

Spain¹

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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 reform of the Spanish gender equality law came into effect in March 2019 and major changes were introduced in leave policy (see details in 2019 review). ‘Maternity leave’ was replaced by ‘birth and childcare leave’ and, for the allowance ‘birth and childcare benefit’ and ‘Paternity leave’ was replaced by ‘Birth and childcare leave -or benefit- for the parent other than the biological mother’.

a. Maternity leave (*Permiso y prestación por nacimiento y cuidado del menor*) (responsibility of the Ministry of Labour and Social Security)

Length of leave (before and after birth)

- 16 weeks: six weeks are obligatory and must be taken following the birth, while the remaining ten weeks can be taken before or after the birth.

Payment and funding

- 100 per cent of earnings up to a ceiling of €4,070.10 per month. This allowance is tax-free.

¹ Meil, G., Lapuerta, I., and Escobedo, A. (2020) ‘Spain country note’, in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2020*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- A flat-rate benefit (€537.84 per month or €17.84 per day) is paid for 42 calendar days to all employed women who do not meet eligibility requirements.
- Financed by social insurance contributions from employers and employees. As a rule, employers pay 23.6 per cent of gross earnings and employees pay 4.7 per cent, to cover common contingencies which include pensions, sickness, and leaves (*contingencias comunes*), with an additional contribution paid to cover unemployment. In the case of public servants, all contributions are paid by their employer.

Flexibility in use

- Leave can be taken from four weeks before the due date. This provision also applies in the case of international adoption if parents must move to the country of origin of the child.
- The first six weeks must be taken full-time after the birth (or the judicial decision of adoption or foster care). The ten remaining weeks can be taken, in agreement with the employer, part-time, and/or spread over the first year on a weekly basis (in the latter case an agreement with the employer is not needed). In case of adoption, the possibility to spread parts of Maternity leave over the first year applies only for children under 12 months of age. In any case, employers must be informed at least 15 days in advance.

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

- All employed women (whether employee or self-employed; working on open-ended or fixed-term contracts; working full- or part-time) are entitled to Maternity leave.
- However, conditions must be met in order to qualify for the earnings-related Maternity leave benefit (non-eligible employees receive a flat-rate payment for 42 calendar days after delivery): the mother needs to be making social security contributions at the beginning of the leave; or be receiving an unemployment contributory benefit; or be in the first year of the Parental leave, and have contributed to social security for at least 180 days in the previous seven years (or 360 days during working life). Women under 21 years of age do not need to have had a previous period of social security contribution, and women between 21 and 26 years of age need only 90 days in the previous seven years, or 180 days during their working life. This requirement is more flexible for women who work part-time. Self-employed mothers are exempt from paying social security contributions while on Maternity leave.

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 the birth, adoption, or fostering of a child or children with a disability, mothers have the right to one extra week of leave for a new child, and to family benefits from an additional lump-sum benefit. In case of multiple birth, mothers have the right to one extra week for every new-born from the second child onward.
- In the case of a premature birth or infant hospitalisation, Maternity leave is extended up to 13 weeks.
- If the baby dies, Maternity leave is not reduced.
- If the mother dies, the other parent can take the Maternity leave entitlements, independent of the mother's previous employment situation and entitlements.
- Employed mothers have the right to transfer up to two of their 16 paid weeks of Maternity leave to the father, on these conditions: that mothers take six weeks after giving birth; that their partner fulfils contributory requirements; and that the transfer does not endanger the mother's health. Leave can be completely or partly transferred, so both parents may share full- or part-time leave simultaneously.
- The non-contributory benefit is extended to 14 calendar days (from 42 to 56 calendar days) for single mothers, large families, multiple births, or disabilities.
- In the case of adoption and foster care of a child less than six years of age, each parent has the right to six weeks of full-time leave just after the judicial or administrative decision, then 16 additional weeks must be shared between both parents during the first year. Each parent can take a maximum of ten additional weeks, full-time or part-time, in agreement with the employer. In case of public employees, mothers have the right to spread these weeks over the first year on a weekly basis (if the child is less than 12 months old and both parents work), while employees in the private sector must take them in a block during the first year. In the case of international adoptions, which require moving to the home country of the child, public employees can take an additional two-month paid leave at a lower rate.
- Same-sex parents have the same rights as heterosexual parents.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employed and self-employed pregnant women and mothers breastfeeding babies less than nine months old are entitled to be relocated to another workplace, if working conditions are not compatible with women in such circumstances or it is a risk for the baby. If this cannot be reasonably accommodated, the working

