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INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

14th International Review of Leave Policies and Related Research 2018

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SEPTEMBER 2018

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1. Introduction

The **International Network on Leave Policies and Research** has been producing an annual review of leave policies and related research since 2005 (for earlier reviews, go to the network's website www.leavenetwork.org). The review covers Maternity, Paternity and Parental leaves; leave to care for sick children and other employment-related measures to support working parents; and early childhood education and care policy. As well as policies, it provides some information on publications and research. Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

The review is based on country notes from each participating country, prepared by members of the network and edited by several of the network's coordinators. Each country note follows a standard format: details of different types of leave; the relationship between leave policy and early childhood education and care policy; recent policy developments; information on take-up of leave; recent publications and current research projects.

The review also includes **definitions of the main types of leave policies**; and **cross-country comparisons**. These comparative overviews cover: each main type of leave; total leave available; the relationship between leave and ECEC entitlements; and policy changes and developments since the previous review.

The 2018 review includes one **new country: Latvia**. Altogether, it covers 43 countries. These are: Australia, Austria, Belgium, Bulgaria, Brazil, Canada, China, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Ireland, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America, and Uruguay.

The content of the review is to the best of our knowledge correct at the time of going to press, but mistakes may occur. If you should have a query or find an error, we would be grateful if you would contact the country note authors as relevant and the editors. We recommend that readers consult the most recent version of the review where possible, as we are unable to retrospectively rectify errors found more than 12 months from going to press.

The review is available online either as one complete document; or, for ease of downloading, divided into its constituent parts.

If citing the complete review, please do so as:

Blum, S., Koslowski, A., Macht, A. and Moss, P. (2018) *International Review of Leave Policies and Research 2018*. Available at:
http://www.leavenetwork.org/lp_and_r_reports/

If citing an individual country note, please use the citation given as a footnote on the first page of that country note.

2. Defining Leave Policies

This report is about leave entitlements, mainly for workers with dependent children. As the review shows, working parents today in more affluent countries are often entitled to a range of different types of leave, the most common being:

a. Maternity leave

Leave generally available to mothers only (except in a few cases where part of the leave can be transferred to other carers under certain circumstances). It is usually understood to be a health and welfare measure, intended to protect the health of the mother and newborn child, and to be taken just before, during and immediately after childbirth.

b. Paternity leave

Leave generally available to fathers only, usually to be taken soon after the birth of a child, and intended to enable the father to spend time with his partner, new child and older children.

c. Parental leave

Leave available *equally* to mothers and fathers, either as: (i) a non-transferable individual right (i.e. both parents have an entitlement to an equal amount of leave); or (ii) an individual right that can be transferred to the other parent; or (iii) a family right that parents can divide between themselves as they choose. In some countries, Parental leave consists only of non-transferable individual entitlements; in other countries, it is an entirely family right; while in other countries, part of Parental leave is an individual right, the remainder a family right. It is generally understood to be a care measure, intended to give both parents an equal opportunity to spend time caring for a young child; it usually can only be taken after the end of Maternity leave. In some cases, parents can choose to take all or part of their Parental leave on a part-time basis.

In some countries, Parental leave may be available to both partners in same-sex partnerships.

In some countries, Parental leave is supplemented by a further period of leave intended also as a care measure, and given various names, such as 'childcare leave' or 'home care leave'. This leave is for parents following the end of Parental leave, and may not in practice be very different to Parental leave (although the conditions attached to the two types of leave may vary, see for example Finland or Norway).

d. Leave to care for children who are ill

This entitlement varies considerably between countries in terms of length, age of children included and payment. In some cases it may be extended to include certain adult relatives.

Although the rest of this introduction and the individual country notes differentiate between Maternity, Paternity and Parental leave, the distinction between these types of leave is beginning to blur in some countries, leading to the emergence of a single, generic Parental leave entitlement. For example, Iceland, Norway and Sweden already have a single period of post-natal leave that does not distinguish between the three different kinds of leave;

however, one part of this generic post-natal leave can only be taken by mothers and another part only by fathers.

In other countries (e.g. New Zealand, Portugal), although different types of leave with distinct conditions are discernible, all leave comes under a common umbrella term of 'Parental leave'.

A further variant that is blurring distinctions is the possibility that part of Maternity leave can be transferred to the father, making it seem like a variant of Parental leave (for example, currently in Bulgaria, Croatia, Czech Republic, Poland, Portugal Spain, and the UK); in fact, this should be treated as transferable Maternity leave, since the father's use of leave derives from the mother's entitlement and her agreement to transfer part of that entitlement.

3. Overview: Cross-Country Comparisons

Sources used

The main sources used in this review of leave policies and research are the country notes prepared by the members of the International Network on Leave Policies and Research, following a common format. One country that has not been included in previous reviews – Latvia – has had a new country note prepared. For countries that have appeared in previous reviews, country notes are reviewed and revised each year by authors. For 2018, all country notes have been edited by four of the network's coordinators: Sonja Blum, Alison Koslowski, Alexandra Macht and Peter Moss.¹

The expertise and work of the country note authors is gratefully acknowledged.

In addition, the 'Relationship between Leave and ECEC Entitlements' table and pages draw upon two comparative sources of demographic, economic and social data: the OECD Family Database and TransMonee. Full details are given at the end of the table on each page.

General note: in the comparative tables which follow, a month is calculated to be 4.3 weeks; while 4 weeks would be 0.9 months. For purposes of comparison, national currencies are also shown in euro. Currency conversion was carried on a single day (13 June 2018) and where possible the Yahoo Currency Converter was used.

¹ Thanks are recorded to Henning Heinemann for his editorial assistance at the University of Hagen.

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.

- 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

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.

Slovenia	●●●	OB	2.6	2.6	2.6*	None
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.

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 ¹	✗				
Belgium	●●● OB	2	2	2*	2; 3
Brazil ²	●●●	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 ³	●●●	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 ⁴	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 ⁵	✗				
Ireland	●●	2	2	✗	3
Israel	●●	6 days	5 days	3 days	None
Italy	●●● OB	4 days ⁶	4 days	4 days	2; 3; 5

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

² Brazil: Longer in public sector; less in private sector.

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

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

⁵ 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 ⁷	× []				
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 ⁸	●●●	2 days	2 days	2 days	3
New Zealand	● ⁹	10 days	×	×	3
Norway	● ¹⁰	2	×	×	2 ¹¹ ; 3
Poland	●●●	2	2	2	2; 3
Portugal ¹²	×				
Romania	●●●	5 to 15 days	5 to 15 days	5 to 15 days	3; 4 ¹³
Russian Fed.	×				
Slovakia	×				
Slovenia	●●●	30 days	30 days ¹⁴	30 days*	2
South Africa ¹⁵	×				
Spain	●●●	4	4	4*	3; 4
Sweden	●●●	10 days	10 days	10 days*	3; 4

⁶ 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.

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

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

⁹ 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).

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

¹¹ 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.

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

¹³ 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.

¹⁴ 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).

¹⁵ 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 ¹⁶	×				
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.

¹⁶ 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.

Statutory Parental Leave (not including additional Childcare Leave): April 2018

All EU member states must provide at least four months **Parental leave** per parent, under the terms of Directive 2010/18/EU. The directive defines this leave as enabling men and women “to take care of (a) child until a given age”, so distinguishing this leave from Maternity leave, where the directive setting minimum standards was adopted as a health and welfare measure. No payment or flexibility requirements are specified in Directive 2010/18/EU, but Parental leave is defined as “an individual right and in principle non-transferable”, though the directive goes on to add that “member states are allowed to make it transferable.” A draft report on a proposal for a directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU is currently under consideration by the European Parliament’s Employment and Social Affairs committee.

Nine of the 15 non-EU countries in this review also provide Parental leave. The exceptions are Brazil, China, Mexico, South Africa, Switzerland (the only European country included in this review not to provide Parental leave, though not an EU member state), and Uruguay. A special case is the United States, which has a generic and unpaid ‘family and medical leave’ that is not applicable to private employers with less than 50 employees. Six countries (Australia, Iceland, New Zealand, Norway, Portugal and Sweden) have Parental leave that subsumes either Maternity leave or Maternity and Paternity leave, although periods of Parental leave may be for mothers or for fathers only.

Parental leave varies on four main dimensions: length; whether it is an individual or family entitlement; payment; flexibility.

Broadly, countries divide into those where the **total length of Parental leave** available is less than 15 months; and those where continuous leave is available for up to three years or more. The former include Belgium, Bulgaria, Canada, Croatia, Denmark, Finland, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia and the UK; the latter ‘long leave’ countries includes the Czech Republic, Estonia, France, Germany, Hungary, Lithuania, Russia, Slovakia and Spain. Sweden falls in between: paid leave is expressed in days (to emphasise that it can be taken very flexibly), roughly equivalent to 16 months if taken continuously, while each parent is also entitled to take unpaid leave until a child is 18 months, this is similar in Latvia. So, too, do Australia, Austria, Korea and Romania with leave lasting potentially until a child’s second birthday. Greece is also exceptional, with eight months in the private sector and 60 months per parent in the public sector. Note, too, that some countries supplement Parental leave with Childcare leave, so extending the period available (see below).

Parental leave is a **family entitlement** in 10 countries, to be divided between parents as they choose (Austria, Bulgaria, Canada, Estonia, Finland, Hungary, Lithuania, Poland, Russia and Slovakia); an **individual entitlement** in 19 countries (Australia, Belgium, Croatia, Czech Republic, Denmark, France, Germany, Greece, Ireland, Israel, Italy, Japan, Korea, Luxembourg, Netherlands, Portugal, Slovenia, Spain and the United Kingdom); a **mixed entitlement** (part family, part individual) in six countries (Iceland, Latvia, New Zealand, Norway, Romania and Sweden); while in Malta it is a family entitlement for workers in the public sector and an individual entitlement for private sector workers. In most cases, individual entitlements are non-transferable, so if not used by a parent, these are foregone (following the ‘use it or lose it’ principle); but in the case of Croatia, Czech Republic, New Zealand, Slovenia and Sweden, some amount of unused entitlements can be transferred to a

partner. In this column of the table, only entitlement to leave is taken into consideration, and not entitlement to any payments. For example, in Latvia, there is an independent entitlement to leave for both parents, but not to the accompanying payment, which is a family entitlement.

A majority of countries (29) provide some element of **payment**; only Greece, Ireland, Israel, Malta, Netherlands, Spain and the UK make no payment. Payment policy varies considerably and can include **a ceiling on benefit payments**.

Flexibility takes a number of forms, including:

1. the possibility to take leave on a full-time or part-time basis (i.e. so parents can combine part-time employment with part-time leave);
2. the possibility of taking leave in one continuous block or several shorter blocks;
3. the option to take longer periods of leave with lower benefits or shorter periods with higher benefits;
4. the possibility to transfer leave entitlements to carers who are not parents.
5. the possibility to use all or part of leave when parents choose until their child reaches a certain age;
6. additional leave in the case of multiple births or, in a few cases, other circumstances;
7. the possibility for both parents to take all or some leave at the same time.

Various measures have been introduced to **encourage fathers to use** Parental leave. Mostly these are wholly or partly individualised entitlements, so that fathers not using their 'quota' lose it, as unused leave cannot be transferred to a partner; however, experience has shown that such 'fathers' quotas' need to be well paid if to be widely used. Another approach is to offer some form of bonus (e.g. additional leave) if both parents take some Parental leave. Ten countries offer such a bonus. For example, Sweden has a 'gender equality bonus' that provides an economic incentive for families to divide Parental leave more equally; Germany extends paid leave by two months if fathers take at least two months of leave; Japan has a rather similar system, in which an extra two months of leave may be taken if both parents use some of their leave entitlement; and Portugal offers a bonus to families where the father shares part of the Initial Parental leave, formerly Maternity leave (it is also unique in making it obligatory for fathers to take three weeks of leave). Other countries with incentives for fathers to take leave are Austria, Croatia, France, Italy, Korea, Norway and Romania.

Childcare leave can usually be taken immediately after Parental leave, creating a continuous longer period of leave, even if the conditions (such as benefit paid) may not be the same. It is, however, much less common than Parental leave, being available in ten countries (Belgium; Croatia; Finland; Greece; Hungary; Iceland, New Zealand; Norway, Poland and Portugal), plus in the public sector in Malta. In most cases childcare leave is unpaid or low paid; Finland is exceptional in that its 'home care' leave is both available to all parents and paid, albeit with a relatively low flat-rate allowance (so blurring the distinction with Parental leave). Childcare leave is captured in the table 'Total Statutory Leave'.

In addition to these countries, two other countries offer either a very limited period of leave for all families or an extended leave for certain types of family. Estonia offers two weeks of unpaid leave per year per parent until a child is 14 years; while in Hungary, parents with three or more children can take leave until their youngest child is eight years old, with a flat-rate benefit.

In addition to Parental and Childcare leave, a third type of leave is an entitlement to a break from employment for any reason, including (but not confined to) childcare: a '**career break**'. A statutory entitlement of this kind is found in only one country, Belgium, with one year's full-time leave (or 24 months half-time leave or 60 months one-fifth-time leave) that can be extended up to five years by collective agreement negotiated at sectoral or company level; this is in addition to Parental leave. This career break entitlement includes a flat-rate payment under certain conditions (care of a young child, providing palliative care, attending a training course).

Country	Summary of leave	Total amount of post-natal parental leave available to family <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not incl. payment)	Incentive for father to take	Flexibility
		Total	Paid	Well paid			
Australia ¹	●●	24.0	4.7	✗	Individual; transferable	✗	7b
Austria ²	●●●	▶▶24.0	(▶▶14.0 incl. 2 bonus to 35 incl. 7 bonus)	(▶▶14.0 incl. 2 bonus)	Family	Partnership bonus if parents share equally (60:40)	1; 2; 3; 5; 7b
Belgium	●● +	8.0	8.0	✗	Individual; non-transferable	✗	1; 2; 5; 6; 7a
Brazil	✗						
Bulgaria	●●	12	12	✗	Family	✗	4
Canada ³	●●	8.1 to 14.5	8.0 to 14.0	✗	Family	✗	3; 7a
Québec	●●●●	7.4	7.4	5.8*	Family	✗	3; 5; 7a
China	✗						
Croatia ⁴	●● +	8.0	8.0 to 16.0	✗	Individual; partly	Additional 2	1; 2; 5; 6; 7a

¹ Australia: An individual can take a second 12 months of Parental leave subject to employer agreement, but the maximum period of leave is 24 months per family. The leave period of 12 months is an individual entitlement; but the payment is a family entitlement. Fathers entitled to additional two weeks flat-rate payment if they take leave.

² Austria: Since 2017, there is either the income-dependent parental benefit (80 per cent of earnings for 12 to 14 months) or a flexible payment scheme ('Childcare benefit account'), where parents can distribute an overall sum of about €15,449 (if both parents participate, the other parent has to take at least 20 per cent of the overall duration) or €12,366 (if only one parent participates) over a specific time span.

³ Canada: A supplement is payable to low-income families taking Parental leave, increasing payment to 80 per cent. There are significant regional variances in leave between jurisdictions. Since 2017, a longer-term (61 weeks), lower-benefit (33 per cent) Parental leave option is available.

					transferable	months if both parents use	
Czech Republic ⁵	●●●	▶▶36.0	[6 to 48.0]	[24.0*]	Individual; transferable	✗	3; 7a
Denmark ⁶	●●●	11.1	7.4 to 14.7	7.4*	Individual; non-transferable	✗	1; 3; 5; 7a
Estonia	●●●	▶▶36.0	[▶▶36.0]	[14.5*]	Family	✗	2; 4
Finland ⁷	●●● +	6.1	6.1	6.1	Family	✗	1; 2; 6
France ⁸	●●	▶▶36.0	[▶▶36.0]	✗	Individual; non-transferable	Longer period of financial payments if both parents take some leave	1; 6; 7a
Germany	●●●	72	28 (inc.4 bonus)	14.0 (inc.2 bonus*) ⁹	Individual; non-transferable	Bonus leave if parents share	1; 2; 5; 7a
Greece ¹⁰							
Private sec	● +	8.0	✗	✗	Individual; non-transferable	✗	2; 5; 6
Public sec	● +	120 (5 years per parent)	✗	✗	Individual; non-transferable	✗	5
Hungary ¹¹	●●● +	▶▶36.0	▶▶36.0	24.0*	Family	✗	1, 4, 6

⁴ Croatia: In the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to leave until the child(ren) is 36 months old at 100 per cent of earnings; the ceiling for the period from 12 to 36 months is lower than for the first six months of Parental leave.

⁵ Czech Republic: Each parent can take leave until their child is 36 months but only one parent can receive Parental benefit, which is paid to all families whether or not leave is taken and until their child is 48 months. Benefit can be paid for the full period at a lower rate or for a shorter period at 70 per cent of earnings, though with a low ceiling.

⁶ Denmark: Parents can opt for shorter, higher paid Parental leave or longer, lower paid leave; each parent is entitled to 32-46 weeks of Parental leave, but the total period cannot exceed 32-46 weeks per family.

⁷ Finland: Paid at 70-75 per cent of earnings, but proportion is reduced beyond a specified level.

⁸ France: If one child in family, payment made until child is 12 months old, if *both* parents share leave period; if two or more children, payment made until youngest child is 36 months old, if both parents share leave period.

⁹ Germany: Earnings-related payment varies between 65 and 67 per cent.

¹⁰ Greece: In addition to Parental leave shown here, parents can consolidate right to work reduced hours into fully-paid full-time leave of three¾ months (private sector) or nine months (public sector); also three months of leave is paid in the public sector in the case of a third or higher order child.

Iceland	●●● +	9.0	9.0	9.0*	Family & individual; non-transferable	×	1; 2; 5; 6; 7a
Ireland	●	8.4	×	×	Individual; non-transferable	×	2; 5; 6, 7a
Israel	●	▶▶12.0	×	×	Individual; non-transferable	×	2
Italy	●●	11 (incl.1 bonus)	11 (incl.1 bonus)	×	Individual; non-transferable	Bonus leave if parents share	1; 2; 5; 6; 7a
Japan ¹²	●●●	▶▶14 (incl. 2 bonus)	▶▶14 (incl. 2 bonus)	12.0*	Individual; non-transferable	Leave can be taken over a longer period if parents share	2 (fathers); 7a
Korea	●●	24.0	24.0*	6.0* (but see 'incentive for father to take')	Individual; non-transferable	3 months at 100% earnings if second parent takes leave	1; 2; 5; 7a
Latvia	●●	36.0	18.0 ¹³	×	Individual; non-transferable	×	3; 5; 7a
Lithuania ¹⁴	●●	▶▶36.0	▶▶24.0	▶▶12.0*	Family	×	4; 6
Luxembourg ¹⁵	●●●	12.0	12.0	8.0	Individual; non-transferable	×	1; 3; 7a

¹¹ Hungary: Post-natal leave includes two types of Parental leave, one with a flat-rate payment (up to three years), the other with a higher earnings-related payment (up to two years, followed by flat-rate payment for third year). In families with three or more children, a parent can take low paid leave until the youngest child is eight years; this is not included in 'length of post-natal leave' column. Parents can work after the child is six months of age and still receive benefit payments.

¹² Japan: A parent who is, or whose spouse is, already on leave can take Parental leave up to 18 months of age where (1) the child needs care for a period of two weeks or more due to injury, sickness, etc.; or (2) admission to a childcare centre has been requested but denied for the time being. A parent can take Parental leave up to 24 months of age if s/he meets the above condition at the time when the child turns 18 months of age. This extension of leave is a family entitlement, i.e. only one parent can take it, and paid at 50 per cent of earnings.

¹³ Latvia: Only one parent can receive payment. If a parent chooses to receive the benefit up to a child's first birthday, payment is at 60 per cent of salary. If a parent chooses to receive the benefit until the child is 18 months, they receive 43.75 per cent of salary for this period.

¹⁴ Lithuania: 12 months of leave at full earnings up to a ceiling; or 24 months at a lower earnings-related level (70 per cent for first year, 40 per cent for second year).

¹⁵ Luxembourg: Based on full-time employed parents taking option of full-time leave (there are other options available). Paid at a relatively generous flat rate (not as wage replacement).

Malta							
Private sec	●		8.0	×	×	Individual; non-transferable	×
Public sec	●	+	12.0	×	×	Family	×
							2; 5 2; 5
Mexico	×						
Netherlands ¹⁶	●		12.0	×	×	Individual; non-transferable	×
							(2); 5; 6; 7a
New Zealand ¹⁷	●●●	+	4.2	4.2	4.2*	Family	×
Norway	●●●	+	13.0	13.0 ¹⁸	13.0*	Family & individual; non-transferable	'father's quota': 10 weeks, non-transferable
							1; 2; 3; 4; 5; 6; 7b
Poland	●●●	+	7.4	7.4	7.4 ¹⁹	Family	×
							1; 2; 3; 4; 7a
Portugal ²⁰	●●●	+	13.0	13.0	7.0	Family & individual; non-transferable	Bonus month; obligatory days
							1; 3; 5; 7b
Romania	●●●		12.0 to 24.0	12.0 to 24.0	12.0 to 24.0 ²¹	Family & individual; non-transferable	1 month must be transferred to the other parent
							5; 6; 7b.
Russian Fed.	●●		▶▶36.0	▶▶18.0*	×	Family	×
							1; 3; 4; 6
Slovak Rep.	●●		▶▶36.0	[▶▶36.0]	×	Family	×
							3; 6
Slovenia	●●●		8.6	8.6	8.6*	Individual; transferable	×
							1; 2; 4; 5; 6; 7b.

¹⁶ Netherlands: parents are entitled to 26 times their weekly working hours; figure of 12 months based on both parents in a full-time job of 38 hours a week, which gives a leave period of 988 hours (=26 weeks or six months).

¹⁷ New Zealand: 22 weeks of paid leave in total are an individual entitlement for either parent, who may transfer all or part of the leave payment to their partner.

¹⁸ Norway: As of 1 January 2017, non-employed women receive a flat-rate payment of NOK61,120[€6,427] per child per month.

¹⁹ Poland: The level of payment during Parental leave can be 80 per cent or 60 per cent of earnings, depending on choices made by the mother during Maternity leave; if a mother opts for 100 per cent payment during Maternity leave, Parental leave payment is 60 per cent; but if she opts for 80 per cent payment during Maternity leave, then Parental leave payment is also 80 per cent. Access to Parental leave also depends on the full six months of Maternity leave being taken.

²⁰ Portugal: The leave in this table corresponds to what is referred to Initial, Father's only, and Additional Parental leave in the country note.

²¹ Romania: Parents (usually mothers) can choose either a period of 12 up to 24 months of Parental leave (assuming no penalty month and thus that the other parent takes at least one month of leave in the first 12 months), both paid at 85 per cent of earnings; for a child with a disability this extends to 36 months. Both mothers and fathers can benefit from a labour market insertion incentive, which aims to reduce leave length.

South Africa ²²	×					
Spain ²³	●	▶▶36	×	×	Individual; non-transferable	×
Sweden ²⁴	●●●	▶▶18	15.9	12.9*	Family & individual; partly transferable	
Switzerland	×					
U. Kingdom ²⁵	● ²⁶	4.2	×	×	Individual; non-transferable	×
USA ²⁷	●	2.8	×	×	Individual; non-transferable	×
Uruguay	×					

Key:

Summary of leave: ×: no statutory entitlement; +: period of additional ‘childcare’ or other leave available after end of Parental leave; this leave is not included in subsequent columns but is included in later table on ‘total statutory leave’; ●: 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

²² The South African Parliament passed a bill in 2017 for the introduction of at least 10 days of Parental leave for employees who are also parents, and for at least ten consecutive weeks of Parental leave for an employee who is a commissioning parent in a surrogate motherhood agreement.

²³ Spain: Each parent is entitled to take leave until a child’s third birthday.

²⁴ Sweden: Paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g. a parent can take five paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months. In December 2017 a major commission on Parental leave published proposals for changes in Parental leave legislation – please see country note for details.

²⁵ United Kingdom: This does not include the recently introduced ‘Shared Parental leave’, which is actually a form of transferable Maternity leave, whereby the mother can transfer most of her Maternity leave to a partner, if she so chooses. Only actual Parental leave is included, i.e. leave that is an individual and non-transferable right for each parent.

²⁶ United Kingdom: Leave entitlement is 18 weeks per parent, but only four weeks of leave can be taken per year, i.e. to take the full 18 weeks means taking four weeks leave per year for three years. The newly introduced ‘Shared parental Leave’ is not included here as it is actually Maternity leave that the mother can choose to transfer to the father; it is included as such in the comparative table on Maternity leave.

²⁷ USA: There is no separate Parental 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.

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>

Total amount of post-natal parental leave available to family: leave may be awarded as *either* (i) a period of time (e.g. 12 months) *or* (ii) until a child reaches a certain age (e.g. until a child's third birthday). In the 'total amount' column, ► indicates (ii), e.g. in Austria leave is until a child reaches 24 months; in these cases, where the entitlement is 'individual', then each parent may take leave until the child reaches this age. Where there is no ► indicated, then leave is (i) and the total amount of leave available to both parents is given. 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. ✕: not paid or not well paid. *: ceiling on earnings-related payment. Square brackets – [] indicates all parents with a young child get a payment whether on leave or not. Type of leave: there are two dimensions here. First, leave can be a 'family' or an 'individual' entitlement; and an 'individual' entitlement can be non-transferable (i.e. if the individual does not use her/his entitlement, it is lost) or 'transferable' (i.e. the individual can transfer part or all of his or her entitlement to someone else, usually the other parent). Incentive for father to take: 'Father's quota' indicates a basic individual entitlement that only fathers can use (i.e. non-transferable) and which is 'well paid' (see above for definition). 'Bonus months' indicates a period of paid leave additional to the basic paid entitlement, and which becomes available if the basic paid leave is shared by both parents (i.e. if each parent takes at least some of the basic paid leave); ✕: no incentive. Flexibility: 1 – leave can be taken full time or part time (i.e. option to work part-time or other reduced hours); 2 – leave can be taken in one block of time or several blocks; 3 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 4 – leave can be transferred to a non-parent; 5 – all or part of leave can be taken at any time until a child reaches a certain age; 6 – other, including additional leave in case of multiple births or serious illness/disability; 7a – both parents can take all leave at the same time; 7b – both parents can take some leave at same time. Brackets indicate option requires employer agreement. Bracketed numbers indicate an option that can be taken with the employer's agreement.

Statutory Other Measures: April 2018

With four exceptions, countries include some provision to take **leave in case of the illness of a child**. The EU Parental leave directive gives all workers an entitlement to ‘time off from work on grounds of *force majeure* for urgent family reasons in cases of sickness or accident making their immediate presence indispensable’, without specifying minimum requirements for length of time or payment. In some cases, leave is allocated in number of days in total in a given year, in others, it is allocated in terms of number of days per illness. Leave is often paid and often at a high level of income replacement. In some cases, the length of leave decreases as children get older: for example, from being unlimited for a child under 12 months to 14 days a year for children from six to 12 years old in Hungary; or being unlimited for a child under three years in Italy, but five days a year per parent for a child aged three to eight years.

Of the non-EU countries, Australia, Korea, Norway and the Russian Federation have an entitlement to paid leave of ten days or more per year specifically to care for a sick child. In the other countries, there is either no leave available (China, Iceland, Mexico, Uruguay); or leave is confined to seriously ill children and employees in smaller organisations are excluded (United States); or is confined to public sector employees (Brazil) or is for less than ten days and/or unpaid (Canada, Israel, New Zealand, South Africa and Switzerland). In Japan, leave for ordinary illness is five days for a child under compulsory school age (or ten if there are two children of this age); but is considerably longer in the case of a child needing constant care for more than two weeks. Along with length, payment varies considerably.

26 of the countries in this review for whom information is available offer **additional leave entitlements for other family members**, plus Brazil and Malta but for public sector employees only. Conditions for taking leave vary, from countries where leave is available in the case of ordinary illness through to countries where it is confined to serious or terminal illness or the care of a very dependent relative. Length, payment and other dimensions of leave also vary considerably.

29 countries of the 43 countries included in this year’s review permit women to **reduce working hours specifically during their child’s early months**. In most cases this is to permit (breast-)feeding of the child; but in several cases it has become a general right that can be taken for any reason and/or by the father (e.g. Japan, Portugal, Slovenia, Spain). Women reducing their hours in this way are entitled to earnings compensation, except in Austria, Japan, Norway, Netherlands and Switzerland. In Spain, reduced daily hours can be consolidated into full-time leave, thus in practice extending Maternity leave between two to four weeks.

Finally, in Australia, Iceland, Ireland, Italy, Lithuania, Netherlands, New Zealand and the UK, parents have a legal **right to request flexible working hours** from their employers, who must consider their request and may only refuse it if there is a clear business case for doing so. In Bulgaria, mothers of children under six have the right to ask for working from home. Portugal is the only country with **an entitlement to flexible working**; parents with children below 12 years (no age limit in the case of a child who is chronically ill or disabled living in the same household) are entitled to ‘flexible working’, which means that the employee may choose, within certain limits, when to start and finish daily work. In Iceland, employers are required to make the necessary arrangements to enable men and women to balance family life and work, including the arrangement of work in a flexible manner.

In most countries, **adoptive parents** have similar leave entitlements to other parents.

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	Breast-feeding ¹	Other	
Austria	●●● 2 weeks per employee per year or ● 9 months for seriously ill child	●●● 1 week per worker per year or ● 6 months	●●● 90 minute break per day	● to 7 years (larger employers)	✗
Australia	●●● 10 days per worker per year	●●● 10 days per year for immediate family	✗	✗	Yes: until child is 18; also all with caring responsibilities
Belgium	● 10 days per worker per year	● 10 days per year or ●● 1 to 12 months for severely ill family member or ●● 2 months for palliative care	●●● 30 minute break per day if work up to 7.5 hours; 1 hour if work longer	✗	✗
Brazil	●●● up to 60 days per illness + 30 days unpaid (public sector only)	●●● up to 60 days per illness for spouse or family member + 30 days unpaid (public sector only)	●●●	✗	✗
Bulgaria	●●● up to 60 calendar days per year	●●● up to 60 calendar days per year for family members (incl. children)	●●● 2 hours per day for full-time work, 1 hour per day for part-time	● Right to <i>request</i> when returning to work after leave	Right to work from home for mothers of children under 6 ²
Canada	● 3 to 10 days in 3 provinces ³	●● 8 to 28 weeks if 'significant risk of death' for family member	✗	✗	✗
Québec	● 10 days per worker per	● 10 days per worker per	✗	✗	✗

¹ This includes reduction in hours specifically referring to breastfeeding, as well as the right to reduce hours in the months immediately after Maternity leave (up to 12 months after the birth) with no specific reason given.

² In practice, implementation problems are reported for this statutory right.

