

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 the allowance by 'Birth and Childcare Benefit'. 'Paternity leave' was replaced by 'Birth and childcare leave and benefit for the parent other than the biological mother'.

a. Birth and Childcare Leave (*Permiso y prestación por nacimiento y cuidado del menor*, replaced 'maternity leave': see 'note on terminology') (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. (2022) 'Spain country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2022* Available at: http://www.leave-network.org/lp_and_r_reports/

Payment and funding

- 100 per cent of earnings up to a ceiling of €4,139.40 per month.
- A flat-rate benefit (€579.02 per month or €19.30 per day) is paid for 42 calendar days to all employed women who do not meet eligibility requirements.
- Payments are not taxed.
- 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, what is not the case if the father dies.
- 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. Birth and childcare leave for the parent other than the biological mother' (*permiso y prestación por nacimiento y cuidado del menor del progenitor distinto de la madre biológica*, replaced 'Paternity leave': see 'note on terminology') (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.
- However, the flat-rate benefit available for employed biological mothers who do not meet eligibility requirements (see Maternity Leave) is not accessible for employed fathers who do not meet the eligibility requirements.

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 especially 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 same-sex 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 four 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 and only two (Navarre and Castilla-León) reintroduced them thereafter.
 - 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. To be eligible for this benefit, Parental leave must begin within the first six months of the child's life or within six months of the date of the judicial or administrative decision on adoption or foster care. This requirement makes it difficult for parents to use the Birth and Childcare Leave consecutively. Navarre reintroduced in 2013 a flat-rate benefit to facilitate the use of Parental leave in very exceptional family circumstances, which have been extended in the following years. It currently offers a payment of €645.30 per month for a maximum of 12 months to care for children under the age of 18 who have suffered from a serious accident requiring hospitalisation and continuous care during and/or after hospitalisation. The amount is reduced to €450 per month in the cases of: 1) adoptions or foster care with an expected duration higher than a year; 2) the care for children born in multiple births; 3) families with two children when one of the siblings has a disability and both are under six years old; and, 4) families with three or more children, when two of them are under six years old. All these benefits are means-tested. Care of sick children, regardless of their seriousness, is not included among the protected family circumstances.

- Castilla-León also 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. For single parents the minimum duration of leave must be three months. Since 2021, this benefit is extended to families who are victims of terrorism, mothers in situation of gender-based violence, and in cases of child's disability or serious illness. In the three latter exceptional situations, support is granted irrespective of which parent is on leave. The amount is €3,000 for a minimum duration of three-months' leave.
- Since 2021, single-parent families in the Basque Country are entitled to eight weeks of fully paid Parental leave during the first year of a child's life. This benefit is intended to compensate for the limitations of Birth and Childcare Leave, which prevents these families from accumulating the rights of both parents (see section 3 for more information on this issue). The amount of the benefit is equivalent to 100 per cent of the salary for the month prior to the start of the Parental leave.
- During the state of alarm decreed as a result of the COVID-19 pandemic, four Autonomous Communities (Castilla-La Mancha, Castilla-León, Valencia and Cantabria) implemented new flat-rate benefits to facilitate the use of Parental leave as reduced working hours. In 2021, Castilla-La Mancha, Castilla-León and Cantabria maintained these benefits.

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 €28 per month (in 2022) 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

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 [Ley 22/2021, 28 December 2021](#) **on the General State Budget or the year 2022**)

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).
- 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 (23 since January 2022) 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 tele-working, 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 2022). 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.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

3. Changes in policy since April 2021 (including proposals currently under discussion)

Since October 2020, when a judgment of the Superior Court of Justice of the Basque Country recognised the right of mothers from single parent families to add the non-compulsory weeks of Paternity leave, several court cases have been resolved in various autonomous communities with rulings to the same effect. 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. However, in other autonomous communities (for example, in the case of Navarre), rulings were denied, generating enormous unease among organisations representing single-parent families.

Following EC and OECD recommendations to improve Family Protection in Spain, on 14 July 2021 the Spanish Minister of Social Rights and 2030 Agenda announced that the entitlement of single mothers to sum up Maternity and Paternity leaves and benefits is under discussion in the framework of a new law on family diversity and support for families. It aims to improve social protection of all types of families, and particularly situations of single motherhood. Presently only the transfer to the other parent is foreseen if the biological mother dies. Besides, the Ministry for Social Rights and the 2030 Agenda plans to extend the Birth and Childcare Leave and Benefit from 16 weeks to six months (24 weeks).

Under the same law project framework, on 3 February 2022 the Minister of Social Rights added the announcement of up to seven fully paid leave days per year and per employee to take care of sick children, partners or parents. This measure has been particularly claimed during the COVID-19 pandemic, when paid leave to take care of sick children or close relatives was restricted to COVID-diagnosed cases and unpaid leave or flexibility for other non-severe illnesses have been extended in time as an exceptional measure during the pandemic (presently until 30 June 2022). The present regulation only considers severe sicknesses or hospitalisation. The new Family Law is planned to be discussed during 2022 to meet the requirements of the 2019 EU Directive on Work-Life Balance and to access EC Structural Funds to modernise the presently underdeveloped Spanish Family Policy⁴.

