



The path towards equal leave rights for mothers and fathers in Spain

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18th Leave Policies and Research Annual Seminar
16.–17. September 2021, Helsinki

In 2019 Spain's government reformed leave policy under the label "equal and non-transferable leave rights for both parents":

- **It unified maternity and paternity leaves into one "Birth and Care leave"**, recognized as an individual right for each parent (as before, irrespective of the gender composition of parents and the nature of the parental link –biological, adoptive or Foster child-). This implied:

- **extending paternity leave from 5 to 16 fully paid weeks gradually within 3 years time** (2019 = 8 weeks; 2020 = 12 weeks; 2021 = 16 weeks), without **any improvement in maternity leave** rights.

- **Increasing flexibility in use** by the establishment of a **compulsory time of 6 weeks** after transition into parenthood and the right **to split over one year the optional additional 10 weeks** (additional to use it **part-time**, as before).

- **Though no provision to foster fathers leave use after mother's return to paid work.**

- **Softening eligibility criteria for the second parent**, with the exception of **non recognition of the non-contributory Birth leave** of six weeks paid at the minimum salary for biological mothers who don't meet eligibility criteria.

- **Suppressing the possibility to transfer** the non compulsory part of the leave **to the other parent** (as it was possible before the reform)

How could so a radical change take place?

To understand how leave policy finds its way onto the political agenda, we will focus on:

- The institutional context
- Ideal leave models of different political actors
- The economic and political opportunity structure

The key actors in this process of institutionalisation of this goal have been political parties of various persuasions and two social movements, being the socialist party the main actor. The opportunity structures have been clearly defined by the economic dynamics and by the transformation of a quasi-two-party political system into more of a multi-party system, accompanied by growing political instability. This process hasn't been accompanied by a broad social debate.



The **starting point** of the reform can be established in **2007** with the **introduction of a paternity leave right** consisting in 2 fully paid weeks to be extended somewhen in the future to 4 weeks, together with a **softening of eligibility criteria for maternity leave rights** (less tighten eligibility criteria and introduction of a non-contributory maternity leave of 6 weeks for those non-eligible mothers –compared to 16 weeks for eligible ones-).

These leave rights were recognized **within a very ambitious Gender Equality Act**, redefining **leave policy as an instrument to foster gender equality**, besides promoting work-life balance:

- The introduction of paternity leave should contribute to **degender leave use** and foster father's **co-responsibility** in childcare
- While the possibility to transfer the non compulsory part of maternity leave to the father was kept as a resource for balancing working and family lives.

The main actor of this law was the **Socialist Party** in Government (2004-2011), who ruled the country at the time with a clear majority. This leave reform was **well received** among the public in general and within the political arena: **lengthening paternity leave became part of the agenda** of the leading centrist/left-wing political parties and some regional conservative parties.

The **opportunity structure** of this reform was characterized by a **quasi-two-party political system**, where the socialist and the conservative parties were the main actors, and an **expansive economic situation**, with a strong economic growth.

The opportunity structure changed radically after 2008 with the onset of a **severe economic crisis** that lasted **till 2014** and forced to sharp cuts in public spending.

Despite the unfavourable circumstances, the **goal of extending paternity leave did not vanish** completely from the political arena:

- Around the 2007 Gender Equality Act a small **feminist movement** (PPIINA) developed around the claim to **make leave rights equal** for both parents and non-transferable, as an instrument to **degender** leave use and **reduce gender inequality within the labour market**. This movement achieved to put this objective into the core of the political arena.
- A **parliamentary subcommittee** of the Equality Committee was created in 2011 to analyze WLB policy. One of the committee's **conclusions** was that the leave system at that time consolidated the gendered division of work. To combat this, it proposed, among other measures, **progress towards equality** in leave for men and women.

Another radical **change in the opportunity structure** took place around the **2015 elections**, where **two new parties** (one leftist and the other centrist) emerged as third and fourth most voted parties, forcing the building of coalitions to form a government and giving an end to the quasi-two-party political system . On the economic front, a period of sustainable recovery began, allowing governments to spend more.