³ Canada: A federal benefit lasting up to 35 weeks is available for parents with a critically ill child under 18 years of age; so far, only a few provinces have legislated for a matching leave period.

	year	year			
China	×	×	●●● 1 hour per day, 2 hours for multiple births	×	×
Croatia	●●● 20 to 60 days per illness per family	●●● 20 days per illness of spouse + 7 days per year for serious illness of immediate family member	●●●	●● to 3 or 8 years for child needing extra care/developmental problem	×
Czech Republic	●● 9 days per illness	●● 9 days per serious illness for relative at home	×	×	×
Denmark ⁴	●●● 1 to 2 days per illness	×	×	×	×
Estonia	●●● 14 days per illness per family	×	●●●	● up to 16 days additional unpaid annual leave	×
Finland	●●(●) ⁵ 4 days per illness for a child up to 10 years	×	×	●● to end of second year at school	×
France	● 3 days per year or ●● up to 3 years for serious disability or illness, with up to 310 days paid	●● up to 3 years for care of terminally ill relative with up to 310 days paid	×	●● child with disability	×
Germany	●●● up to a maximum of 25 days per year per parent	● 10 days per illness + 6 months long-term care for 'care-dependent' relative	●●● 60 to 90 minutes break per day	●● dependent relative with earnings re-allocation	×
Greece Private sector	● 6 to 14 days per year per parent	● 6 to 14 days per year for dependent family members	×	●●● to 2½ years	×
Public sector	●●● 4-6 days per year	●●● 22 days for spouse	×	●●● to 4 years	×

⁴ Denmark: No statutory entitlement to childcare leave or career breaks, dependent on collective agreement or individual contract.

⁵ Finland: Length of leave is defined by law; level of payment is determined by collective agreements. An allowance of 70% of earnings is paid if parent cannot work because of hospital care of a child under seven, a severely ill child with ages between seven and 15 years-old, or the rehabilitation of a child under 16.

	per parent + 22 days for certain medical conditions	with certain medical conditions			
Hungary	●● unlimited to 14 days per family per year (according to age of child)	×	●●● two 1 hour breaks per day until child 6 months; one 1 hour break to 9 months	●● to 8 years if 3+ children	×
Iceland ⁶	×	×	×	×	Yes: employers required to support family/work balance
Ireland	●●● 3 days per year per parent	● or ●● up to 104 weeks for dependent	●●● adjust working hours	×	Yes: on return from Parental leave
Israel	●●● 8 days per parent per year from own sickness leave	●●● 6 days per year for spouse or parents from own sickness leave	●●● 1 hour per day until 4 months after ML; transferable to father	×	×
Italy	● unlimited to 3 years; 5 days per year for 3 to 8 year olds	●●● up to 2 years over working life for serious need in family	●●● 1 to 2 hours per day until child 12 months; transferable to father in some circumstances	×	Yes: until child is 6 years old or disabled child is 18
Japan	● 5 days per parent per year for child under CSA; 10 days if two or more children	●●● up to 93 days over the lifetime of a family member with a serious illness or disability needing constant care for 2 weeks or more	● 30 minutes twice a day until child 12 months	● to 3 years	×
Korea	● 90 days per parent per year, minimum 30 day	● 90 days per worker per year, minimum 30 days	●●● 30 minutes twice a day until child 12 months	×	×
Latvia	●●● 14 to 21 days per parent for a child under 14	×	●●● 30 minutes every three hours	●●● Up to 3 days additional annual	×

⁶ No statutory entitlement to leave to care for sick dependents, but widely available through collective agreements.

	years		per child up to 18 months.	leave ● to 14 years	
Lithuania	● 2 weeks per year per worker with a child under 14 years	×	●●● 30 minutes every three hours		Yes; all employees
Luxembourg	●●● Up to 18 days per child per year (varies by age) or up to 52 weeks if child disabled or seriously ill	×	●●● two 45 minute breaks per day or one 90 minute break	×	×
Malta Public sector	● up to 1 year per parent for care of disabled child	● up to 1 year per parent for care of spouse or parents	●●● One to three breaks per day up to 1 hour in total	●●● 20 to 35 hours per week until child is 16	Yes: teleworking for 12 months (renewable yearly)
Private sector	×	×	×	×	×
Mexico	×	×	●●● two 30 minute breaks per day until child six months old	×	×
Netherlands	●●● 2 times per year one week (usual working hours/week) or ● 1 per year 6 times working hours/ week taken part time	●●● 2 times per year one week (usual working hours/week) or ● 1 per year 6 times working hours/ week taken part time	●●● up to a quarter of working hours until child nine months old	×	Yes: flexible hours and working from home' all employees
New Zealand	●●● 5 days per year	●●● 5 days per year	×	●	Yes: any worker
Norway	●●● 10 to 15 days per parent per child per year	× (not mentioned in country note)	● ⁷	● to 10 years	×
Poland	●●● 14 days per year per worker. 60 days if child < 8 years	●●● 14 days per year per worker for family member	●●●	×	×
Portugal	●● 30 days per family per year if child < 12 years +	● 15 days per year for close relative + 15 days for	●●● 2 hours per day until child 12	● to 12 years	Yes: entitlement to work flexible hours

⁷ Norway: This leave is paid by the employer.

	15 days if child >12 years	severely disabled or chronically ill spouse	months; can be taken by either parent		until child 12 years
Romania	●●● 45 days per year for one child until the child is 7 years old (or 18 if disabled)	● 20 or 21 days for Rest leave + up to 5 paid free days for personal issues	●● 120 working days of Maternal risk leave	×	×
Russian Fed.	●●● 45 to 60 days per child per year	× (not mentioned in country note)	●●● once every 3 hours for 30 minutes	● extra unpaid leave for some parents	×
Slovak Rep.	●● 10 days per episode	●● 10 days per episode for a relative living at home	×	×	×
Slovenia	●●● 7 to 15 days per illness, longer in exceptional cases	●●● 15 days per illness for a spouse, longer in exceptional cases	●● 1 hour a day until child 18 months	●● to 3 years or longer if child with disability ⁸	×
South Africa	●●● 3 to 5 days a year	●●● 3 to 5 days a year	×	×	×
Spain	●●● 2 to 4 days per illness per parent; 3 days public sector or ●●● unlimited for seriously ill child in hospital or needing treatment at home	●●● 2 to 4 days per illness per worker or ●● 2 to 3 years (for public sector) to care for a seriously ill relative	●●● 1 hour per day for 9 or 12 months (public sector); can be transferred to father ⁹	● between an eighth and a half to 12 years, or longer if child with disability	×
Sweden	●●● 120 days per child up to 12 years old per year	× (not mentioned in country note)	×	● reduced by 25 per cent up to 8 years.	×
Switzerland	●●● 3 days per illness episode per family	× (though 'customary' time-off for personal reasons should be granted)	●●● hours allowed depend on work.	×	×
U. Kingdom	● 'reasonable time'	● 'reasonable time'	×	●● paid time-off for both parents for ante-natal care	Yes: all employees
USA	● 12 weeks for a seriously	● 12 weeks for a seriously	● Reasonable	×	×

⁸ Slovenia: Social security contributions based on the minimum wage are paid for the hours not worked.

⁹ Spain: Reduced hours until child is nine to 12 months may be consolidated as two to four weeks of full-time leave.

	ill child (medium or large employers only)	ill spouse or parent (medium or large employers only)	break time in private place (larger employers only)		
Uruguay ¹⁰ Private Public	× ×	× ×	× ×	●●● to 6 months ●●● a minimum of 4 hours per day when baby is between 6 and 12 months	× ×

Key:

×: no statutory entitlement. ●: statutory entitlement but unpaid, including EU member states covered by *force majeure* measure in Parental leave directive; ●●: statutory entitlement, paid but *either* at low flat-rate (less than €1,000/month) *or* earnings-related at less than 66 per cent of earnings *or* not universal; ●●●: statutory entitlement, paid for all or part of duration to all parents at an earnings-related level or 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>; (+): indicates some leave available to care for adult relatives. **Right to request flexible work:** employer is not required to grant the request.

¹⁰ Uruguay: Mothers in the public sector may work part-time if they are breastfeeding. This lasts according to the baby's needs, usually until 12 months.

Total statutory leave (including additional childcare leaves): April 2018

The table summarises (i) the total amount of **post-natal** statutory leave (Maternity, Paternity, Parental, Childcare) available in each country per family, as well as (ii) the total amount paid in any way, and (iii) the number that is 'well paid', i.e. paid for all or part of duration to all parents at high flat rate (€1,000/month or more) or 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>. Periods of leave are expressed in months.

It is important to note that the total leave available per family does not always equate to the period of time after the birth of a child that parents in a family can take leave. For example, Paternity leave is usually taken by fathers at the same time that mothers are on Maternity leave, i.e. concurrently and not consecutively. While in some cases, both parents are entitled to a period of Parental leave but may only take that leave until their child reaches a certain age, e.g. in the Czech Republic and Spain both mothers and fathers can take leave until their child is 36 months old – so that the total leave available to the family is 72 months (36+36 months), but that leave can only be taken until a child's third birthday, i.e. if both parents took their full entitlement, they would both have to be on leave at the same time.

The **total amount of leave** offered in the countries (counting Canada and Québec, and the public and private sectors in Brazil and Greece separately) ranges from none to 129 months, while total paid leave ranges from none to over 36 months. Applying the 66 per cent of earnings 'well-paid' standard the median length of leave seen across countries reduces, with four countries offering nothing and only 13 countries, plus the Greek public sector, offering 12 months or more (with, in most cases, a ceiling on the maximum amount payable).

On the basis of this indicator, countries can be divided into three groups:

- a. **Countries providing nine months or over of well paid post-natal leave (at two-thirds or more replacement rate):** Austria, Bulgaria, Québec in Canada, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Japan, Lithuania, Norway, Poland, Romania, Slovenia and Sweden. In most cases, the earnings-related leave includes a period of Parental leave. In most cases, too, the earnings-related payment is subject to a ceiling, above which no payment is made.
- b. **Countries providing four to seven months of well paid post-natal leave, often confined to Maternity and a shorter Paternity leave:** includes a number of continental Western European countries, New Zealand (called Primary Carer leave) and Brazil.
- c. **Countries providing less than four months of well paid post-natal leave, often confined to Maternity leave:** includes five of the mainly English-speaking countries (Australia, Canada, Ireland, United Kingdom, United States), plus Belgium, China, France, Israel, Italy, Korea, Latvia, Malta, Mexico, Netherlands, the Russian Federation, South Africa and Switzerland. It should be noted that Québec, which now has responsibility for its own leave policy, is on a par with the top group of countries; the rest of Canada offers up to 50 weeks of

earnings-related leave, but at 55 per cent of earnings it falls just below the EC indicator criterion; it also has a rather low ceiling. The United States is the only country to provide no period of paid statutory leave of any kind; while Ireland is the only country with statutory leave that does not include any period of high income-related payment.

Previous analysis has indicated a relationship between fathers' use of leave entitlements and the availability of **well-paid 'father-only' leave**: the more such leave there is, the more leave fathers take. The Table, therefore, includes (i) the total period of 'fathers-only' leave provided by each country, and (ii) the period of 'fathers-only' leave paid at 66 per cent or more of earnings (although the qualification about ceilings on payments needs again to be borne in mind). Seven countries (Austria, Canada excluding Québec, Russia, Slovakia, South Africa, Switzerland and the USA) have no 'father-only' leave. Of the countries that do provide such leave, the range of the potential duration of leave is wide; from less than a week to three years. For the most important indicator - length of leave paid at two-thirds of earnings – only six countries offering more than two months (the Nordic states, plus Japan and Luxembourg).

Emphasis is placed here on payment for leave-takers, justified by the clear relationship between take-up and payment. How are these **payments funded**? Generally statutory leave payments come from some form of contributory insurance fund, financed by contributions from employers and, often, employees, and sometimes with contributions from general taxation; the costs are pooled or collectivised, rather than individual employers paying their own workers. In some cases employers may make 'top up' payments, adding to the statutory benefits received by their employees, as a result either of collective agreements or individual company policies. The main exception to this picture is when parents on leave receive a general 'childrearing' benefit that is paid to all parents with young children, not just confined to those taking leave; in such cases, payments usually come from general taxation. An exception is France, where such payments are funded by the family allowance fund, financed by contributions from employers and employees.

Note on Table: the '**total amount**' column sums the maximum leave available to mothers and fathers in a two parent family from Maternity, Paternity, Parental and Childcare/Time Credit, **including** any Parental leave bonus, leaves but **excluding** leave to care for sick children. As parents may take some of this leave concurrently (e.g. Paternity leave at the same time as Maternity leave), it does not indicate the child's age when all leave ends.

Country	Total amount of post-natal leave available to two-parent family (months)			Period of 'father-only' leave (months)	
	Total	Paid	Well paid	Total	Well paid
Australia ¹	24.0	4.7	×	×	×
Austria ²	24.0	35.0 (incl. 7.0 bonus)	14.0 (incl. bonus 2 for Parental leave)*	×	×
Belgium ³	11.3 plus Career break	11.3 plus Career break	3.3*	4.5	0.5*
Brazil ⁴	4.2 to 6.5	4.2 to 6.5	4.2 to 6.5	0.2 to 0.5	0.2 to 0.5
Bulgaria	36.0	24.0	12.0	0.5	0.5
Canada Québec ⁵	12.0 to 18.5 12.8	18.0 12.8	×	×	×
China	2.7	2.7	2.7	0.2 to 1.0	0.2 to 1.0
Croatia ⁶	36.0	14.0	6.0	4.0	×
Czech Rep ⁷	72.0	48.0	24.0*	36.0	0.2
Denmark ⁸	14.4	14.4	11.2*	7.9	7.9*
Estonia	36.5	36.5	18.5*	0.5	0.5*

¹ Australia: The father is entitled to 12 months unpaid leave, but this may be fully transferred to the mother, albeit with employer approval required if this extends her leave beyond 12 months.

² Austria: Flat-rate payment options are flexible over a certain time-span. There is also an income-dependent option available to some parents, with payment at 80 per cent of earnings for 12 to 14 months; in this case, the total length of well-paid leave would increase to 15.8 months. Payment periods are extended if both parents use some of the benefit period. Note that longest payment option exceeds longest leave option.

³ Belgium: In addition to Parental leave, men and women are entitled to at least one year of time credit/career break (per working life) paid at a low flat rate.

⁴ Brazil: Longer for some public and private sector employers; less for remainder.

⁵ Québec: Parents can opt for shorter, higher paid leave or longer, lower paid leave.

⁶ Croatia: In the case of first- and second-order birth, parents have the right solely to unpaid leave after the child turns 12 months of age (14 if both parents use the leave). Contributions for pensions and healthcare are also not paid during that period. In the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to improved leave, 36 months at 100 per cent of earnings, with no ceiling for six months of Maternity leave but with a ceiling for the subsequent period of leave, the ceiling reducing after six months.

⁷ Czech Republic: Parents can choose to receive Parental benefit at 70 per cent of earnings until their child is 24 months, though with a low ceiling; or at a lower rate for a longer period. Note that longest payment option exceeds longest leave option.

⁸ Denmark: Parents can opt for shorter and higher paid Parental leave or longer and lower paid leave; each parent is entitled to 32-46 weeks of Parental leave, but the total period cannot exceed 32-46 weeks per family.

Finland ⁹	36.7	36.7	11.1*	2.1	2.1*
France ¹⁰	72.5	9.8 to 36.5	3.8*	36.5	0.5*
Germany	72.0	28 (incl. 4 bonus)	14 (incl. 2 bonus)*	36.0	×
Greece ¹¹					
Private sec	19.9	11.9	5.9	4.1	0.1 (2 days)
Public sec	129.1	12.1	12.1	60.1	0.1 (2 days)
Hungary ¹²	36.2	36.2	24.2*	0.2 (1 week)	0.2 (1 week)
Iceland ¹³	17.0	9.0	9.0*	7.0	3.0
Ireland	18.1	6.0	×	4.7	×
Israel	12.0	3.3	3.3	12.0	×
Italy	14.8 (incl. bonus 1)	14.8 (incl. bonus 1)	3.8	7.1 (incl. bonus 1)	0.1 (4 days)
Japan ¹⁴	25.9	25.9	13.9*	12.0	6.0
Korea	27.1	27.1	6.0*	12.1	3.1*
Latvia	20.2	20.2	2.2	0.3 (10 days)	0.3
Lithuania	36.9	24.9	12.9*	0.9	0.9
Luxembourg ¹⁵	14.7	14.7	10.7	6.0	4.0
Malta					
Private sec	12.2	4.2	3.3	0.1 (1 day)	0.1 (1 day)
Public sec	76.4	4.3	3.5	4.2	0.2 (5 days)
Mexico	2.5	2.5	2.5	0.2 (5 days)	0.2 (5 days)

⁹ Finland: Total post-natal leave includes period of low paid Childcare ('Home care') leave. Maternity, Paternity and Parental leave paid at 70-75 per cent of earnings, but proportion is lower for higher earnings.

¹⁰ France: Payment is made for six months to parents with one child or 12 months if both parents take a period of leave; or for 24 months to parents with two or more children or 36 months if both parents take a period of leave.

¹¹ Greece: Total post-natal leave includes possibility of taking reduced hours working entitlement as a period of additional full-time leave. Total includes one period of Maternity leave; two periods (for mother and father) of Parental leave; and one period of flexible working entitlement taken as full-time leave.

¹² Hungary: A parent with three or more children may take leave paid at a low flat rate until the eight birthday of the youngest child.

¹³ Iceland: Includes period of unpaid Childcare Leave after Parental leave.

¹⁴ Japan: Each parent can take leave until a child is 12 months old, but this can be extended by two months if the leave is shared. The 26 months given here include the extra two months if leave has been shared. See also description for Parental leave above.

¹⁵ Luxembourg: based on full-time employed parents, taking the option of full-time leave.

Netherlands	14.8	14.8	2.8	0.2 (5 days)	(2 days)
New Zealand	12.3	4.2	4.2*	0.2 or 0.5 (1 or 2 weeks)	✘
Norway ¹⁶	37.5	13.5	13.5*	2.8	2.3
Poland	48.5	36.5 ¹⁷	12.5	1.5	0.5
Portugal ¹⁸	37.0	13.0	7.0	4.0	0.8 (25 days)
Romania	24.0	24.0	24.0	1.5	1.5
Russian Fed.	36.0	18.0	2.3*	✘	✘
Slovakia	36.0	36.0	6.5*	✘	✘
Slovenia	12.7	11.9	0.8	1.7	0.8
South Africa	4.0	✘	✘	✘	✘
Spain ¹⁹	36.0	4.7 to 5.1	4.7 to 5.1*	36.0	0.9*
Sweden ²⁰	34.5	16	13.*	3.3	3.3
Switzerland	3.7	3.3	3.3*	✘	✘
U. Kingdom	20.9	9.5	1.4	4.6	✘
USA	✘	✘	✘	✘	✘
Uruguay					
Public sec	3.1	3.1	3.1	0.3 (10 days)	0.3 (10 days)
Private sec	3.5	3.5	3.5	0.2 to 0.3 (7 to 10 days)	0.2 to 0.3 (7 to 10 days)

Key

Total amount of post-natal leave available to two-parent family. 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

¹⁶ Norway: Parents can opt for shorter and higher paid leave or longer and lower paid leave.

¹⁷ Poland: 48.5 months paid if two or more children. Total leave calculations include father bonus month for Childcare leave.

¹⁸ Portugal: Mothers can opt for shorter and higher paid Initial Parental leave or longer and lower paid leave. Fathers are entitled to four weeks 'Father's-only Parental leave', out of which two weeks must be taken immediately after birth; to receive payment, parents must take 'Additional Parental leave' immediately after 'Initial Parental leave'. This means that the 'Father's-only Parental leave' will be taken at the same time as 'Initial Parental leave'.

¹⁹ Spain: Includes period of reduced working hours after Maternity leave, which can be consolidated to add two to four weeks of full-time leave.

²⁰ Sweden: Paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g. a parent can take five paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months.

information. **Well-paid**: earnings-related payment at 66 per cent of earnings or above; **✗**: not paid or not well-paid; *****: ceiling on earnings-related payment.

Relationship between Leave and ECEC entitlements: April 2018

Most discussions of policy frameworks to support employed parents with young children highlight two key policies: Parental leave and early childhood education and care (ECEC). The table below looks at the relationship between these two policy areas, and in particular at whether they are coordinated in the sense that an entitlement to leave leads immediately into, or coincides with, an entitlement to ECEC.

Great variations exist between countries in both leave policies and ECEC. The table shows two dimensions of variation for ECEC: attendance rates at formal services and entitlement to ECEC. **Attendance rates for children under three years** vary from less than ten per cent (Czech Republic, Slovakia), to over 50 per cent in Belgium, Denmark, France, Iceland, Luxembourg, Malta, Netherlands and Norway, with a median rate among the 35 countries for which there is information of just under a third (32 per cent). **Attendance rates for children over three years** are uniformly much higher, but vary from under 60 per cent (Croatia, Greece, Switzerland) to over 90 per cent (Belgium, Denmark, France, Germany, Iceland, Israel, Italy, Malta, Netherlands, New Zealand, Norway, Spain, Sweden and the UK), with a median rate among the 37 countries for which there is information of 88 per cent. What these figures do not reveal is the opening hours of services and how far they are suited to the needs of working parents; in many cases they will not be.

27 countries have an *entitlement to an ECEC service*, but in most cases – 19 countries – this is only from three years of age or later. Entitlement for under three-year-olds is often limited to a part-time place. In five countries (Austria, Bulgaria, Croatia, Hungary, Mexico), the entitlement includes a period of compulsory attendance at an ECEC service, usually for children aged five years and over. Only seven countries have a clear entitlement before three years: at two and half years in Belgium, and at 12 months or younger or at the end of Parental leave in six countries: Denmark, Finland, Malta, Norway, Slovenia and Sweden, with full-time places available in all cases except Finland, where this entitlement is not necessarily full-time. In another four countries – Estonia, Germany, Hungary and Russia – there is a legal entitlement for the earlier age group, but it is reported that shortage of places to varying degrees means the entitlement is not fully operational until around three years. It is only in the countries with operational entitlement for the younger age group that policies are designed to ensure no gap between the end of well-paid leave and the start of an ECEC entitlement. Elsewhere, the gap is from 12 to 53 months, which if combined with countries that have no ECEC entitlement, emphasises the extensive lack of coordination between these two policy areas.

	Attendance rates at formal ECEC services		Child's age (months) at:			Gap between (months)	
	0-2 yrs.(2014)	3-5 yrs.(2014)	end of leave (a)	end of well-paid leave(b)	start of ECEC entitlement(c)	(c)-(a)	(c)-(b)
Australia	32%	67%	24	×	×	No ECEC entitlement	
Austria	19%	83%	24	14	● 5 years PT; OB	36	46
Belgium	55%	98%	11.3	3.3	●● 2½ years	18.7	26.7
Brazil	NI	NI	4.2 to 6.5	4.2 to 6.5	×	No ECEC entitlement	
Bulgaria	11%	82%	36	12	● 5 years; OB	24	48
Canada	NI	NI	12	None	×	No ECEC entitlement	

Québec	NI	NI	12.8	12.8	×		
China	NI	NI	2.8 ¹	2.8	● 3 years	33.2	33.2
Croatia	17%	57%	36	6	×	No ECEC entitlement	
Czech Republic	6%	81%	36	24	● 5 years	24	36
Denmark	65%	96%	14.4	11.2	●● 6 months	No gap	No gap
Estonia	23%	90%	36.5	18.5	● 18 months[*3 years]	No gap	18
Finland	28%	74%	38.1	11.1	●● end Par. leave	No gap	No gap
France	52%	100%	36	3.8	● 3 years	No gap	32.2
Germany	32%	97%	36	14	● 1 year [* ²]	No gap	No gap
Greece	14%	47%	14 to 132	6 to 12	● 5 years PT	46 to no gap 48 to 54	
Hungary	15%	90%	36	24	● birth[*3 years]; OB from 3 years	No gap	12
Iceland	60%	96%	17	9	×	No ECEC entitlement	
Ireland	35%	79%	18.1	×	● 3¼ years PT	21	×
Israel	NI	98%	12	3.3	×	No ECEC entitlement	
Italy	24%	95%	14.8	3.8	×	No ECEC entitlement	
Japan	31%	91%	14	14	×	No ECEC entitlement	
Korea	36%	92%	27	9	×	No ECEC entitlement	
Latvia	24%	91%	18	2.2	●● 18 months	No gap	15.8
Lithuania	29%	83%	36	12	×	No ECEC entitlement	
Luxembourg ³	55%	88%	14.7	10.7	● 3 years PT	21.3	25.3
Malta	55%	99%	12 to 76	3.3	●● 3 months ⁴	No gap	No gap
Mexico	NI	81%	2.3	2.3	● 3 years; OB	33.7	33.7
Netherlands	56%	92%	14.8	2.8	● 4 years PT	33.2	45.2
New Zealand	42%	92%	12	4.2	● 3 years PT	24	31.8
Norway	55%	97%	37.5	13.5	●● 12 months	No gap	No gap

¹ China: 2.8 months is the national minimum entitlement; many provinces offer longer periods of leave, most frequently up to 4.7 months.

² Germany: There is an entitlement to ECEC from 12 months of age, but the entitlement does not specify hours per day or per week; many services in Western Germany still offer only part-time hours, though full-time opening has remained the norm in Eastern Germany.

³ Luxembourg: based on full-time employed parents taking option of full-time leave. Non-formal education is available and is partially state subsidised from the end of the leave period until the beginning of ECEC entitlement.

⁴ Malta: entitlement for children with parents in full-time employment or education.

Poland	11%	74%	48	12.5	● 3 years	No gap	23.5
Portugal	48%	88%	37	7	● 5 years	23	53
Romania	12%	84%	24	24	×	No ECEC entitlement	
Russian Fed.	18%	82%	36	2.3	● 2 months [* ⁵]	No gap	No gap
Slovak Rep.	6%	73%	36	×	×	No ECEC entitlement ⁶	
Slovenia	40%	87%	12.7	12.7	●● end Par. leave	No gap	No gap
South Africa	NI	NI	4	×	×	No ECEC entitlement	
Spain	38%	97%	36	5	● 3 years	No gap	31
Sweden	47%	94%	34.5	13	●● 12 months	No gap	No gap
Switzerland	38%	48%	3.3	3.3	×	No ECEC entitlement	
U. Kingdom	34%	94%	13.9	1.4	● 3 years PT	22.1	34.6
USA	28%	67%	×	×	×	No ECEC entitlement	
Uruguay	NI	NI	3	3	×	No ECEC entitlement	
OECD average	34%	84%					

Source: *Attendance rates at formal ECEC services*: OECD Family Database, Table PF3.2, available at: <http://www.oecd.org/els/family/database.htm>. Except for the Russian Federation which is: TransMonee Database 2016, Table 5.1, available at: <http://www.transmonee.org>

Key:

Well-paid leave : earnings-related payment at 66 per cent of earnings or above, 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://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>

×: no well paid leave or no entitlement to ECEC; ●: entitlement, but only from three years or older; ●●: entitlement from below 3 years of age. PT: entitlement is for 20 hours a week or less. OB: attendance obligatory.

*: There is an obligation to provide a place, but this obligation can – in varying degrees – not be met due to shortages of provision. This shortage usually applies to children under three years, and the bracketed figure indicates when the entitlement can usually be met in practice. The gap in the next column refers to the later age, i.e. when the entitlement in practice is implemented.

⁵ There is no information available to confirm whether the entitlement to an ECEC place from two months of age can be met.

⁶ There is no ECEC entitlement in Slovakia but children one year prior to compulsory education do not pay any fees. Children aged 4 and 5 have priority when applications are assessed.

Leave Policy Changes: April 2018

From the 2017 Review of Leave Policies onwards, we have organised the overview of policy changes in the included countries in table form (see below). The table below gives an overview of policy changes according to the different types of leave distinguished in our report, i.e. Maternity leave, Paternity leave, Parental leave, as well as Other statutory measures. We do not summarise changes in other policies at this point (e.g. childcare), so readers can refer to the country notes for this. For the four types of leave, **we distinguish whether a policy has newly been introduced** (marked by symbol: ✓) **or whether a policy has been abolished** (x). Regarding the reforms of existing policies, we distinguish three types of change: If a change can be quantified, such as an increase in the replacement rate of a leave benefit or a reduction of leave duration, we classify it as either **expansion** (↑) or **cutback** (↓). If a change cannot be easily quantified, such as a change in flexibility rules, we classify it as **recalibration** (o). The table only gives a brief list of changes, which are depicted in more detail in each respective country note.

Which **types of changes** have been reported in the 2018 Review of Leave Policies (i.e. policy changes enacted between April 2017 and June 2018)?¹ First, it is interesting to note that leave policy changes continue to be constantly on the agenda. Of the 43 countries included in this year's review, the majority (25) report *some* policy change within the previous year, as compared with a minority of countries (18) reporting no change at all. However, it is important to note that **the majority of the reported policy changes do not affect our other comparative tables** (e.g. Maternity leave, Paternity leave, Parental leave). In other words, these changes are often small and incremental, and only in a few cases, there is a change in the main parameters of the leave systems.

For Maternity leave, overall 13 changes are reported; while seven changes are reported for Paternity leave. Also for Parental leave, with 15 changes much activity is reported. Nine changes concern other leave measures. Generally, expansions are much more frequently reported than cutbacks or abolishment, but there are some notable exceptions. For example, in Sweden the gender-equality bonus in Parental leave was abolished; and in Slovenia, the number of paid Paternity leave days was increased by five, while the number of unpaid days decreased by 25. Expansions are manifold, including an increased benefit for inactive/unemployed parents in Croatian Maternity and Parental leave, or an additional allowance for parents with two and more children in Latvia. Notable newly introduced measures include a shorter-term, and better-paid Parental leave option in the Czech Republic; vice versa, a longer-term, lower-paid option has been introduced in Canada. Also in the Czech Republic, a seven-day Paternity leave has been newly created. A leave to take care of sick children was installed in the Greek public sector, and an ECEC entitlement for children aged three and above in Poland.

¹ Later changes that are under way but not yet enacted will be included in forthcoming review(s). In many countries, there are also on-going discussions about policy reforms, which have not been decided upon yet; these discussions are also portrayed in the policy changes sections of each country note.