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.

⁴ OECD (2022) *Evolving Family Models in Spain: A New National Framework for Improved Support and Protection for Families*, OECD Publishing, Paris, <https://doi.org/10.1787/c27e63ab-en>.
Public access and summaries through <http://oe.cd/spain-family-2022>

Till the present, official statistics provide only information on the total amount of administrative processes of granted leaves, but no information is available on splitting between parents or on the mean number of days the second parent benefits from leave.

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 69.2 per cent), as unemployment among women in central adult age groups did not increase substantially. This percentage underestimates 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 per cent of eligible mothers aged 18 to 55 benefited from Maternity leave for their first child and 84.9 per cent for their second child⁵. According to the survey *Young Spanish Families 2021* performed by Meil et al. (2021)⁶, 89.6 per cent of eligible mothers of children aged less than seven years benefited from leave for their youngest child.

In 2020, second year of the progressive leave reform, the number of Birth and Childcare leaves acknowledged to the first parent amounted to 226,796. This represents 66.4 per cent of all births, and there with two percentage points less than one year before. The mean number of days taken by administrative process amounted to 112 days (16 weeks). The number of mothers who transferred part of their leave rights, still possible during the transitional period of the reform, amounted to 1,232 or 0.5 per cent of all births; a proportion 0.6 points less than in previous years. The mean number of transferred days amounted to 20.7.

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*, 90 per cent of those who became mothers after the reform used leave period in one block, mostly because they considered it was the best for the baby or because it is 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).

⁵ 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/>

⁶ 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 Competitiveness

In 2020, an average of 5,198 women per month were on leave because of a risk during pregnancy, with an average duration of 88.9 days, equivalent to 0.18 per cent of all live births in 2020. 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), 2019 being the first year to decrease. The average number of days of leave taken has decreased steadily (from 120 to 88.9 days during the period). The number of women per month taking leave for breastfeeding because of a potential risk (introduced also in 2007) reached a mean of 75.1 per month in 2020. The mean number of days of leave was 135.9 days.

b. Paternity leave

A total number of 240,320 administrative processes of Birth and Childcare leave for the second parent was registered in 2020. This was 6.4 percent less than 2018, while live births decreased by 8.4 per cent. The take-up rate measured in relation to the number of births increased to 70.4 per cent, following a steady increasing trend since the introduction of Paternity leave in 2007. Measured in relation to eligible fathers, the take-up rate reached 88.9 percent, according to the survey *Young Spanish Families 2021*.

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 mentioned 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. As both these years cover the transition period where leave duration increased, it can be observed that the longer the leave, the higher the proportion of fathers who split it over the year. 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).

d. Parental leave

In 2020, 43,226 people started some period of Parental leave (8.8 per cent less than in the previous year, reversing the growing trend registered until then). This corresponds to 12.7 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 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 11 per cent of users, 1.9 percentage points more than in 2020⁷.

⁷ Ministerio de Empleo y Economía Social (2021) *Anuario de Estadísticas, 2019*. Available at: <https://www.mites.gob.es/es/estadisticas/anuarios/2019/index.htm>

According to the survey *Young Spanish Families 2021*, 6.5 per cent of fathers of children aged less than seven years old made use of Parental leave for a mean period of 5.7 months, compared to 19.8 per cent of mothers who took it for a mean of 6.1 months. Leave is more often used for the first child than for higher order parities.

e. 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 *Young Spanish Families 2021*, 28 per cent of women and 10 per cent of men with children aged less than 7 years of age, employed at the time when they became parents, made use of the right to reduce their working hours. As in the case of full-time Parental leave, work time reduction is taken mostly for the first child. Men reduced their working hours mostly for less than one year (57.4 per cent), while women tend to do it for one year or more (64.3 per cent for more than one year).

According to the Spanish Social Security Statistics⁸, 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 and increased anew in 2021 to 3,668. The mean number of days of leave taken has risen sharply from 176.9 to 587.7 during this period.

Unpaid leave to care for dependent relatives has been available from 2001 onwards. Since 2005, the number of users has steadily grown, increasing from 3,332 in 2005 to 12,058 new users in 2019, though in 2020 it has decreased to 11,497. The proportion of male users is growing from around 15 per cent before 2015 to 19.6 per cent in 2020, following the trend of men's greater use of leave provisions.

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 the following years, this percentage has remained stable around 31 per cent, while the number of benefits has steadily increased till 482,545 by the end of 2021⁹. 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.

⁸ www.seg-social.es/Internet_1/Estadistica/Est/Otras_Prestaciones_de_la_Seguridad_Social/index.htm

⁹ https://www.imserso.es/imserso_01/documentacion/estadisticas/info_d/estadisticas/est_inf/otros_inf/id/ide_2021/index.htm