

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'. 'Paternity leave' was replaced by 'Birth and childcare leave -or benefit- for the parent other than the biological mother'.

a. Maternity leave (*Birth and Childcare 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 four of the remaining ten optional weeks can be taken before the birth.

¹ Meil, G., Escobedo, A. and Lapuerta, I. (2021) 'Spain country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021* Available at: http://www.leavenetwork.org/lp_and_r_reports/

Payment and funding

- 100 per cent of earnings up to a ceiling of €4,070.10 per month. This allowance is tax-free.
- A flat-rate benefit (€564.90 per month or €18.73 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.
- 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 (the employer, however, can refuse a proposal to take the leave on a full-time basis). In case of adoption, the possibility to spread parts of 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.
- As of 2021, this leave cannot be partially transferred anymore to the other parent, which was possible from 1989 till 2020.

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 Birth and Childcare Leave.
- However, conditions must be met in order to qualify for the earnings-related 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 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, leave is extended up to 13 weeks.
- If the baby dies, leave is not reduced.
- If the mother dies, the other parent can take her leave entitlements, independent of the mother's previous employment situation and entitlements.
- 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 must take six weeks of full-time leave just after the judicial or administrative decision. The ten optional weeks for each parent can be taken full-time or part-time in agreement with the employer (who can, however, refuse a proposal to take the leave on a full-time basis). These optional weeks can be spread over the first year on a weekly basis (if the child is less than 12 months old and both parents work), or taken 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 Birth and Childcare 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 the Birth and Childcare Leave (Collective Agreement 2019-2022) 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)

- Sixteen weeks for all employed fathers (including self-employed) after childbirth, adoption, or foster care. Six weeks are obligatory and must be taken following the birth.

Payment and funding

- 100 per cent of earnings paid by the Social Security Fund with the same conditions as for Birth and Childcare Leave for the biological mother.

Flexibility in use

- Same conditions as for Birth and Childcare Leave for the biological mother, except for the possibility to initiate leave till four weeks before birth.

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. These local and regional entitlements have been replaced by the full implementation of this reform in 2021 (see section 3 for a broader explanation of this reform).

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

- Same conditions as for Birth and Childcare Leave for the biological mother.

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 onward in the case of multiple births (or adoption or fostering), or if the child has a disability.
- The entitlement encompasses gay and lesbian couples: this leave can be taken by the parents other than the biological mother (see 1e).
- In case of lone parenthood, there is no right to accumulate leave rights of both parents. Lone parents are entitled to only 16 weeks of leave.

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. All employees taking leave are credited with social security contributions for the whole period, which affects pension accounts, health cover, and new Birth and Childcare 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 this 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.
 - Castilla-León reintroduced in 2020 a family benefit with a total amount of €1,500 when both parents take one and a half month parental leave each.

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 cover 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.
- There is a complementary pension benefit of €27 per month (in 2021) and per child for mothers (or alternatively for the father if he interrupted employment in connection to childbirth and has a lower pension than the mother) in the case of contributory old age or permanent sickness pensions, or widowhood pensions.³

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.

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

³ See: <http://www.seg-social.es/wps/portal/wss/internet/Trabajadores/PrestacionesPensionesTrabajadores/4c43ce49-6636-4a12-bacf-5e6697eb81da> (regulated by Real Decreto-Ley 3/2021, 2 February 2021)

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).
- 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 their Birth and Childcare 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 additional 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 for the Birth and Childcare Leave benefit) from professional sickness insurance schemes, with

previous contributory requirements as for Birth and Childcare 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 the annual holidays and use them after their Birth and Childcare 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. However, Navarre abolished these payments in 2011, and Castilla La Mancha and Castilla-León in 2012. This latter region has implemented a new benefit in 2020. 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 Birth and Childcare 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 2021). 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 is three years, but most of this period is unpaid; leave paid at a high rate ends after 'Birth and Childcare leave' (around five and a half months after the birth, including the

consolidation of reduced working hours related to breastfeeding leave or *permiso de cuidado del lactante* - see 1e - if both parents use their leaves *simultaneously* or seven months if they use them consecutively after birth). The Spanish Education Law considers ECEC as a non compulsory stage of the education system (*Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación, LOMLOE*). It provides *de facto* an entitlement to Early Childhood Education and Care (ECEC) from three years of age, and nearly all children over this age attend early education. There is, therefore, no gap between the end of 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 under three years are just above the average for the countries included in this review and for OECD countries, and above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

