



Leave policies and practice for non-traditional families

Policy memo by European Platform
for Investing in Children (EPIC)

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EUROPE

About RAND Europe

- We are a not-for-profit research organisation
- We undertake independent research to provide policy and decisions makers with the best possible evidence
- We place ourselves between universities and consultancies
- Coordinate the European Platform for Investing in Children (EPIC)



European Platform for Investing in Children (EPIC)

- Sponsored by European Commission, DG Employment, Social Affairs and Inclusion
- Evidence-based online platform that provides information about child and family policies in the European Union Member States
- Content includes: country profiles, policy memos, and reviews of interventions and practices



Family leave for non-traditional families

Observation:

- Family leave policies tend to be formulated towards the traditional nuclear family

Aim of Memo:

- To provide an overview of access to family leave for non-traditional families across EU Member States

Context:

- EU Work-life Balance Directive intends to modernise existing conceptions of gender roles and family.

What is a non-traditional family?

Definition of 'non-traditional families' is not set but can include:

- Families with single parents
- Families with adopted or fostered children
- Families with parents who are together but living apart from each other
- Families with step-parents and –children ('reconstituted' families)
- Families with same-sex parents ('rainbow' families)
- Families consisting of other combinations of relatives aside from the nuclear family



Why is this issue important?

- Non-traditional families increasingly prevalent
- Benefits for parents and children
- Disparity between Member States has implications for cross-border families



Methods



We mapped the situation for each type of family in each Member state

- Including Leave Network country profiles, MISSOC tables, LawsAndFamilies, ILGA-Europe Rainbow Europe 2019
- Some use of data from individual EPIC country experts and country ministries



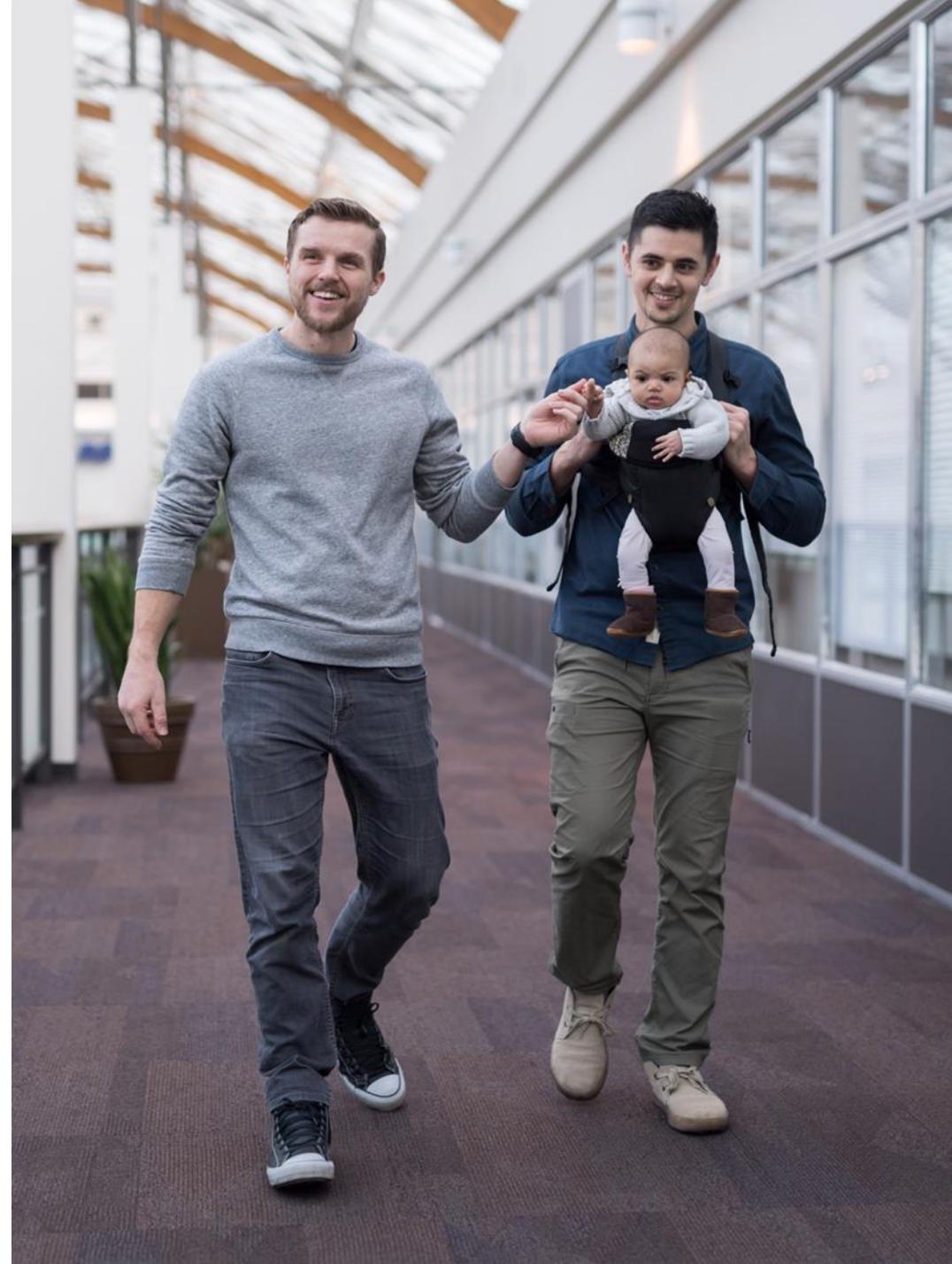
However, there are incomplete data and information sources at EU and national level, as well as definitional limits and ambiguities