Summarising table: Overview of leave policy changes in 2017/2018

	Maternity leave	Paternity leave	Parental leave	Other statutory leave measures
Australia				
Austria				
Belgium				
Brazil				
Bulgaria	o made transferable to grandparents	↑ adoptive fathers eligible	↑ servicemen eligible	✓ Adoption leave for foster parents
Canada (outside Quebec)	o 4 weeks earlier start date		✓ longer-term, lower benefit option	
China	↑ 120 days in Xinjiang, one year in Tibet	✓ 15 days in Xinjiang, 30 days in Tibet		
Croatia	↑ Allowance increased for inactive and unemployed parents		↑ Higher benefit (ceiling increased) and higher allowance for inactive and unemployed parents	
Czech Republic		✓ 7 days	✓ short-term leave option and better-paid	
Denmark	↑ in case of infant death 14 weeks of leave now also eligible to fathers and co-mothers			
Estonia			o change in formula of reducing benefit when working	
Finland				

France				
Germany	↑ improved job protection and eligibility			
Greece	↑ extended to surrogate mothers			✓ leave to care for sick child (public sector)
Hungary				
Iceland				
Ireland				
Israel				
Italy		↑ obligatory leave period increased		
Japan			↑ length increased if no childcare	
Korea	↑ ceiling increased		↑ payment and ceiling increased	
Latvia				↑ additional allowance for parents with two or more children
Lithuania				
Luxembourg	↑ length of postnatal leave increased from 8 to 12 weeks	↑ length of special leave used by fathers as proxy for Paternity increased from 2 to 10 days		↑ length of leave for sick children extended from two up to 18 days per child (depending on age)
Malta				✓ Assisted procreation leave
Mexico				

Netherlands	↑ length increased from 16 to 20 weeks in case of multiple pregnancy		↑ 3 days reserved for fathers in period immediately after birth, paid from January 2019	
New Zealand			↑ increased duration of paid period from 18 to 22 weeks from 1 July 2018	
Norway			o individual entitlements extended but no overall change to length	
Poland				✓ ECEC entitlement for 3 year olds and above
Portugal				
Romania	o benefit adjustments		o benefit adjustments	
Russian Federation	↑ benefit height		↑ benefit height	✓ targeted child allowances for families with low wages
Slovak Republic				
Slovenia		↑ 5 more paid days ↓ 25 less unpaid days	↑ adoptive parents of older children	
South Africa		↑ Paternity leave bill launched	↑ leave bill launched	↑ benefit value increased
Spain				
Sweden			x gender equality bonus	
Switzerland				
United Kingdom				

United States				
Uruguay	↑ benefit height; 14 weeks of leave for civil servants			✓ part-time for care

Key:

✓: introduction, x: abolishment, ↑: expansion, ↓: cutback, ○: recalibration

Australia¹

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NB. Australia is a federal state.

To contact authors of country notes, go to [membership](#) page on website

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on federal and state industrial relations systems and awards: In Australia, the employment conditions of most employees are set by federal legislation in combination with awards, collectively negotiated enterprise agreements and employer or company policies. Federal (Commonwealth) legislation and modern awards (which are prescriptive documents determined by the national industrial tribunal) form the safety net of terms and conditions of work. In addition, unions and individual employees may negotiate conditions above this safety net, and companies may also provide employment conditions above the safety net. Terms and conditions for employees of the public service in each of the states of Australia (with the exception of Victoria) are set by the relevant state legislatures and relevant state awards and agreements. The Fair Work Act 2009 (Commonwealth) provides ten National Employment Standards that prescribe the minimum set of entitlements for employees. One of these standards relates to unpaid Parental leave. This has been an entitlement under federal industrial relations legislation since 1994. Another standard is the right to request flexible working arrangements (see below).

Note on terminology: In Australia 'Parental leave' is an overarching gender-neutral term for unpaid leave entitlements in association with the birth or adoption of a child, rather than a separate entitlement in addition to Maternity and Paternity leave.

a. Maternity leave

- In Australia, there is no statutory entitlement to specially designated 'Maternity' leave. Maternity (and Paternity) leave both fall under the definition of Parental leave (see 1c for details of the unpaid Parental leave entitlement under the

¹ Please cite as: Whitehouse, G., Baird, M. and Baxter, J.A. (2018) 'Australia country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Fair Work Act 2009). Entitlements to payment under the Paid Parental Leave Act 2010 are also covered in 1c.

- Specific entitlements to Maternity leave payments may, however, be provided by employers. Employer-paid Maternity leave, usually at wage replacement level, has been available to many female employees through industrial instruments, company policies or legislation covering public sector employees in Australia's federal, state or territory jurisdictions.
- In 2016, according to a national survey, 57 per cent of employee mothers indicated their workplace offered paid Maternity leave. Another 30 per cent said their workplace did not offer paid Maternity leave and 13 per cent did not know. This is not very different to figures from five years prior, in which 53 per cent said their workplace offered paid Maternity leave, 29 per cent said it did not, and 17 per cent did not know.²
- For earlier estimates of access to employer-provided Maternity leave, see 2016 and 2017 chapters, which cite data from surveys of mothers and employers conducted in 2010 and 2012.

b. Paternity leave

- As with Maternity leave, there is no specifically designated 'Paternity' leave in Australia, with provisions for unpaid leave incorporated into the Parental leave entitlement (see 1c for details). An entitlement to 'Dad and Partner Pay' was introduced in 2013. For births or adoptions after 1 January 2013, a father (or the mother's partner) may be entitled to up to two weeks' Dad and Partner Pay paid at a rate based on the national minimum wage: currently AUD\$18.29 [€11.79]³ per hour or AUD\$694.90 [€447.94] per 38-hour week (before tax). This payment must be taken while on unpaid leave (such as the unpaid Parental leave available under the Fair Work Act) or while not working, and is non-transferrable.
- Employer-paid Paternity leave may also be available to some fathers and partners through company policies, industrial instruments or legislation covering public sector employees in Australia's various jurisdictions.
- In 2016, according to a national survey, 44 per cent of employee fathers indicated their workplace offered paid Paternity leave. Another 33 per cent said their workplace did not offer paid Paternity leave, with a significant proportion (22 per cent) not knowing about paid Paternity leave at their workplace. As with the figures for Maternity leave, there has not been much change in these figures over recent years: in 2011, 43 per cent said their workplace offered paid Paternity leave, 31 per cent said it did not, and 26 per cent did not know.⁴
- For earlier estimates of access to employer-provided paternity leave, see 2016 and 2017 chapters, which cite data from a survey of employers conducted in 2012.

² Author calculations from the Household Income and Labour Dynamics in Australia (HILDA) Survey. The HILDA Project was initiated and is funded by the Australian Government Department of Social Services (DSS) and is managed by the Melbourne Institute of Applied Economic and Social Research.

³ Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

⁴ Author calculations from the Household Income and Labour Dynamics in Australia (HILDA) Survey. The HILDA Project was initiated and is funded by the Australian Government Department of Social Services (DSS) and is managed by the Melbourne Institute of Applied Economic and Social Research.

c. Parental leave

Length of leave

- 12 months unpaid leave (with the possibility of extension to 24 months) is available under the Fair Work Act 2009 as elaborated below. Eighteen weeks of Parental Leave Pay is available under the Paid Parental Leave Act 2010, but this is a payment only and does not extend leave duration.
- A National Employment Standard in the Fair Work Act 2009 provides each working parent who meets the eligibility requirements with an entitlement to 12 months *unpaid* job protected Parental leave. This is an individual entitlement and (apart from the exception noted below) is available to a parent taking the 'primary carer' role for a child. If both parents are entitled to this leave they could each take 12 months sequentially, with a maximum of 24 months available for a working couple per birth. If one parent takes less than their entitlement, the other parent can extend their leave by an equivalent amount, up to 12 months if their partner takes no leave. Such an extension is only possible if the employer agrees – an employer has the right to refuse if the additional leave does not fit with the operational requirements of the business. Any agreement for an additional period of leave beyond the first 12 months will reduce the other parent or partner's entitlement by an equivalent amount. All leave must be taken within 24 months of the child's birth. For the mother, the leave can start from the birth date or adoption of the child, or from up to six weeks before the expected date of birth of the child, or earlier if the employer agrees. When both members of a couple are entitled to unpaid Parental leave under the National Employment Standard, they can take eight weeks of this leave at the same time; this leave has to be taken within 12 months of the birth or adoption, and can be taken by the partner who is not the primary carer in separate periods, provided that each period is no shorter than two weeks (a stipulation that can be waived if the employer agrees).
- Paid leave entitlements, such as employer-provided Maternity/Parental leave if available to employees through their employment conditions, and other forms of paid leave such as annual leave and long service leave, can also be used. However, for each period of paid leave used, the unpaid Parental leave entitlement is reduced by the same amount so that the maximum time available for Parental leave per family is still two years. The government-funded 18 weeks Parental Leave Pay does not reduce or extend the duration of unpaid Parental leave available as it is an entitlement to pay rather than to leave.

Payment and funding

- Parental Leave Pay (provided under the Paid Parental Leave Act 2010) is paid to eligible mothers at a rate based on the national minimum wage (currently AUD\$18.29 [€11.79] per hour or AUD\$694.90 [€447.94] per week) for up to 18 weeks following the birth or adoption of a child. In some circumstances, it can be transferred to the father or other primary carer; the 18 weeks' pay is, therefore, a family entitlement that initially goes to the mother. It represents 49 per cent of average full-time, adult, ordinary-time female earnings as at

November 2017⁵. Parental Leave Pay can be received during unpaid leave or while on paid leave, such as employer-paid Maternity leave or annual leave. Payment is funded from general revenue, with the majority of mothers (or designated primary carers) receiving it via their employer⁶ and others receiving it directly from the government. In the 2016-17 financial year 68.5 per cent of Parental Leave Pay recipients received this government-funded payment via their employer⁷.

- Dad and Partner Pay is paid to eligible fathers/partners at the same rate as Parental Leave Pay (i.e. based on the national minimum wage). Unlike Parental Leave Pay, the two weeks' Dad and Partner Pay cannot be taken concurrently with other paid leave; it must be taken while on unpaid leave (such as the statutory entitlement to unpaid Parental leave) or while not working. Employers can top up Dad and Partner Pay (for example, to employees' normal wage), and this does not affect eligibility to the payment.
- As noted in 1a and 1b, some employees also have access to employer provided paid leave. In some cases, this is specifically designated 'Primary Carer' or 'Parental' leave rather than Maternity or Paternity leave. The Workplace Gender Equality Agency (WGEA), which records provision of paid parental leave by private sector companies with 100 or more employees, reported that 46 per cent of these companies provided primary carer's leave for an average duration of ten weeks in 2017⁸. The majority of these employers (80 per cent) offered full-pay in addition to the government scheme⁸.
- For earlier estimates of access to employer-provided parental and primary carer leave not limited to large employers, see 2016 and 2017 chapters, which cite data from a survey of employers conducted in 2012.
- In Australia retirement benefits are based on superannuation (paid by a mix of employee and employer contributions) and a publicly funded Age Pension. It is compulsory for employers to make contributions to eligible employees' superannuation funds and additional voluntary contributions are encouraged through tax concessions. These contributions continue when employees take most forms of paid leave. However, no superannuation contributions are made by the government while parents are on paid Parental leave; and employers are not required to make superannuation contributions for parents on unpaid leave, unless those parents are making voluntary contributions to superannuation during this time.

Flexibility in use

- Under the National Employment Standard in the Fair Work Act, each parent is entitled to 12 months unpaid Parental leave, however both parents cannot access this leave at the same time. An exception is that the parent who is not

⁵ Australian Bureau of Statistics (2018) *Average Weekly Earnings, Australia, November 2017*, Cat. No. 6302.0. Available at: <http://abs.gov.au>

⁶ Employers are required to deliver the payment when it is for Australian-based employees who have worked with them for 12 months before the expected date of birth or adoption, who will be with them for their Parental Leave Pay period and who are expected to receive at least eight weeks of Parental Leave Pay.

⁷ Australian Government Department of Social Services (2017) *2016-17. Annual Report*, p.59. Available at: https://www.dss.gov.au/sites/default/files/documents/10_2017/dss-annual-report-2016-17_mg.pdf

⁸ Workplace Gender Equality Agency (WGEA), Data Explorer: http://data.wgea.gov.au/industries/1#carers_content

in the primary carer role can take unpaid leave for up to eight weeks concurrently with the primary carer during the 12 months following the birth or adoption. A measure of flexibility is that this leave may be taken in separate periods at any time during the first 12 months.

- Parental Leave Pay can also be transferred from one parent to the other where the primary carer for the child (i.e. the parent on leave) also changes and the recipient meets the eligibility criteria. This includes, in the case of separated parents, being able to transfer an unused portion of the parental leave pay to the child's other legal parent or the partner of that other parent, should they also meet the eligibility criteria.
- Unpaid Parental leave and Parental Leave Pay must be taken in one continuous period; starting from the birth date or later in the case of Parental Leave Pay, although the full Parental Leave Pay period must be completed by 12 months after the birth.
- Flexibility is sometimes available with employer-paid Maternity, Paternity and Primary Carer or Parental leave: while this is usually paid at the employee's normal pay rate, in some cases there are provisions to double the duration by taking the leave at half pay. According to a 2011 national survey of mothers with children up to two years, of those who took employer-paid Maternity leave, about half took this leave at half pay. A small number of these mothers took some at half pay and some at full pay. Use of half pay was somewhat more likely for those who had worked in the public sector, or had worked in a full-time job, while pregnant with their youngest child.⁹

Eligibility (e.g. related to employment or family circumstances)

- Employees in permanent positions and on fixed-term contracts (full- or part-time) are eligible for the unpaid statutory leave provisions under the Fair Work Act 2009, provided they have 12 months continuous service with the same employer immediately before the date or expected date of birth, or the date of placement in the case of adoption. However, workers on fixed-term contracts are not entitled to return to the same job if their contract ends while they are on leave – that is, the employer is not required to extend the contract period by the amount of leave taken.
- Casual (hourly paid) employees are also eligible for the above entitlements provided that they have been engaged on a regular and systematic basis for at least 12 months and have a reasonable expectation of continuing regular employment.
- Self-employed workers (not classified as employees) and the unemployed are not covered by the provisions of the Fair Work Act 2009 and therefore do not receive unpaid Parental leave under the Act. Self-employed workers, however, do have access to government-funded Parental Leave Pay.
- Unpaid leave can be accessed for up to 24 months by an employee couple in a spousal or de-facto relationship; same sex relationships are recognised for unpaid Parental leave entitlements under the Fair Work Act 2009.
- To be eligible for the government-funded 18-week Parental Leave Pay, the primary carer (usually the mother) must be an Australian resident, in paid work, whether permanent, fixed-term or casual, and including self-employment, and have been engaged in work continuously, with no more than an eight-week gap between any two consecutive working days, for at least ten of the 13 months

⁹ Australian Bureau of Statistics (2012) *Pregnancy and Employment Transitions, Australia, November 2011*, Cat. No. 4913.0.

prior to the expected birth or adoption of the child and undertaken at least 330 hours of paid work in the ten-month period.

- Eligibility for the government-funded two weeks' Dad and Partner Pay is based on the same requirements as Parental Leave Pay, and is similarly available to those in self-employment. For children born or adopted after 1 March 2014, claimants can count any Paid Parental Leave or Dad and Partner Pay periods taken in the 13 months prior to the birth or adoption towards this work test.
- Government-funded Parental Leave Pay is restricted to those individuals earning less than AUD\$150,000 [€96,690.93] per year or around 2.05x the average full-time, adult, ordinary-time female earnings in November 2017¹⁰.
- The government-funded Parental Leave Pay can be taken in addition to other forms of paid leave to which the employee may be eligible (annual leave, long service leave, employer-funded Maternity or Parental leave) but must be taken before the employee returns to work and before the child's first birthday.
- Any unused portion of the Parental Leave Pay can be transferred to another primary caregiver (usually the father, but potentially a partner who is not a biological parent, including a same-sex partner) if they also meet the eligibility criteria; or in exceptional circumstances (such as a sole parent mother being unable to care for a child) the payment could be transferred to another primary carer such as a grandparent. The unused portion can also be transferred to the child's other parent or their partner, if they meet eligibility requirements, in the case of separated families.
- Where employees are covered by an existing industrial instrument that includes employer-paid Maternity, Paternity or Parental leave, that entitlement cannot be withdrawn during the life of the agreement; the government-funded Parental leave scheme is in addition to any existing employment conditions.
- Parents who are not in work are not eligible for Parental Leave Pay or Dad and Partner Pay, but may be eligible for the Newborn Upfront Payment (currently AUD\$ 540 [€348.09] and Newborn supplement (dependent on family income and number of children, current maximum payment AUD\$1,619 [€1,043.62] for a first child).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- Special unpaid Maternity leave may be taken in cases of pregnancy-related illness or if the pregnancy ends within 28 weeks of the expected date of delivery otherwise than by the birth of a live child. Mothers who use special Maternity leave (for example, due to a pregnancy related illness) are still entitled to the full 12 months unpaid Parental leave under the Fair Work Act.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employer-paid Parental leave, sometimes specified as paid Maternity, Paternity or Primary Carer leave, is available in some industrial instruments and company policies. As explained earlier, these provisions are usually at full replacement salary and on this measure exceed statutory entitlements.

d. Statutory childcare leave or career breaks

¹⁰ Australian Bureau of Statistics (2018) *Average Weekly Earnings, Australia, November 2017*, Cat. No. 6302.0. Available at: <http://abs.gov.au>

- No statutory entitlement.

e. Other statutory employment-related measures

Adoption leave and pay

- The same statutory rights to unpaid Parental leave and Parental Leave Pay apply when a child under 16 years old is adopted, however Parental Leave Pay may not be available in cases where a child has been living with the adoptive parents prior to the adoption (for example with the formal adoption of a step-child).

Time off for the care of dependants

- Under the National Employment Standards of the Fair Work Act 2009 all employees (except casuals) have access to ten working days of paid personal/carer's leave per year of service. In addition, all employees (including casuals) can access up to two working days unpaid carer's leave for each 'permissible occasion' provided paid personal leave has not been exhausted. Paid personal/carer's leave includes 'sick' leave and may be taken because of a personal illness, or to provide care or support to a member of the employee's immediate family or household who is ill or injured, or in the case of an unexpected family emergency. Similarly, unpaid carer's leave may be taken to provide care for an immediate family or household member due to illness, injury or an unexpected emergency.

Flexible work arrangements

- One of the ten National Employment Standards contained in the Fair Work Act 2009 provides eligible parents with a statutory right to request flexible working arrangements. The range of employees entitled to request such arrangements currently includes employees with caring responsibilities, parents or guardians of children who are school age or younger, employees with a disability, employees aged 55 years or over and employees experiencing family violence or caring for a family or household member who is experiencing family violence. An employer must respond to a request within 21 days and may refuse the request only on 'reasonable business grounds'. While examples of 'reasonable business grounds' are provided in the legislation these do not limit what might be included. The request is ultimately not enforceable by any third-party body.
- Modern awards and enterprise agreements are required to include provisions for employers to consult with employees over any proposed changes to rosters and ordinary working hours, and to consult genuinely with employees about the impact of changes on their family and caring responsibilities.

Specific provision for (breast-)feeding

- Neither federal nor State/Territory laws provide an explicit right to paid breaks for breastfeeding or to express milk at work. However, rights not to be

discriminated against on the basis of sex exist in all Australian jurisdictions and explicitly or implicitly cover breastfeeding¹¹.

- The Commonwealth Sex Discrimination Act 1984 (s7AA) expressly prohibits employers from treating women less favourably because of their breastfeeding or expressing of milk, or the imposition of an unreasonable condition or practice by an employer affecting all employees but likely to disadvantage such women.

Transfer to safe job

- All pregnant employees, regardless of period of service, have the entitlement to be transferred to a safe job. If no safe job is available, an entitlement to 'paid no safe job leave' is available for those eligible for unpaid Parental leave, while those not eligible for unpaid Parental leave are entitled to 'unpaid no safe job leave'.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available for mothers and fathers/partners combined in Australia is 24 months, including up to 20 weeks paid by the government at a flat-rate based on the national minimum wage (this is made up of the 18 weeks' Paid Parental Leave entitlement and the two weeks' Dad and Partner Pay entitlement).

There is no entitlement to ECEC. Improving access to 15 hours of quality nursery education for children in the year before compulsory schooling (i.e. from around age five years) has been a government priority over recent years, through the National Partnerships Agreements.¹² Levels of attendance at formal services for children under three are around the average for the countries included in this review and for OECD countries; but well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

No changes in the Paid Parental Leave scheme have taken place since April 2017. As indicated in last year's note, changes initiated in early 2017 are no longer being pursued by the government.

In July 2018, a new Childcare Subsidy (CCS) will come into effect, simplifying the existing subsidy system that comprises two different payments. Eligibility to CCS will depend on family income, the activity level of both parents, and the type of service used. With some exceptions, both parents (or a single parent) will be required to meet an activity threshold of at least eight hours per fortnight in order to be eligible for CCS. Further, the number of hours of activity beyond this threshold will determine

¹¹ Australian Human Rights Commission (2014) *Supporting Working: Pregnancy and Return to Work. National Review - Report*, p. 116. Available at: https://www.humanrights.gov.au/sites/default/files/document/publication/SWP_Report_2014.pdf

¹² For information about these agreements, see <https://www.education.gov.au/national-partnership-agreements>

the level of subsidy. For example, a total of 8 to 16 hours of approved activity per fortnight will be associated with a maximum of 36 hours of subsidised care per child per fortnight. If the approved activity total is more than 48 hours per fortnight, up to 100 hours of subsidised care can be accessed. Approved alternatives to paid work include working unpaid in a family business, being self-employed, looking for work, volunteering or studying¹³. Some families will be exempt from the activity requirements, and in particular as part of the Child Care Safety Net, low income families (less than AUD\$66,958 [€43,161.54] per year) will be able to access 24 hours of subsidised care per child per fortnight without having to meet the activity test. CCS will be calculated as a percentage of child care fees, up to a maximum rate cap established for each service type, with the percentage varying by family income category. Higher percentages will apply for lower income families, and families whose joint income exceeds AUD\$351,248 [€226,416.63] will not be eligible for CCS¹⁴.

4. Take-up of leave

The most comprehensive sources of information on leave take-up rates in Australia remain the Baseline Mothers survey (2010), the Family and Work Cohort survey (first two waves conducted in 2012) and two online surveys of fathers (conducted in 2013) – all of which were undertaken as part of the evaluation of the Paid Parental Leave and Dad and Partner Pay schemes. An extension of the Family and Work Cohort survey (the Millennium Mums survey, which added three more waves of data collection in 2013, 2014 and 2015) provides some additional information. These sources, complemented with information from the most recent Department of Social Services annual report are again drawn on to provide an overview of leave take-up.

a. Maternity leave

As explained earlier (1a), the term ‘Maternity leave’ is used in Australia primarily for employer-paid provisions. Comparisons between the 2010 Baseline Mothers survey and the first wave of the Family and Work Cohort survey (2012) indicate that take-up and average duration of employer-paid Maternity leave did not change significantly over this two year period: in both years 46 per cent of mothers eligible for payments under the Paid Parental Leave scheme who reported they had access to at least one form of leave took some employer-paid Maternity leave, for an average duration of 3.7 months¹⁵.

b. Paternity leave

¹³ Australian Government, Department of Education and Training: <https://www.education.gov.au/child-care-subsidy-activity-test>. For more information about the child care package see <https://www.education.gov.au/new-child-care-package-families-2-july-2018>

¹⁴ Australian Government, Department of Education and Training: <https://www.education.gov.au/child-care-subsidy-combined-family-income>

¹⁵ Martin, B. et al. (2015a) Paid Parental Leave Evaluation: Phase 3 Report. Canberra: Department of Social Services, p.70. Available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/programmes-services/paid-parental-leave-scheme/paid-parental-leave-evaluation-phase-3-report>

Note that differences between figures presented here and take-up rates reported in the 2014 country note are primarily due to differences in population bases; for example the 46 per cent figure cited here is of those who reported they had access to at least one form of leave at the time.

As noted in 1b, Australian fathers may have access to employer-paid Paternity leave as well as the government-funded Dad and Partner Pay scheme which commenced in January 2013. Information on take-up of the former is available from an online survey of employed fathers whose babies were born in September 2012 (prior to the introduction of the Dad and Partner Pay scheme). This survey, conducted as part of the evaluation of the Paid Parental Leave and Dad and Partner Pay schemes, showed that among the 1,115 respondents around 25 per cent reported taking some employer-paid Parental leave in the first six months after the birth; a figure that represents 81 per cent of those who reported having access to this form of leave¹⁶. Data from the 2014 wave of the Millennium Mums survey indicate that little changed in the uptake of these forms of leave after the introduction of Dad and Partner Pay: among respondents at this time, 78 per cent of fathers reported as having access to employer-paid parental leave took it (for an average duration of 1.9 weeks)¹⁷.

Turning to the Dad and Partner Pay scheme, the Australian Government has reported that in the 2016-17 financial year 83,600 fathers or partners received payment under this scheme, with the vast majority (96.4 per cent) taking the full two weeks' payment¹⁸. Data from an online survey of employed fathers with a baby born in April 2013 (after commencement of the Dad and Partner Pay scheme), also conducted as part of the evaluation of the Paid Parental Leave and Dad and Partner Pay schemes, showed that 36 per cent of the 1,208 respondents took Dad and Partner Pay in the first six months of their baby's life, with take-up of this government-funded payment highest among those least likely to have access to other sources of leave payment (for example, the take-up rate was around 50 per cent among employees on casual contracts and self-employed workers)¹⁹. This survey also showed that around one-quarter of working fathers responding to the survey had not heard of the Dad and Partner Pay scheme and that the overall take-up rate among those aware of the scheme was around 50 per cent.

c. Parental leave

The entitlement to 12 months' unpaid Parental leave in the National Employment Standard under the Fair Work Act is available to and utilised by most working mothers: among respondents to the first wave of the Family and Work Cohort survey in 2012, 63 per cent of mothers eligible for payment under the Paid Parental Leave scheme took some unpaid Parental leave for an average period of 5.6 months. This was a slight increase since the Baseline Mothers survey in 2010, in which 60 per cent of respondents reported using this kind of leave for an average period of almost six months²⁰. Take-up of unpaid Parental leave among fathers appears to be considerably lower. Among respondents to the online survey of employed fathers with a child born in September 2012 prior to the introduction of the Dad and Partner Pay scheme, only 6.4 per cent reported taking unpaid Parental leave in the first six

¹⁶ Estimates from Martin et al. (2015b) *PPL Evaluation: Phase 4 Report*. Canberra: Department of Social Services, pp.106-109, Tables 7.1 and 7.2. Available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/programmes-services/paid-parental-leave-scheme/paid-parental-leave-evaluation-phase-4-report>

¹⁷ Hewitt, B. with Baird, M., Baxter, J., Brady, M., Coles, L., Dickenson, J., Strazdins, L., Whitehouse, G., Xiang, N. and Yerkes, M. (2017) *Millennium Mums Report, Waves 1-5*, Institute for Social Science Research, The University of Queensland, p.32. Available at: http://www.issr.uq.edu.au/filething/get/41035/MillenniumMumsReport_DRAFT_DSS%20combined%20comments_clean_final.pdf

¹⁸ Australian Government Department of Social Services (2017) p.59.

¹⁹ Martin et al. (2015b), p.123.

²⁰ Martin et al. (2015a), p.70.

months²¹. Fathers' use of unpaid Parental leave is likely to have increased following the introduction of the Dad and Partner Pay scheme as this payment is only accessible while on unpaid leave: preliminary evidence for this, based on matched survey data and in-depth interviews, is presented in the Final Report of the Paid Parental Leave scheme evaluation²².

Available data on Parental Leave Pay indicate that it is accessible to a high proportion of working parents, although it is particularly targeted at mothers, who are the main users of the scheme. Government figures indicate that in the 2016-17 financial year 52.7 per cent of all mothers with new-borns received some Parental Leave Pay, and 96.7 per cent of families who accessed Parental Leave Pay took the full 18 weeks²³. Data collected in the 2013, 2014 and 2015 waves of the Millennium Mums survey indicate that a small proportion of mothers (7 per cent, 9 per cent and 14 per cent of respondents respectively) extended their labour force participation to ensure they qualified for Parental Leave Pay²⁴.

d. Other employment-related measures

The 2012 Family and Work Cohort survey also provides some information on the take-up of a range of other employment-related measures by mothers. Among respondents to this survey (mothers eligible to receive payment under the Paid Parental Leave scheme) who had returned to work by the time their child was 12 months old, and whose job conditions had changed on their return to work, similar proportions (around 60 per cent) reported having used permanent part-time arrangements and flexible hours, while around one third reported using work from home arrangements²⁵.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

None reported.

b. Selected recent publications

Grant-Smith, D., Osbourne, N. and Johnson, L. (2017) 'Managing the challenges of combining mobilities of care and commuting: an Australian perspective'. *Community, Work and Family*, Vol. 20, No.2: 201-210.

²¹ Martin et al. (2015b), p.109, Table 7.2.

²² Martin et al. (2015b), pp.126-7. Note that the figures in Table 7.5 are based on samples used for propensity scoring and thus are not strictly equivalent to population estimates.

²³ Australian Government Department of Social Services (2017), p. 59.

²⁴ Hewitt, B. et.al. p.16.

²⁵ Martin et al. (2015b), p.78, Table 4.6. Note that these figures are based on samples used for propensity scoring hence the estimates are not strictly equivalent to population estimates. Also the high proportions reported reflect the population base which is mothers whose job conditions changed on return to work.

This policy note considers the needs of working women as they navigate their daily 'mobilities of care', extending that concept by combining an intersectional perspective on transport with principles embodied in the child-friendly cities agenda. It contributes to policy debates over public transport and the infrastructure for care in Australia.

Williams, P., McDonald, P. and Cathcart, A. (2017) 'Executive level support for flexible working arrangements in a large insurance organization', *Asia Pacific Journal of Human Resource Management*, Vol.53, No.3: 337-355.

This article explores how executives in a large Australian insurance company signal support for the implementation of flexible working arrangements to subordinate supervisors. The findings indicate that this occurs through statements encouraging the use of flexible working arrangements, reports and executives' own use of such arrangements. Executives' interpretation and implementation of HR policy is also shown to be influenced by the strategic context, especially profitability and risk aversion.

Baird, M., Cooper, R., Hill, E., Probyn, E. and Vromen, A. (2018) 'The Australian Women's Work Future Study'. Available at http://sydney.edu.au/business/_data/assets/pdf_file/0008/348371/Women-and-the-Future-of-Work-Report_Final_060318.pdf

This report provides data on what women (and men) rate as important at work (including paid parental leave and flexibility) and their future expectations of having children.

Foley, M., Baird, M. and Cooper, R. (2018) 'Is independence really an opportunity? The experience of entrepreneur-mothers', *Journal of Small Business and Enterprise Development*, Vol.25, No.2: 313-329.

This journal article analyses how mothers use self-employment as a way of achieving the flexibility needed to be both a good mother and maintain a career. It challenges the traditional push-pull theory of female entrepreneurial activity.

c. Ongoing research

Customising work through manager-employee exchange (2012-2017). Paula McDonald, Keith Townsend, Abby Cathcart, Penny Williams, Sylvia Roux, Melinda Laundon. Funded by the Australian Research Council (ARC) and the Australian Defence Force (ADF).