3. Changes in policy since April 2020 (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 2019⁴ fixing the terms and calendar of this leave reform. From 1 January 2021 onwards, both parents (irrespective of their gender and filiation) have the same right to Birth and Childcare leave. This implies an increase in four weeks leave for the other parent and the suppression of the possibility to transfer part of the leave right of the mother to him. 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. On the other hand, it has introduced the employer's agreement for the use of the non-compulsory birth leave period, that is from the 6th week after birth onwards. Following the law's criteria of equal treatment for mothers and fathers at birth and the promotion of joint responsibility, this clause can be problematic and will need to be monitored. In fact, although there is still no information about how mothers and fathers are using and combining their periods of leave, it may restrict the use of continuous and non-simultaneous full time leaves for both, worsening previous standards of maternal protection at work and reducing the effectiveness

⁴ 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>

of the leave reform to achieve gender equality and parental involvement in childcare. Names have also changed (the terms 'Maternity' and 'Paternity' have been omitted), using instead the terms 'birth, adoption or foster childcare leave' and, for the payments, 'birth and childcare 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.

In two court cases (a judgment of the Superior Court of Justice of the Basque Country in October 2020 and a social court in Valencia in May 2021)⁵ the rights were recognized of mothers from single parent families to add the non-compulsory weeks of Paternity leave. That was based on the argument that if the benefit is denied to the beneficiary, there is a violation of the right to equality enshrined in the Convention on the Rights of the Child. It is a new approach in Spain that leave regulation is interpreted in terms of children's rights.

Policy responses to the Covid-19 pandemic to end April 2021

The Spanish government established a state of emergency during two periods: 14 March to 21 June 2020 (first Covid-19 wave in Spain) and 25 October 2020 to 9 May 2021 (second wave).

Childcare and schools

- ECEC services were totally closed in Spain during the first pandemic wave (March-June 2020; see also Spanish country note 2020 for details) and fully reopened with usual time schedules throughout the month of September 2020, following all public health protocols.
- Schools -including pre-school for 3-5-year-olds- and the rest of educational centres were totally closed to students during the first pandemic wave. On-line teaching and family monitoring were provided, when possible, during the first state of alarm and until the end of the academic year in June. All schools re-opened in September 2020, following the COVID health authorities' guidelines, i.e. stable and smaller groups as much as possible (with no general agreement about the children/teacher ratio); the maintenance of a meter and a half of physical distance between students; the obligation to open windows, and to wear mask for children above six years).

⁵<https://www.europapress.es/comunitat-valenciana/noticia-juzgado-reconoce-madre-familia-monoparental-derecho-sumar-semanas-permiso-paternidad-20210514142313.html>

Parental leave

- There were no modifications to Parental leave.

Other measures for parents and other carers

- During the pandemic state of alarm and a beyond (foreseen until 30 September 2021) parents and carers had the same leave rights as before, though some conciliation arrangements have been extended under the umbrella of 'Plan Me Cuida' (To care for Plan): employed parents with children having a Covid-19 diagnosis have been entitled to paid leave for 14 days (under the own Covid-19 sick leave and benefit scheme), while parents whose children are sick without Covid-19 diagnosis or at home in school quarantines can only adapt working conditions or take leave, but without payment (see below). People affected by an ERTE (Temporary Suspended or Reduced Employment 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 beyond within the pandemic) since the beginning of the confinement (RD 8/2020, as of 17 March last modified in June 2021), encouraged employers and self-employed, whenever possible, to switch to teleworking, a practice that was quite widely used (estimations vary between one fifth and one third of the employed population). New legislation was passed in September 2020 to regulate telework and homework particularly working time distribution, the right to disconnect after working hours and the compensation of costs derived from this working form (*Real Decreto-ley 28/2020, as of 22 September, de trabajo a distancia*).
- This same 8/2020 law enlarged conciliation rights of employees during the period. Carers of (up to second-degree) relatives 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 has 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 1.e 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 at the moment until 30 September 2021.

