

Statutory Maternity Leave: April 2018

36 out of 43 countries **have a statutory and designated Maternity leave entitlement**. Leave is paid in all these cases and mostly at a high earnings-related level (see 'Key' below for definition) for most or all the duration of leave – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings. The main exceptions are Canada (excluding Quebec), Ireland, Slovakia, and South Africa where no period of leave is paid at a high earnings-related level; and Greece (private sector) and the UK, where less than half the leave period is paid at a high earnings-related level.

Of the seven countries that **do not have a statutory, designated and paid Maternity leave entitlement**, one – the United States – makes no provision nationally for paid leave for women at the time of pregnancy and childbirth, though the possibility of unpaid 'family and medical leave' exists for mothers working for employers with 50 or more employees. The other six countries without designated Maternity Leave – Australia, Iceland, New Zealand, Norway, Portugal and Sweden – provide paid leave that women may take at and around childbirth, but this leave has a generic designation, such as 'Parental leave' and can in certain circumstances be taken by fathers.

In Brazil, Greece and Uruguay, the **period of post-natal Maternity leave** differs for the public and private sectors; while in Canada, the province of Québec has a substantially different system to the remainder of the country. In the remaining 31 countries, the average (mean) period of post-natal leave is 4.1 months. Six countries (plus the private sector in Greece and the public sector in Brazil) have particularly long periods of leave, six months or more. The longest period of leave, 12 months, is found in the UK and in Bulgaria (in the UK, much of this period is either unpaid or paid at a low flat rate). At the other extreme, four countries have less than two months of post-natal maternity leave.

There is not much **flexibility** in Maternity leave and taking all or part of the leave is obligatory in most countries. Flexibility in use mainly takes the form of some choice about when women can start to take leave and how much of the leave period they can take before and after birth (not included in the table below). In some countries, women can take more leave if they have a multiple birth or a higher order birth or a medical complication. Belgian mothers may take two weeks of Maternity leave as 'free days', spread over a period of time.

The Czech Republic, Croatia, Israel, Spain and the UK, however, have introduced another dimension of flexibility: mothers may **transfer part of the Maternity leave period to fathers** as a matter of course, i.e. without exceptional circumstances such as serious illness applying. This is also the case in Bulgaria, for the second half of the – very long – postnatal maternity leave period of twelve months. Maternity leave can be transferred to fathers in some other countries, but only in certain extreme circumstances (such as death or severe illness); the Slovak Republic is the exception, in that only the maternity benefit can be transferred to fathers.

Two approaches to leave policy are emerging:

1. Most widespread is the traditional concept of a 'Maternity leave' intended only for women, linked to pregnancy, childbirth and the first months of motherhood and treated as a health and welfare measure; the obligatory nature of at least part of Maternity leave in many

countries reflects this orientation. Other leave available to women, mainly Parental leave, is additional and available equally to women and men; under this approach, women are entitled to more leave overall than men.

2. Emerging more recently is a move away from the idea of a 'Maternity leave', **either** towards a birth-related leave for women, which can be transferred, at least in part, to fathers under normal circumstances; **or** towards dropping 'Maternity leave' altogether in favour of a generic 'Parental leave', usually with periods designated for 'mothers only' and 'fathers only'. For instance, Iceland offers nine months Parental leave, three months each for the mother and father and a further three months for the parents to divide as they choose; the only recognition of childbirth is the obligation for women to take two weeks leave after birth, with the possibility of an extended leave if a woman has suffered complications at or after giving birth. In Portugal, Maternity leave designation was replaced by initial Parental leave for both parents to share as they wish but only after six weeks immediately after birth, which are obligatory for mothers.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well paid	
Australia ¹	□				
Austria	●●● OB	1.9	1.9	1.9	1
Belgium	●●● OB	3.3	3.3	3.3*	1
Brazil ²	●●●	4 or 6	4 or 6	4 or 6	None
Bulgaria	●●●TR OB	12	12	12*	3
Canada	●●	3.5 to 4.2	3.5	× ³	None
Québec	●●●	4.2	4.2	4.2*	2
China ⁴	●●●	2.7	2.7	2.7	1
Croatia	●●●TR OB	6	6	6	1; 3; 4
Czech Republic	●●●TR OB	5.1	5.1	5.1*	1; 3
Denmark	●●● OB	3.3	3.3	3.3*	None
Estonia	●●● OB	3.7	3.7	3.7	None
Finland	●●● OB	2.9	2.9	2.9 ⁵	None
France	●●● OB	3.3	3.3	3.3*	1

¹ Australia: The law only refers to 'Parental leave', except 'special maternity leave' (see country note).

² Brazil: six months for some public and private sector employers; four months for others.

