Parental Leave and inequalities: the haves and the have-nots

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2019 is the 100th year Anniversary of the ILO Maternity Protection Convention in 1919

- For the purpose of this Convention, the term **woman signifies any female person**, irrespective of age or nationality, whether married or unmarried, and the term **child signifies any child whether legitimate or illegitimate**.

- In any public or private industrial or commercial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman

  - (a) **shall not be permitted to work during the six weeks** following her confinement;
  
  - (b) **shall have the right to leave her work** if she produces a medical certificate stating that her confinement will probably take place within six weeks;
  
  - (c) **shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid benefits sufficient** for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance

Parental leave: trajectory of scholarly analysis

• 20th Century Initial & on-going: gender equality focus - father take-up

• 21st Century Growing awareness of multiple inequalities – access/ eligibility

• Tracking eligibility with a gender-sensitive intersectional inequalities perspective
Key challenges

Fatherhood premium:
• becoming a father increases wages

Motherhood penalty:
• women’s responsibilities in childbirth and care of children often cause a reduction in mothers’ wage
Leave policies are instruments for realising children’s rights to both parents’ care time & finance

Crunch time: very young children in first year
- high dependency 24/7 care
- feeding through breast or bottle
- emotionally responsive relationships with significant caregivers
- need economic security
- Parental leave as a lever for change

Inequalities in access to parental leave

- ILO (2014) - 185 countries

- Only 53% have paid maternity leave @ 66% earnings for 14 weeks
- Only 42% have any form of paid paternity leave
- Parental leave found in 66 of 169 countries
- Differential access to statutory leave raises the possibility of a new polarization: being born into either a parental-leave rich or poor household and, indeed, country.” (O’Brien, 2009)

- “Premier” league- has and have-not countries.

Parental leave policies around the world

Transformations in working and family life: combining earning & caring hard "stalled gender revolution"
Changing nature of jobs and inequality
Increasing number of atypical jobs (self-employment, zero-hours and temporary contracts) → economic insecurity, UK
Eligibility for paid maternity & paternity leave in the UK (2017)

Potential parents – individuals who are employed (employees and self-employed) and aged 20-49 years, the peak fertility and employment period total N= 26,634 in employment: 13,165 women, 13,469 men.

• Time in job Continuous employment for an employer for 26 weeks by the end of the 15th week before the expected week of childbirth Employed < 6 months

• Economic activity test Gross weekly earnings need to be at least equal to the lower earnings limit for National Insurance Paid < threshold

• Type of employment: Self-employed ineligible

• Simulation: Employed < 6 month, paid < threshold ie £113 gross weekly)

26% of women are not eligible for paid maternity leave

- 9% because they are self-employed
- 10% because they have not worked for their employer long enough
- 7% because they are not paid enough
24% of men are not eligible for paid paternity leave

16% because they are self-employed

8% because they have not worked for their employer long enough
Eligibility to Parental Leave in the EU-28 Project commissioned by EIGE

• Tracking eligibility to parental leave is rare. A micro-level data approach enables quantification of the extent to which a target population is able to benefit from the policy. Assists policy translation.

• The specific objectives of the project were to:
  • Develop a methodology for estimating how many (potential) mothers and fathers are eligible to parental leave in the Member States of the EU.
  • Break down the non-eligibility to parental leave by the main reasons, to identify constraints across each Member State.

• Data used: EU-SILC & EU-LFS 2016

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Dimensions of eligibility for men and women’s access to parental leave: Adopting a *multi-dimensional* and *intersectional* approach with a primary sensitivity to gender

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<td>Activity status (self-employed, unemployed, inactive)</td>
<td>Same-sex couples</td>
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<td>Single parents</td>
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<td>Pay threshold conditions prior to leave</td>
<td>Adoptive parents</td>
<td>Migrants</td>
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Labour market: eligibility

- In all EU-28 Member states individuals with an **employee status** are eligible
  - but conditionality in 17 (e.g. length of service or social insurance requirement)

- In 21 EU-28 Member states individuals with a **self-employed status** are eligible
  - but conditionality in 11 (e.g. social insurance or sector requirement)

- In 7 EU-28 Member states individuals who are **unemployed/inactive** are eligible
  - but conditionality in all cases (e.g. social insurance)
Family/ gender orientation: eligibility

In 17 EU-28 Member states, same-sex parents are eligible for parental leave & in 11 countries parental leave is the preserve of married or heterosexual couples.

Complex interface between same sex marriage rights and parent rights. Despite legal recognition of same-sex marriages (e.g. PT, SI) these parents are not eligible for parental leave.

Adoptive parents eligible but rights can be effected by gender orientation laws
Have-nots, parental leave poor

• More likely to be economically inactive, in their job for less than 12 months & non-standard employment such as self-employment.

• Lowest in Ireland, Cyprus, Malta and the UK particularly

• Can signify insecure, unstable, and uncertain even precarious work-life trajectories typically associated with poor regulatory protection.
The haves

Highest rates of eligibility for men and women were found in three countries (Finland, Croatia, Sweden) with 100 % eligibility on the selected dimensions.

- i.e. eligible to access parental leave whether employed, self-employed, unemployed or inactive, irrespective of the length of time in their current work, or the type of occupation, whether in a heterosexual or same-sex partnership, single-parent household or whether their child was biological or adoptive.
- In all three countries parental leave is paid and remuneration is at a comparatively high level - all/most >66 % earnings “well-paid”
- Leave benefits funded from general taxation and employment insurance
- A dual earner/dual caregiver model is dominant in all three countries with higher than EU-28 average
Gender gap in eligibility to parental leave in the EU-28, 2016: potential mothers are more disadvantaged than potential fathers

- 29% of women and 20% of men aged 20-29 years, do not have access to parental leave >= 9 percentage points gender gap in overall eligibility to parental leave.

- Economic inactivity is main reason, followed by length of service
Gender gap in eligibility to parental leave - economically active only potential fathers slightly more disadvantaged than potential mothers

- 9% of employed women and 10% of employed men are non-eligible; gender gap in non-eligibility -1.4 points

- Length of service is main reason, followed by self-employment status
Inequality is on the rise everywhere in the world.
Institutions and policies shape the level of inequality.
Thank-you

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• International Network on Leave Policies & Research
  https://www.leavenetwork.org

• Modern Fatherhood: Fathers, work and families in the 21st Century
  https://www.modernfatherhood.org