The Customising Work project draws on organisational case studies and over 300 in-depth interviews in three diverse industries – the ADF, a large banking and finance institution, and five small NGOs – to examine the processes of social exchange between different levels of managers and their subordinates in how requests for leave and flexible work are made and responded to. The study began in 2012 with the award of an ARC Discovery grant with co-funding from the ADF. The results of the research have raised new and significant issues relevant to accessing leave and flexibility, especially with respect to employee silence, work design, reward and recognition, and how organisations signal support (or not) for workplace adjustments. The findings have shaped policy decisions in relation to workplace flexibility in the case organisations, and continue to stimulate public debate through public and industry forums and submissions to national enquiries. Contact: Paula McDonald p.mcdonald@qut.edu.au

Austria¹

Christiane Rille-Pfeiffer (Österreichisches Institut für Familienforschung/
Austrian Institute for Family Studies), **Helene Dearing** (Independent
Expert) and **Andrea E. Schmidt** (Austrian Public Health Institute)

April 2018

NB. Austria is a federal state

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Mutterschutz*) (responsibility of Federal Ministry of Labour, Social Affairs, Health and Consumer Protection)

Length of leave (before and after birth)

- Sixteen (16) weeks: eight weeks before the birth and eight weeks after the birth. It is obligatory to take leave.

Payment and funding

- One hundred (100) per cent of average income for the last three months of employment before taking leave for employees, with no ceiling. Freelance workers receive income-based Maternity benefit; marginally employed self-insured women receive a flat-rate payment of €9.12 a day; while self-employed women who pursue a trade and farmers are eligible for 'operational support' (i.e. financial or other support to maintain their business) as a form of maternity benefits, but if no operational support is granted, they can claim a flat-rate payment of €53.96 a day. Eligible unemployed women are entitled to 180 per cent of previous unemployment benefit. Women receiving the Childcare benefit are entitled to 100 per cent of the Childcare benefit (in case of receiving the income-related option) or € 26.15 per day (in case of receiving the flat-rate payment).
- Funded partly (70 per cent) from *Familienlastenausgleichsfond* (FLAF – Family Burdens Equalisation Fund), financed by contributions from employers (4.5 per cent of each employee's salary bill) and from general taxes; and partly (30 per cent) from public health insurance. In 2017, the total expenditure on Maternity

¹ Please cite as: Rille-Pfeiffer, C., Dearing, H. and Schmidt, A.E. (2018) 'Austria country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2018. Available at: http://www.leavenetwork.org/lp_and_r_reports/

leave (i.e. maternity pay and the payment for operational support) was €503 million.

Flexibility in use

- None.

Regional or local variations in leave policy

- None.

Eligibility (e.g. related to employment or family circumstances)

- All employed women are entitled to 16 weeks Maternity leave with 16 weeks payment (100 per cent of average income), except for short-time employed women and self-employed workers who are eligible for Maternity leave only if they are voluntarily health-insured.
- Unemployed women are eligible for maternity payment only if they have completed three months continuous employment or have been compulsorily health-insured for 12 months within the last three years.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother.

- In case of danger to the health of the mother or unborn child, women are eligible to take leave earlier than eight weeks before delivery; in case of premature or multiple births or births by Caesarean section, women are eligible for 12 weeks after birth (in exceptional cases even 16 weeks).

b. Paternity leave (responsibility of Federal Ministry of Labour, Social Affairs, Health and Consumer Protection)

- There is no statutory entitlement. Public sector workers are entitled to a month of leave, which is unpaid. Other collective agreements may provide a few days of leave for fathers immediately after the birth of a child, during which time fathers receive full earnings replacement.
- For children born after 1 March 2017 fathers are entitled to a so-called 'family-time bonus' (*Familienzeitbonus*), which is a monetary benefit for employed fathers who exclusively dedicate their time to their family within 91 calendar days after the birth of the child, i.e. interrupt their employment (in agreement with the employer) for a full-time leave period between 28 and 31 days. The family time bonus amounts to €22.6 per calendar day. However, if the father, at a later date, decides to receive the Childcare benefit, the benefit will be lessened by the amount of the family-time bonus he has received right after birth. There is no job protection during the take-up of the family time bonus.

c. Parental leave (*Elternkarenz*) (responsibility of Federal Ministry of Labour, Social Affairs, Health and Consumer Protection and Federal Chancellery – Women, Families and Youth)

Length of leave (before and after birth)

- Until the child reaches two years. This entitlement is per family.

Payment and funding

- *For parents whose children are born before 1 March 2017:*

A Childcare benefit is available to all families who meet the eligibility conditions, whether or not parents take Parental leave. Parents can choose between five payment options: four flat-rate and one income-related:

 - €436 a month for 30 months or for 36 months if both parents apply for the payment (30+6 bonus months' option);
 - €624 a month for 20 months or 24 months (20+4 bonus months' option);
 - €800 a month for 15 months or 18 months (15+3 bonus months' option),
 - €1,000 a month for 12 months or 14 months for those earning less than €1,000 income a month (12+2 bonus months' option);
 - 80 per cent of the last net income for 12 months or 14 months, between €1,000 and €2,000 a month (12+2 bonus months' income-related option).

On any of the four flat-rate Childcare benefit options, a parent may additionally earn 60 per cent of the income they earned in the calendar year prior to the child's birth or at least €16,200 a year. For the earnings-related option, additional earnings may not exceed €6,400 a year.

- *For parents whose children are born after 1 March 2017:*
 - Parents may choose between the flexible flat-rate Childcare benefit account and the income-related Childcare benefit.
 - The existing four flat-tax payment options were replaced with a new flexible payment scheme (Childcare benefit account), where parents can distribute an overall sum of about €15,449 (if both parents take leave) or €12,366 (if only one parent takes leave) over a specific time span. The amount of the Childcare benefit can range between €33.88 and €14.53 per calendar day and depends on the duration the benefit is received. If only one parent uses the leave, he or she might consume the overall sum within a time span of 365 (with a daily amount of €33.88€) to 851 days (with a daily amount of €14.53). If both parents take-up the Childcare benefit (respecting a minimum duration of 61 calendar days per parent), the money is to be used within 456 and 1063 days. A parent may earn an additional €16,200 or 60 per cent of the previous income per year.
 - The income replacement option, however, will stay in place.
 - If parents share their leave in equal parts or 60:40, then each parent is entitled to a 'partnership bonus' payment of €500.
 - Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2016 was €1.171 million.

Flexibility in use

- Leave may be taken by one parent only (mother or father) or by both parents on an alternating basis (the whole period can be divided into a maximum of three parts alternating between parents, with each part at least two months).
- The parents can change the chosen Childcare benefit scheme once (i.e. the combination of daily amount and duration).
- Each parent has the possibility to postpone three months of Parental leave, to use up to the child's seventh birthday (or school entry at a later date).
- Both parents cannot take leave at the same time except for one month the first time they alternate leave; during this month both parents can receive the Childcare benefit (however, the overall sum of the Childcare benefit stays the

same); in that case, Parental leave ends one month earlier (i.e. one month before the child's second birthday).

Regional or local variations in leave policy

- None.

Eligibility (e.g. related to employment or family circumstances)

- All employees are entitled to take Parental leave.
- There is no entitlement to take Parental leave for self-employed workers; however, they can claim Childcare benefit under the same conditions as applied to employees.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent; or delegation of leave to person other than parent)

- In case of multiple births, the amount of the Childcare benefit via the 'account' option (not the income replacement option) will be increase by 50 per cent for each additional child.
- In case of one of the two parents being prevented from using the Childcare benefit due to death, prison or other severe reasons, the available parent may use the full amount of the Childcare benefit, usually only available if both parents take leave.

Additional note (e.g. employer exclusions or rights to postpone)

- None.

d. Childcare leave or career breaks

- Employees have the possibility to take between two and 12 months' time off for private reasons (e.g. further education, family reasons). It is based on labour legislation and on a mutual agreement between employer and employee and is unpaid; it is, therefore, not a statutory entitlement. The leave period is unpaid, though if leave is taken for educational reasons, it is possible to receive a further training allowance from unemployment insurance funds (though the employee also has to meet the eligibility criteria for unemployment benefit and the employer has to recruit a substitute for the period of leave).

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Two weeks (average working week) leave a year per employee to care for sick children under the age of 12 years, and one week for other dependants/family members needing care, with full earnings replacement.
- There are two other different forms of care leave. First, employees have a statutory right to take at maximum six months of family hospice leave

(*Familienhospizkarenz*) for the purpose of nursing terminally ill family members or seriously ill children. If the leave is taken for severely ill children, it can be extended to nine months. Since 2017, the leave for care of severely ill children may be renewed twice (each time for another nine months). Entitled family members of the family hospice leave are relatives in the direct ascending or descending line, including adoptive parents, partners and registered partners of a parent, and parents of children living in a separate household.

Second, since January 2014, if their employer agrees employees may take a long-term care leave (*Pflegekarenz*) to organise care or care for frail dependants/family members for a duration of three months (initially) per dependent. The minimum duration for this leave is one month. It can be extended from three to six months (per dependent) if the health status of the dependent person worsens substantially. Slightly different regulations apply for public sector employees. Self-employed persons are not eligible for the care leave models while unemployed persons are. Since January 2014, employees are entitled to a cash benefit (*Pflegekarenzgeld*) during long-term care leave or family hospice leave to care for sick children or dependants/family members respectively. Entitled family members are relatives in direct ascending or descending line, including siblings, adoptive parents, step-parents, step-children, partners or registered partners of a parent, and in-laws. It amounts to 55 per cent of net average income per calendar day. The maximum duration for the payment is six months per employee (or 12 months per dependent person, if the leave is shared). Low-income families may claim subsidies for family hospice leave, if the leave causes financial distress. Since 2017, care by relatives is also considered under inheritance law in Austria. Persons who personally provided unpaid, intensive care for a close relative for at least six months in the three years before the relative's death may receive a financial compensation after the relative's death under this regulation.

Flexible working

- Parents with children born after 1 July 2004 are entitled to work part time until the child's seventh birthday (or school entry at a later date) if they are working in companies with more than 20 employees and if they have been continuously employed with their present employer for at least three years. The reduction of working time must amount to at least 20 per cent of previous working time. It is not possible to work part-time below 12 hours per week. The regulations also include the right to change working hours within the day (e.g. from morning to afternoon) without reducing the number of working hours and the right to return to full-time employment. Parents working in companies with less than 20 employees may enter into an agreement on part-time work with the employer to the child's fourth birthday (see above Parental leave).
- Parents are protected against dismissal until their child's fourth birthday. During the remaining period of part-time work (i.e. until the child's seventh birthday or school entry at a later date) protection against dismissal without grounds is provided.
- Caregivers for frail or sick dependants/family members are entitled to work part-time (family hospice leave) or agree on a part-time arrangement with their employer (long-term care leave). For long-term care leaves, a minimum working time of ten hours per week is obligatory. Payment during both care leave models is calculated proportionately (under consideration of a minimum income threshold).

Specific provision for (breast-)feeding

- Mothers are entitled to 'nursing' leave of 45 minutes per day at a daily working time of 4.5 to 8 hours. If a mother works 8 hours or more, she is entitled to a daily nursing leave of two times 45 minutes or one break of 90 minutes.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Austria is 24 months. As there are five payment options available, this is mostly paid at a low flat rate. However, there is one option available which is paid at 80 per cent of earnings over a 12-14 months period (high paid earnings-related Maternity leave runs until eight weeks after birth). There is an entitlement to ECEC from five years of age, though only for part-time kindergarten (16 hours per week); attendance is obligatory. So there is a gap of three years between the end of leave and an ECEC entitlement, and a gap of 46 months between the end of the duration of the income replacement benefit (if this option is chosen) and an ECEC entitlement. Levels of attendance at formal services for children under three years are below the average for the countries included in this review and for OECD countries; but are close to the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

Already in March 2017, the new regulations on the childcare benefit, the family-time bonus and a partnership bonus came into force; see 1c for more details.

4. Take-up of leave

a. Maternity leave

It is obligatory for employees to take Maternity leave and almost all mothers are eligible; the take-up of leave, therefore, corresponds to the number of births.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Data provide evidence that almost all eligible (i.e. formerly employed) mothers – between 93 and 96 per cent – took up Parental leave in the last years of the previous scheme. Since the replacement of the Parental leave benefit by the new Childcare benefit in 2002, there is only information on the number of women and men taking Childcare benefit, which is different to the number of persons taking up Parental leave (i.e. parents not on leave receive Childcare benefit as well as those who are taking leave). There is no way of telling from these figures what proportion of parents take Parental leave and it is doubtful whether data on the take-up of Parental leave will be available in the future.

Parental leave for fathers was introduced in 1990, and the proportion taking it was always very low (between 0.6 and 2 per cent). As there are no official statistics on the take up of Parental Leave, it is difficult to know how many fathers currently take Parental Leave. Some studies address this issue but the percentages vary significantly depending on the population under study. The monthly official statistics (cross sectional data at one point in time) on Childcare benefit indicate a very low percentage of participating fathers. This is due to the fact that fathers mainly take shorter periods than mothers – they choose the shorter option more often than women, as the payment is higher than for the longer options -and therefore appear less often in the statistics. Looking at fathers who have taken any period of Childcare benefit, the percentage is much higher, varying between the different options from 10.72 per cent to 30.63 per cent (April 2016, children born before 1 March 2017).

d. Other employment-related measures

In 2014, when the cash benefit for people on care leave (*Pflegekarenzgeld*) was introduced, a total of 2,323 people received this benefit. Of these beneficiaries, 54.2 per cent used the long-term care leave model (*Pflegekarenz*), 5.3 per cent used the same model working part-time (*Pflegekarenzteilzeit*), and 40.5 per cent used the family hospice leave model. The number of beneficiaries has been steadily increasing, with 2,616 people using this paid leave model in 2016. In addition, 190 people received a means-tested subsidy². Schmidt, Fuchs and Rodrigues (2016) report a take-up rate of 2.5 per cent based on estimates regarding the eligible number of employees³. The average duration of the long-term care leave model amounted to 82.6 days in 2014, i.e. slightly below the three months that this model allows for initially⁴. About two thirds of employees taking a care leave from work to care for a frail or sick dependants/family members (i.e. long-term care leave or family hospice leave) are women⁵.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

² BMASK (Bundesministerium für Arbeit, Soziales und Konsumentenschutz) (2017), Österreichischer Pflegevorsorgebericht 2016 [Austrian long-term care report], Vienna; Parlament 2015, Anfragebeantwortung der Anfrage Nr. 6489/J der Grünen betreffend Pflegekarenz und Pfl egeteilzeit [Parliamentary inquiry 6489/J on behalf of the Greens respective long-term care leaves], Wien 3 November 2015.

³ Schmidt, A.E., Fuchs, M., Rodrigues, R. (2016) Juggling family and work – Leaves from work to care informally for frail or sick family members – an international perspective, Policy brief (September 2016), Vienna: European Centre for Social Welfare Policy and Research.

⁴ Parlament 2015.

⁵ Parlament 2015; AK NÖ (Kammer für Arbeiter und Angestellte für Niederösterreich), Analyse Familienhospizkarenz 2002-2012, Wien 2012.

Research on Maternity leave is rare because the entitlement is so well established and widely accepted; research on Parental leave is often linked on the one hand to the broader issue of work–life balance and flexible working schemes for parents with young children; and on the other hand to the issue of gender equality and gender-specific division of paid and unpaid labour. In general there have been a lot of evaluation studies on leave-related policy measures – especially on the Childcare benefit – in the last few years. This is due to the recently introduced legal obligation to evaluate the effects of new regulations within two years. Particular attention in these evaluation studies (but also an issue for research in general) has been paid to the role of fathers and their participation in childcare. Recently, too, there are several evaluation studies on part-time work for parents.

b. Selected recent publications

Mairhuber, I. and Sardadvar, K. (2017) `Pflegekarenz und Pflegeteilzeit in Österreich: eine Neuausrichtung im Langzeitpflegeregime? Folgen, Potenziale und Grenzen einer Maßnahme zur ‚Vereinbarkeit‘ von Erwerbsarbeit und Care`, *Feminapolitica*, Vol.26, No.2: 47-61. Available at: <http://nbn-resolving.de/urn:nbn:de:0168-ssoar-55252-8>

Valarino, I., Duvander, A.Z., Haas, L. and Neyer, G. (2017) `Exploring Leave Policy Preferences: A Comparison of Austria, Sweden, Switzerland, and the United States`, *Social Politics: International Studies in Gender, State & Society*, Vol.25, No.1: 118-147. Available at: <http://dx.doi.org/10.1093/sp/jxx020>

This study analyses preferences regarding leave length, gender division of leave, and leave financing in four countries with different welfare-state and leave regimes. Embedded in a gender perspective, institutional, self-interest, and ideational theoretical approaches are used to explore the factors shaping individuals' preferences (ISSP 2012 data). Findings show dramatic cross-country differences, suggesting the institutional dimension is most strongly related to leave policy preferences. Self-interest and values concerning gender relations and state responsibility are also important correlates. The study identifies mismatches between leave preferences, entitlements, and uptake, with implications for policy reform and the gendered division of parenting.

Danzer, N. and Lavy, V. (2018) `Paid Parental Leave and Children's Schooling Outcomes`, *The Economic Journal*, Vol.128: 81–117.

This article investigates whether schooling outcomes at age 15 are affected by the duration of maternity leave, i.e. the time mothers spend at home with their new-born before returning to work. We exploit an unanticipated reform in Austria which extended the maximum duration of paid and job protected parental leave from 12 to 24 months for births as of 1 July, 1990. Using PISA data from the cohorts 1990 and 1987, we find no significant overall impact of the parental leave extension on standardised test scores. However, subgroup analyses reveal strong heterogeneity by maternal education and child gender.

c. Ongoing research

Families and inequality: Trends in the education gap in family behaviour across Europe (FATE) (2018 – 2021) FWF Elise Richter Programm (Caroline Berghammer). The FATE project investigates how family behaviour varies by education and how this educational gap has changed over the last decades. It specifically looks at three kinds of family behaviours: (1) living arrangements, (2) parents' time spent with childcare and (3) parents' employment. Based on data from various surveys, the FATE project draws a comparison between many European countries.

Men and Reconciliation of Work and Family: Supporting the Path to Gender Equal Distribution of Parental Leave and Working Time (2015-2017).

This EU project is supported by the European Union Program for "Rights, Equality and Union Citizenship" (2014-2020). It is coordinated by the Ministry of Labour, Social Affairs and Consumer Protection (project partners: BMGF, L&R, FORBA, social partners, AK, ÖGB and IV). The project pursues inter alia the target to identify promoting and hindering factors for a better reconciliation of work and family for men in Austria.

Changing Families and Sustainable Societies: Policy Contexts and Diversity over the Life Course and Across Generations (FamiliesAndSocieties) (2013-2017). Funded by the European Union; Austrian partner: The Department of Sociology, University of Vienna.

The main objectives of this project are to investigate the diversity of family forms, relationships, and life courses in Europe; to assess the compatibility of existing policies with these changes; and to contribute to evidence-based policy-making. The project intends to extend the knowledge on how policies promote well-being, inclusion and sustainable societal development among families. See: <http://www.soz.univie.ac.at/forschung/drittmittelprojekte/>

Belgium¹

Laura Merla (Université Catholique de Louvain), **Dimitri Mortelmans** (Universiteit Antwerpen) and **Bernard Fusulier** (Université Catholique de Louvain)

April 2018

NB. Belgium is a federal state.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Moederschapsverlof/Congé de maternité*) (responsibility of the Federal Department of Employment)

Length of leave (before and after birth)

- 15 weeks for employees. A woman can start to take her leave six weeks before her baby is due; one week before the due date and nine weeks after delivery are obligatory.
- 12 weeks for self-employed mothers (with three weeks of compulsory leave).
- Unemployed mothers have the same rights as employees.

Payment and funding

- Employees in the private sector: first month at 82 per cent of earnings plus 75 per cent for the remaining weeks with a ceiling of €135 per day. Statutory civil servants receive full salary; contractual civil servants, as for private sector.
- Self-employed mothers receive €458 per week.
- Unemployed mothers: first month receive unemployment benefits + 19 per cent of previous earnings with a ceiling of €135 per day, then unemployment benefits + 15 per cent of previous earnings with a ceiling of €135 per day
- Funded from Federal Health Insurance, financed by employer and employee contributions and general taxation.

Flexibility in use

- The start of Maternity leave can be delayed until one week before birth.

¹ Please cite as: Merla, L., Mortelmans, D., Fusulier, B. (2018) 'Belgium country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2018. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- Up to two weeks of post-natal leave can be taken as 'free days' thereby spreading Maternity leave over a longer period and facilitating a more gradual re-entry into paid employment.
- Maternity leave for self-employed mothers has been extended to 12 weeks and made more flexible. Self-employed mothers now have three weeks of compulsory leave (one week before birth and two weeks after birth). In addition, they are entitled to nine weeks of optional leave to be taken by blocks of seven days during the 36 weeks following birth. Each week of optional leave can be transformed into two weeks of part-time leave for women who go back to work on a part-time basis (max half-time, from the total of 18 weeks).

Eligibility (e.g. related to employment or family circumstances)

- All women employees or women benefiting from unemployment benefits are entitled to leave with earnings-related benefit. Self-employed workers can take Maternity leave but have a separate system, which is less advantageous compared with employees (e.g. 12 weeks of paid leave).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- Mothers needing the full six weeks of pre-natal leave for health reasons can take an extra week of post-natal leave, i.e. their Maternity leave is extended to 16 weeks. The rest of pre-natal leave is not added to post-natal leave if they fall sick.
- In the case of multiple births, the length of leave increases by two weeks. Maternity leave can also be extended if the baby is hospitalised following birth.
- 'Social' Parental leave: in the case of the death of the mother, or if the mother remains in hospital (after the first week after delivery) for more than a week and if the baby is at home, the father is granted the remaining weeks of the Maternity leave period. He is paid 60 per cent of his earnings in addition to the payment of the mother's Maternity leave benefit.

b. Paternity leave (Vaderschapsverlof/Congé de paternité) (responsibility of the Federal Department of Employment)

Length of leave

- Ten working days.

Payment and funding

- 100 per cent of earnings for the first three days paid by the employer; 82 per cent of earnings for the remaining period paid by Health Insurance up to a ceiling of €110 per day.
- Funded as Maternity leave.

Flexibility in use

- Fathers and co-parents (that is, same-sex partners) can take these two weeks during the first four months following the birth of their child.

Regional or local variations in leave policy

- Civil servants in the Walloon region receive 15 days, on the basis of their Collective Agreement.

Eligibility (e.g. related to employment or family circumstances)

- All male employees. Unemployed and self-employed fathers are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- None.

c. Parental leave (*Ouderschapsverlof/Congé parental*) (responsibility of the Federal Department of Employment and Social Affairs)

Length of leave (before and after birth)

- Four months per parent. Leave is an individual entitlement.

Payment and funding

- €721 per month net of taxes (€802 before taxes).
- Funded as Maternity leave.

Flexibility in use

- Leave may be taken full time, half-time (50 per cent) over eight months, or one day a week (20 per cent) over 20 months.
- For half-time leave, the total duration of eight months can be split into blocks of time, with a minimum of two months. For one-fifth of the leave, the total duration of 20 months can also be split into blocks, with a minimum of five months.
- Leave can also be combined as follows: one month at full time + two months at half-time + five months at one-fifth.
- Leave may be taken up to the child's 12th birthday.
- Both parents can take leave at the same time.

Regional or local variations in leave policy

- The Flemish Community (i.e. the government in the Flanders area) pays an additional benefit bonus for a maximum of one year for Parental leave or Time Credit (see section 1d). The amount of this additional payment depends on the sector of employment (e.g. private, social profit or public) and the reduction of employment while taking leave. This additional benefit is largest for employees in the social profit sector, namely an additional €484 net per month for employees taking a full-time break (for Parental leave or, in the case of Time Credit, for care reasons); while for employees in the private sector it is €172 net per month (for Parental leave or, in the case of Time Credit, for any the reason for taking leave).

Eligibility (e.g. related to employment or family circumstances)

- All employees who have completed one year's employment with their present employer (during the last 15 months) and who have, or expect to have, parental responsibility for a child. Otherwise, the employer can grant this benefit by agreement with the employee. All employees in the public sector are eligible, regardless of the length of service.
- Self-employed workers are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- As the leave is per child, length of leave is increased for multiple births, e.g. each parent of twins gets eight months of leave.
- Parents of disabled children can take leave until their child's 21st birthday.
- The benefit is higher for lone parents who reduce their employment by a fifth (approximately €169 instead of €125 per month in all other cases).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employers may postpone granting leave for up to six months 'where business cannot cope'. In addition, the request for leave must be addressed to the employer a minimum of two months and a maximum of three months in advance.

d. Childcare leave or career breaks

- There is a Time Credit system (*Tijdskrediet/Crédit temps*), which applies to employees in the private sector; a rather similar scheme – 'career breaks' – applies in the public sector. All eligible workers have a basic right over their working lives to one paid year of this type of leave, taken full time, or 24 months taken half time or 60 months taken at one-fifth time.
- Leave taken under the Time Credit/career break system can only be taken to care for a child younger than eight years (or for a disabled child up to 21 years), to provide palliative care, and/or to care for a severely ill relative. Payment varies according to age, civil status and years of employment (e.g. it is higher for those employed for five years or more). The maximum for a full-time break is approximately €654 per month (587€ after taxes). The bonus for residents of the Flemish Community taking Parental leave also applies to this type of leave.
- Employees need two years of previous employment with the same employer to be granted payment. There is a guarantee in principle to return to the workplace following a career break or time credit period.
- For each company, there is a five per cent threshold of employees who can use the Time Credit system at any one time; priorities are settled within the company according to certain rules (e.g. priority in the case of care for a severely ill family member). There is an increase of the threshold relatively to the number of employees over 50 in the company (more 1 unit/10 employees).
- Payments to Time Credit users are funded by the Federal social security system, which is financed by contributions from employers and employees, and by the federal government.
- Collective agreements negotiated at sectoral or company level are permitted to extend the Time Credit period up to 51 months for care purposes. This

maximum length of leave is applicable regardless of the leave being taken full or part-time.

- All employees can trace their personal account of time credit/career break in an online e-government tool: Break@Work (www.breakatwork.be),

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children, except Parental leave may be taken until a child's twelfth birthday.

Time off for the care of dependants

- Employees may take up to ten days of leave a year 'for urgent reasons' (*force majeure*) to deal with unexpected or sudden circumstances. The legislation defines 'urgent' as making it 'obligatory and necessary' to be present at home instead of being at work (e.g. such as illness, accident or hospitalisation of a member of the household). There is no entitlement to payment.
- For a severely ill family member (Medical care leave), an employee can take full-time leave ranging from one to twelve months (and up to 24 months in the case of part-time leave). It must, however, be taken in blocks of one to three months. Benefits paid are under the same conditions as for Parental leave.
- Employees may also take up to two months of leave, full time or part time, for palliative care (to be taken in blocks of one month). Benefits paid are the same as for Parental leave.
- Foster parents may take six days of leave to allow them to fulfil administrative and legal requirements, paid as for Parental leave.

Flexible working

- No statutory regulation. In Flanders, however, some firms experiment with flexible contracts adapted to the living conditions of parents with joint physical custody. These parents have one week with more working hours and one week with less hours, depending on whether the children reside with them or not. The system is not used in all economic sectors and receiving such a contract depends on the goodwill of the employer.

Specific provision for (breast-)feeding

- None.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Belgium is 51 months (including full use of the basic entitlement to Time Credit), but most of this is low paid; leave paid at a high rate ends after Maternity and Paternity leave at around four months after birth. There is an entitlement to ECEC from 2.5 years of age: from this age, children can attend nursery school for 31.5 hours per week during term time. So there is no gap between the end of Parental leave/time credit and an ECEC entitlement, but a substantial gap of more than two years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are

above EU and OECD averages, with universal coverage for children over three years of age.

3. Changes in policy since April 2017 (including proposals currently under discussion)

For the first time in Belgian political history, the current federal government is based on a coalition of two liberal parties (Open VLD and MR), one Christian-democrat party (CD&V) and one dominant Flemish nationalist party (N-VA), with only one French-speaking party, the MR, included – though the Prime minister comes from the latter party.

The Agreement of the Federal Government included number of intentions for reform related to:

- The progressive harmonisation of the time credit and career break systems in the private, public and non-profit sectors
- Increased control on the reasons for, and conditions of, the use of thematic leave, including Parental leave
- An action plan for gender equality in work-life balance, consisting of a policy to combat stereotypes, and the ‘possibility’ to encourage a more equitable use of leave schemes by mothers and fathers

In 2017, a series of reforms entered into force. These reforms included significant changes to the Time Credit system and Maternity Leave for self-employed mothers. The new Time Credit system is not strictly limited to paid leave for care or training reasons – the possibility to take unpaid time credit for other reasons has been suppressed. In addition, the total duration of paid time credit (as negotiated in sectoral or workplace agreements) for care reasons (for children, disabled children, severely ill relatives or palliative care) has been extended to 51 months.

The federal government also introduced a ‘career-savings account’ (Law of 5 March 2017). This measure allows workers to cumulate ‘vacation time’ and or ‘remuneration’, and use them for a temporary interruption of their careers, to facilitate the transition between two jobs, or to top-up one’s pension benefits. The system entered into force on 1 February 2018, but in order to be activated and implemented, this measure must be translated into sectoral collective agreements by the social partners. It is expected that existing schemes such as time-credit and ‘similar systems’ would be integrated into this account.

Planned reforms that should come into force during the next months include the further flexibilisation of Parental leave with the new option to take it on a 1/10th basis, allowing parents to take a half-day off work every second week (for instance, to care for their children on Wednesday afternoons, when there is no school).

4. Take-up of leave

Viewing the ongoing extension of flexibility of numerous types of leave, with some differences in remuneration and even duration according to various sectors of employment (private, public, education, etc.) it becomes increasingly difficult to provide accurate data of take-up rates in Belgium. Available statistics are mostly administrative and developed to fit the monthly payments of the users. The main

source of information is the federal agency in charge of this RVA / ONEM², but for a more detailed account see 'Documentation/Statistics'.

The actual number of users according to the type of leave is especially blurred by the variations in the duration of leave. An increasing number of employees opts for a one fifth a week leave, especially among older workers taking time credit / career break to facilitate the final years of their formal career. This also holds to a lesser extent for the take-up of Parental leave, especially among fathers who continue to work but who 'soften' their involvement via this one fifth a week leave. Such fathers are registered as leave takers for twenty months (instead of 4). The drawback of this flexibility is that it keeps users much longer in the annual statistics. We therefore invite readers to be very careful in their interpretation of the statistics we provide in this CN.

a. Maternity leave

A period of Maternity leave is obligatory for employees. There is no systematic information on what proportion of women do *not* take the full amount of Maternity leave, an issue especially relevant among the self-employed.

b. Paternity leave

In 2017, 56,036 (RIZIV/INAMI data) fathers used the Paternity leave four or more days of leave (there is no information about fathers using three – or less – days of leave paid by their employers). In average they took-up 9.83 days (max 10 days). For several years, the number of users and the duration have remained relatively stable.

c. Parental leave

There is no information on what proportion of employees are *not* eligible for Parental leave. In 2017, 63,739 employees used Parental leave, an increase of 87 per cent compared to 2007 (N = 34,111).