³ Canada: Low-income families can qualify for a higher benefit rate, up to 80 per cent of average insured earnings.

⁴ China: Most provinces have (differently) extended the duration of Maternity leave; the most common extension is to 158 days.

⁵ Finland: The proportion of earnings paid is reduced beyond a specified level.

Germany	●●●	OB	1.9	1.9	1.9	1
Greece						
Private sector	●●	OB	8.1	8.1	2.1*	None
Public sector	●●●	OB	3	3	3	1
Hungary	●●●	OB	5.6	5.6	5.6	None
Iceland ⁶	□	OB				
Ireland	●●		9.3	6.0	✕	None
Israel	●●●	TR OB	6.0	3.5	3.5*	1; 3
Italy	●●●	OB	3.7	3.7	3.7	1
Japan	●●●	OB	1.9	1.9	1.9	1
Korea	●●●	OB	3.0	3.0	3.0*(30 days)	1
Latvia	●●●		1.9	1.9	1.9	1
Lithuania	●●●		1.9	1.9	1.9	1
Luxembourg	●●●	OB	2.7	2.7	2.7*	1
Malta	●●●	OB	4.2	4.2	3.3	None
Mexico	●●●	OB	2.3	2.3	2.3	1
Netherlands	●●●	OB	2.8	2.8	2.8*	1
New Zealand ⁷	□					
Norway ⁸	□	OB				
Poland	●●●	OB	4.6	4.6	4.6	1; 3
Portugal ⁹	□					
Romania	●●●	OB	4.2	4.2	4.2	None
Russian Fed.	●●●		2.3	2.3	2.3*	1
Slovakia	●●●	OB	6 to 6.5	6 to 6.5*	6 to 6.5*	1
Slovenia	●●●	OB	2.6	2.6	2.6*	None

⁶ Iceland: The law does not distinguish separate Maternity, Paternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose. Three months of 'birth leave' is reserved for women to take after birth, of which two weeks are obligatory.

⁷ New Zealand: The law does not refer to Maternity leave, only 'paid Parental leave' (Primary Carer leave), which mothers can transfer to their partners. This leave is included under Parental leave, along with 'extended leave', which can be taken after 'paid Parental leave'.

⁸ Norway: The law does not distinguish separate Maternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose. Six weeks of Parental leave is reserved for women to take after birth, and this is obligatory. This leave is included under Parental leave.

⁹ Portugal: The law does not refer to Maternity leave, only to 'Initial Parental leave', part of which is reserved for mothers (6 weeks for women to take after birth) with the remainder for parents to divide as they choose. This leave is included under Parental leave.

South Africa	●●	OB	4	×	×	None
Spain	●●●	TR OB	3.7	3.7	3.7*	1; 3; 4
Sweden ¹⁰	□	OB				
Switzerland	●●●	OB	3.3	3.3	3.3*	None
U. Kingdom	●●	TR OB	12	9	1.4	3
USA ¹¹	×					
Uruguay						
Private sector	●●●	OB	3.3	3.3	3.3	1
Public sector	●●●	OB	3	3	3	1

Key:

Summary of leave: ×: no statutory entitlement. □: there is only a Parental leave provision. ●: statutory entitlement but unpaid; ●●: statutory entitlement, some period paid, but either at a flat rate or (if income-related) at less than 66 per cent of earnings for all or most of period; ●●●: statutory entitlement, paid for all or most of period at 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>. TR: part of Maternity leave is transferable to the father in ordinary conditions. OB: part or all of the Maternity leave period is obligatory. **Maximum length of post-natal leave: Paid:** payment may be flat rate and/or earnings-related. The generosity of flat rate payments relative to individual earnings varies across and sometimes within countries. See country notes for more detailed information. **Well paid:** earnings-related payment at 66 per cent of earnings or above; ×: none well paid; *: ceiling on earnings-related payment. **Flexibility:** 1 – additional time for multiple births, higher order births or medical complications; 2 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 3 – in all cases part of Maternity leave may be transferred to the father (this does not include cases where transfer is only permitted in the case of maternal death or incapacity); 4 – part of the Maternity leave period can be taken part time, and the length of leave extended. Does not include flexibility in using part of Maternity leave before or after birth.

¹⁰ Sweden: It is obligatory for women to take two weeks leave either before or after birth; to receive benefit, they must draw on Parental leave entitlements.

¹¹ USA: There is no separate Maternity leave, but parents may take up to 12 weeks unpaid leave for childbirth or for the care of a child up to 12 months as part of the federal Family and Medical Leave Act; employers with less than 50 employees are exempt. Five states and Puerto Rico provide some benefit payments to parents missing work at around the time of childbirth.