- 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 adopted a series of urgent measures, with seven urgent Law-Decrees in the field of social and labour policy expected to last until three months after the end of the first state of alarm (initially until end of September 2020). At the end of September and during October 2020, these measures were extended in order to manage the effects of the successive pandemic waves and a new less strict but longer state of alarm was approved until 9 May 2021, at present part of the measures have been extended until end September 2021 (e.g. Plan Me Cuida). Besides the measures already explained above, other relevant measures during the state of alarm have been:
 - Publicly subsidised Temporary Employment Regulation (ERTE) for companies whose services or activities are clearly interrupted (e.g. bars and restaurants, sports centres, tourism sector, retail sector, etc.). 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 sick or in quarantines 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.
 - Sick leave due to COVID has been 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.
 - Measures have been 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.), in particular new legislation guaranteeing a minimum income was passed by urgent proceeding (*Real Decreto-ley 20/2020, de 29 de mayo*, por el que se establece el ingreso mínimo vital) and has been developed in 2021.
- 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. There has not yet been 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 beyond Covid-19 has emerged in the public debate.

4. Uptake of leave

Statistics on uptake of leave, as is quite common, are scarce and difficult to interpret, particularly after the 2019 reform, where the optional part of the Birth and Childcare leave can be split into different periods of time during the first year. Registered data on uptake do not include persons who benefit from the leave right, but administrative processes of acknowledgment, what implies that when a parent splits her/his right to leave into several periods, each of these periods are counted as a separate administrative process. As a consequence, statistics on leave use include after the reform both, variations in leave uptake and flexibilisation in its use.

a. Maternity leave

Since the beginning of the economic crisis in 2008 the number of mothers benefiting from Maternity leave has been decreasing as did also the number of births. The take up rate measured in relation to the number of births has remained, however, stable around 66 per cent (ranging from 64.6 till 68 per cent), as unemployment among women in central adult age groups didn't increased substantially. This percentage underestimate the real take up rate in relation to eligible mothers (those paying Social Security fees or benefiting from unemployment benefits). According to the data provided by the Fertility Survey, 2018 of the National Statistical Institute (sample of interviewed women), 82.5 percent of eligible mothers benefited from Maternity leave for their first child and 84.9 per cent for their second child⁶.

In 2019, first year of the progressive leave reform, the number of Birth and Childcare leave acknowledged to the first parent amounted 246,689, what represents 68.4 per cent of all births. This percentage represents 1.8 points more than one year before. The mean number of days taken by administrative process amounts 112.5 days. The number of mothers who transferred part of her leave rights, still possible during the transitional period of the reform, amounted to 4,022 or 1.1 per cent of all births, a proportion 0.2 points less than in previous years. The mean number of transferred days amounted to 28.2.

⁶ Meil, G., Rogero-García, J. and Romero-Balsas, P. (2020) 'Los permisos para el cuidado de niños/as: evolución e implicaciones sociales y económicas', in A. Blanco et al. (eds.) *INFORME España 2020*, Madrid: Universidad Pontificia de Comillas, Catedra J. M. Martin Patino de la Cultura del Encuentro, 293-337. Available at: <https://blogs.comillas.edu/informe-espana/>

Until now, mothers have not opted for the increased flexibility in use allowed by the 2019 reform. According to the survey *Young Spanish Families, 2021* performed by Meil et al. (2021)⁷, 90 per cent of those who became mothers after the reform used in one block, mostly because they considered it was the best for the baby or because it's usual to do it like this. The proportion who took part of the leave period part-time, also did not change with the reform (14 per cent before the reform compared to 13 per cent afterwards)

In 2019, an average of 6,248 women per month were on leave because of a risk during pregnancy, with an average duration of 90.0 days, equivalent to 0.2 per cent of all live births in 2019. 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), being 2019 the first year to decrease. The average number of days of leave taken has decreased (from 120 to 90 days during the period). The number of women per month taking leave for breastfeeding because of a potential risk (introduced in 2007) reached a mean of 72.1 per month in 2019. The mean number of days of leave was 146.8 days.