contract or activity must be interrupted, and leave can be taken with payment of 100 per cent of earnings. Such leave correspondingly lasts until the beginning of Maternity leave or until the baby reaches the age of nine months.

- Several regional and local governments have improved entitlements for public sector employees. For example, women working for the municipality of Madrid have a right of up to eight additional weeks of Maternity leave and those working for the regional government of Madrid have a right of up to ten calendar days.

b. Paternity leave (*permiso y prestación por nacimiento y cuidado del menor del progenitor distinto de la madre biológica*) (responsibility of the Ministry of Labour and Immigration)

Length of leave (before and after birth)

- Twelve weeks for all employed fathers (including self-employed) after childbirth, adoption, or foster care.

Payment and funding

- 100 per cent of earnings, paid by the Social Security Fund with the same ceiling as for Maternity leave. This benefit is tax-free. Paternity leave is funded the same as Maternity leave.

Flexibility in use

- Four weeks must be taken full-time immediately after the birth. The eight remaining weeks can, in agreement with the employer, be taken part-time and/or spread over the first year on a weekly basis (in this case it is not necessary an agreement with the employer).
- In the case of adoption or foster care, six weeks must be taken full-time after the judicial or administrative decision, and the remaining time can be taken full- or part-time, in agreement with the employer, in one block during the first year (see Maternity leave).
- Employers must be informed at least 15 days in advance. In a case where both parents work for the same employer and they decide to take leave at the same time, the employer can restrict the use.

Regional or local variations in leave policy

- A number of regional and local governments improved entitlements for employees in the private, but specially in the public sector, before the last leave reform came into effect in

March 2019. However, these local and regional entitlements will be overcome by the changes introduced in this reform, which will be fully implemented in 2021 when the length of paternity leave reaches 16 weeks (see section 3 for a broader explanation of this reform).

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

- Same conditions as for Maternity leave.

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

- Leave is extended by one extra week per child from the second one onward, in the case of multiple births (or adoption or fostering) or if the child has a disability.
- The entitlement is gender neutral, to encompass gay and lesbian couples: this leave can be taken by the member of the couple who did not use the Maternity leave (or most of it) (see 1.e. below).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents

- See 'regional or local variations' for improved conditions offered by some regional governments or municipalities for their employees.
- This leave cannot be transferred to the other parent.

c. Parental leave (*Excedencia por cuidado de hijos*) (responsibility of the Ministry of Employment and Social Security)

Length of leave (before and after birth)

- Each parent is entitled to take leave until three years after childbirth. Leave is an individual right. During the first year, return to the same job position is protected. After the first year, job protection is restricted to a job of the same category.

Payment and funding

- None. Since 2011, all employees taking leave are credited with social security contributions for the whole period, which affects pension accounts, health cover, and new Maternity or Paternity

leave entitlements. However, unemployment benefits and sickness leave are excluded.

Flexibility in use

- There are no limits to the number of periods of leave that can be taken until the child is three years old, with no minimum period required.

Regional or local variations in leave policy

- Currently, only two out of 17 regional governments – *Comunidades Autónomas* – provide flat-rate benefits to increase the use of Parental leave. Five regional governments (Balearic Islands, Murcia, Castilla-León, Castilla-La Mancha, and Navarre) abolished their benefits between 2010 and 2013 because of the economic crisis.
 - Basque Country offers €291.66 per month for families with an annual income below €20,000 per person (€245.16 for families with an annual income above the threshold). The amount of the benefit was updated in 2019 and income ceilings were introduced in 2015. The amount is increased by 30 per cent in case of single-parent or large families, severe disability of any of the family members or in situations of gender-based violence. Mothers can receive this benefit for 18 months per child, whereas fathers for 30 months, with a maximum period of 73 months for all the children (48 months when the Parental leave is only used by the mother and 73 months when the father is the sole user).
 - La Rioja provides €250 per month, but restricted to families with an annual income below €40,000 (or €50,000 in the case of large families). The amount of the benefit has remained stable since 2003, when it was introduced, but the income ceiling has been increased.

