficient record of social security contributions (entitled to 80 to 100 per cent of earnings) represents 73.4 per cent of the total number of births, while the flat-rate Parental benefit (parents with no record or an insufficient record of social security contributions) represents about 12.4 per cent in relation to total number of births. All in all, it is estimated that 85.8 per cent of parents were eligible for Parental benefit in 2019 (up from 83.5 per cent in 2018).

## **b. Initial Parental leave and sharing bonus**

Since it came into effect in May 2009, data on the sharing bonus shows a strong initial increase in uptake in 2009 and 2010 (from 596 fathers who shared Maternity leave in 2008 to 17,066 fathers sharing Initial Parental leave in 2010), followed by a slow but steady increase until 2017. In 2011, 17,856 fathers took leave on their own for 30 or more days during the five or six months of Initial Parental leave; 18,119 in 2014; 21,288 in 2015; 23,372 in 2016; 24,571 in 2017; and 27,287 in 2018. In 2019 there was a decrease to 23,180, corresponding to 31.22 per cent of all Initial Parental leaves being shared, reversing an upward trend in take-up rates (from 29.5 per cent in 2015 to 37.6 per cent in 2018).

Initial Parental leave taken with the sharing bonus must be shared between both parents. Although only the first six weeks must be taken by the mother, we estimate that in practice nearly all these 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 sharing couples, in 2019, 71.9 per cent (16,673) chose the longer leave period (six months paid at 83 per cent of earnings), compared to 60 per cent in 2010; while 28.1 per cent (6,507) preferred the five-month 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.

Initial Parental leave taken without the sharing bonus is nearly always taken up by mothers. The major leave-taking pattern (64 per cent) is five months paid at 80 per cent of earnings (since it is taken without the sharing bonus); 36 per cent of mothers take the four-month period paid at 100 per cent of earnings. However, there is a difference between mothers receiving parental benefit and mothers receiving social parental benefit (see Section 1a): the latter tend to opt for the four-month period (83,8 per cent), while the others take the five-month period.

### **c. Fathers-only Parental leave (formerly Paternity leave)**

In 2019, mandatory Fathers-only Parental leave changed from 15 to 20 working days. Overall, take-up numbers and percentages seem to have increased slightly: 76.7 per cent of fathers (66,405) took this mandatory leave in 2019, compared to 74.4 per cent in 2018.

Take-up of the mandatory leave is still not at 100 per cent for three main reasons: statistics exclude employees with special social protection regimes (e.g. civil servants, bank workers); some employees still do not fit eligibility criteria (they do not have a sufficient record of social contributions or their family income is not as low as required by the flat-rate benefit); and labour inspection services only recently began to control uptake of leave by fathers leading to lack of implementation by some employers.

The same trends may be observed for the 5 additional leave days. Ever since the optional 'father days' were introduced in 1999, there has been a rising trend (except for the economic crisis period) reaching 59,915 fathers in 2018 (65.8 per cent) and 59,238 fathers in 2019 (68.4 per cent). Nowadays, most fathers who take mandatory Fathers-only leave also take the optional days.

These percentages are based on the number of fathers who take leave in relation to an estimated number of births for 2019. If, again, take-up is calculated in relation to the total number of Initial Parental leaves granted, then the estimated take-up rate in 2019 was 89.4 per cent for the mandatory days (88.7 per cent in 2018), and 79.8 per cent for the optional days (78.4 per cent in 2018).

### **d. Additional Parental leave (formerly Parental leave)**

Take-up of Additional Parental leave (at 25 per cent of average earnings, if taken immediately after the Initial Parental leave) is still low; despite increasing between 2010 and 2018, in 2019 there has been a decrease.

In 2010, only 1,764 parents took paid Additional Parental leave, rising to 9,744 in 2018, then falling to 7,718 in 2019. Additional Parental leave represents about 10.4 per cent of all parental leaves.