Official statistics from the Unit of RVA/ONEM (the agency in charge of payments for employees taking some type of leave or Time Credit break) do not distinguish parental leave by sex. So in order to approach the gender take-up of parental leave, we must include the two other thematic leaves (Medical care leave and Palliative care leave). However, in 2017, parental leave concerned 78 per cent of the users of thematic leaves. In 2017, 25,586 men used thematic leaves (an increase of 202 per cent since 2007 – N = 8479), in comparison with 56,329 women (an increase of 79 per cent since 2007 – N = 31,390).

Obviously most of the users of Parental leave are women, although the proportion of fathers among all leave-takers is slowly growing. In early 2014, the Study Unit of RVA/ONEM (the agency in charge of payments for employees taking some type of leave or Time Credit break) issued a more detailed account of developments over the decade from 2002 to 2012. The proportion of men taking Parental leave increased from 8.3 to 25.7 per cent, with some levelling-off by the end of the period (RVA/ONEM, 2014).

² Available at: www.rva.be / www.onem.be

Part-time leave options are the most popular, especially among men. Almost three-quarters of leave takers use the one-fifth time option, suggesting that it is predominantly used as a flexibility measure. But the possibility of combining two or more types of leave (e.g. mixing some full-time and some part-time leave) is rarely used, on average by about one per cent of men and four per cent of women. See: http://www.onem.be/sites/default/files/assets/publications/Etudes/2014/Conge_Parental/FR.pdf

d. Other employment-related measures

In 2017, 73,562 Civil Servants used the Career Break system (53,573 of them being women). If men are taking the Career Break System they proportionally use more the End-of-Career measure. Compared to 2008, the number of users remains relatively stable. Within the different types though, the full time break fell by 58 per cent while the end-of-career break increased with 17 per cent.

In 2017, 130,829 employees in the private sector made use of the Time Credit system, mostly via the part-time formula (88 per cent). Part-time use of Time Credit is predominantly used as end-of-career measure (55 per cent) and to a lesser degree as general leave measure (33 per cent). Overall, use increased by 8 per cent compared to 2008. Men predominantly take the time credit as an end of career leave while women are more equally divided among end-of-career and general leave.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

There is no research on statutory leave entitlements, and only limited official information on take-up. At best, large-scale comparative information is provided on the basis of administrative statistics (see above) by the federal agency – RVA/ONEM – in charge of the regulation and monitoring of the various types of leave in Belgium. There have been a number of publications documenting the use of these entitlements based on these administrative records, showing an overall increase in use, mostly by women to maintain continuous employment when having children.

b. Selected recent publications

None reported.

c. Ongoing research

Among Belgian universities, three research units in particular work on work-life balance issues and occasionally provide relevant information related to leave policies:

- University of Antwerp, unit CLLS (Research Center for Longitudinal & Lifecourse Studies (<https://www.uantwerpen.be/en/rg/cello>). Contact: Professor D.

Mortelmans at dimitri.mortelmans@uantwerpen.be or Professor K. Neels at karel.neels@uantwerpen.be.

<https://www.uantwerpen.be/en/research-groups/cils/>

- Free University of Brussels, unit TOR (Tempus Omnia Revelat). Contact: Professor I. Glorieux, <https://www.vub.ac.be/TOR>
- Catholic University of Louvain, Interdisciplinary Research Centre on Families and Sexualities (CIRFASE). Contact: Prof. Bernard Fusulier and Prof. Laura Merla <http://uclouvain.be/cirfase>

Brazil¹

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April 2018

NB. Brazil is a federal state

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on coverage of leave entitlements: Leave entitlements in Brazil are primarily governed by the Labour Law (*Consolidação das Leis do Trabalho – CLT*), which applies to the whole country, but only to employees with regular work contracts or those that contribute to the Social Security Institute (INSS). Only half of the Brazilian labour force works in formal jobs and are thus entitled to such benefits. The conventions and collective agreements negotiated by trade unions may eventually extend such rights.

a. Maternity leave (*licença-maternidade*) (responsibility of the National Institute of Social Security/INSS, Ministry of Social Security)

Length of leave (before and after birth)

- One hundred and twenty (120) calendar days in the private sector, which can be extended to six months if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*). It may be taken from the eighth month of pregnancy.
- Six months in the federal public sector. At state and municipal levels, entitlement to the additional months depends on the approval of the authorities; most state authorities approve this extended leave, but only a minority of municipalities.
- In the event of the death of the mother, the spouse is entitled to Maternity leave. The payment duration of the benefit is then calculated according to the period to which the woman would still be entitled.
- Single adoptive fathers are entitled to Maternity leave.
- In homosexual couples, only one partner (man or woman) is entitled to Maternity leave.

¹ Please cite as: Fraga, A, and Sorj, B. (2018) 'Brazil country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Payment and funding

- 100 per cent of earnings, with no ceiling. In the case of a variable salary (i.e. because of commission, gratuity, overtime, bonus pay), the payment is equivalent to the average of the last six months of work.
- If leave in the private sector is extended to six months, the benefit during those extra 60 days is paid by the employer with the costs covered by fiscal deductions.
- In case of miscarriage or legal abortion (on the grounds of rape, risk to the mother's life or a foetus with anencephaly), the Maternity benefit payment is paid for two weeks.
- Funded for employees from contributions into a social security fund paid by employers and employees: employers pay 20 per cent of their salary bill (Domestic employers pay 8 per cent of the domestic employee's salary as contribution); and employees pay on a sliding scale according to salary: eight per cent if under BRL1,693.72 [€403.31]²; nine per cent between BRL1,693.73 [€403.31] and BRL2,822.90 [€672.20]; and 11 per cent between BRL2,822.91 [€672.29] and BRL5,645.80 [€1,344.40] which is the upper limit for social security payments. Funded entirely by own contributions for self-employed workers and business owners.
- Leave does not affect pensions, as contributions are paid by the state.

Flexibility in use

- Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so.

Eligibility (e.g. related to employment or family circumstances)

- All women who work and contribute to Social Security, whether this be through employment with a signed work card, as a temporary employee or self-employed.
- Housewives or students who do not earn a salary, but who pay monthly optional Social Security contributions to retain coverage, can enjoy the same benefit after contributing for at least ten months. In this case, the amount of the Maternity benefit is that of the reference salary contribution (e.g. if she contributes on the basis of one minimum salary, she receives a minimum salary per month while on leave).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- The mother has the right to another 15 days in some specific situations, such as when her or the baby's life is at risk.
- If the mother dies during childbirth or during maternity leave, the father can apply for the benefit and complete the remaining period of the leave.

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

b. Paternity leave (*licença-paternidade*)

Length of leave (before and after birth)

- Five consecutive calendar days in the private sector for birth or adoption of a child. Twenty calendar days in the Federal public sector. At state and municipal levels, entitlement to the additional period depends on the approval of the local authorities. In the private sector it can be extended to 20 days if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*). In this Programme, the benefit during those extra 15 days is paid by the employer with the costs covered by fiscal deductions.

Payment and funding

- Full earnings are paid by the employer under the provisions of labour legislation.
- It does not affect pensions.

c. Parental leave

- No statutory entitlement.

d. Childcare leave or career breaks

- No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Mothers in the private sector who adopt a child are entitled to Maternity leave of 120 consecutive days and full salary, equating the rule valid for biological mothers. Mothers in the public sector who adopt children are entitled to 180 consecutive days of leave and full salary, equating the rule valid for biological mothers.
- If the adoptive mother dies, the spouse can use the leave for the remaining time. This is also the case for homosexual couples.
- When the adoptive mother does not pay Social Security contributions, all the benefits of Maternity leave go to the adoptive father (on the condition that he pays Social Security contributions).

Time off for the care of dependants

- Paid leave up to two consecutive days is granted in the case of the death of a spouse, ascendant, descendant, sibling or a person declared in his/her work card and for the purposes of Social Security as financially dependent.
- In the public sector, leave is granted to care for a sick spouse or companion, parent, child, stepfather/stepmother, stepchild or dependent, subject to approval by an official medical board which must decide that the employee's direct assistance to the sick person is essential and must be during working hours.

- In the public sector, leave may be granted for up to 60 days at 100 per cent of earnings; after which a further 90 days of leave is possible, but with no payment. For the private sector, leave to care for a sick dependent can be part of a collective agreement, but not a labour law or regulation.
- Public servants who accompany their relatives with disabilities in health-related activities are entitled to special working time, without having to compensate the hours spend in caring; they receive full salary during this period.

Flexible working

- See section below.

Specific provision for (breast-)feeding

- The Labour Law provides for two 30-minute breaks for breast-feeding during the working day, until a child reaches six months.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Brazil (for federal public sector workers) is six months, paid at full earnings replacement. There is no entitlement to ECEC. However, Labour Law (CLT) states that every company with a workplace employing at least 30 women aged over 16 years must maintain a suitable place, in which, up to the sixth month of the breastfeeding phase, female employees can leave their babies under supervision and with adequate care. As a substitute for this requirement, the company can adopt the system of crèche assistance, an amount the company passes on directly to female employees so as not to be obliged to maintain a crèche. In this case, the benefits must be granted to every employee with a young child, regardless of the number of female employees in the establishment, and they must be the object of collective negotiation. Levels of attendance at formal services for children under three are around the average for the countries included in this review and for OECD countries; but well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

There have been no significant changes to leave policies in the past year. A labour reform was approved in Brazil in 2017, but it did not change leave policies. The most recent change was the Project Legal Framework for Early Childhood approved in 2016 (Law 13.257/2016). It determines a set of actions for the beginning of life, between zero and six years old. One of the innovations is the increase of Paternity leave from five to 20 days for employees of companies that adhere to the Company-Citizen Programme (Programa Empresa-Cidadã). The values of these 15 days more are paid by the company – and not by the Social Security Institute (INSS) as with mandatory Paternity leave – and then are returned in the form of discount on income tax to be paid the following year.

4. Take-up of leave

a. Maternity leave

There is no information available, but close to 100 per cent take-up is likely as leave is a legal entitlement and payment is made from the social security fund and not by the employer.

b. Paternity leave

There is no information available (we can suppose that the take-up is very high).

c. Parental leave

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

There is little research in this area because the issue of reconciling work and family has not been properly recognized as a social problem. The support provided by members of extended families (notably grandmothers), by networks of solidarity and by a large contingent of domestic workers (15 per cent of the female labour force) shape the social understanding that the reconciliation of work and family responsibilities is a private issue. However, some recent changes in the labour market (e.g. a significant increase in labour force participation by mothers with dependent children) and family structure (e.g. an increase in female lone-parent families) indicate that this question should gain importance as a social policy issue in the coming years.

b. Selected recent publications

Fraga, A.B. (2016) 'O serviço doméstico sob os holofotes públicos: alterações na articulação entre trabalho produtivo e reprodutivo no Brasil (Estado, mercado e família)' ['The domestic service under the public spotlight: changes in the articulation between productive and reproductive work in Brazil (state, market and family)'], Tese de Doutorado em Sociologia. Rio de Janeiro: UFRJ. Available at: https://sucupira.capes.gov.br/sucupira/public/consultas/coleta/trabalhoConclusao/viewTrabalhoConclusao.jsf?popup=true&id_trabalho=3749037#

In the bibliography on domestic service, one question remains open: what explains the variation in the proportion of workers inserted in this occupation? The answer defended in this research is that there is a strong relationship between the configuration and the volume of domestic service and the manner in which it was resolved socially in different countries, the articulation between the productive and reproductive sphere: by the state, market or family. In each country, the interrelations between these three actors produced different production-reproduction mediation

arrangements. In Brazil, although with a familialist regime, the possibility of delegating to the housemaids a large part of household chores and care was established as a viable strategy for the middle and upper classes. However, in 2013, with the approval in National Congress of the “Proposed Constitutional Amendment of Domestic”, which extended to these professionals the rights already guaranteed to other workers, there was a realignment of these societal actors and a modification of the previous arrangement. Thus, the aim of this thesis is to investigate why the state has changed, specifically at this moment, the relationship established with the domestic service and how the market and the family have rearranged themselves on this new scenario.

Bianconi, G. (2017) ‘Licença Paternidade no Brasil: Onde Estamos?’ [‘Paternity Leave in Brazil: Where are we?’], *Gênero & Número*, maio de 2017. Available at: <http://www.generonumero.media/licenca-paternidade-no-brasil-onde-estamos/>
This paper examines Paternity leave in Brazil, its costs and its impact on the market, affection relationships and the baby's health.

Sorj, B., Daflon, V.T. and Grillo, B.R.S. (2017) “Estar presente”: a extensão da licença paternidade e a ideologia do “novo pai” [“To be present”: the extension of Paternity leave and the ideology of the “new father”], *Anais do 41º Encontro Anual da ANPOCS*. Available at: <https://www.anpocs.com/index.php/papers-40-encontro-2/gt-30/gt13-17/10715-estar-presente-a-extensao-da-licenca-paternidade-e-a-ideologia-do-novo-pai/file>

The paper studies the representations and practices of paternity and masculinity in the family sphere through the analysis of ten interviews with fathers who had children recently and received 20 or 30 days of Paternity leave with maturities. As a general objective, the work focuses on ideals and also on the division of tasks within the family with respect to the care with the children. As a specific objective, the research aims to identify the impacts of the recent extension of Paternity leave in the division of tasks within the family, seeking to recognise in what way the extension of the leave affects the gender relations in the family. The aim is to conduct a sociological investigation of male practices in the family, to indicate patterns of the sexual division of labour in the productive and family spheres, to recognise ways of exercising paternity, and to identify the perceptions and uses of Paternity leave.

c. Ongoing research

None reported.

Bulgaria¹

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April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*otpusk poradi bremennost, ragdane I osinovyavane*) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)

Length of leave

- 410 calendar days, from which 45 calendar days must be taken before the expected date of birth. Employers are obliged to accept women's request for Maternity leave.
- The first 135 days are obligatory for mothers, and these are divided into three periods:
 1. The first period includes 45 calendar days before the expected date of birth (pre-natal leave/ pregnancy leave). If a woman gives birth before the 45th day, the remaining days are added to the rest of the leave. If the delivery is delayed after the 45th day, the period is extended with a new medical statement until delivery. The total length of the pre-natal leave / pregnancy leave cannot exceed 93 days.
 2. The second period includes 42 days after childbirth (post-natal leave). Women are also entitled to these 42 days in case of stillbirth, death of child soon after birth or in case the child is given for adoption. In these cases, the post-natal leave can be extended if a medical examination proves that the woman's health and labour capacity are not fully recovered.
 3. The third period includes the remaining 48 calendar days until the 135th day. The post-natal leave is thus in total 90 calendar days after childbirth.

¹ Dimitrova, E., Kotzeva, T. and Ilieva, K. (2018) 'Bulgaria country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Payment and funding

- Women taking Maternity leave have the right to receive financial compensation if they have been insured at the National Insurance Institute for the risk of general illness and pregnancy for at least twelve months, i.e. they were employed and paid contributions for the risk of maternity. The financial compensation for the period of 410 calendar days is 90 per cent of the mean gross salary or the mean insurance income, which the woman has received in the last 24 months preceding the leave. The financial compensation cannot be lower than the minimum salary BGN460 [€235.16]² in 2017; and there is a ceiling on payment equalling a monthly maximum insurance income of BGN2,600 [€1,329.18]. The same regulation applies for self-employed women.
- Funded by the National Social Security Institute through employer and employee contributions.

Flexibility in use

- The first 135 days of leave are available only to the mother since they aim to ensure mothers' care for children in the first months of life. The leave serves also for recovery of mothers' health and labour capacity.
- With the agreement of the mother, after the child reaches six months and until the 410th calendar day, leave can be transferred to the father if he has been insured at the National Insurance Institute for at least twelve months. The financial compensation for this period is 90 per cent of average gross monthly earnings or the average insurance income that the father received in the last 24 months preceding the birth of the child. The financial compensation cannot be lower than the minimum salary, BGN460 [€235.16] in 2017. There is a ceiling on payment equaling a monthly maximum insurance income of BGN 2,600 [€1,329.18]. The same regulation applies for self-employed men.
- If a woman has not worked or has not paid social insurance for risk of general illness and pregnancy, she can receive a monthly benefit until the child's first birthday equal to BGN100 [€51.12]. This is dependent on means-testing, with the income per family member being less than BGN400 [€204.49]. The conditions and the procedure to receive these benefits are stipulated in the Family Allowance Law for Children.

Eligibility

- Women with Bulgarian citizenship, who live in Bulgaria or those with foreign citizenship who have paid the social insurance for the risk of general illness and pregnancy in the last 12 months (regardless of the country where social insurance has been paid).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- The leave for pregnancy, childbirth and child adoption and the financial compensations related to it end in case of stillbirth; death of child; if the child is given for adoption or the child is enrolled in a public childcare institution.

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

The exact end of leave depends also on the medical statement that the mother is in good health and can return to work.

- In case of child adoption the Maternity leave time is recalculated. It is equal to the difference between the length of the leave (410 calendar days) and the age of the child on the day of adoption.

b. Paternity leave (*otpusk po bashtinstvo*) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)

Length of leave

- 15 calendar days.

Payment and funding

- The financial compensation for the period of Paternity leave is 90 per cent of average gross monthly earnings or the average insurance income in the last 24 months preceding birth of the child. The regulation applies for self-employed men. The financial compensation cannot be lower than the minimum salary, BGN460 [€235.16] in 2017. There is a ceiling on payment equalling a monthly maximum insurance income of BGN2,600 [€1,329.18].
- Paternity leave is counted as work experience.
- Funded as for Maternity leave.
- Since 2017, fathers-adopters of children aged up to five years can also receive a financial compensation for the 15-day paid paternity leave. The condition for payment and funding is similar to that for non-adoptive fathers.

Flexibility in use

- None.

Eligibility

- The father has the right to use Paternity leave if the mother and the father are married or live in a shared household. The father can use it from the day when the new-born child is discharged from the hospital (there is no preposition as to whether it can be postponed to a later stage).
- The father can use 15 days of Paternity leave if he has paid social insurance for at least 12 months.
- The leave ends in case of the death of the child; divorce; if the child is given for adoption or the child is enrolled in a public childcare institution.

c. Parental leave (*otpusk za otgledane na dete do 2 godishna vazrast*) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)

Length of leave

- Until the child is two years of age. Leave is a family entitlement.

Payment and funding

- A monthly benefit rate of BGN340 [€173,82] in 2017.
- Parental leave is counted as work experience.
- Funded as for Maternity leave.

Flexibility in use

- From 1 June 2017, if the mother or the mother-adopter decides not to use the paid Parental leave fully or in part after the 135th day, she is entitled to receive a partial financial compensation for the remaining period of the leave. This compensation is set at 50 per cent of the normal monthly benefit for parents taking leave, i.e. BGN170 [€86.91] per month for 2017. The same rule applies if the paid Parental leave is taken by another person who wants to return to work.
- The same condition applies for self-employed mothers in case they decide to start working and renew their social security payments before the end of the paid Parental leave.

Eligibility

- Parental leave is firstly the mother's right. If the mother/adoptive mother of a child below the age of two years dies or gets seriously ill and she cannot take care of the child, the leave can be taken by the father. With the father's agreement, the leave can be transferred to one of the grandparents if s/he is employed and has a paid social security for the risk of pregnancy and general illness for at least 12 months
- The parents or other leave-takers have paid social insurance for at least 12 months.
- The Parental leave cannot be used at the same time by the mother and the father or one of the grandparents.
- Parental leave ends if the child is enrolled in a public childcare institution; the rationale for this is that the leave is given to the mother in order to ensure her permanent care for the child. The leave also ends if the child is given for adoption.
- From 1 June 2017, servicemen in the army are entitled to the same rights for Parental leave as mothers or other leave-takers.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- With the agreement of the mother, paid Parental leave can be taken by one of the grandparents if s/he is employed, on condition that the grandparent has paid social insurance for at least 12 months regardless of when this payment was made.
- If both parents of a child below the age of two years die and the child is not enrolled in a childcare institution, the paid Parental leave can be used by the guardian, and – with his or her agreement – by one of the biological grandparents of the child.

d. Childcare leave or career breaks (*neplaten otpusk za otgledane na dete do 8 godishna vazrast*) (responsibility of the Ministry of Labour and Social Policy)

- Unpaid *Childcare leave to care for a child up to eight years* can be taken by each parent for up to six months, from the second birthday of the child to no later than its eight birthday. It can be taken by both parents (though not simultaneously) if they are in employment and if the child is not placed in a publicly-funded childcare institution. Up to five months of this leave can be transferred to the other parent.
- The entitlement period is extended to one year in the case of a single parent or a guardian of a child whose parents both are deceased; the guardian can transfer any unused remaining portion or the whole period of the leave to any of the child's grandparents if they are in employment. The employer should be notified ten days in advance to leave uptake.
- The leave can also be partitioned and used as separate blocks of time, but no less than five days at a time. Like Maternity, Paternity and Parental leaves, this counts as work experience.

e. Other employment-related measures

Adoption leave and pay

- Adoption leave and pay for adopting a child under the age of two years (*otpusk poradi bremennost, ragdane / osinovyavane*) is available under the same conditions as for Maternity leave, but the period of leave is reduced by the difference between the full length of the leave period (410 days) and the child's age.
- From 2017, it is possible to transfer the right to Maternity leave and compensation after the child has reached the age of six months for the remainder of its first year in addition to the father (adoptive father) also to: one of the mother's parents when the father is unknown; one of the parents of the mother or the father when the father has died; and to one of the parents of a single adoptive mother. Also from 2017 foster mothers are entitled to the same maternity leave and pay as biological and adoptive mothers. The right to transfer maternity leave and benefit from the mother to the father after six months is also available to foster families.
- Another new regulation in force from 2017 is that if adoptive parents are married or cohabit within common household when adopting a child under the age of 5, the adoptive father is entitled to 15 days of leave beginning from the day of the child's arrival in the household (previously, it was only available to biological fathers).
- Adoption leave for adopting a child between two and five years-old (*otpusk pri osinovyavane na dete ot 2 do 5 godishna vazrast*) is available for 365 days, and can be taken from the day of the child's arrival at home, but no later than the child's fifth birthday. An allowance is paid by the National Social Security Institute for the period of the leave at 90 per cent of average gross monthly earnings. Adoptive fathers may use the adoption leave in place of the adoptive mother with her consent, beginning not earlier than six months after the child's arrival, but no later than the child's fifth birthday. Single adoptive fathers are entitled to the same adoption leave and pay as adoptive mothers. The right to adoption leave and allowance expires if the child attends a childcare institution.

- Adoption leaves are counted as work experience.

Time off for the care of dependants

- Leave to care for a sick family member, including a child (*otpusk pri vremenna nerabotosposobnost*) or to attend to a healthy child who has to stay at home due to quarantine in a childcare institution, can be taken for up to 60 calendar days per year. It is paid at 80 per cent of average gross monthly earnings. In fact, this is a special case of the general sick leave and requires medical papers issued by a GP to be presented to the employer.
- Leave to care for two or more children under 18 years (*platen otpusk za dve i poveche givi detsa*) is available to employed mothers subject to collective work agreement. Mothers with two children are entitled to two days of leave for every calendar year, and mothers with three or more children to four days per calendar year. Paid annual leave compensation is at 100 per cent. This leave can be postponed for use during the next calendar year, but no later than midyear.

Flexible working

- On returning to work after taking leave, the employed person may request a temporary change in the duration or the distribution of his/her working hours to facilitate reconciliation between work and family duties. The law obliges the employer to consider such a request and agree to it providing it is possible for the work organisation to accommodate this request.
- Employed mothers of children under six years of age have a legal right to work from home on request with the same or another employer. When the child turns six, the mother who has been working from home should be restored to the same position she previously held or, if that position is no longer available, to an appropriate alternative, with her consent. Mothers of children under six years may work from home for another employer in which case they should be granted unpaid leave from their former employer and the right to return to the same or an appropriate alternative position after the entitlement to work from home expires (but no later than the child's sixth birthday). The right may be used by the father if the mother is not in a position to benefit from it.

Specific provision for (breast-)feeding

- Absence from work for breastfeeding or feeding a child (*otpusk za karmene i hranene na malko dete*) is permitted for two hours per day (taken as one block or two separate blocks of one hour each) when a child is under eight months and the mother is working full-time (eight hours); or for one hour a day when a mother is working less than seven hours a day. In the case of multiple or pre-term births, absence of three hours per day is permitted to a full-time employed mother and two hours a day to a mother employed less than seven hours a day. When the child reaches eight months of age, paid absence for breastfeeding is reduced to one hour per day (two hours for multiple or pre-term births) and requires a supportive recommendation as for how long the child should be breastfed which is issued by a medical doctor and to be presented to the employer. The same legal right is guaranteed to adoptive mothers and mothers of stepchildren. Mothers can receive full remuneration for the (breast-)feeding leave of absence.

Employment protection and non-discrimination throughout maternity /parental leave

- The Labor Code sets out regulations to ensure employment protection and non-discrimination throughout Maternity, Paternity and Parental leave of employed persons. It prohibits dismissal from work of a mother with a child under the age of three, without permission obtained from the General Labour Inspectorate Executive Agency. The legal right to return to the same work position, or – if the position was cut down – to an equivalent one, is also guaranteed by the Labour Code. Furthermore it states the right to benefit from any improvements of the working conditions or indexation of the salary which occurred during Maternity/Paternity leave or other Childcare-related leave.
- A pregnant woman, a breastfeeding mother or a woman who is in an advanced stage of in-vitro treatment procedure has the right to refuse to perform work which presents hazards to her and her child's health. A list of hazardous jobs and working conditions is adopted with a regulation of the Minister of Labor and Social Policy and the Minister of Public Healthcare. Based on recommendation of the responsible healthcare authorities, the employer has the duty to temporarily rearrange working conditions and/or working time schedule in order to remove the risk and safeguard the woman's health. If this is impossible due to objective reasons the pregnant, in-vitro treated or breastfeeding woman shall be temporarily assigned to another job. For a possible waiting period before starting the new job position, the woman is paid a compensation by the employer amounting to her gross monthly remuneration for the month preceding the month when the healthcare authorities made the recommendation to transfer her to a more appropriate job. If the remuneration on the new job is lower than that of the former one, the employer has to pay a compensation to top up the difference of payments. In coordination with the healthcare authorities each year the employer determines a list of work positions suitable for pregnant, breastfeeding or in-vitro treated women.
- Employed pregnant women, women who are in an advanced stage of in-vitro treatment procedure or mothers of a child under the age of three years cannot be sent on a business trip without their consent. This right may be used by the father if the mother is not in a condition to benefit from it.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Bulgaria is 36 months, but well-paid leave only lasts for 12 months. Levels of attendance at formal services for children under three years are low and well below the average for OECD countries; but are only just below average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page. Pre-school education is obligatory for five- and six year-olds. According to the National Statistical Institute, the enrolment rate for children aged three to six in childcare institutions was 79.4 per cent in 2016/17.

3. Changes in policy since April 2017 (including proposals currently under discussion)

In 2017, policy changes concern granting the Paternity leave (15 days) also to father-adopters and granting Parental leave to servicemen on equal conditions as to other

employers. From 1 June 2017 the mother or mother-adopter can, after the 135th day, receive 50 per cent from the financial compensation if she returns to work before the end of Parental leave and the child is not enrolled in a nursery. The same condition applies to fathers as leave-takers. In 2017, there was also a slight increase of the minimum payment for the Maternity leave benefit, due to the increase of the minimum wage.

4. Take-up of leave

a. Maternity leave

The general Maternity leave of 135 days is obligatory and it is considered a recovery period for mothers and time for immediate childcare. This is documented by health authorities (GPs, hospitals).

According to the National Social Security Institute, in 2017, 395 fathers or fathers-adopters (less than one per cent of all beneficiaries) took up the period of Maternity leave from the sixth month until one year after childbirth. Overall, with the accumulated beneficiaries from the previous year, the total number of first year paid leave beneficiaries in 2017 was 81,391 (National Social Security Institute). Survey data show that parents highly praise paid Maternity leave during the first year³.

b. Paternity leave

For those fathers who are entitled, the Paternity leave of 15 days is obligatory, with the aim of including the father in childcare immediately after the birth. According to the National Social Security Institute⁴, which pays Paternity leave, 21,284 fathers including fathers-adopters took paid leave in 2017, equivalent to approximately one-third of all children born that year.

c. Parental leave

In 2017, the second year of Parental leave was taken by 92,987 beneficiaries. 1,233 of them were fathers or fathers-adopters and 14,986 of beneficiaries received 50 per cent of the benefits for the second years because they returned to employment. Well-paid and higher qualified mothers prefer to return to work and choose other options for childcare (babysitter, relatives, creches) rather than staying at home⁵.

³ In Bulgaria 73 per cent of all children aged up to three years are cared for at home by their parents and do not visit childcare facilities. In 2016, this was the highest percentage in the EU (see: Slavova, Z., 2016, Bulgaria is the country where the highest percentage of small children are taken care by their parents. IME Newsletter, available at: <http://ime.bg/bg/articles/bylgariya-e-stranata-v-koyato-nai-mnogo-ot-malkite-deca-se-otglejdat-ot-roditelite-si/#ixzz59SWQJ3W9>. Survey data on parents' attitudes toward family policy in Bulgaria demonstrate that most of the parents are highly appreciative of paid Maternity leave during the first year (see Kotzeva, T., E. Dimitrova, K. Ilieva, S. Moraliiska (2016) Survey on attitudes of parents towards family policy in Bulgaria. In *Family Policy Vision – Parents' Views and Europe's Experience*. NMD. Sofia, available at: <http://nmd.bg/dve-novi-publikatsii-po-proekta-viziya-za-semeyna-politika/>

⁴ See: <http://www.noi.bg/benefits>.

⁵ Survey data on parents' attitudes show that approximately half of the respondents, mainly those of them with high education and well paid jobs and who live in the capital and big cities are critical towards the low paid Parental leave during the second year and towards lack of services for children aged one to three. The experts interviewed in the same survey are also skeptical towards opportunities to take up the second year leave by highly qualified and

For mothers without paid social security, who may be entitled to a monthly social benefit for one year after the birth, the National Agency for Social Assistance reports that 15,083 mothers received this social benefit in 2017⁶, or about one quarter of all mothers who gave birth that year. In 2017, 102 parents-adopters benefitted from the Parental leave.

d. Childcare leave or career breaks

No data available.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

None reported.

b. Selected publications since April 2017

European Commission (2016) *Gender Equality. How are EU rules transposed into national law. Country report; Bulgaria.* Available at: http://ec.europa.eu/information_society/newsroom/image/document/2017-3/2016-bg-country_report_ge_final_en_41875.pdf

The report outlines the national legislation and the extent to which it is synchronised with European regulations and recommendations.