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

- All employees. Employees on temporary contracts can only claim leave that is shorter than their contract period. Unemployed and self-employed workers are not 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)

- The period of job-secured leave is extended to 15 or 18 months in large families – defined as those with three or more children, or with two children, one of whom has a disability.

- The period of job-secured leave is also extended up to a maximum of 18 months when both parents use the Parental leave equally.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents

- If both parents work for the same company, the employer can put restrictions on both parents using leave at the same time, if this is justified for production reasons.
- In the public sector, the job position is protected for two years, and in the third year within the same municipality.

Pension credits

- For the calculation of the retirement or permanent disability pension, parents who have left employment, voluntarily or not, between the ninth month before birth (third in case of adoption or fostering of a minor) and the sixth year after, are given 270 days (nine months) from the social security credits per child,² until all children reach the maximum limit of five years. These credits apply not only for calculating the aforementioned pensions, but also for all other social security benefits (except for the minimum payment period) and covers only the period spent outside of employment. It also applies to all births, after or before the law took force. Only one of the parents has the right to these pension credits; in the case of dispute, it is attributed to the mother.

d. Childcare leave or career breaks

- Unpaid career breaks are recognised in the labour and public employees' regulations (*excedencia voluntaria*). The only protection offered is claiming the right of return to an equivalent job before the end of the leave, once there is a vacancy. This job protection works much better in the public sector than in the private sector.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for other parents for the adoption or fostering of children under six years of age or older children with additional needs (e.g. disabilities, international adoptions).

² Regulated by RD 1716/2012. Available at:
<https://www.boe.es/buscar/doc.php?id=BOE-A-2012-15765>

- Either parent can benefit from the Maternity leave entitlement in the case of an adoption.
- Public sector employees involved in an international adoption have the right to two months of paid leave: these include basic payment without benefits, and the process requires that the adoptive parents stay in the country of origin of the future adoptive child.

Specific provision for (breast)feeding

- During the first nine months of the child's life, adoption, or foster care (12 months in the public sector), employees (both parents) are entitled to one hour of absence during the working day without a loss of earnings. This part-time leave (*permiso de cuidado del lactante*) was originally meant to support breastfeeding, but is defined now as period of nursing care. It is an individual, non-transferable entitlement. Self-employed parents are excluded. The period can be divided into two half-hours or be replaced by a half-hour shortening of the normal working day, or by an equivalent period on full-time days. The public sector and many collective agreements allow for a full hour shortening of the normal working day. By consolidating this entitlement, parents can, in practice, extend Maternity (and Paternity) leave by two to four weeks (depending on the terms established by collective or company agreements). In the case of multiple births (or multiple adoptions or fostering) this leave is recognised for each child, although the length can vary depending on collective or company agreements, in the case of using it on a full-time basis. This absence is paid for by the employer. In the private sector, if both parents make use of this leave equally and in the same way, they can extend the leave until the child's first birthday. In this case, the wage reduction during this period is compensated by social security funds.

Leave to care for sick children

- Parents are entitled to full-time or part-time leave (with a minimum reduction of 50 per cent of working time) to take care of a seriously ill child under 18 years of age during the period the child is in hospital or in need of continuous treatment at home (with certification by the public health service); 109 types of illness are included. The scheme is paid at 100 per cent of the individual's earnings (subject to the same ceiling as Maternity leave) from professional sickness insurance schemes, with previous contributory requirements as for Maternity and Paternity leave. This entitlement is extended to parents working part-time, in which case leave must be at least equivalent to 25 per cent of full-time hours. The leave is an individual right, but only one of the parents is entitled to take leave at any one time. Parents can alternate its use on a monthly base. In the case of divorce, when there is no

agreement, the parent with legal custody has the right to take this leave; if they have joint custody, it is the one who makes the claim first.