The platforms of the **2015 & 2016 elections** show that **leave policy gained relevance** on the political agenda, but the differences in party lines had sharpened:

- The **new leftist party** (Podemos –we can-) claimed a **16+16 model** for each parent and non-transferable
- The **new centrist party** (Ciudadanos) claimed a **8+8+10 model**
- The old socialist party amended its line on lengthening paternity leave and brought out an explicit proposal to equalize it to maternity leave and make them non-transferable.
- The conservative party in government avoided taking a stance and only promised to lengthen unpaid parental leave for large families.

The outcome of the **2016 elections** enabled the formation of a **centre/right-wing coalition** minority government, who included a generic agreement to advance in equalizing leave rights and translated it into an **extension of paternity leave to 4 weeks**. In 2017 a leftist coalition proposed a new law equalizing leave rights for both parents, but was rejected in Parliament. In 2018 a vote of no confidence against the conservative government was forged, revolving in a **new socialist minority government**, who extended paternity leave to 5 weeks. This government lasted only till early 2019, where new elections were called for. With the goal of **maximizing electoral support** in the face of a highly fragmented vote, in an unprecedented move, the acting socialist government passed while Parliament was dissolved, without any parliamentary or social debate, a second Gender Equality Act, where paternity leave was equalized in time and conditions to maternity leave. In essence, it was the proposal floated by the feminist movement PPIINA and assumed by the new leftist party Podemos.



In short, from 2007 to 2019, despite the shifting economic situation and decrease of the low fertility rate, the gradual lengthening of paternity leave (without any claim to extend maternity leave) become consolidated both on the political agenda and in party platforms as a mechanism of gender equality policy, but without a broad social debate.

Key to embodying this in the objective of equal, non-transferable leave for both parents was the opportunity structure that opened in the wake of the 2015 general elections, which was characterized by the end of the quasi-two-party system, greater political instability and a more favourable economic situation. Key for its institutionalization was the socialist party access to government, albeit without a majority.

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Consequences of extending paternity leave on take up rates

The increase of leave length did not result in a reduced take up rate, although it did increase the proportion of fathers who did not use the whole leave period to which they were legally entitled. **Analysis of microdata from the survey Young Spanish Families, 2021** (designed by Meil et al. and implemented to a representative sample of parents of children aged 6 or less) shows a **take up rate after reform of 94% of eligible fathers compared to 86% before**. Further, while the proportion of **those who took the whole length of the leave was 94% when it was two weeks, it decreased to 75% when it was extended to 12 weeks in 2020**. **43 per cent** of those entitled to take leave after the reform, made use of the possibility to **split it over the first year, mostly (explicitly mentioned) to care for the baby rather than for work reasons**.



Thanks very much for your attention

This presentation is based on Meil, G.; Wall, K.; Atalaia, S. & Escobedo, A. (forthcoming), “Parenting-related leave policies in European southern countries: Trends towards de-gendering leave use in Spain and Portugal” in Ivana Dobrotić, Sonja Blum & Alison Koslowski (eds), *Research Handbook on Leave Policy*, Edward Elgar Publishing

Funding: This work was supported by the Agencia Estatal de Investigación under Grant CSO2017-84634-R.

More detailed information:

Meil, Romero-Balsas & Rogero-García (2019). Spain: leave policy in times of economic crisis, in Peter Moss, Ann-Zofie Duvander & Alison Koslowski (eds) (2019), *Parental Leave and Beyond. Recent international developments, current issues and future directions*, Bristol: Policy Press, pp. 21-38

Wall, K. & Escobedo, A. (2009) ‘Portugal and Spain: Two Pathways in Southern Europe’, in S.B. Kamerman and P. Moss (eds) *The Politics of Parental Leave Policies. Children, Parenting, Gender and the Labour Market*, Bristol: Policy Press, pp 207–226.