Kabatliyska, V. and Todorova, M. (last updated November 2017): 'Employment and employee benefits in Bulgaria: overview'. Available at: [https://uk.practicallaw.thomsonreuters.com/8-503-3652?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/8-503-3652?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1)

The site gives an overview of the key practical issues including: employment status; background checks; permissions to work; contractual and implied terms of employment; minimum wages; restrictions on working time; illness and injury; rights of parents and carers; data protection; discrimination and harassment; dismissals; redundancies; taxation; employer and parent company liability; employee representation and consultation; consequence of business transfers; intellectual property; restraint of trade agreements, relocation of employees; reform proposals.

c. Ongoing research

None reported

educated parents because of the negative effects of long parental leave on labor market and women's qualification (see Kotzeva et al., 2016; footnote 3).

⁶ <http://www.asp.government.bg/documents/20181/115515/GODISHEN+OTCHET+ASP+-+2017.pdf/d324ac39-4b75-48c2-9728-c20197259f40>

Canada¹

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April 2018

NB. Canada is a federal state.

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1. Current leave and other employment-related policies to support parents

Note on federal and provincial/territorial responsibility: In Canada, the federal government provides Maternity and Parental leave benefits to parents residing outside Québec through the Employment Insurance (EI) programme, funded by employers and employees and administered by the Department of Employment and Social Development Canada. Entitlement to job-protected leave from employment is granted in Labour laws that fall under the jurisdiction of the ten provinces and three territories (referred to below as 'jurisdictions') and the Canada Labour Code for the seven per cent of employees in federally regulated industries, resulting in 14 different legislated leave entitlements. Variations between jurisdictions hold implications for accessing and using (unpaid) legal entitled leave and therefore the two benefit programs. Overall, the federal wage-compensation benefit programme and provincial/territorial/federal legal entitlements to job-protected leave are two separate sets of rules. In 2011, self-employed parents outside Québec became eligible for federal benefits on an opt-in basis. In January 2006, the province of Québec launched a separate Maternity, Paternity and Parental leave benefit programme for employed and self-employed workers called the Québec Parental Insurance Plan (QPIP). Details of the QPIP programme are given below under 'regional or local variations in leave policy'. The information below refers, by default, to the two benefit programmes. Details regarding jurisdictional-based entitlement to unpaid job-protected leave are at the end of the Parental leave section.

The following table presents a comparison of benefits between the Canadian program and the Québec regime. In both programs, parents must pay premiums through insurable employment to qualify.

¹ Please cite as: Doucet, A., Lero, D.S., McKay, L. and Tremblay, D.-G. (2018) 'Canada country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Comparison of Benefits: Canada (EI) and Québec (QPIP)

	Canada EI	Québec Basic Plan	Québec Special Plan
Eligibility (in past year) ¹	600 hours	\$2,000 [€1,305.68] ² earnings	
Self-employed workers	If opted in the year before, with minimum €4241,51 in self-employed earnings	Automatically covered (Must have stopped working or seen a reduction of at least 40 per cent of usual income)	
Waiting period	1 week per couple	None	
Weeks by wage-replacement rate (% of gross earnings during a qualifying period up to the Maximum Insurable Earnings level)			
Maternity ^{2,3}	15 at 55%	18 at 70%	15 at 75%
Paternity	None	5 at 70%	3 at 75%
Parental (shared)	35 at 55% or 61 at 33%	32 (7 at 70% + 25 at 55%)	25 at 75%
Maximum total weeks per couple	76	55	43
Adoption (shared) ⁴	35 at 55% or 61 at 33%	(12 at 70% + 25 at 55%)	28 at 75%
Low-income supplement ⁵	Up to 80%	Up to 80%	
Adjusted annually:			
Maximum insurable earnings, 2018	\$51,700 [€33,751.92]/year	\$74,000 [€48,310.29]/year	
Maximum weekly benefit, 2018	\$547 [€357.10]	\$1,067 [€696.58]	

Source: Adapted from "Employment Insurance Maternal and Parental Benefits," Service Canada (2018), <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/maternity-parental.html> and "Québec Parental Insurance Plan," Emploi et Solidarité sociale, Québec, <http://www.rqap.gouv.qc.ca>

Table Notes:

- 1) The 600 hours are of insurable employment in the 52 weeks before the claim is made (or since the last EI claim e.g., for unemployment, sick leave, or Compassionate Care benefits). In Québec, CAD\$2,000 [€1,305.68] must be earned in the fiscal year but an extension to 104 weeks is allowed if unable to work.
- 2) Only birth mothers (including surrogate mothers) are entitled to Maternity leave in both plans.
- 3) The benefit calculation for both programmes uses a 'best weeks' formula to determine 'average insurable earnings' up to the Maximum Insurable Earnings level for that year. EI uses previous 52 weeks; Québec uses past 26 weeks (an extension is granted if earnings were lower for certain reasons).
- 4) Only QPIP has a separate option for adoptive parents; EI Parental leave benefits are the same for biological and adoptive parents
- 5) The low-income supplement is for families with a net annual income of less than CAD\$25,921 [€16,922.31]. The amount, up to 80 per cent, is calculated based on net family income, and the number of children and their ages.

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

a. Maternity leave (*congé de maternité*)

Length of leave (before and after birth)

- 15 to 18 weeks depending on the jurisdiction.

Payment and funding of two benefit programmes

- 15 weeks of benefits at 55 per cent of average insured earnings up to an earnings ceiling of CAD\$51,700 [€33,751.92] (i.e., a benefit payment ceiling of CAD\$547 [€357.10] per week)³. Low-income families can qualify for a higher benefit rate, to a maximum of 80 per cent of average insured earnings.
- There is no payment for the first week, which is treated as a 'waiting period'; this means that payment is available for 16 weeks out of 17-18 weeks leave.
- Administered under the federal EI fund, Maternity and Parental leave benefits are funded by premiums paid by employers and employees, based on a premium rate that applies to every CAD\$100 [€65.28] of insurable earnings, up to the maximum insurable earnings threshold (MIE) which is CAD\$51,700 [€33,751.92] in 2018. The rates are set by the Employment Insurance Financing Board each year. Employers pay premiums that are 1.4 times those of employees: employee premiums were set at CAD\$1.66 [€1.08] per CAD\$100 [€65.28] (for Québec residents at CAD\$1.30 [€0.85] of insurable earnings in 2018); employer premiums were set at CAD\$2.32 [€1.51] per CAD\$100 [€65.28] of insurable earnings (for Québec Employers at CAD\$1.82 [€1.19]⁴). Self-employed individuals outside of Québec who opt in to the EI program in order to be eligible for special benefits pay the same as employees: CAD\$1.66 [€1.08] per CAD\$100 [€65.28] of insurable earnings up to a maximum of CAD\$51,700 [€33,751.92] of earnings, or CAD\$858.22 [€560.28] annually. See 'regional or local variations' for additional contributions paid in Québec. Maternity and Parental leave benefits are taxable.

Flexibility in use of benefits

- Under the EI program, as of 3 December 2017, pregnant mothers may start receiving benefits as early as 12 weeks before their due date or delay receiving benefits until the actual week they give birth.
- Normally, Maternity benefits must end by 17 weeks after the week in which the mother was expected to give birth or actually gave birth. Maternity benefit receipt can be delayed/extended by the amount of time a new-born is hospitalized, but Maternity benefits must be received within 52 weeks of the birth.
- Maternity benefits may be combined with regular benefits in the event of job loss or with other Special benefits (Parental, sickness benefits, compassionate care benefits or family caregiver benefits for adults or for parents of seriously ill children up to a maximum of 102 weeks with proof of eligibility for the latter benefits). However, eligibility and other rules sometimes result in reducing

³ Employment Insurance Maternal and Parental Benefits, Service Canada, 2018, <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/maternity-parental.html>

⁴ 2018 Employment Insurance Premium Rate. Summary of the Actuarial Report on the Employment Insurance Premium Rate: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/premium/rates2018.html>

claim duration.

Regional or local variations in leave policy

- Eligibility and duration of leave entitlements vary across provinces and territories. The rules generally apply to all leave-taking types (Maternity, Paternity, Parental, Compassionate Care, etc.). See the table below under Parental leave.
- Québec offers benefits of 70 per cent of average weekly income up to an earnings ceiling of CAD\$74,000 [€48,310.29] per year in 2018 for 18 weeks of Maternity leave; there is also no waiting period⁵. There is some flexibility in use of Maternity leave. It is possible to have a higher income replacement rate but for a shorter period, or lower income for a longer period. Under the 'special' plan, Maternity leave benefits are paid at 75 per cent of weekly income for 15 weeks, while under the 'basic' plan they are 70 per cent of weekly income for 18 weeks.
- Benefits in Québec are financed by contributions from employers and employees and self-employed, who pay the standard contribution to EI, less a reduction but with a supplementary contribution to cover the higher benefits offered in the province. In 2018 contributions are 0.548 per cent for employees, 0.767 per cent for employers and 0.973⁶ per cent for self-employed (maximum contributions respectively of CAD\$405.52 [€264.74], CAD\$567.58 [€370.54] and CAD\$720.02 [€470.06], up to a maximum insurable income of CAD\$74,000 [€48,310.29]⁷ compared with 0.36 per cent of insurable income, up to a maximum of CAD\$51,700 [€33,751.92] as an EI premium in other parts of Canada.

Eligibility (e.g. related to employment or family circumstances)

- Eligibility for job-protected unpaid leave entitlement varies between Canada's 14 employment jurisdictions and is separate from the eligibility for payment of benefits under the two (federal and Québec) programs. The rules generally apply to all leave-taking types. See below under Parental leave.
- Eligibility requirements for wage-compensation benefits under the federal program are 600 hours of continuous employment in the last 52 weeks. Many part-time and non-standard (contract) workers do not have enough hours to qualify, even though they pay EI premiums. For the Québec QPIP programme, workers are eligible if they earned at least CAD\$2,000 [€1,305.68] in the 52 preceding weeks.
- In 2006 when the QPIP program began, self-employed workers in Québec were included and became eligible for Maternity, Paternity, Parental and Adoption benefits if they had a minimum of CAD\$2,000 [€1,305.68] in self-employment earnings in the previous year. Outside Québec, in 2010 EI special benefits (Maternity, Parental, Sickness and Compassionate care leave benefits) were extended to the self-employed on a voluntary 'opt-in' basis. Until implemented in 2011, most self-employed parents (outside Québec), especially women, were not eligible for benefits since they typically work under business or service contracts and therefore are not considered to have

⁵ Government of Québec (Travail, Emploi et Solidarité Social). Information on QPIP available at: http://www.rqap.gouv.qc.ca/index_en.asp

⁶ <http://www.rqap.gouv.qc.ca/employeurs/cotisations.asp>

⁷ http://www.csst.qc.ca/glossaire/Pages/salaire_maximum_annuel_assurable.aspx

insurable employment. In order to receive Maternity/ Parental benefits self-employed mothers/fathers outside of Québec must have registered one year previously, and qualify if they have reduced the amount of time devoted to their business by more than 40 per cent because of childbirth/caring, paid contributions to the regime, and earned at least CAD\$6,947 [€4,535.29] (in 2017) from self-employment in the reference period of the previous 52 weeks⁸.

- There are no leave entitlements or benefits for parents who do not meet the eligibility criteria.
- Graduate and postdoctoral students who receive a scholarship from one of three large granting agencies can receive limited benefits from the agency. (Research/teaching assistant and postdoctoral employment contracts vary in being counted as insurable earnings.)

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent), or delegation of leave to person other than the mother

- Maternity leave entitlement can be extended in some jurisdictions if the child or the mother has health-related complications (in British Columbia this applies to the child if they have a physical, psychological or emotional condition that requires additional care). This extension can be for up to six weeks. See the table below.
- In cases where a birth mother is ill during or after pregnancy, up to 15 weeks of federal sickness benefits can be received, resulting in a maximum of 91 weeks of benefits (15 weeks sickness, 15 weeks Maternity and 61 weeks of Parental benefits).
- Leave entitlements and benefits are offered per birth, not per child. Parents of multiple-birth infants follow the same entitlements and benefits as parents of singletons.

Additional note (e.g., if leave payments are supplemented by collective agreements; employer exclusions or rights to postpone)

- Some employers provide a supplemental benefit plan that partially or wholly makes up the difference between the federal Maternity benefit and the worker's salary, often including coverage during the waiting period before benefits are provided.

b. Paternity leave (*congé de paternité*) (in Québec, the responsibility of the Ministry of Work, Employment and Social Solidarity)⁹

Length of leave (before and after birth) entitlement

- No statutory leave, except in Québec (see 'regional or local variations'). In Québec, fathers are entitled to a Paternity leave. For parents of same sex, in the case of men, the partner of the biological father is entitled to the adoption

⁸ Employment Insurance Maternal and Parental Benefits, Service Canada, 2018, <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/maternity-parental.html>

⁹ The French translation of the name of this Ministry is Travail, Emploi et Solidarité Social.

benefits if he was part of the adoption process. In the case of two female parents, the partner of the mother is entitled to Paternity and Parental leave benefits if her name is on the birth certificate.

Regional or local variations in leave policy

- Québec offers up to five weeks after the birth. Paternity leave may be taken for three weeks at 75 per cent of average weekly earnings or for five weeks at 70 per cent up to an earnings ceiling of CAD\$74,000 [€48,310.29] per year. Funding as for Maternity leave.
- Fathers in Québec (including self-employed workers) are eligible if they have earned at least CAD\$2,000 [€1,305.68] in the 52 preceding weeks.

c. Parental leave (*congé parental*)

Length of leave (before and after birth)

- Thirty-five to 37 weeks in most jurisdictions for one parent or shared between two parents but not exceeding a combined maximum of 35 weeks in jurisdictions. In all jurisdictions except the Yukon, parents can take leave at the same time. All jurisdictions require that Maternity leave and Parental leave be consecutive if both are taken by the mother and the maximum number of weeks of leave that are allowed – including post-natal Maternity leave and Parental leave – for one person in most jurisdictions is 52 (In Alberta, as of December 2017, unpaid leave entitlement must be completed within 78 weeks).
- Following the introduction of an option for an extended parental benefit period of 61 weeks, Alberta, Ontario and the Federal jurisdiction amended their legislation to allow 62-63 weeks of Parental leave. As of 11 March 2018, other provinces have not yet introduced a similar change, but may do so during 2018. In Alberta, the leave entitlement is per family, not per employee.

Payment and funding

- As of 3 December 2017, the EI system provides two options. The standard option provides up to 35 weeks of income replacement per family at the same rate as Maternity leave (55 per cent of average insured earnings up to an earnings ceiling of CAD\$51,700 [€33,751.92] (i.e. a benefit payment ceiling of CAD\$547 [€357.10] per week. Alternatively, one or both parents can opt to share extended Parental leave benefits for up to 61 weeks, by spreading the same benefit amount over a longer period of time, i.e., 61 weeks at 33 per cent of earnings up to the maximum or a benefit payment ceiling of CAD\$328 [€214.13] per week.¹⁰
- Low-income families (i.e., with a net income of CAD\$25,921 [€16,922.31] or less per annum) are eligible for a family supplement under the EI programme, up to a maximum of 80 per cent of average insurable earnings. The specific amount of benefits received depends on family net income and the number and ages of children in the family (under 18). Data are not available on the number of parental leave claimants who received the family

¹⁰ *Maternity and Parental Leave Benefits. Service Canada, 2018, <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/maternity-parental.html>*

supplement, however available evidence on the total number of claimants receiving any of the Special Benefits indicates a consistent decrease each year since 2001-2002 largely because the threshold for the family supplement has been constant since 1997 (at a net annual income of less than CAD\$25,921 [€16,922.31] while average family income has risen. In Québec, this supplement averaged CAD\$38.14 [€24.90] per family and five per cent of beneficiaries using Parental leave received this supplement.

Flexibility in use

- Benefit payments can be claimed by either parent or shared if both parents qualify for up to a total of 35 weeks of benefits on the standard plan, in which case leave benefits are limited to use within 52 weeks after the birth. Parents who opt for the extended plan are limited to use within 78 weeks after a birth or adoption. While on leave, a parent may earn CAD\$50 [€32.64] a week or 25 per cent of the weekly benefit, whichever is higher.
- Each of the 14 labour laws establishes rules regarding flexibility in use. See the notes under the table in the *Regional or local variations in leave policy* section below for details.
- Parents of a new-born or newly adopted child who are hospitalized for an extended period have a window of up to two years to claim parental benefits.
- Parental leave benefits can be combined with EI-covered sickness or compassionate care benefits or family caregiver benefits while a parent is on leave.
- Canadian Forces members ordered to return to duty while on Parental leave or whose Parental leave is deferred because of military requirements, may receive benefits for an extended window of up to two years following their child's birth or adoption.
- In Québec, the regime was changed slightly in 2018. Parents can now spread the Parental leave over two years, if their employer agrees. There is no additional funding, but the time can be spread over two years, with part-time employment for example. Also, parents will have a bank of ten days within the Parental leave (no days are added, but the parents have to keep ten days for this), days which they can use within the next three years for family reasons, without needing to obtain authorization from their employer.

Regional or local variations in leave policy

- In terms of benefits, the Québec Parental Insurance Plan offers a basic entitlement of seven weeks at 70 per cent of average insured income plus 25 weeks at 55 per cent, up to an earnings ceiling of CAD\$74,000 [€48,310.29] a year. There is also a 'special plan', which applies also to Maternity and Paternity leave, offering a shorter period of leave, 25 weeks, with higher benefits, 75 per cent of earnings. Leave can be taken at any time in the 70 weeks that follow birth, but for benefits it is during the 52 weeks following birth.
- Length of leave, flexibility of use, eligibility, and employment entitlements during leave (e.g., accrual of work benefits such as pensions) varies for unpaid leave between jurisdictions and is also different from the eligibility for payment benefits. Regional variations in eligibility for leave entitlement are noted in the next section.
- Differences in duration and some other rules for *unpaid* leave entitlement

under 14 jurisdictional employment standards legislation (federal, ten provincial and three territorial), are as follows:¹¹

Maximum Duration of Unpaid Leave Entitlement by Jurisdiction

Note: Legal entitlements separate from benefit plans. Superscript numbers refer to the notes below (sources are in footnote 10)

Employment Jurisdiction	Maternity Leave ¹ (weeks)	Parental Leave ¹ (weeks)	Adoption Leave ¹ (weeks)
Federal	17	63 ⁴	63 ⁴
Alberta	16	62 ⁴	62 ⁴
British Columbia	17	37 ^{3,5}	37 ⁵
Manitoba	17 ²	37 ^{2,5}	37 ⁵
New Brunswick	17	37 ⁴	37 ⁴
Newfoundland and Labrador	17	35 ⁵	52 ^{5,8}
Northwest Territories	17	37 ⁵	37 ⁵
Nova Scotia	17	52 ^{3,5}	52 ⁵
Nunavut	17	37 ⁵	37 ⁵
Ontario	17	63 ^{3,5}	63 ⁵
Prince Edward Island	17	35 ⁴	52 ⁴
Quebec	18 ^{2,6}	52 ^{2,5,6}	52 ⁵
Saskatchewan	18	37 ^{5,7}	52 ⁸
Yukon	17 ²	37 ^{2,4}	37 ⁴

Table Notes:

- 1) The jurisdiction is where you work, not where you live. A number of jurisdictions allow Maternity and/or Parental leave (for natural or adoptive parents) to be extended under certain circumstances, such as late births or health problems of the mother or child.
- 2) In Canadian jurisdictions that still provide less than 62-63 weeks of Parental leave, most (with the exception of Manitoba, Québec, and the Yukon) have a combined duration of Maternity and Parental leave that cannot exceed 52 weeks. In Québec, the 52 weeks can be taken within a 70-week period with the employer's agreement. Ontario, Alberta and the Federal jurisdiction provide a maximum duration of 78 weeks.
- 3) In the case of an employee who has taken Maternity leave, the maximum Parental leave is 35 weeks, except Ontario and Alberta where it is 61-62 weeks.
- 4) The Alberta legislation stipulates that there is no requirement to grant Parental

¹¹ Sources, and for more information: Human Resources and Skills Development Canada (2006) *Labour Law Analysis, International and Intergovernmental Labour Affairs, Labour Program*, accessed Oct 29, 2009. Legislative references: Federal, Canada Labour Code: sections 206, 206.1(1) and 206.2; Alberta, Employment Standards Code: sections 46(1) and 50; British Columbia, Employment Standards Act: sections 50(1) and 51(1); Manitoba, Employment Standards Code: sections 54(1) and 58(1); New Brunswick, Employment Standards Act: sections 43(1) and 44.02(2) and (12.2); Newfoundland and Labrador, Labour Standards Act: sections 42, 43.2 and 43.5; Northwest Territories, Labour Standards Act: sections 31(2), 34(1) and 35.1; Nova Scotia, Labour Standards Code: sections 59(1) and 59B(1), (2) and (4); Nunavut, Labour Standards Act: sections 31(2), 34(1) and 35.1; Ontario, Employment Standards Act, 2000: sections 47(1) and 49(1); Prince Edward Island, Employment Standards Act: sections 20(1) and 22(1), (2) and (2.1); Quebec, An Act respecting labour standards: sections 81.2, 81.4 and 81.10; Saskatchewan, Labour Standards Act: sections 23(3), 29.1(2.1) and 29.2(2); Yukon, Employment Standards Act: sections 36(2) and 38(1) and (6).

leave to more than one parent at a time if both parents of a child work for the same employer. In the Yukon, parents who share a Parental leave cannot normally take their leave at the same time, whether or not they work for the same employer. In New Brunswick and Yukon, Parental leave may be taken by one parent or shared between two parents, but the total combined Parental or Adoption leave cannot exceed 37 weeks. In Prince Edward Island, Parental or Adoption leave may be taken by one parent or shared between two parents but in either case the combined leave cannot exceed 35 weeks of Parental leave or 52 weeks of Adoption leave.

- 5) A majority of jurisdictions, namely British Columbia, Manitoba, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Québec and Saskatchewan (with respect to Parental leave) permit both parents to take the full Parental or Adoption leave. In the other jurisdictions, Parental leave can normally be shared between parents.
- 6) In Québec, there is an entitlement to five days off work immediately following the birth, the first two of which are paid if employees have 60 days of continuous service. Since the 2006 start of QPIP benefits, Québec fathers are entitled to a Paternity leave of not more than five continuous weeks. This leave may be taken at the earliest in the week in which the child is born and end no later than 52 weeks after the birth.
- 7) In Saskatchewan, an employee who is entitled to Maternity or Adoption leave may not take more than 34 weeks of Parental leave.
- 8) In Newfoundland and Labrador, an eligible employee is entitled to 17 weeks of Adoption leave, to which can be added 35 weeks of Parental leave. In Saskatchewan, the primary caregiver of an adopted child is entitled to 18 weeks of Adoption leave and 34 weeks of Parental leave. The other parent may take up to 37 weeks of Parental leave. In both provinces, an eligible adoptive parent may therefore take up to 52 weeks of cumulative leave.

Eligibility (e.g., related to employment or family circumstances)

- To qualify for (unpaid) Maternity/Paternity or Parental leave, an employee must normally have completed a specific period of continuous employment. However, some provinces – British Columbia, New Brunswick and Québec – do not require a specific length of service. Alberta now requires a minimum of 90 days with the same employer. Ontario requires 13 weeks of service; Newfoundland and Labrador requires 20 continuous weeks; Prince Edward Island requires 13 and Saskatchewan requires 20 continuous weeks in the 52 weeks preceding the requested leave. The federal jurisdiction and the Northwest Territories permit an employee to take the leave after six months of continuous service, and Manitoba after seven months. Nova Scotia, the Yukon and Nunavut territories require 12 months of service. In addition, in all jurisdictions, a medical certificate must be provided or may be requested by the employer, and an employee must notify the employer, usually two to four weeks in advance (six weeks in Alberta), of his/her intent to take Maternity or Parental leave.
- To be eligible for payment benefits, a parent must have worked in insurable employment for 600 hours in the last 52 weeks or since their last Employment Insurance claim. Outside Québec, self-employed individuals are eligible if they registered in advance for the EI Special Benefit program, have paid premiums for at least one year, and earned a minimum of CAD\$6,947 [€4,535.29] in 2017 for claims filed in 2018. Self-employed workers in Québec are automatically included in the program. They are eligible for 25 or 32 weeks if they have earned at least CAD\$2,000 [€1,305.68] in the 52 preceding weeks.
- Eligibility for benefits is offered per birth, not per child under the federal EI program and in Québec. Parents of multiple-birth infants follow the same benefit programme as parents of singletons.

- Québec has less demanding eligibility conditions that allow more parents, including self-employed workers and students, to receive benefits; it no longer requires individuals to have worked 600 hours over the previous 52 weeks, but simply to have earned an insurable income of CAD\$2,000 [€1,305.68]. Although nearly 80 per cent of full-time Canadian students are in the labour force, they are unlikely to work enough hours to qualify for federal EI leave benefits in Canada; by comparison, under QPIP, earning CAD\$2,000 [€1,305.68] over the previous year enables more students to access Parental leave benefits.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent), or delegation of leave to person other than the parents

- In Nova Scotia, if the child for whom leave is taken is hospitalized for more than one week, an employee can return to work and take the unused portion of the leave when the child is released (this can only be taken once per leave). As noted for Maternity benefits, no additional benefits are provided in the case of multiple births; a court case challenging this policy was rejected in 2011.

Additional note (e.g., if leave payments are supplemented by collective agreements; employer exclusions or rights to postpone)

- Some employers have a supplemental benefit plan that partially makes up the difference between federal EI Parental benefits and the worker's salary; some also offer additional periods of leave. A survey of private companies in Québec in 2003 found that 36 per cent of union representatives and 46 per cent of HR managers said their companies offered supplementary leave or payments (Tremblay, 2012)¹². A 2010 survey of mothers who gave birth in 2008 and received EI or QPIP benefits reported that one in five mothers received an additional top-up to their benefits from their employer (Marshall, 2010)¹³. Such supplementary payment options are more commonly found among employers in the public or quasi-public sectors and among larger private sector employers; typically top-ups are more accessible to higher income earners.
- Many universities have adopted a policy of 'pausing the tenure clock' (extending the period before a mandatory tenure decision) for parents who take Maternity, Parental or Paternity leave.

d. Childcare leave or career breaks

- None at national or provincial levels.
- In some collective agreements in the Québec public service, for example in education, but also other sectors, it is possible to adopt a programme of deferred income, working four years at 80 per cent of earnings, followed by a one-year career break, again at 80 per cent of earnings. This is, however, part of a collective agreement, and not a labour law or regulation.

¹² Tremblay, D.-G. (2012) *Conciliation emploi-famille et temps sociaux*. Québec: Presses de l'université du Québec.

¹³ Marshall, K. (2010) 'Employer top-ups', *Perspectives on Labour and Income*. Vol.11, No. 2 - February: 5-12. Statistics Canada Catalogue no. 75-001-XPE.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for unpaid Parental leave apply as for other parents except in four jurisdictions (see table above). In three cases, adoptive parents are eligible for Adoption leave that can be added to Parental leave: in Prince Edward Island parents are eligible for 52 weeks adoption leave instead of the 35 weeks Parental leave for birth parents. In Newfoundland and Labrador and Saskatchewan adoptive parents can take 17 or 18 weeks (respectively) that can be added to Parental leave, though in Saskatchewan only the primary caregiver is eligible for the adoption leave. The EI programme offers parental leave benefits, but not Maternity leave benefits for parents of newly adopted children. In Québec, adoption leave benefits can be shared by both parents and provides for 12 weeks at 70 per cent and 25 weeks at 55 per cent.

Time off for the care of dependants

- British Columbia and New Brunswick allow three to five days of unpaid leave a year to care for immediate family members.
- In Québec, employees are entitled to ten days of unpaid leave per year, which can be used for a sick child or other family member by the *Loi sur les normes du travail* (Minimum employment standards law).
- In Ontario, employees are entitled to a maximum of 10 days of unpaid Personal Emergency leave per year, which can be used for a sick child or other family member.
- All jurisdictions have compassionate care leave provisions, which entitle employees to take time off to care for or arrange care for a family member who “is at significant risk of death within a 26 week period”. The length of leave is commonly eight weeks within a 26-week period. On 3 January 2016, federal EI Compassionate Care benefits were extended from a maximum of six weeks in a 26-week period to a maximum of 26 weeks within a 52-week benefit period. The Canada Labour Code was also amended to provide a maximum duration of 28 weeks of compassionate care leave within a 52-week period; as yet, no provincial/territorial jurisdiction has amended its legislation to allow for this longer period of compassionate care leave. To qualify for benefits, an employee must have worked 600 hours in the last 52 weeks and weekly earnings must decrease by 40 per cent. This *inter alia* leave, allows parents to take time off to care for a sick child even after 52 weeks have passed since the birth or if leave periods have been exhausted.
- In 2014, Ontario passed legislation allowing for ‘Family Caregiver Leave’ – up to eight weeks of unpaid, job-protected leave to provide care or support to a family member with a serious medical condition (but is not life threatening). Until recently, workers who took such leave were not eligible for benefits under any government scheme while taking this leave.
- In December 2012, a new type of EI benefit was introduced, ‘EI special benefits for Parents of Critically Ill Children’. It was created for parents of critically ill or injured children, and became available in June 2013. Under this provision, up to 35 weeks of EI benefits were available, and could be shared by parents who both qualified for EI to provide care or support to one or more critically ill children under the age of 18.
- In December 2017, the federal government added a new Special benefit, the

Family Caregiver Benefit for Adults, which enables eligible workers to access 15 weeks of EI benefits to provide care to a “critically ill adult” who has experienced a significant change in their health and requires the care or support of one or more family members. The benefit for Parents of Critically Ill Children was renamed as the Family Caregiver Benefit for Children. The 35 weeks of benefits may now be shared among any family members or persons considered to be like family who meet the existing eligibility requirements for EI special benefits, requiring 600 insurable hours during the qualifying period.¹⁴ Both benefits are also available to eligible self-employed individuals who have contributed to EI and may be combined with Compassionate Care Leave Benefits if the child/adult’s health worsens. Claimants must provide a medical certificate, attesting that the child/adult is critically ill. To date, only a few provinces have amended their legislation to provide for matching periods of unpaid leave.

Flexible working

- In the federal and Québec jurisdictions, a pregnant woman or nursing mother is entitled to ask her employer to temporarily modify her duties or to assign her to another position, if continuation of her present duties puts her health or that of her unborn child or nursing infant at risk.
- In Québec, a pregnant worker can qualify for workers’ compensation if no other suitable position is available at her workplace.
- As of December 2017, employees in the federal jurisdiction have a right to request flexible working arrangements; however regulations pertaining to this option have not yet been published and the right has not yet been brought into force.

Specific provision for (breast-)feeding

- There are no provisions for breast/bottle-feeding leaves in Canada.

2. Relationship between leave policy and early childhood education and care policy

The normal maximum period of post-natal leave benefits available in Canada (Maternity and Parental leave benefits combined) has been 50 weeks; (or in Québec, 11 months). There is no entitlement to ECEC at any age. Levels of attendance at formal (regulated) ECEC services for children over three years are below the average for the countries included in this review and for OECD countries. For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ in the [cross-country comparisons](#) (at the front of this review / on the website).