Flexible working

- The law also guarantees that employees can postpone their annual holidays and use them after Maternity or Paternity leave, so that they do not lose them.
- A working parent can reduce their working day by between an eighth and a half of its normal duration, in order to care for a child under the age of twelve or to look after a disabled child (*reducción de jornada por guarda legal*). Employees may decide, within their usual work schedule, the extent and period of the working time reduction. It is defined as an individual right and there is no payment, but workers taking this part-time leave are credited with up to two years' full-time social security contributions (which affect pension accounts, unemployment benefits, and new leave entitlements). In addition, public employees are guaranteed some working time flexibility to adapt (for example) to school hours. Self-employed parents are excluded from this right.
- Since 2000, a number of regional governments have introduced payments to parents reducing their working hours. For example: Basque Country, Navarre, La Rioja, Galicia, Castilla La Mancha or Castilla-León have provided flat-rate payments to support this measure, proportional to the working time reduction (though Navarre abolished these payments in 2011, and Castilla-Leon and Castilla La Mancha in 2012). Since 2002, public sector employees in Catalonia (both fathers and mothers) can reduce their working hours by a third with a 20 per cent earnings reduction, or by a half with a 40 per cent earnings reduction, if they have a child under six years of age or care for a disabled relative. Since 2012, they have been able to consolidate this reduction in working time as a full-time leave during the first year in order to extend, in practice, their Maternity or Paternity leave.
- Parents of children under the age of twelve have the right to request an adaptation of their working time, including teleworking, to guarantee their right to balance working and family life. Employers can reject the request, but have to justify it based on objective reasons.

Time off for the care of dependants

- 2 days leave per employee, per event (*permiso por enfermedad grave de un familiar*) to care for a seriously ill child or for other family reasons (serious illness, hospitalisation, or death of a relative to a second degree of consanguinity or affinity), paid by the employer. The entitlement is extended to four days if travelling

is required for work. However, there is no agreement on what 'serious illness' means. For public sector employees, this entitlement is extended to three days (five days if travelling is required) for the care of first-degree relatives (e.g. partner, children or parents, including in-laws).

- Each employee may take up to two years of leave (*excedencia por cuidado de un familiar*) or reduce working hours by between an eighth and a half (*reducción de jornada por cuidado de un familiar*) to take care of a dependent relative (up to the 'second degree of consanguinity or affinity') due to severe illness, disability, accidents, or old age. Workers taking leave are credited with social security contributions, which affect pension payments, health cover, and new leave entitlements, for the first year of full-time or part-time leave.
- Public sector employees can extend the unpaid leave to care for a relative for up to three years, with the whole period credited with social security contributions and related social protection benefits. Furthermore, they can work part-time for up to one month without a loss in earnings in the case of a very serious illness for a first-degree relative (child, partner or parent including in-laws); they can also benefit from extra flexibility in working time, as do parents of children under 12 years of age.
- In cases of chronic dependency, one person can become an informal carer to another and receive a payment if both are co-resident. It varies depending on the region of residence, the relative's level of dependency recognised by a public agency, and the household income (e.g. in the case of Navarre, one of the regions with the highest benefits, the payments are between €60 and €542.85 per month in 2020). The payment is claimed by the dependent relative. Since 2019, informal carers have been credited with social security contributions for the minimum base, which affect pension accounts and health cover. These social security contributions were temporarily abolished during the financial crisis.

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

The maximum period of post-natal leave available in Spain is three years, but most of this period is unpaid; leave paid at a high rate ends after 'Birth and Childcare leave' (around five months after the birth, including the consolidation of reduced working hours related to breastfeeding leave or *permiso de cuidado del lactante* -see section 1.e.- if both parents use their leaves simultaneously or seven months if they use them consecutively).

