

## Statutory Paternity Leave: April 2018

Just as 'Maternity leave' is gender-specific, so too is the usual definition of Paternity leave, being an entitlement for fathers only that enables them to take a short period of leave immediately following the birth of a child, often associated with providing help and support to the mother. Increasingly, also same sex partners of birth mothers are included in this entitlement.

However, as Parental leave in several countries includes a period that only fathers can take (sometimes referred to as a 'father's quota'), ***the distinction between Paternity leave and father-only Parental leave can be unclear and confusing***. A comparison of Iceland and Norway provides an example of this complexity. Iceland offers nine months leave after birth, three months for mothers, three months for fathers and three months as a family entitlement to be divided between parents as they choose; there is, therefore, no Paternity leave *per se*, but three months of leave are available for the use of fathers only, to take as and when they choose (to add to the confusion, although the law covers all nine months with the same name – 'birth leave' – the three months for fathers is commonly referred to as 'Paternity leave'). Also, in some other countries without a specific Paternity Leave, fathers may take part of their Parental Leave in a similar way to Paternity leave, i.e. as a short period of leave immediately after birth (e.g. Germany). Norway, by contrast, has two weeks Paternity leave (i.e. to be used at the time of birth) plus a further ten weeks father's quota, a part of the Parental leave that only the father can use; most of the Parental leave is a family entitlement.

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers (or in some countries also to same sex partners) and is in addition to Parental leave, e.g. there is a type of temporary leave in connection with a child's birth or adoption of ten days for men in Sweden, that differs from the 90 days 'fathers' quota'. On this basis, ***29 countries have a statutory and designated Paternity leave***, plus the province of Québec in Canada; in two other countries, Luxembourg and South Africa, fathers can use another type of leave ('leave due to extraordinary circumstances' or 'family responsibility' leave) at the time of the birth of a child, but a separate Paternity leave does not exist at the moment (although a bill passed this year in South Africa for this provision). ***Paternity leave is generally paid***, and mostly at a high earnings-related level (see 'Key' below for definition) for 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.

Across countries, there are different dimensions of ***flexibility in the implementation of Paternity leave***. The most common forms of flexibility in Paternity leave policy are in relation to the period during which the leave can be taken and regarding entitlements to additional time for multiple births.

Country	Summary of leave	Length of post-natal leave (days or weeks)			Flexibility
		Total	Paid	Well paid	
Austria Private sec Public sec	× ●	4	None	None	None
Australia <sup>1</sup>	×				
Belgium	●●● OB	2	2	2*	2; 3
Brazil <sup>2</sup>	●●●	1 or 4	1 or 4	1 or 4	None
Bulgaria	●●●	15 days	15 days	15 days*	None
Canada Québec	× ●●●●	5	5	5*	1
China <sup>3</sup>	●●●	7 to 30 days	7 to 30 days	7 to 30 days	None
Croatia	×				
Czech Republic	●●●	7 days	7 days	7 days	3
Denmark	●●●	2	2	2*	3
Estonia	●●●	2	2	2*	2; 3
Finland	●●●	9	9	9 <sup>4</sup>	2; 3
France	●●●	2.2	2.2	2. 2*	3
Germany	×				
Greece Private sec Public sec	●●● ●●●	2 days 2 days	2 days 2 days	2 days 2 days	None None
Hungary	●●●	1	1	1	3; 4
Iceland <sup>5</sup>	×				
Ireland	●●	2	2	×	3
Israel	●●	6 days	5 days	3 days	None
Italy	●●● OB	4 days <sup>6</sup>	4 days	4 days	2; 3; 5

<sup>1</sup> Australia: Two weeks payment for fathers taking Parental leave ('Dad and Partner Pay'), on unpaid leave or not working.

<sup>2</sup> Brazil: Longer in public sector; less in private sector.

<sup>3</sup> China: There is no statutory entitlement nationally; the given numbers are for regional provisions that since 2018 exist in all provinces.

<sup>4</sup> Finland: Paid at 70 per cent of earnings, but proportion is reduced beyond a specified level.

<sup>5</sup> 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.

Japan	×				
Korea	●●●	3 to 5 days	3 days	3 days	3
Latvia	●●●	10 days	10 days	10 days	3
Lithuania	●●●	4	4	4*	3
Luxembourg <sup>7</sup>	× [ ]				
Malta					
Private sec	●●●	1 day	1 day	1 day	4
Public sec	●●●	5 days	5 days	5 days	3
Mexico	●●●	5 days	5 days	5 days	5
Netherlands <sup>8</sup>	●●●	2 days	2 days	2 days	3
New Zealand	● <sup>9</sup>	10 days	×	×	3
Norway	● <sup>10</sup>	2	×	×	2 <sup>11</sup> ; 3
Poland	●●●	2	2	2	2; 3
Portugal <sup>12</sup>	×				
Romania	●●●	5 to 15 days	5 to 15 days	5 to 15 days	3; 4 <sup>13</sup>
Russian Fed.	×				
Slovakia	×				
Slovenia	●●●	30 days	30 days <sup>14</sup>	30 days*	2
South Africa <sup>15</sup>	×				
Spain	●●●	4	4	4*	3; 4
Sweden	●●●	10 days	10 days	10 days*	3; 4

<sup>6</sup> Italy: a further one day Paternity leave can be taken if the mother agrees to transfer these days from her Maternity leave. In addition, fathers may take three months paid leave in exceptional circumstances, e.g. the death or severe illness of the mother.

<sup>7</sup> Luxembourg: there is no statutory paternity leave, although fathers can use ten days well paid leave 'due to extraordinary circumstances'.

<sup>8</sup> Netherlands: 3 days of Parental leave can be taken during the first 4 weeks after birth. This leave is included under Parental leave.

<sup>9</sup> New Zealand: the mother (or other primary carer) may transfer part of her leave payment to her partner on Paternity leave (known as Partner's leave).

<sup>10</sup> Norway: Whilst unpaid by government, most employed fathers are covered by their individual employer or collective agreements.

<sup>11</sup> Norway: Leave can be transferred to someone else if the father does not live with the mother, since the purpose of the leave is to assist the mother.

<sup>12</sup> Portugal: The law does not refer to Paternity leave, referring only 'Father's-only Parental leave'. This leave is included under Parental leave.

<sup>13</sup> Romania: The statutory leave is granted for five days only but 10 extra days can be granted if the father has completed an infant-care course for the first child only.

<sup>14</sup> Slovenia: paid at 90 per cent of average monthly earnings; not all income on which Parental leave contributions were paid is counted towards the basic earnings (e.g. in-work benefits and other income received in addition to basic earnings).

<sup>15</sup> South Africa: there is no statutory Paternity leave, although fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave. However, a private bill was launched in 2018 to amend this gap in the provision.

Switzerland	✘				
U. Kingdom	●●	1 or 2	1 or 2	✘	3
USA <sup>16</sup>	✘				
Uruguay	●●●	10 days	10 days	10 days	None

**Key:**

**Summary of leave:** ✘: no statutory entitlement. ●: 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>. **OB:** part or all of the Paternity 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. **Square brackets [ ]** fathers may use another type of leave at the time of the birth of a child, but a separate Paternity leave does not exist. **Flexibility:** 1 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 2 – leave can be taken in one block of time or several blocks; 3 – can be taken at any time during a defined period after birth; 4 – additional time for multiple births and large families; 5 – can be extended in case of maternal incapacity or death.

<sup>16</sup> USA: There is no separate Paternity leave, but fathers 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.