In recent years, public awareness has grown about the lack of access to affordable, quality childcare, and especially the high cost of infant care. A recent OECD report found childcare costs in Canada to be among the highest among 35 OECD countries: “Across the OECD the average two-income family spends about 15 per cent of its net income on childcare. In Canada, the ratio is as high as 22.2 per cent of

¹⁴ <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/adult-care.html>

net income”¹⁵. The costs are lower in Quebec, where the State contributes largely. Even those who can afford the high fees or who qualify for a provincial fee subsidy face long waiting lists for the limited spaces available in licensed childcare centres and regulated family home day care. For these reasons federal and provincial governments are being pressed to invest in early learning and childcare services. Some parent groups have also called for an extension of parental leave duration.

In 2006 a then-newly elected federal Conservative government cancelled bilateral agreements with the provincial and territorial governments to invest in early childhood services. Instead the federal government provided a taxable direct payment to parents, called the Universal Childcare Benefit (increased in 2015 from CAD\$100 [€65.28] per month to CAD\$160 [€104.45] per child under six years, and adding CAD\$60 [€39.17] for each child aged 6-17 years per month), and a tax benefit called the Canada Child Tax Benefit, for children under 18. Following a change in government in the fall of 2015, the Liberal government’s 2016 federal budget replaced these benefits with a single, enhanced, non-taxable Canada Child Benefit. The Canada Child Benefit¹⁶ provides a maximum annual benefit of up to CAD\$6,400 [€4,718.19] per child under the age of 6 and up to CAD\$5,400 [€3,525.35] per child for those aged six through 17 (both benefits programs were in addition to a federal childcare expense deduction, which typically must be claimed by the parent with the lower net income).

In 2017, the federal government announced a policy framework, the Multilateral Early Learning and Child Care Framework, to invest a total of CAD\$7,5 [€4.9] billion over a decade to increase the supply of early learning and child care programs, using the parameters of quality, accessibility, affordability, flexibility and inclusivity. Bilateral agreements have been negotiated with each province, as service provision falls under provincial jurisdiction. The 2017 federal budget committed CAD\$500 [€326.42] million in the 2017 fiscal year with funds increasing to CAD\$870 [€567.97] million annually by 2026, which includes money for indigenous child care on reserves. These funds exclude Quebec, which provides its own provincial child care program.

Across the country, outside Québec, all other jurisdictions have provincially/territorially/municipally funded, municipally delivered, childcare subsidy programmes. These programmes subsidize childcare for young children, from birth until 5 years old, as well as older children, before and after school. Under this programme, only families who can provide continual proof that both parents (or a lone parent) are working or studying qualify, and childcare must be provided by a licensed early childhood program or regulated childcare provider. Eligibility criteria are income-based and social, and, there are minimal fees and surcharges in some provinces. While the vast majority of parents do not qualify for municipal childcare subsidies, the subsidies are a crucial resource for lower-income parents, including parents who are students, enabling them to complete qualifications and/or work at lower paying jobs. Notably, these parents are the ones less likely to qualify for parental leave entitlement and benefits. Levels of funding (and therefore access and wait list times) vary by municipality and province, and change over time; often, there are long waiting lists for a subsidy, except for Québec, where the system is different¹⁷.

¹⁵ OECD (2016), *Society at a Glance 2016: OECD Social Indicators*, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264261488-en>

¹⁶ See <http://www.budget.gc.ca/2016/docs/plan/budget2016-en.pdf>

¹⁷ Macdonald, D. and Friendly, M. (2014) *The Parent Trap: Childcare Fees in Canada’s Big Cities*. Ottawa: Canadian Centre for Policy Alternatives.

Most provinces start publicly funded kindergarten when the child is five years old. In Ontario, since 2014, full-day kindergarten for children between three years, eight months and six years of age became universally available. It is not a compulsory programme. This policy change has reduced the demand for daytime childcare for this age group (for four and five year-olds) although not for after school programs and summer care. Across the country, day care fees vary depending on provincial policies and market rates, with infant care being most expensive. Canada's patchwork of provincial/territorial childcare policies remains difficult, limiting children's access to high quality early childhood programs, and impacting on family income and women's employment.

In Québec, there is a public day care programme, financed largely by the state, which initially offered day-care at CAD\$5 [€3.26] a day. The February 2014 budget increased the amount parents pay for childcare, up from CAD\$7 [€4.57] a day to CAD\$8 [€5.22] a day starting September 2014. The price is now linked to parental income, taking into account the number of children in the family.

The basic contribution and the additional contribution are indexed annually, on 1 January. As of 1 January 2018, the basic contribution is CAD\$8.05 [€5.26] per day, per child. Families with a net family income of CAD\$51,340 [€33,516.90] or less have no additional contribution to pay. The additional contribution increases to a daily rate of CAD\$8.75 [€5.71] for families with a net income of CAD\$51,340 [€33,516.90] to CAD\$77,005 [€50,272.08] with further increases up to a maximum of CAD\$13.90 [€9.07] per day, which corresponds to an income of CAD\$165,005 [€107,722.16], for a maximum daily rate of CAD\$21.95 [€14.33]. Fees are reduced by 50 per cent for a second child and remain at the basic amount of a third or later child¹⁸.

3.Changes in policy since April 2017 (including proposals currently under discussion)

The current Liberal government, elected in autumn 2015, had a number of election commitments relevant to family income, the provision of more generous and flexible leave for caregivers and more flexible Parental leave, and development of a long-term funding model to support a National Early Learning and Childcare Framework to be designed collaboratively with the provinces and territories. As well, the government committed itself to employing gender-based analysis of programs, policies, and budgets to improve gender equality. In 2016, the government amended the mandatory two-week waiting period for individuals or couples claiming Special Benefits (Maternity leave, Parental leave, compassionate care leave, sickness benefits) to one week per couple. CAD\$500 [€326.42] million were allocated towards early learning and childcare. Public consultations were launched on options for changes to parental leave and compassionate care leave and benefits.

The 2017 Federal government budget (introduced February 2017) included many announcements. What has been implemented:

- Maternity leave: benefit collection start date is now up to 12 weeks prior (was 8 weeks prior)
- Parental leave duration of benefits can be taken for a longer period in an extended plan up to 61 weeks at 33 per cent wage replacement rate.

¹⁸ Government of Quebec. Daily day-care costs (8 March 2017). Available at: Budget.finances.gouv.gc.ca.

- Federal Labour Code amended to allow employees under this code the right to request flexible work arrangements. (This has not been implemented yet).
- Childcare: CAD\$7 [€4,57] billion over a ten-year period (outside Québec)
- Introduction of a new EI caregiving benefit for adults of up to 15 weeks. The new benefit covers a broader range of situations where individuals are providing care to an adult family member who requires significant support in order to recover from a critical illness or injury. Parents and other caregivers of critically ill children will continue to have access to up to 35 weeks of benefits, with additional flexibility to share these benefits among family members.
- A single, simpler, non-refundable Canada Caregiver Tax Credit to provide tax relief to caregivers of dependent relatives, including circumstances in which the relative does not live with their caregiver, as is commonly the case.

The Federal Budget 2018 (which was introduced 27 February 2018) included further policy changes that were guided by the government's focus on gender-based analysis and gender equality aims. Changes announced in the budget require legislation prior to implementation and include plans to introduce proactive pay equity legislation in federally regulated industries. Of note is the introduction of a new "EI Parental Sharing Benefit" – a "use it or lose it" extra five weeks (at 55 per cent of wage replacement rate for couples who share part of the standard parental leave benefit) or eight weeks (at 33 per cent of wage replacement rates) of benefits for eligible two-parent families, including adoptive and same-sex couples opting for the extended parental leave benefit¹⁹.

4. Take-up of leave

There is no source of information on unpaid take-up of leave entitlements. For receipt of leave benefits, there are three sources of information: a Statistics Canada national survey (the Employment Insurance Coverage Survey, EICS), Québec administrative data, and EI administrative data collected by The Employment Insurance Monitoring Commission. The EICS excludes the three territories and parents living on First Nation reserves. It also asks mothers about leave directly and asks mothers about fathers' use of leave. Fathers are not asked directly. Both the EICS and Employment and Social Development Canada (ESDC) sources sometimes report national figures, which obscure program differences. ESDC provides annual information on EI Maternity and Parental benefits, with some disaggregation (see below for mothers' use of benefits). In the most recent report, for 2016/17, of the 195,960 parental claims, 85 per cent were established by women, while 15 per cent come from men. Correspondingly, women received 91.4 per cent of the total amount of benefits and men received under 8.6 per cent. When mothers and fathers share leave, the average weeks of parental leave used in 2016/17 was 22.8 for mothers and 10.3 for fathers. When they chose not to share, mothers took, on average 33.3 weeks of parental leave and fathers took 26.8 weeks²⁰. In Québec, parents share and each takes part of the parental leave in 17 per cent of all QPIP birth files.

Using weeks and amounts of benefits claimed expressed per child (rather than per claim), analysis for 2016/17 indicates that, as in previous fiscal years, parents

¹⁹ https://www.fin.gc.ca/n18/docs/18-008_6-eng.pdf

²⁰ Employment and Social Development Canada (2018) *2016/17 EI Monitoring and Assessment Report*. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2017.html>
<http://www.esdc.gc.ca/en/reports/ei/monitoring20156/index.page>

used almost all of the EI Maternity and Parental weeks to which they were entitled. The vast majority of mothers in receipt of Maternity benefits (91.5%) used the full 15 weeks available for an average duration of around 14.6 weeks. In 2016/17, the average duration of parental benefit claims per child was 33.1 weeks for parents who decided to share the parental benefits, and 32.9 weeks when parents did not share benefits. Mothers who received both Maternity and Parental benefits used 47.6 of the 50 weeks of combined benefits available, approximately 95.2 per cent of the full entitlement²¹.

Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two headings: 'mothers' and 'fathers'. Readers should note that statistics are kept separately for those who claim EI benefits under the federal plan and individuals in Québec who receive Maternity, Paternity or Parental benefits under the QPIP.

Mothers

The most recent ESDC Employment Insurance Monitoring and Assessment report indicates that in 2016/17, 170,330 Canadian mothers (excluding those from Québec) claimed EI Maternity benefits, a decrease of 2.4 per cent from the previous year. EICS survey data are used to report national numbers (not by benefit programme) of benefit coverage as follows. In 2016, 75.5 per cent of new mothers (those with a child aged 12 months or less) had recent insurable employment; of these, 91.1 per cent received Maternal or Parental leave benefits, compared with 87.2 per cent in 2015. According to EICS survey data, Québec had the highest share of recent mothers with insurable employment, at 86.5 per cent, and the highest share of insured recent mothers who received Maternity or Parental leave benefits (96.9 per cent)²². The share of new mothers in the rest of Canada with insurable employment who received Maternity or Parental benefits was 88.8 per cent in 2016. The persistent difference in the share of recent mothers who receive Maternity/Parental benefits in Quebec compared to the rest of Canada (an 8.1 per cent difference in 2016, but 15.7 per cent in 2015) is due to a number of factors, including coverage of most self-employed mothers in Quebec.

The vast majority of mothers who receive Maternity benefits (98.3 per cent) go on to receive Parental leave benefits. As noted above, under EI, women comprised 85 per cent of those receiving Parental leave claims in 2016/2017. Women tend to receive parental benefits for longer periods than men. In 2016/17, the average duration of parental benefits was 32.6 weeks for women compared to 16.0 weeks for men. The average weekly Parental benefit for mothers was CAD\$449 [€293.13] compared to CAD\$503 [€328.38] per week for fathers²³.

²¹ Employment and Social Development Canada (2018) *2016/17 EI Monitoring and Assessment Report*. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2017.html>

²² Statistics Canada. Employment Insurance Coverage Survey, 2016. Reported in *The Daily*, 15 December 2017.

²³ Employment and Social Development Canada (2018) *2016/17 EI Monitoring and Assessment Report*. Annex 2. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2017.html>

Fathers

The most recent ESDC Employment Insurance Monitoring and Assessment report indicates that in 2016/17 fathers accounted for approximately 15 per cent of those who claimed Parental leave benefits, a figure that has been fairly stable since 2010/11. Previous years had shown a steady increase in the take-up rate of parental leave benefits among eligible fathers in Canada (excluding Québec), suggesting that more couples were sharing benefits. But this trend did not continue after 2011: outside Québec the percentage of fathers who claimed or intended to claim Parental leave decreased from eleven per cent in 2011 to 9.4 per cent in 2012, recovering somewhat in 2014 and 2015. In 2016, for all provinces combined (i.e. including Québec), the proportion of fathers who claimed or intended to claim Parental leave was 29.9 per cent, roughly the same as in 2015²⁴. These data obscure major differences in the take-up of Parental leave by fathers in and outside of Québec. Specifically, outside of Québec only 12.9 per cent of recent fathers took or intended to claim parental leave in 2016, compared to 80.1 per cent of fathers in Quebec.

Unfortunately, current data do not provide an accurate picture of the circumstances under which couples share parental leave and benefits. What data do exist suggest that fathers who share parental leave benefits with their spouse tend to claim an average of 10.2 weeks of benefits, while those who do not share benefits take, on average, 26.8 weeks of benefits²⁵.

The introduction of the QPIP (Québec Parental Insurance Plan), which includes leave that is exclusively for fathers, has had a huge impact on the number of fathers claiming or intending to claim leave in Québec, since the introduction of the plan: from 27.8 per cent in 2005 to 80.1 per cent in 2016.²⁶

On average, fathers who receive benefits following a birth take significantly fewer weeks than women who receive benefits. According to Statistics Canada, in 2010 those Canadian fathers taking leave, *including* in Québec, took an average of nine weeks of paid Parental leave compared to 28 weeks for women²⁷. The trend has been for fathers to take fewer weeks each year (i.e., the average was 11 weeks in 2009, but only eight weeks in 2011); *excluding* Québec, fathers took an average of 18 weeks Parental leave benefits in 2009, 14 weeks in 2010 and 13 weeks in 2011. The most recent report EI Monitoring and Assessment Report indicates that fathers received an average of 16.0 weeks of parental benefits following birth or adoption, compared to 32.6 weeks for mothers.²⁸ The difference in numbers between data sources can be partly explained by the fact that Statistics Canada data include both biological and adoptive parents and are collected per calendar year rather than fiscal year.

²⁴ Statistics Canada (2017) *Employment Insurance Coverage Survey 2016*. Reported in *The Daily*, 15 December 2017.

²⁵ Employment and Social Development Canada (2018) *2016/17 EI Monitoring and Assessment Report*. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2017.html>

²⁶ Statistics Canada. *Employment Insurance Coverage Survey, 2016*. Reported in *The Daily*, 15 December 2017.

²⁷ Unpublished data from Statistics Canada Special Surveys Division.

²⁸ Employment and Social Development Canada (2018) *2016/17 EI Monitoring and Assessment Report*. Annex 2. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2017.html>

In Québec, take-up of leave by fathers was already higher in 2004, with 22 per cent of eligible fathers using some leave compared with nine per cent elsewhere in Canada. The Paternity and Parental leave scheme, introduced in 2006, has had a substantial impact on fathers' participation: in 2006, there was a 69 per cent presence of fathers in all QPIP birth files, rising in 2016 to 79 per cent²⁹. Some 60,000 fathers use the regime each year and of this number, 94 per cent take the whole of the Paternity leave (three or five weeks, depending on the option chosen) and 36 per cent also take some Parental leave weeks. In 2016, for all fathers receiving QPIP benefits the leave is on an average of nine weeks. Fathers who took both Paternity and Parental benefits took 17 weeks on average. The overall participation rate for fathers in the QPIP is 70 per cent³⁰.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Most Canadian research providing information on leave policies is embedded in more general research on paid work and care work, the links between parental leave and maternal health, and fathers and work-family balance. There is a growing body of literature that examines these issues in Canada and how workplace practices and cultures might provide more support and flexibility to parents and ensure optimal development in children. Within this research, there is some emphasis being given to fathers, including some recent research in Québec that addresses the use of Paternity leave and the impact of Parental leave on careers and organizations. The Québec government published a report³¹ to celebrate the ten-year anniversary of the Québec Parental Insurance Plan in early 2017 with contributions from Doucet, McKay and Tremblay.

b. Selected recent publications

Doucet, A. and McKay, L. (2017) 'Parental Leave, Class Inequalities, and 'Caring With': An Ethics of Care Approach to Canadian Parental Leave Policy', in: R. Langford, S. Prentice and P. Albanese (eds.) *Caring for Children: Social Movements and Public Policy in Canada*, Vancouver: UBC Press, pp.97-116.

Mansour, S. and Tremblay, D.G. (2017) 'The mediating role of work engagement between psychosocial safety climate passageways and organizational citizenship behaviors: A study in the nursing and health sector in Quebec', *International Journal of Human Resources Development and Management*, Vol.18, No.1-2. Available at: <https://doi.org/10.1504/IJHRDM.2018.092287>.

²⁹ Note that there is a minor discrepancy among sources; Statistics Canada (2015) *Employment Insurance Coverage Survey 2013* reports 83 per cent.

³⁰ Data obtained directly from the statistical services of the QPIP in March 2018.

³¹ See http://www.cgap.gouv.qc.ca/publications/pdf/RQAP_bilan_10ans.pdf

The objective of this research, conducted with 562 staff working in the health sector in Quebec (Canada), mainly nurses, is to examine the direct and indirect effects of the psychosocial safety climate on work engagement and organisational citizenship behaviours. The results of structural equations show that the psychosocial safety climate increases engagement (vigour, dedication and absorption). However, it has no direct effect on organisational citizenship. The bootstrap results indicate that vigour, dedication and absorption all mediate the relationship between psychosocial safety climate and altruism and compliance; however, the indirect link between climate and altruism through absorption is not significant.

Nogues, S. and Tremblay, D.G. (2017) 'Concilier travail et soins à un proche au Canada: quel soutien des acteurs communautaires?' ['Working and caring for a relative in Canada: Do community organizations help?'], *ANSERJ. Revue canadienne de recherche sur les OSBL et l'économie sociale*, Vol. 7, No.2: 17-39.

Tremblay, D.G. (2018) *Pour une articulation des temps sociaux tout au long de la vie; l'aménagement et la réduction du temps de travail*, Montréal: Téléuq.
This book includes chapters on Parental leave and working time.

Tremblay, D.G. and Abouaissa, S. (2017) *Les politiques de conciliation des temps sociaux et les aménagements du temps de travail. Étude comparative internationale*, Montréal: Téléuq.

Choroszewicz, M. and Tremblay, D.G. (2018) 'Parental leave policy by men lawyers in Finland and Quebec: Professional and cultural barriers to men lawyers' usage of paternity and parental leaves', *International Journal of the Legal Profession*. Available at: <https://doi.org/10.1080/09695958.2018.1456435>

Family policies in Finland and French Canada (Québec) include fathers' rights to paternity and parental leaves, which have resulted in more fathers using parental leave. Yet this policy has a limited outreach to male-dominated professions, including the legal profession. In this article, we examine attitudes to paternity and parental leaves among male lawyers and the motives behind their decisions to use or not use them. We approach the issue from the perspective of the legal profession's professional ethos, which impacts lawyers' attitudes and practices regarding work-life balance. In our analysis, we draw on 20 Finnish and 18 Quebecois interviews with current and former male lawyers from private law practices in two urban civil-law contexts: Helsinki, Finland and Montreal, Canada. The findings indicate that, in traditionally male-dominated professions, it is not enough to provide men with a statutory right to paternity and parental leave. There is also a need for organisational solutions and peer encouragement in the work environment so that men feel comfortable taking leave.

Karu, M. and Tremblay, D.G. (2018) 'Fathers on parental leave: An analysis of rights and take-up in 28 countries', *Community, Work and Family*, Vol.21, No.3: 344-362. doi: 10.1080/13668803.2017.1346586. Available at : <http://www.tandfonline.com/doi/full/10.1080/13668803.2017.1346586>

Using information published in 2014 annual review of the International Network on Leave Policies and Research, the article analyses parental leave and benefit policies in 29 countries to identify which characteristics can potentially facilitate fathers' take-up of parental leave. The scarce statistics that is available shows that only few countries have been successful in increasing fathers' participation in the parental leaves, despite the fact that some recent policy schemes seem to have drawn lessons from the Nordic success. There are several countries which indeed have adopted principles similar to the Nordic countries in their leave schemes, such as fathers' quota, generous income-related benefit or long duration of the leave. The

evidence suggests that only taking over some elements of the successful policy schemes does not necessarily lead to a change in the leave-taking behaviour of fathers and families. The evidence shows reasonably high take-up of parental leave only in countries where there is a combination of fathers' quota and high level of benefit. There is still no evidence to confirm that replicating the fathers' quota in its Nordic designs other societies would generate similar behavioural change as it did in the Nordic countries.

Mansour, S. and Tremblay, D.G. (2018) 'Psychosocial safety climate as resource passageways to alleviate work-family conflict: A study in the health sector in Quebec', *Personnel Review*, Vol. 47, No.2: 474-493.

The purpose of this paper is to examine a multidimensional mediating model of psychosocial safety climate (PSC) and work-family interference. More precisely, it tests the direct and indirect effects of PSC on work-family conflict (WFC)/family-work conflict (FWC)-time and WFC/FWC-strain via family-supportive supervisor behaviour (FSSB). The structural equation method was used to test the direct effect of PSC on WFC/FWC time and strain. As for the mediation effects, they were tested by the method of indirect effects based on a bootstrap analysis (Preacher and Hayes, 2004) based on 3,000 replications with a 95% confidence interval. The results show that PSC is negatively and directly related to WFC-time, FWC-time, WFC-strain and FWC-strain. In addition, the bootstrap analyses indicate that PSC is related indirectly to WFC-time, FWC-time, WFC-strain and FWC-strain via FSSB.

Mansour, S. and Tremblay, D.G. (2018) 'Blended work and opportunities for knowledge sharing: Human resource management practices to increase innovative work behaviour and life satisfaction of bridge workers', *International Journal of Knowledge Based Development*. Available at: DOI: 10.1504/IJKBD.2018.10012273

This research tests aims to verify in a sample of bridge workers (192) the mediating role of occupational self-efficacy on the relationship between availability of blended work and opportunity for knowledge-sharing with younger workers (or opportunities for generativity), as well as life satisfaction and innovative work behaviour. The results of bootstrap show that the availability of blended work has an indirect effect on life satisfaction and innovative work behaviour via occupational self-efficacy. Also, they reveal that the opportunity for knowledge transfer to younger workers, or generativity, impacts the life satisfaction and innovative work behaviour via occupational self-efficacy.

Lero, D.S and Fast, J. (in press). 'The availability and use of flexible work arrangements and caregiving leaves: Lessons learned about policies and practice', *Journal of Law & Equality*.

c. Ongoing Research

Vulnerable work and work-life challenges in Québec (2013-2019). Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded by Social Sciences and Humanities Research Council of Canada.

This research analyses the work-life challenges for vulnerable workers such as those in the hospitality and restaurant industry, as well as airline stewards.

Contact: Diane-Gabrielle Tremblay at dgtrembl@teluq.ca or visit the website: www.teluq.uqam.ca/aruc-gats

A Longitudinal Study of the Impact of Fathers' use of leave provisions to care for infants (2016-2019). Andrea Doucet and Lindsey McKay. Brock University.

This research project is a follow-up study of couples in Ontario and Québec, in two different parental leave regimes, where fathers took Parental or Paternity leave. Initially interviewed around the time of leave-taking, the second round of interviews investigates potential impacts of leave close to a decade later as well as conceptual and methodological issues with researching and assessing equality and care across time. Funded by the Canada Research Chairs program. Contact: Andrea Doucet at adoucet@brocku.ca

Fathers alone on Parental/Paternity leave in Québec (2015-2018) Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded by Social Sciences and Humanities Research Council of Canada.

This research analyses the impact on fathers and on family division of labour of fathers taking Parental/Paternity leave and being alone with the child at home. Contact: Diane-Gabrielle Tremblay at dgtrembl@teluq.ca, or visit the website: www.teluq.uqam.ca/aruc-gats

Socioeconomic In/equalities in Parental Leave and Childcare Support for Families: Canada's Two Policy Regimes and the Care of Children (2015-2020) Lindsey McKay (Brock University), Sophie Mathieu (Université de Montréal) and Andrea Doucet. (Brock University).

This research project analyses available data to examine socioeconomic in/equality in the receipt of financial support for the care of children. The first phase examines Parental leave benefits and entitlements to care for children within and between Canada's two leave benefits programs (Quebec and a federal program), as well as under 14 different sub-national labour laws. International comparative work is also in process and collaborative opportunities from international colleagues are welcomed. Funded by the Canada Research Chairs programme. Contact: Lindsey McKay (lindseymck@gmail.com), Sophie Mathieu (sophie.mathieu.1@umontreal.ca), or Andrea Doucet (adoucet@brocku.ca)

China¹

Fan Wu (Department of Social Policy and Social Work, Nankai University)

April 2018

NB. There are 31 provincial administrative regions (including provinces, municipalities directly under the central government and autonomous regions) in mainland China. These provinces are subordinate to the leadership, authority and direction of the central government. The central government formulates national policies, which are binding nationally; while provincial local governments, in line with these central policies, can independently develop their own policies based on their respective conditions.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (产假) (Responsibility of State Council at national level and Local People's Congresses at provincial level)

Length of leave (before and after birth)

- Ninety-eight (98) calendar days: 15 days before the birth and 83 days after the birth.
- Leave take-up is not obligatory.

Payment and funding

- One hundred (100) per cent of salary.
- Funded by the Maternity Insurance Fund for employees included in maternity insurance; and/or by work units (work units cover the gap if the maternity allowance is higher than the female worker's salary; and they pay the full benefit if the female worker did not participate in the maternity insurance).

Flexibility in use

- None

¹ Please cite as Wu, F. (2018) 'China country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Regional or local variations in leave policy

- National laws and regulations set the basic provisions for Maternity leave, such as the length of leave, its payment and funding. But provinces may develop their own regulations, in relation to their local conditions. On this basis, 31 provinces in mainland China have extended the duration of Maternity leave to employees who comply with fertility laws and regulations (see below). This varies from extending leave from the national entitlement of 98 days to 128 days (Beijing, Shanghai, Jiangsu, Zhejiang, Hubei, Chongqing, Tianjin, Guangdong) to extending leave up to 190 days (Henan, Hainan); the most common extension is to 158 days (Hebei, Shanxi, Inner Mongolia, Liaoning, Jilin, Anhui, Jiangxi, Shandong, Hunan, Sichuan, Guizhou, Yunnan, Qinghai, Ningxia, Shaanxi, Xinjiang).
- In Shanghai, there are two additional provisions. Female employees who are 28 weeks or more pregnant should receive a one hour break each day, paid at 80 per cent of earnings, and not work night shifts; and women who need to be exempted from work to protect their foetus can, upon presentation of a medical certificate, take foetus protection leave.

Eligibility

- All female employees are entitled to 98 days of paid Maternity leave, whether they meet the requirements of fertility policies or not (see Section 3). Female staff who conform to fertility policies can (in most parts of the country) get a reward of extended paid Maternity leave or other additional social benefits on top of 98 days of Maternity leave (see 'regional or local variations' above).
- Women who are unemployed, flexibly employed or agricultural workers are not eligible for Maternity leave. Self-employed are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- Female employees who suffer from dystocia can have an additional 15 days of leave.
- Female employees who have multiple births are entitled to an additional 15 of leave for each additional birth.
- In four provinces, female employees who still cannot work after the end of Maternity leave, due to physical problems or other difficulties can, with the approval of their work units, obtain additional leave. In Zhejiang, Jilin and Chongqing, leave can be extended to one year after birth (including statutory Maternity leave), with salary continuing to be fully paid (Zhejiang) or paid at 75 per cent or more (Jilin, Chongqing).

b. Paternity leave (陪产假) (Responsibility of State Council at national level and Local People's Congresses at provincial level)

Length of leave

- No statutory entitlement nationally.
- However, in all provinces, Paternity leave is provided ranging from seven days (Shandong and Tianjin) to 30 days/one month (Yunnan, Gansu, Henan, Tibet), with 15 days in most areas. In Anhui and Shaanxi, five and 15 days respectively can be added to Paternity leave if the husband and wife live in

different places. Where Paternity leave is provided, fathers taking leave receive full earnings. All male employees who conform with fertility policies are eligible. There is no legal requirement as to when the Paternity leave should be taken.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Time off for the care of dependants

- Currently, two provinces entitle an only child to leave (20 days per year in Henan and ten days in Fujian) to care for parents, if the parents have reached the age of 60 and are treated in hospital. Employees taking leave receive full earnings.

Flexible working

- See below.

Specific provision for (breast-)feeding

- During the period of breastfeeding (including bottle-feeding) for infants under one year, work units should not extend mothers' working hours or arrange night shifts for them. They should also arrange at least one paid hour of breastfeeding time during the working day for mothers during this period. Female employees who have had a multiple birth are entitled to another hour of paid breastfeeding time per day.
- In three provinces, additional breastfeeding leave can be applied for after the end of Maternity leave. In Shaanxi, if work units are unable to guarantee breastfeeding time and provide breastfeeding conditions due to special circumstances, three to six months of paid breastfeeding leave can be granted. In Hainan, after Maternity leave, work units can agree breastfeeding leave until the child's first birthday, paid at no less than 80 per cent of the employee's basic wage. In Guangxi, employees who have difficulty in nurturing infants after the Maternity leave ends can be granted six to twelve months of breastfeeding leave, paid at 80 per cent of earnings.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in China is 12 weeks, as laid down by national regulations; but the period is extended in nearly all provinces, most frequently to 4.7 months. These leave periods are well paid. However, China is lacking in a system of formal ECEC services for children under three years, so informal care is dominant. According to the Third Survey of Chinese Women's Social Status from 2010, 99.9 per cent of children under the age of three years are taken care of by their families, with mothers as main caregivers accounting for 63.2 per

cent². There is, therefore, a gap of over two and a half years between the end of well-paid leave and the start of kindergarten, during which families are required to take the responsibility for taking care of children. From three years of age, there is a right to a kindergarten place (but no compulsory education). Participation of children aged three years or older in ECEC was 75 per cent in 2015, which is lower than the average for OECD countries³.

3. Changes in policy since May 2017 (including proposals currently under discussion)

To give a brief historical overview, Maternity leave in China began in 1951, when the Labour Insurance Regulations of the People's Republic of China stipulated that female employees must be given a total of 56 days of prenatal and postnatal leave, with full earnings replacement. In 1988, Regulations Governing Labour Protection for Women Staff Members and Workers extended the length of Maternity leave from 56 days to 90 days. In 1995, the Labour Law of the People's Republic of China was formally implemented, prescribing that female staff must enjoy no less than 90 days of Maternity leave after the day of delivery, which legally guaranteed women the right to take Maternity leave. In 2012, Special Rules on the Labour Protection of Female Employees was implemented, which is now in place and described above.