The 2006 Spanish Education Law (*Ley Orgánica de Educación*), modified in 2013 by the Law for the Improvement of Educational Quality (*Ley*

Orgánica para la Mejora de la Calidad Educativa), provides an entitlement to ECEC from three years of age onwards, and nearly all children over this age attend early education. Therefore, there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of approximately two and half years between the end of well-paid leave and this *de facto* entitlement. Levels of attendance at formal services for children both under and over three years of age are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page. In 2018, a tax allowance of up to €1,000 was introduced for payments made to formal care services for children below the age of three, which adds up to other direct allowances paid by many regional governments.

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

In June 2018, a new left-wing coalition gained government, being one of the coalition agreements to equal the length of Maternity leave and Paternity leave, making them individual and non-transferable rights. A new law was introduced in March 2019³ fixing the terms and calendar of this leave reform. The length of the Paternity leave is being increased gradually up to 16 weeks over the period 2019 to 2021. By April 2020, it has been extended from eight to twelve weeks. The new law facilitates the use of both leaves by reducing the conditions to get access to benefits and allowing their use over a period of twelve months on a weekly basis. Names have also changed (the terms 'Maternity' and 'Paternity' have been omitted), using instead the terms 'birth, adoption or foster care leave' and, for the payments, 'birth and caring benefit.' The law also redefined the breastfeeding leave from a family right, in which only one parent can use it, to an individual and non-transferable entitlement.

The Basque Government has reactivated the process of regional innovation, regulating new aid as of 1 November 2019 so that non-pregnant parents, basically fathers, can already benefit up to 16 weeks of the paid birth leave expected by 2021 for the rest of Spanish regions. The Basque supplementary allowance is funded by the Department of Social Affairs, paid at one time and at the end of the leave period, as long as fathers use it while the mother is back to work and the family does not use childcare services.

³ See: 'Real Decreto-ley 6/2019, de 1 de marzo, de medidas urgentes para la garantía de la igualdad de trato y de oportunidades entre mujeres y hombres en el empleo y la ocupación.' Available at: <https://www.boe.es/boe/dias/2019/03/07/pdfs/BOE-A-2019-3244.pdf>

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

Childcare and schools

- ECEC services were totally closed in Spain during the first two phases of the 'state of alarm', from 14 March to 25 May 2020, reopening partially afterwards.
- Since ECEC services for children under 3 years old are mostly a local competence in the case of public centre-based services and a regional competence for the rest of formal childcare arrangements, each municipality or region (called Autonomous Communities in Spain) set different reopening rules and dates. They also vary depending on the ownership of the services (public or private). In general terms, most of the ECEC services for children aged 0 to 3 years started working again in the last week of May or in June, with a lower number of places, limited timetables, and giving priority access to those children whose parents could not telework. For instance, public and private childcare services opened in the Basque Country on 8 June at 60 per cent of its capacity, in Catalonia from 1 June with a ratio of 5 children. Other Autonomous Communities allowed the resumption of private day-care services, while postponed public childcare centres reopening for next September, coinciding with the start of the school year. This is the case of Navarra, where private day-care centres opened also on 8 June, with a ratio of 5 children per carer and under strict rules of physical distance among each group of children.
- By contrast, most of pre-school services for children between 3 and 5 years old did not reopen, although differences among Autonomous Communities persisted. In Catalonia they re-opened until 19 June with maximum ratios of 13 children and four hours per day for families where parents could not be at home. On-line teaching and family monitoring were provided, when possible, during the state of alarm and until the end of the academic year (around the third week of May or June depending on Autonomous Communities). These programmes are effectively integrated into primary schools, which means free access and high levels of coverage (97.1 per cent in 2017). They are a regional competence, as the rest of educational levels.
- As in the case of ECEC services, schools and the rest of educational centres were totally closed to students during the first two phases of the 'state of alarm', from 14 March to 25 May 2020. Most of the Autonomous Communities limited the reopening for students of the last upper secondary course to guarantee the preparation of the university entrance exam. However, attendance was voluntary and very few students joined. On-line

teaching was providing during the state of alarm and until the end of the school year.