b. Paternity leave

A total number of 307,438 administrative processes of Birth and Childcare leave for the second parent was registered in 2019, a 19.8 percent more than 2018, while live births decreased by 3.3 per cent. As part of the leave can be split of during the first year and each split period is counted as a new one, it is not possible to disentangle how much of this increase correspond to changes in uptake and how much to the splitting of the optional period. According to the data provided by the Fertility Survey, 2018 of the National Statistical Institute (sample of interviewed men), covering the period before the reform, 74 per cent of eligible fathers between 2008 and 2018 benefited from paternity leave, a percentage similar to those obtained in other surveys performed when leave duration was only two weeks (see section 5.c in the 2014 Annual Report). Another estimation suggests that coverage is growing to

⁷ Meil, G., Rogero-García, J., Romero-Balsas, P. Diaz-Gandasegui, V. and Muntañola-Saura, D. (2021) *Young Spanish Families, 2021, microdata of an online representative survey on parents of children aged less than 7 years old, implemented by Netquest Ltd.* Survey funded by grant CSO2017-84634-R of the Spanish Ministry of Economy, Industry and Competitivity

around 85 per cent from 2017 onwards in connection to Paternity leave extension⁸.

Unlike mothers, fathers have increasingly made use of the flexibility options of the new regulation together with the extension of the leave duration. According to the survey *Young Spanish Families (2021)*, while 38 per cent of those who had a child in 2019 split their leave right into different periods over the year, among those who had it in 2020 the proportion rose to 51 per cent. The right to use the leave part-time has also risen from 16 to 22 per cent after the reform. It has been contended that this flexibilization of the leave right use has been forced mostly by the employers as a response to the increase in duration. Reasons given by the interviewed fathers show that only 4 per cent of those who split the leave did it due to employer´s demand, while 22 per cent attribute it to the content or characteristics of the work. Most of them, however, explained it is the best way to care for the baby (63 per cent).

b. Parental leave

In 2019, 47,368 people started some period of Parental leave (4.7 per cent more than in the previous year, the maximum reached since data have been available). This corresponds to 13.1 per cent of the births in that year, much higher than in the recent past (in 1995 it was only 1.7 per cent). However, this represents only 4.1 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 9.1 per cent of users, 0.4 per cent points more than in 2018.⁹

According to the survey *The social use of leave in Spain, 2012*,¹⁰ 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).

⁸ Flaquer, L. and Escobedo, A. (2020) 'Las licencias parentales y la política social a la paternidad en España', in Flaquer, L., Cano, T. and Barbeta, M. (eds.) (2020) *La paternidad en España: La implicación paterna en el cuidado de los hijos*, Madrid: CSIC, 161-190.

⁹ Ministerio de Empleo y Economía Social (2021) *Anuario de Estadísticas, 2019*. Available at:

<https://www.mites.gob.es/es/estadisticas/anuarios/2019/index.htm>

¹⁰ Meil, G. (2014) See sections 5b and 5c in the 2014 Annual Report.

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.

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 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 Statistics¹¹, 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 3,886 in 2019 and decreased to 3,364 in 2020 in the context of the Covid-19. The mean number of days of leave taken has risen sharply from 176.9 to 412 during this period (451,75 in 2020).

Unpaid leave to care for dependent relatives has been available from 2001 onwards. Since 2005, the number of users has grown, increasing from 3,332 in 2005 to 12,058 new users in 2019, 2.1 per cent more than in 2018. The proportion of male users seems to be growing from around 15 per cent before 2015 to 18.7 per cent in 2019.

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 December 2019, 30.26 per cent of all benefits provided under this law were used for supporting informal family care (426,938 benefits, 11 per cent more than in January 2018). In December 2020, in the context of the pandemic the figure grows up to 450,517 benefits and 31.57 per cent of all benefits under the Dependency Law (10.5 per cent more than one year previously)¹². However, it seems difficult to link care leave to benefits, because these usually require a long administrative process, and because the benefit goes to the dependent person and not to the informal carer.

¹¹ http://www.seg-social.es/Internet_1/Estadistica/Est/Otras_Prestaciones_de_la_Seguridad_Social/index.htm

¹² https://www.imserso.es/imserso_01/documentacion/estadisticas/info_d/estadisticas/est_inf/otros_inf/id/ide_2020/index.htm