NON-TRADITIONAL FAMILIES: RAINBOW FAMILIES

Rainbow families' access to family leave varies between Member States

- Progress in marriage equality and parenthood rights mean likely increasing in number and prevalence
- Recognition of such families either granted through Member State legislation or, increasingly, through court cases
- Little to no data collected at an EU scale



Factor 1: What form of legal recognition is possible for same-sex couples?

MARRIAGE



REGISTERED PARTNERSHIP



NO LEGAL RECOGNITION



Factor 2: Is joint legal parenthood for same-sex couples possible?

YES



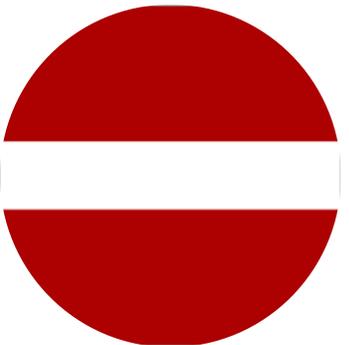
NO



Examples from Member States



In Spain, leave legislation does not distinguish between same-sex and different-sex parents. Since March 2019, either parent may be entitled to leave and benefit for the birth and care of a child.



Latvia does not recognise same-sex partnerships and does not allow couples to have joint parenthood.

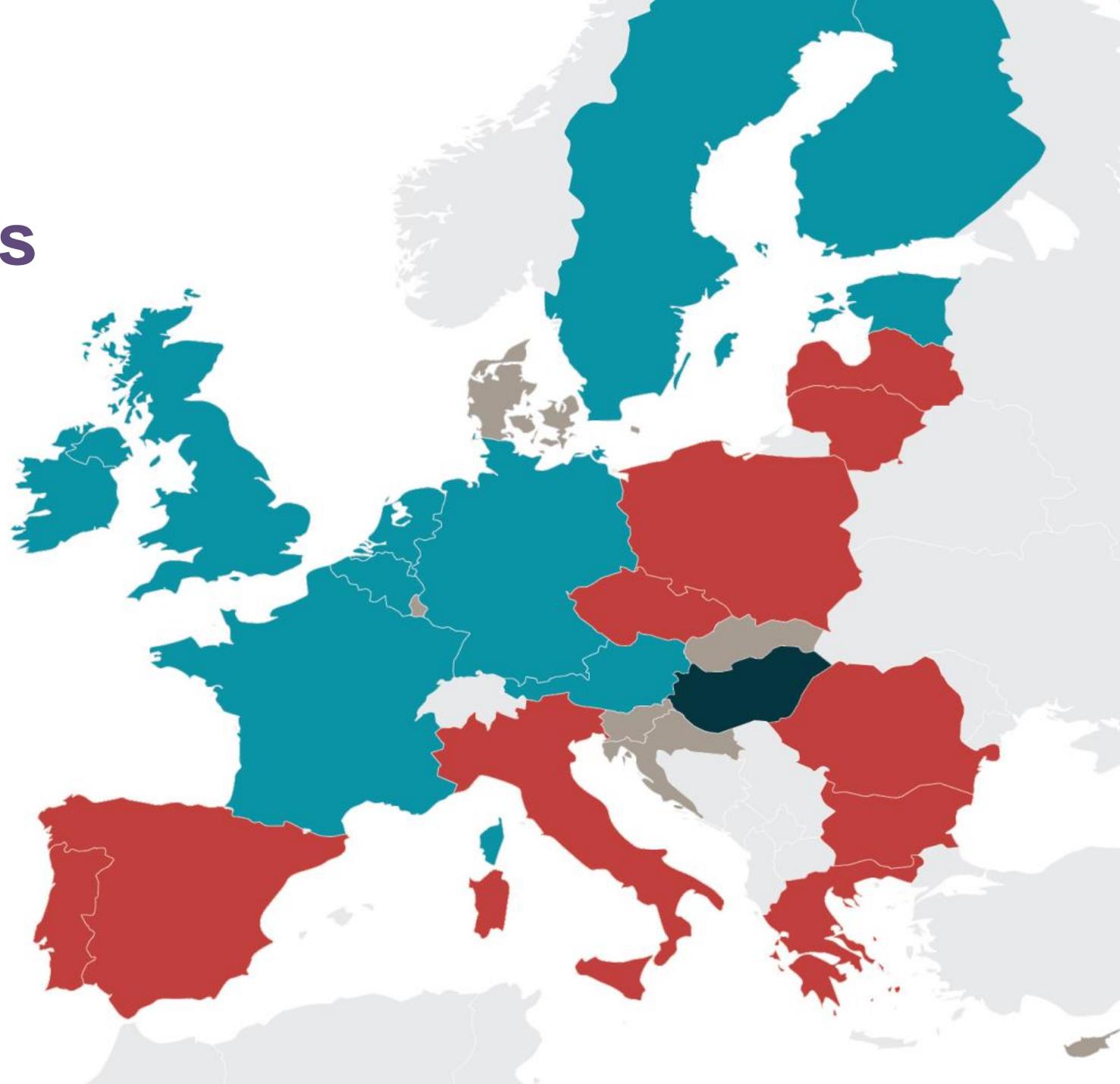
What's a reconstituted family?

- Also known as patchwork / blended / recomposed families
- Likely increasingly prevalent (declining marriage rates, increasing divorce and cohabitation rates)
- EU estimate: **16% of all families** in 2016

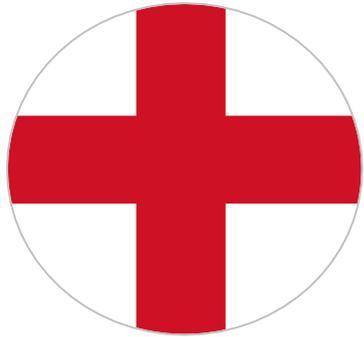


Access to parental leave for non-parents varies between MS

- All types of partners of parents can take parental leave
- Only married or registered partners can take parental leave
- Only legal parents can take parental leave
- Unknown



Example: United Kingdom



In England and Wales, partners of parents can take parental leave if they have been granted parental responsibility for a child

- If they 'protect and maintain the child' or 'provide a home for the child'



More than two people can be granted parental responsibility for the same child