- The educational community (teachers, students, and families) have complained about the lack of clear guidelines on the reopening conditions for the next school year. The only known instruction in July 2020 is the maintenance of a meter and a half of physical distance between students and the obligation to wear mask for children above 6 years. There is not a general agreement about the children/teacher ratio, key to guarantee the protocols for COVID prevention.

Parental leave

- There were no modifications to Parental leave.

Other measures for parents and other carers

- During the state of alarm (14 March to 21 June) parents and carers had the same leave rights as before, though conciliation rights were extended. In particular, employed and self-employed pregnant women and mothers breastfeeding babies less than nine months old could ask for a change in their working conditions, and if this was not possible they could ask for a specific leave (see below). The monthly mean number of women benefiting from such leaves up to May 2020 has decreased compared to 2019, showing that this leave was scarcely used during the period. People affected by an ERTE (Temporary Suspended or Reduced Working Contracts due to the state of alarm) have full right to birth and caring leave (former maternity and paternity leave), what implies a higher payment.
- One of the Laws regulating working conditions during the state of alarm and confinement (RD 8/2020), encouraged employers and self-employed, whenever possible, to switch to teleworking, a practice that was quite widely used. New legislation on teleworking currently under discussion is expected to regulate working time distribution, the right to disconnect after working hours and the compensation of costs derived from this working form.
- This same law enlarged conciliation rights of employees during the period. Carers of relatives (up to a second degree) directly affected by Covid-19 or by the closure of ECEC services, schools, elderly and disabled day care centres have an individual right to ask for a change in their working conditions in order to facilitate Work-Life Balance, subject to an agreement with the employer. This included the right to flexible work hours, to change the daily distribution of working time, the working place (including teleworking) or the functions to be performed.

- In addition, the right to reduce the working day to half of its normal duration (with proportional reduction of the salary, but not reduction of pension credits) for caring children and adult dependents (see 1e above) has been extended to a 100 per cent reduction and the period of notice to the employer has been reduced to one day. This right is available until three months after the end of the state of alarm. Some regions compensate for the income reduction (see 1c above).
- In the Catalan public sector, special leave arrangements 'for unavoidable duties' (*'permisos por deberes inexcusables'*) have been provided allowing to keep full pay in a variety of situations (ranging from taking care of a sick relative, children, or having risk factors with medical recommendation to stay at home when telework has not been possible).
- The special measures as explained above have also applied for parents and carers of sick, frail or disabled relatives.
- Since 10 March 2020 the Spanish Government has adopted a series of urgent measures, with seven urgent Law-Decrees in the field of social and labour policy during the state of alarm (14 March to 21 June). Besides the measures already explained above, other relevant measures during the state of emergency have been:
 - Publicly subsidised Temporary Employment Regulation (ERTE) for companies whose services or activities are clearly interrupted (e.g. school lunch services, out-of-school services, bars and restaurants, sports centres, tourism sector, retail sector...). The Government facilitated companies to make a collective transition to unemployment benefits, so that employees did not have to make individual applications, and receive this 'type' of unemployment benefit meanwhile. On the other hand, companies maintaining their employees that could not attend work benefited from social security reductions
 - Social partners and some autonomous communities have asked during this period for new types of paid leaves in case that parents or carers had to stay at home to care for children and the elderly after the closure of schools, day centres and in case of mobility restrictions, to be funded by the extraordinary aid fund established for the crisis management.
 - Recoverable paid leave: Royal Decree-Law 10/2020 of March regulated a recoverable paid leave for employed persons who did not provide essential services in order to reduce the mobility of the population between 30 March and 9 April, responding to the need to avoid all displacements except those necessary to maintain only the activities indicated as essential, around Easter, at a decisive moment in the evolution of the pandemic.
 - Sick leave due to COVID is assimilated to professional sickness, thus receiving better benefit.

- Self-employed can postpone social security and tax payments and receive a benefit if they have to stop working due to COVID confinement measures.
- As health centres are closed for normal contingencies and family doctors telework (by phone and email/public health apps), sickness leave is facilitated by phone and online visits and reports, that means that part of employees can more generously benefit from sick leave.
- Measures are adopted to protect more vulnerable families (postponement of mortgages payments, basic home services as water or energy are guaranteed, support to home help services for dependents etc.). Regional governments and municipalities, responsible to provide school lunch scholarships to children in vulnerable families have arranged lunch distribution alternative systems during the state of emergency.
- There have been active social policies to facilitate flexicurity, telework and protected temporary interruptions at work accompanied by mechanisms for job protection and income maintenance. As elsewhere, there is not yet a comprehensive evaluation of the use of all these measures and their social impacts. The need for more generous leave to take care of sick relatives or children has emerged in the public debate.

4. Uptake of leave

a. Maternity leave

In 2018, the Social Security registered 248,180 Maternity leave benefits, 6 per cent less than in 2017 due to a 5.2 per cent decrease in births (the number of births per year has decreased by 28 per cent since 2008). After a long period of continuous coverage increases (from 31 per cent of total births in 1995 to 68 per cent in 2009) due to growing maternal employment and better attention being paid to atypical employment situations, coverage has been decreasing to 66 per cent in 2014 (as a consequence of the economic crisis and atypical employment). Since then, a slow increase can be observed, reaching 67.8 per cent in 2018. It is worth highlighting that, in the context of serious economic crisis and very high general unemployment, maternal employment did hardly diminish while the female activity rate in central adult age groups has increased. According to the survey *The social use of leave in Spain, 2012* (see section 5.c. in the 2014 Annual Report), 80 per cent of mothers aged 25 to 60, who were in paid employment when pregnant, benefited from Maternity leave, with this percentage being higher among younger women than among older ones (89 per cent for those aged less than 40 and 72 per cent for older women). This result is very close to that obtained using official statistics: 85.6 per cent of

mothers, who were active in the labour market at the birth of the child, benefited from Maternity leave in 2014 (authors' own calculations). Fathers share some Maternity leave in around one-quarter of adoption cases (27.5 per cent in 2005), but around two per cent of all such leaves (2.1 per cent in 2016 and 1.9 in 2018).

In 2018, an average of 6,895 women per month were on leave because of a risk during pregnancy, with an average duration of 90.5 days, equivalent to 0.2 per cent of all live births in 2017. Since 2008 (the first year for which there are available uptake data), there has been a steady increase in the number of women who take this kind of leave (from 2,546 per month to 6,895 in 2018), while the average number of days of leave taken has decreased (from 120 to 90.5 in the same period). The number of women per month taking leave for breastfeeding because of a potential risk (introduced in 2007) reached a mean of 75.5 per month in 2018. The mean number of days of leave was 139.8 days.

b. Paternity leave

256,619 fathers benefited from Paternity leave in 2018, 3.5 per cent less than in 2017. This was a less pronounced decrease than the decrease in birth rate, as uptake rates have been increasing steadily since its introduction, from 53.9 per cent in 2008 to 67.3 per cent in 2017 and 68.8 per cent in 2018 (authors' own calculations, based on the ratio number of fathers who took a leave to total number of births). According to the survey *The social use of leave in Spain, 2012* (see section 5.c. in the 2014 Annual Report), the uptake rate among those eligible for Paternity leave is much higher: 74 per cent of men who became fathers after the introduction of this leave, and were working at that time, report having used it.

Those who were working when they fathered a child and did not take it are mostly men who work without a contract or are self-employed. The difference between uptake rates can be attributed to the high proportion of unemployment among young adults (the proportion of unemployed men aged 30 to 34 years increased from 9.2 per cent in 2008, to 25.9 percent in 2012, and was still 13.3 per cent in 2018), as well as to the fact that the social security institution does not register the Paternity leave of some public servants.