**NON-TRADITIONAL
FAMILIES:
ADOPTIVE
FAMILIES**



Adoptive families have more established access to leave

- Not always considered a 'non-traditional family'
- Have varying access to leave in Member States
- Prevalence of adoptive families varies between Member States
- Considerable variation within the 'adoptive family' category



Two main approaches to family leave across EU28

1

- Adoptive families can access the same family leave as other families
- i.e. maternity, paternity and parental leave (as available at MS level)

2

Adoptive families are offered special adoptive leave alongside parental leave

- Adoptive leave usually replaces maternity leave (and sometimes paternity leave)

In addition, some MS have additional special arrangements for adoptive families, including longer parental leave and more leave for families adopting internationally

WHAT DOES THIS MEAN FOR FUTURE RESEARCH AND POLICY?



Does the WLB Directive address non-traditional families?

Included in the Directive:

- The right to paternity leave is granted to fathers or equivalent second parents irrespective of marital or family status (as defined by Member State law)
- Definition of parental leave explicitly includes adopted children
- Reminds MS to consider adapting parental leave for adoptive parents

However, the extent to which different families can benefit from family leave recognition still depends on their recognition at a Member State level

Next steps

- Further and more systematic data collection and research at an EU-level
- Understand the policy needs of different types of non-traditional families
- EPIC is always interested in hearing about interesting practices and policies at a Member State level



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