Estimating the use of Paternity leave amongst employed fathers we can observe that the uptake rate has increased 22 percentage points from 64 per cent in 2008 to 86.0 per cent in 2018. This indicator is calculated dividing the number of paternity benefit recipients by the product of births and male employment rate in the 25-54 age group⁴. Even though

⁴ Flaquer, L. and Escobedo, A. (2020) 'Las licencias parentales y la política social a la paternidad en España', in Flaquer, Cano and Barbeta (eds.) *La*

the indicator does not take into account the employment impact of parenthood (15 p.p. for men in the 20-49 age group in 2018, according to EC Reports) it clearly shows the positive evolution amongst eligible fathers.

b. Parental leave

In 2018, 45,249 people started some period of Parental leave (3.1 per cent more than in the previous year, the maximum reached since data have been available). This corresponds to 12.1 per cent of the births in that year, but still higher than in the recent past (in 1995 it was only 1.7 per cent). However, this represents only 3.9 per cent of children under three years of age; the age is relevant since leave can be taken until children turn three years old. Fathers made up 8.7 per cent of users, one per cent points more than in 2017.⁵

According to the survey *The social use of leave in Spain, 2012*,⁶ only 0.5 per cent of men aged 25 to 59 who were working when they became fathers made use of Parental leave, compared to 10.4 per cent of women. In most cases, leave was taken for the first child (69 per cent); and women mostly took it just after Maternity leave (64 per cent) for a maximum of one year (85 per cent), and most commonly for six months or less (46 per cent), i.e. until a childcare arrangement was available. After leave, all men returned to a full-time job, but only 55 per cent of women did so, while a third returned to part-time job or part-time leave (35 per cent), and seven per cent gave up paid work altogether or lost their jobs (three per cent).

c. Other employment-related measures

The fact that Parental leave and working time reduction are not paid limits their use, even among those who have a secure job. The influence of payment can be seen from the high and gender-equal use of the fully-paid working time reduction of one-third of usual working hours, for parents of children under one year old – this was available for public sector employees in Catalonia between 2002 and 2012 (see section 3 in the 2013 Annual Report); otherwise the use of unpaid working time reductions is limited.

According to the survey *The social use of leave in Spain, 2012*, 19.9 per cent of women and 1.8 per cent of men aged 25 to 59 years, employed

paternidad en España: La implicación paterna en el cuidado de los hijos.
Madrid: CSIC Politeya - Estudios de Política y Sociedad, 37, CSIC

⁵ Ministerio de Empleo y Seguridad Social (2016) *Anuario de Estadísticas del Ministerio de Empleo y Seguridad Social, 2015*. Available at: <http://www.empleo.gob.es/es/estadisticas/contenidos/anuario.htm>

⁶ Meil, G. (2014) See sections 5b and 5c in the 2014 Annual Report.

at the time when they became parents, made use of the right to reduce their working hours. As in the case of Parental leave, most working time reduction is taken for the first child (61 per cent among those with two or more children) and, among women, mostly taken just after Maternity leave (55 per cent) or during the first year of the child's life (79 per cent). Men reduce their working hours mostly for less than one year (72 per cent), while women tend to do it for a longer period (61 per cent for more than one year).

According to the Spanish Social Security Statistics,⁷ the number of parents who have taken the leave to care for seriously ill children (introduced in 2011) has increased from 1,114 in 2012 to 3,136 in 2018. The mean number of days of leave taken has risen sharply from 176.9 to 412 during this period.

Unpaid leave to care for dependent relatives has been available from 2001 onwards. Between 2001 and 2005, about 9,000 employees have used it: 82 per cent were women, with a median duration of 62 days, and 18 per cent were men with a median duration of 55 days (Escobedo and Navarro, 2007). Since 2005, the number of users has grown, increasing from 3,332 in 2005 to 11,808 new users in 2018, 5.1 per cent more than in 2017. The proportion of male users seem to be growing from around 15 per cent before 2015 to 17.6 per cent in 2018.

The statistical yearbook of the Ministry of Labour does not provide details on the duration, nor on the extent to which the leaves to care for dependent relatives are connected to the benefit for informal carers (introduced since the 2006 Spanish law to support dependents). In January 2018, 32.5 per cent of all benefits provided under this law were used for paying informal family carers (384,504 benefits, 27.2 per cent more than one year previously). However, it seems difficult to link care leave to benefits, because these usually require a long administrative process.

⁷ http://www.seg-social.es/Internet_1/Estadistica/Est/Otras_Prestaciones_de_la_Seguridad_Social/index.htm