Since 2010, China's 'one child' fertility policy has been adjusted; along with this, Maternity leave policy has also been adjusted. At the end of 2011, the policy of 'two-child policy for couples where both husband and wife are from a single-child family' (i.e. a policy of two children where both parents are only children) was implemented. At the end of 2013, the policy of 'two-child policy for couples where either the husband or the wife is from a single-child family' (i.e. a policy of two children where one parent is an only child) was implemented. Finally, in October 2015, the universal two-child policy was implemented⁴, following which the Chinese government in December 2015 made changes to Maternity leave and Paternity leave policies. The Population and Family Planning Law of the People's Republic of China was amended by stipulating that "the couples who bear children in line with the laws and regulations can get rewards of extended birth leave or other social benefits". Consequently, late marriage and late childbirth among citizens are no longer encouraged and rewarded with additional entitlements. Mothers of single children, mothers of two children and other families that conform to the policy are all now entitled to extended Maternity leave and other social benefits. As a result, a range of measures has been enacted by provinces since 2016, with the length of Maternity leave often being extended beyond 98 days, ranging from 128 days to one year. Paternity leave has also been introduced in different areas, ranging from seven to 30 days. With latest changes in 2017 in the provinces of Xinjiang and Tibet (introduction of Paternity leave and expansion of Maternity leave; see above), all 31 provinces in mainland China had completed adjustments in the extension of Maternity leave and introduction of Paternity leave.

² Research Group of the Third Survey of Chinese Women's Social Status (2011) 'The Main Data Report of the Third Survey of Chinese Women's Social Status', *Collection of Women's Studies*, 2011 (06): 5-15.

³ Ministry of Education of the People's Republic of China (2016) *The Statistical Bulletin of National Education Development in 2015*. Available at: http://moe.edu.cn/srcsite/A03/s180/moe_633/201607/t20160706_270976.html

⁴ In certain circumstances, couples can have more than two children, e.g. remarried couples, couples who have one or two children with disabilities, couples from ethnic minorities, or couples who legally adopt children.

4. Take-up of leave

a. Maternity leave

According to the statistics of the Third Survey of Chinese Women's Social Status, in 2010 almost all mothers had taken Maternity leave; mothers with no Maternity leave accounted for only 1.9 per cent.

b. Paternity leave

According to the Third Survey of Chinese Women's Social Status, nearly half (49.3 per cent) of fathers who had a child in 2010 did not have paid Paternity leave, nearly a third (31.9 per cent) had paid Paternity leave of one to seven days, 13.4 per cent had eight to 15 days and 5.4 per cent had paid Paternity leave of more than 15 days.

c. Parental leave

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General review

Most leave-related research in China focuses on Maternity leave, mainly on the protection of the labour rights and interests of female workers, analysing the current situation and factors influencing Maternity leave. But in the past ten years, studies have also investigated Paternity leave. The existing research has two main perspectives: First, from the gender equality perspective, it emphasises that Paternity leave is beneficial to the establishment of gender equality in partnerships and the promotion of gender equality more generally; second, from the perspective of civil rights, Paternity leave is related to women's rights, early childhood care and education and male rights. Since the implementation of the 'universal two-child policy' in China in 2016, some scholars begin to analyse the relationship between Paternity leave and the policy, advocating that there should be a national law on Paternity leave to support the universal two-child policy.

b. Selected recent publications

Han, Z.Y. and Wang, Z.H. (2017) 'The Research on the Influence of Women's Welfare Policy on Urban Women's Fertility Willingness of Two Children - based on the Survey of Women of Childbearing Age from Ten Cities in China', *Human Resources Development of China*, 9: 139-146.

From the perspective of women's welfare, the research did the survey of the impacting factors on women's fertility willingness of two children in 10 cities in China by questionnaire and interview. The results show that Maternity leave, maternity allowance, gender bias in job hunting, the special labour protection for female employees, health care for women and children, child care and preschool education

consist of the important factors to hinder the women's willingness to have the second child. Furthermore, the research puts forward suggestions on policy reform, mainly including expanding the coverage of birth insurance, improving spending on welfare and services for women's childbearing, and promoting the socialization of family expenditures on childbearing.

Wu, F. and Lin, W. (2017) 'Family Care Arrangements and Policy Needs of Preschool Children in China: An Analysis Based on Multiple Data Sources', *Population Research*, Vol.41, No.6: 71-83.

Based on multiple survey data, the research analyzes the situations and characteristics of family care arrangements for children aged 0-5 in China. Conducted by different organizations between 2010 to 2014, the multiple surveys show high childcare deficits, heavy burdens of mothers, imbalanced responsibility between motherhood and fatherhood, and a high proportion of childcare by grandparents. These problems not only directly affect the healthy growth of children, women's employment and development, and the quality of family life, but also affect the implementation of the two-child policy. One of the key reasons of these problems is the lack of institutional support for childcare, particularly the shortage of formal care for children under age three. "Work-family" balance has become a universal and rigid social needs. From a macro point of view, childcare is a necessary condition for population reproduction. From the perspective of family policy, it is necessary to extend the Paternity leave and Parental leave, to develop formal care agencies for children aged 0-3, and to promote the balance of work--family for childcare givers.

Yang, H. (2017) 'An Analysis of the Influence Mechanism of Fertility on Urban Female Employment under the Universal Two-Child Policy', *Population & Economics*, 4: 108-118.

Women bear the dual responsibilities of population reproduction and social reproduction. Since the implementation of universal two-child policy in China, the impact of fertility on female employment has drawn much attention. Based on the theory of role conflict and Pareto improvement theory, the research analyses the impact of fertility procession on female employment by using the cross-analysis and Logistic regression model. It is found that fertility has negative impact on the employment of urban women. The proportion of urban women who lose their jobs due to pregnancy is the highest, the impact of childbirth on income is the greatest, and the impact of childrearing on employment has a substitution effect. It is suggested that the government should improve the maternity insurance system, promote the employment stability and personal income of urban women, and develop public service of child care to reduce the conflict between employment and childrearing.

Zheng, Z.Z. (2017) 'Reconciling and Sharing: Women's Time Use on Childcare and Help from Family Members', *Studies in Labor Economics*, Vol.5, No.5: 3-17.

Reconciling childrearing and paid work is essential to women's career development, and care support from family members may effectively reduce the time women spend on childcare. This study uses survey data to analyse time devoted to childcare by mother, father, and grandparents respectively, and examine the effect of care support from family members on women's time devoted to childcare. Childcare for those under the age of six is equivalent to a full time job regarding time investment. Usually, mother is the main caregiver, and care support from grandparents helps reduce mother's time investment on care effectively, which plays a significant replacing role. In particular, during the early childhood more than 40 percent of children are taken care by grandparents, while the role of father is quite limited. The gap between mother and father in terms of time devoted to childcare is larger in rural areas compared to the urban. Childcare facilities for children aged above 3 are

widely used, which is very important to reduce women's caring responsibility. Relevant public policy and program design should take into account different childcare helpers and special needs of children at different age, provide multiple choices for family, pay more attention to the role of grandparents, and improve father's role in childrearing rather than only focus on the role of mother.

Zhang, Q. and Zhang, L. (2017) 'The Influence Mechanism of Fertility Support in Females' Career Stability', *Social Science of Beijing*, 7: 32-39.

It's becoming normal for the female to break their career because of childbearing. Existing researches indicate that there are obvious negative relations between childbearing and employment for women. Based on the third Chinese Women's Social Status Survey, the research aims to discuss whether the supportive policy for fertility would be effective to females' employment stability or not. The research shows that legal support for women's rights, economic and child care support for women during the period of fertility can significantly reduce the possibility of females' career breaking.

C. Ongoing Research

Chinese Women's Social Status Survey. National Women's Federation and the National Bureau of Statistics. Available at:

http://www.china.com.cn/zhibo/zhuantu/ch-xinwen/2011-10/21/content_23687810.htm

Since 1990, this survey has been conducted every ten years by the National Women's Federation and the National Bureau of Statistics. The sample is selected by the three-stage unequal probability (PPS) sampling method stratified by regional development; it includes Hong Kong, Macao and Taiwan. There are two types of questionnaire: a personal questionnaire and a community (village, neighbourhood) questionnaire. The personal questionnaire covers 18 to 64-year-old Chinese men and women, and uses household interview methods. The contents include: health, education, economy, social security, politics, marriage and family, lifestyle, legal rights and interests, gender awareness and attitudes, and includes early childhood education and care and female maternity protection. In order to analyse the social status of and changes among different groups of women, the survey also includes five other groups: children, elderly people, college students, people affected by migration, and high-level talent. The survey aims to comprehensively and objectively reflect the status and changes in the social status of Chinese women in the past decade and to explore the relationship between changes in social structure and women's social status.

China Family Panel Studies (CFPS). Peking University China Social Science Research Centre (ISSS). Available at: <http://www.issc.edu.cn/cfps/>

CFPS samples cover 25 provinces, cities and municipalities, with a size of 16,000 households. The survey covers economic activities, educational outcomes, family relations and family dynamics, population migration, health and many other research topics. There are four different questionnaires for community, family, adult, and children. The children questionnaire covers specific aspects of early childhood education and care, including their daily life, health and education. CFPS conducted an initial formal visit in 2010 and there are follow-up visits every two years, tracking and collecting the data at three levels: individuals, families and community. The survey covers all family members of the sample family. All baseline family members and their future bloodline or adopted children, defined by the baseline survey of 2010, will be members of the CFPS sample and be followed-up regularly.

Chinese Families Practicing Family-planning Development Survey (CFPFDS). National Health and Family Planning Commission of China. Available at:

<http://www.nhfpc.gov.cn/jfzs/s7872/201408/58c4547125494fa1865fa97b6fe3e97d.shtml>

CFPFDS is a nationwide family tracking survey. The first round CFPFDS conducted in 2014 was followed by a follow-up survey every 2 years. CFPFDS samples cover 31 provinces, cities and municipalities, with a size of 30,000 households. The purpose of the survey is mainly to understand the actual conditions and changes in economic, social, health, and security aspects of families and family members, mainly consisting with families practicing family planning policy. The survey aims at tracking the family's changes in form, structure, relationships, and functions during the family development process, characteristics and possible causal relationships, and providing information for scientifically formulating family policies and effectively providing public services.

Croatia¹

Ivana Dobrotić (University of Zagreb)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*rodiljni dopust*); Maternity exemption from work (*rodiljna poštuda od rada*); Maternity care for the child (*rodiljna briga o novorođenom djetetu*) (responsibility of the Ministry of Demography, Family, Youth and Social Policy)

Length of leave (before and after birth)

- *Maternity leave*: 28 days before the expected day of birth, then until the child turns six months of age. It is obligatory for mother to take 98 days (28 days before the expected date of delivery and 70 days after the birth), without interruption. In exceptional circumstances, based on a medical assessment, leave can start 45 days before the expected date of delivery.
- *Maternity exemption from work/Maternity care for the child*: from the day of birth until the child turns six months of age.

Payment and funding

- *Maternity leave*: 100 per cent of average earnings, calculated on the average earnings on which health care contributions were paid during the six months prior to the leave, with no ceiling on payments.
- A parent who does not meet the condition of at least 12 months of continual insurance or 18 months of insurance with interruptions in the last two years receives 70 per cent of the 'budgetary base rate' of HRK3,326 [€450,45]² per month; the gross average earnings in January 2018 were HRK 8,361 [€1,132.35]³.
- *Maternity exemption from work/Maternity care for the child*: 70 per cent of the budgetary base rate per month
- Funded from general taxation.

¹ Please cite as: Dobrotić, I. (2018) 'Croatia country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Conversion of currency undertaken on 13 June 2018, using: <https://www.finanzen.net/waehrungsrechner>

³ See: <http://www.dzs.hr/Hrv/publication/subjects.htm>

- Pension rights: employed parents on Maternity leave maintain their pension insurance and the contributions are paid by the state on the level of Maternity benefit; unemployed and inactive parents entitled to Maternity exemption from work/Maternity care for the child have the right on pension insurance paid by the state until the child turns one year of age (if there is the second child born within this first year, the pension insurance based on the birth of the first child stops, and one-year pension insurance based on the birth of the second child begins).

Flexibility in use

- *Maternity leave*: after the compulsory Maternity leave period, the father of the child has the right to use the remaining period of Maternity leave, if the mother agrees.
- After the compulsory Maternity leave, a parent can use the remaining period of leave on a part-time basis, in which case the duration is doubled with compensation at half the level of full-time leave. The period of part-time leave taken after a child is six months cannot exceed the period of part-time leave taken before the child reaches this age; the maximum period of part-time leave is until nine months after birth.
- *Maternity exemption from work/Maternity care for the child*: from the 71st day and in the case of the mother starting employment, the mother can terminate the use of Maternity exemption from work/Maternity care for the child, in which case the father of the child has the right to use the remaining share of the unused leave, if the mother agrees.

Eligibility (e.g. related to employment or family circumstances)

- *Maternity leave*: all employed and self-employed persons.
- *Maternity exemption from work*: parents employed on a different employment basis (e.g. parents who are earning a second income on which contributions have been paid), farmers and unemployed parents; they must be registered in the unemployment office, have health insurance and three years residency (i.e. citizen or foreign citizen with permanent residency of at least three continuous years in Croatia)
- *Maternity care for the child*: parents outside the labour system, due for example to retirement, incapacity or studying; they must have health insurance and five years residency (citizen or foreign citizen with permanent residency of at least five continuous years in Croatia)

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In cases of poor health or health risks for the mother and child, the pregnant mother is entitled to sick leave before birth for the duration of the risk ('sick leave due to illness and complications related to pregnancy'), in addition to Maternity leave. The mother is paid 100 per cent with a ceiling of HRK4,257 [€576.53] a month.
- Leave is extended in the case of premature births.
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*roditeljski dopust*) / Parental exemption from work (*roditeljska poštuda od rada*) / Parental care for the child (*roditeljska briga o novorođenom djetetu*) (responsibility of the Ministry of Demography, Family, Youth and Social Policy)

Length of leave

- *Parental leave*: four months (120 calendar days) per parent per child for the first and second born child; see 'variation in leave' below for third or higher order births. Leave is an individual entitlement, but two months can be transferred from one parent to the other.
- *Parental exemption from work/Parental care for the child*: from six months of age until the child turns one year of age, for the first and second born child; or until the child turns three years of age for twins, the third and every subsequent child.

Payment and funding

- *Parental leave*: 100 per cent of average earnings for the first six months, with a ceiling of 120 per cent of the budgetary base rate⁴ or eight months if both parents use Parental leave; 70 per cent of the budgetary base rate after the first six (or eight) months or if parents do not fulfil the condition of at least 12 months of continual insurance period or 18 months of insurance with interruptions in the last two years.
- *Parental exemption from work/Parental care for the child*: 70 per cent of the budgetary base rate.
- Funded from general taxation.
- Pension rights: employed parents on Parental leave maintain their pension insurance and the contributions are paid by the state on the level of Parental benefit (as there is a low ceiling for Parental benefit, parents with higher salaries are left without an important part of their contributions); unemployed and inactive parents entitled to Parental exemption from work/Parental care for the child have the right on pension insurance paid by the state until the child turns one year of age (if there is the second child born within this first year, the pension insurance based on the birth of the first child stops, and one-year pension insurance based on the birth of the second child begins).

Flexibility in use

- *Parental leave*:
 - Leave is a personal right of both parents but one parent can transfer two months of their entitlement to the other, if they are both employed and if both parents agree and with written consent.
 - Parents can use their entitlement at the same time or consecutively. (Although this possibility was deleted in the new legislation, legal opinion holds that parents can still use leave that way as long as not explicitly forbidden by law).

⁴ The budgetary base rate amounts to HRK3,326 [€450.45] per month.

- Leave can be taken in the following ways: a) fully (in one period); b) partially (no more than two times per year, each time for no less than 30 days); c) part-time (duration is doubled and compensation is 70 per cent of the budgetary base rate).
- Leave can be taken until the child turns eight years of age.
- *Parental exemption from work/Parental care for the child:* if a parent terminates their leave due to employment/self-employment, the other parent has the right to use the unused share of the first parent's leave with that parent's consent.

Eligibility (e.g. related to employment or family circumstances)

- *As for Maternity leave*

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- Fifteen months (450 days) per parent for twins, other multiple births and the third and every subsequent child. This leave is transferable from one parent to another and paid at 70 per cent of the budgetary base rate.
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

d. Childcare leave or career breaks

- If parents have fully used Maternity and Parental leave, one of the employed parents has the right not to work until the child turns three years of age. During that time, the parent's rights and obligations regarding his/her employment are suspended, and the rights to compulsory health insurance and retirement insurance are maintained. This is unpaid, and contributions for pensions and healthcare are not paid during that period.
- Regional/local variations: In 2016, the City of Zagreb introduced a cash-for-care scheme for parents of three or more children (they have the right to so called "parent-caregiver" status). Eligible are unemployed parents with at least one child of pre-school age, with Croatian citizenship and uninterrupted five-year residency in the City of Zagreb before the birth. Children cannot attend ECEC programmes if parents apply for this allowance. The allowance is ca. €520 net per month (ca. 65 per cent of average net wage and 140 per cent of minimum wage) and it may be paid until the youngest child in the family turns 15. In November 2017 there were 3,138 beneficiaries (it is estimated that there are 7,000 potential beneficiaries).⁵

e. Other employment-related measures

Adoption leave and pay

- Employed/self-employed adoptive parents can take adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of six months per family for an adopted child under 18 years of age, paid as for Maternity

⁵ See: <https://www.jutarnji.hr/vijesti/hrvatska/zagreb-potrosio-sav-novac-za-odgojitelje-a-stizu-novi-zahtjevi-trenutacno-3137-roditelja-s-troje-ili-vise-djece-prima-naknadu/6849762/>

leave. Adoption leave is extended for 60 days in the case of the adoption of twins or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties. After this period of leave, the adoptive parents of a child under eight years of age have the right to Parental leave of six months until the child turns eight years of age and all other rights of employed/self-employed parents.

- In the case of other adoptive parents (i.e. not employed or self-employed), one adoptive parent has the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of 12 months (regardless of the child's age). Adoption leave is extended for 60 days in the case of the adoption of twins, two or more children or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties. Unused leave can be transferred to the other adoptive parent on resumption of employment/self-employment under the same condition as Parental exemption from work/Parental care for the child. Payment is at 70 per cent of the budgetary base rate.

Time off for the care of dependants

- There is an entitlement to leave if a co-resident spouse or child is ill, with length and payment depending on the child's age: for a child under three years, up to 60 working days per family for each illness at 100 per cent of average earnings; for a child aged three to seven years, 70 per cent of average earnings (minimum of 25 per cent of budgetary base rate); for a child aged seven to 18 years, up to 40 working days for each illness at 70 per cent of average earnings (minimum of 25 per cent of budgetary base rate); older child and co-resident spouse, up to 20 working days for each illness at 70 per cent of average earnings, but only for serious medical conditions defined by regulation (minimum of 25 per cent of budgetary base rate). Leave for children under the 18 years of age can be extended on the basis of medical committee decision, and can be used only if the other co-resident parent is in employment or if a parent lives alone with a child (e.g. single parents, divorced parents). All payments subject to a ceiling of HRK4,257 [€576.53] per month. It can be used on part-time basis.
- A worker has the right to seven days fully paid leave per year for important personal needs, including those related to marriage, childbirth, or the serious illness of a member of the immediate family.

Flexible working

- After Parental leave, one of the employed/self-employed parents has the right to work shorter hours until a child turns three years of age if the child requires increased care due to its health and development, and only if Parental leave was fully used; paid at 70 per cent of the budgetary base rate (recalculated to the hourly rate, only for the hours outside the work).
- Employed or self-employed parents of a child with a serious developmental problem, including physical disability, have the right to take leave to care for the child or to work shorter hours until the child is eight years old. Parents can then work shorter hours, until the child finishes regular education. Payment during this period is: a) during leave, 70 per cent of the budgetary base rate; b) during shorter working hours, the difference in salary if the beneficiary has 12 months of continual insurance period or 18 months of insurance with interruptions in the last two years, otherwise 70 per cent of the budgetary base rate recalculated to the hourly rate.

Specific provision for (breast-)feeding

- During the first 12 months after the child's birth, mothers employed full time and who are breastfeeding are entitled to two hours absence from work (once a day for two hours or two times a day for one hour), paid at 100 per cent of the budgetary base rate, recalculated to the hourly rate.
- If an employed pregnant woman or mother breastfeeding her child works on a job that is harmful to her health and the health of a child she is breastfeeding, and if the employer has not provided for her another position within the company, she has the right to leave at full earnings paid by the employer.

Prenatal examinations (slobodan radni dan za prenatalni pregled)

- Pregnant workers have a right to use a number of hours – equivalent to one working day off per month – in order to attend prenatal examinations. Pregnant workers are obliged to announce to the employer the intention to use this right (in a written form, two days in advance)

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Croatia is 12 or 14 months (depending on whether both parents use leave entitlements) for the first and second born child, or three years for twins, other multiple births and the third and every subsequent child; this is paid at 100 per cent of previous average earnings up to a low ceiling for Parental leave (flat-rate for (self-)employed parents who do not fulfil eligibility criteria, and unemployed or inactive parents). There is no entitlement to ECEC at any age, however all children have to attend a pre-school program a year before entering primary school, for at least 250 hours as preparation for school (minimum 150 hours if local community for objective reasons cannot organise a full programme); attendance is obligatory. This is only a preschool programme of short duration, and cannot be treated the same way as a legal entitlement to ECEC. Levels of attendance at formal services are well below the average for the countries included in this review and OECD countries (for more details see Table 'Relationship between leave and ECEC entitlements').

3. Changes in policy since April 2017 (including proposals currently under discussion)

Since July 2017, new amendments to the Maternity and Parental Benefits Act entered into force, according to which the parental benefits and Maternity/Parental allowances have increased. The low level of parental benefits has been problematised by experts already for several years, and their increase was also a measure proposed by the working group which worked on the proposal for a new family policy strategy under the 2011-2016 government. The proposal has never been accepted due to budget constraints and the new government did not make a new proposal. However, as a result, the increase of parental benefits became one of the main measures advocated within the pre-election campaign of most political parties running for parliament. When the new government was formed in October 2016 that was one of the first proposals which went into the procedure. The ceiling on parental benefit has increased from 80 to 120 per cent of the budgetary base rate (i.e. from HRK2,660 [€360.25] HRK3,991 [€540.51] per month), and the flat-rate

amount of maternity/parental allowance paid to inactive and unemployed parents from 50 per cent to 70 per cent of the budgetary base rate (i.e. from HRK1,663 [€225.22] to HRK2,328 [€315.29] per month). These changes became effective in July 2017, and they apply to all parents, regardless if they already exercise the rights or not. It was also stated that the further plan is to completely abolish the ceiling on earnings-related Parental benefit, but that they are not going to abolish it now due to budgetary constraints.

4. Take-up of leave

a. Maternity leave

There is no official information on what proportion of women and men take Maternity leave. Although there is the possibility for fathers to use part of Maternity leave (if mothers agree), official data show that Maternity leave is predominantly used by mothers. According to the latest information, for 2017, fathers used the transferred right in 0.31 per cent of cases. *Maternity exemption from work* is predominantly used by mothers, i.e. only mothers used the right in 2017, and in the case of *Maternity care for the child* fathers accounted for 0.14 per cent of all users in 2017⁶.

b. Paternity leave

No statutory entitlement.

c. Parental leave

There is no official information on take-up rates. Parental leave is also predominantly used by mothers. According to the latest official data, for 2017, fathers account for 4.47 per cent of all Parental leave taken. *Parental exemption from work* and *Parental care for the child* is also predominantly used by mothers, i.e. fathers account for 0.32 per cent of all users of Parental exemption of work and for 0.55 per cent of all users of Parental care for the child⁷.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

None reported.

b. Selected publications since April 2017

None reported.

⁶ http://www.prs.hr/attachments/article/2404/IZVJE%C5%A0%C4%86E_O_RADU_ZA_2017.pdf

⁷ Ibid.

c. Ongoing research

None reported.

Czech Republic¹

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April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*materska dovolena*) (responsibility of the Social Security system)

Length of leave (before and after birth)

- 28 weeks: six to eight weeks before the birth and 20 to 22 weeks following birth. It is obligatory to take 14 weeks, including at least six weeks after the birth.

Payment (applied for the whole period of Maternity leave) and funding

- Seventy per cent of daily earnings up to a maximum payment of CZK36,750 [€1,424.59]² per month.
- Payment is financed from sickness insurance contributions by employers, paying 2.3 per cent of earnings.

Flexibility in use

- Leave can be started six to eight weeks before birth.
- From the start of the seventh week after childbirth, either parent may use the leave, i.e. the mother may alternate with the father of the child, with no restriction on the frequency of alternation. If the father uses the leave, he must do so for at least seven days.
- Parents on leave can work from the start of the seventh week after childbirth, but not on the same job from which he/she is taking leave.

¹ Please cite as: Kocourková, J. (2018) 'Czech Republic country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

Eligibility (e.g. related to employment or family circumstances)

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 calendar days during the last two years.
- A self-employed worker must meet the same condition as an employee, and in addition have contributed to sickness insurance for at least calendar 180 days during the last year.
- Students are entitled to the benefit.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple births, the length of leave is increased by nine weeks.
- When the child is stillborn, the mother is granted 14 weeks of Maternity leave.

b. Paternity leave

Length of leave

- Seven calendar days.

Payment and funding

- Seventy per cent of daily earnings up to a maximum payment of CZK8,575 [€332.40] per seven days.
- Payment is financed from sickness insurance contributions by employers, paying 2.3 per cent of earnings.

Flexibility in use

- It can be taken any time during six weeks after the birth of a child.
- All seven days have to be taken on bloc.

Eligibility (e.g. related to employment or family circumstances)

- Sickness insured workers, including employees and self-employed men.

c. Parental leave (*rodicovska dovolena*) (responsibility of the Ministry of Work and Social Affairs)

Length of leave

- Both parents can take leave until the child's third birthday. Leave is an individual entitlement, but only one parent at a time is entitled to the benefit.

Payment and funding

- A Parental benefit – *rodicovsky prispevek* – is available to all families who meet the eligibility condition whether or not they take Parental leave. It can be considered as a home-care benefit for at-home parents, as well as – partly – a benefit to subsidise care costs, since parents can work full-time or part-time while receiving Parental benefit (but access to publicly-funded childcare is then limited, see below).

- The period and amount of Parental benefit can be chosen from a number of options; the longest option is until the child is 48 months old and the shortest option is until the child is 12 months old. The maximum amount if taking the 12 months option is the maximum payment on Maternity benefit, i.e. CZK36,750 [€1,424.59] per month. The ceiling of Parental benefit corresponds to ceiling of Maternity benefit. If a parent did not participate in sickness insurance, the ceiling is CZK7,600 [€294.61] per month. The maximum amount payable for the whole period is CZK220,000 [€8,528.17].
- While Parental leave can only be taken up to the child's third birthday, the Parental benefit is paid until the child's fourth birthday.
- Parental benefit is funded from general taxation.

Flexibility in use

- The selected Parental benefit option may be changed after three months.
- Parents on leave can work without any limitation, but as they cannot make use of public childcare facilities, they are then responsible to assure the care of a child by another person.
- Both parents can take Parental leave at the same time, but only one of them is entitled to Parental benefit. They can alternate in receiving benefit as often they want.

Eligibility (e.g. related to employment or family circumstances)

- There are no special requirements for leave; however, each parent has to ask for formal approval of the employer.
- Parents can choose the period and amount of Parental benefit on condition that at least one parent in a family is a person participating in sickness insurance.
- Payment of Parental benefit is conditional, where there is a child under two years, on parents not using a publicly-funded ECEC service for more than 46 hours a month. There is no limitation on service use for older children.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- In the case of multiple births, the maximum amount payable for the whole period is CZK330,000 [€12,792.25]. The ceiling per month is 1.5 times higher than in case of single birth. Accordingly, if a parent did not participate in sickness insurance, the ceiling is CZK11,400 [€441.91].
- In the case of a disabled child, a parent is entitled to Parental benefit at the basic rate of CZK7,600 [€294.61] per month until the child is seven years of age. If the child is diagnosed as suffering from a long-term disability the parent is entitled to Parental benefit at the lower rate of CZK3,000 [€116.29] from seven to 15 years of the child's age.
- Parental benefit can be taken by grandparents or other persons where they provide day care for the child and the parents agree to transfer their entitlement.

d. Childcare leave or career breaks

- No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Employees can take leave to care for a sick relative at home (in all cases of illness for a child under ten years; otherwise, only in case of a serious illness). Leave is paid at 60 per cent of earnings up to a ceiling of CZK855 [€33,14] per day. A parent can take no more than nine days in one block of time, but there is no limit regarding the frequency of taking leave; parents are allowed to alternate with each other during the course of taking leave to care for a sick child.

Flexible working

- None.
- Pensions: Currently pensions are treated according to Act No. 306/2008 Coll. that is effective from 1 January 2010. The Act introduced, in particular, measures implementing parametric changes of the basic pension insurance system. Compared to the legislation in effect prior to the adoption of the above Act, among the important approved changes is “a step-by-step extension of the insurance period needed to establish a right to an old-age pension from 25 to 35 years” including non-contributory periods, or to 30 years without non-contributory periods. Non-contributory insurance periods include also the period of care of a child below four years of age, i.e. the whole period of take up Maternity leave and Parental leave.

Specific provision for (breast-)feeding

- None.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in the Czech Republic is three years, but recently Parental leave has been systematically reformed so as to increase the degree of flexibility. Now parents can decide themselves about the length. There is an entitlement to ECEC for a child aged five (so only one year before the basic school attendance) for the whole day. Despite the introduction of possibility for parents to use the formal services also for children aged two and older since 2012, levels of attendance at formal services for children under three years are very low, well below the average for the countries included in this review and for OECD countries; levels of attendance for children over three years are much higher, around both averages. For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

The Ministry of Labour and Social Affairs established in 2015 an expert committee on family policy, to propose new policies including leave arrangements and forms of childcare. This is part of the political programme of the new government established in 2014. The expert committee worked until the end of government term, i.e. the end of 2017. In contrast to her conservative predecessors, the Social Democrat Minister of Labour and Social Affairs aimed to develop the Czech family policy in line with EU recommendations. In September 2017 the new Concept of Family Policy was approved by the government. Besides changes in Parental benefit and new measure on Paternity leave were adopted and started to be effective since 2018. First, a new option to take up Parental benefit for a shorter period than up to the child's second birthday has been introduced. Since 1 January 2018, the shortest period is six months, with the maximum payment of the same amount as the maximum payment for Maternity leave. Second, the maximum amount payable for the whole period remained CZK220,000 [€8,528.17] for single childbirth but it has increased to CZK330,000 [€12,792.25] for multiple childbirth. Moreover, since 1 February 2018, a one-week Paternity leave (of seven calendar days) has been effective. It can be taken within six weeks after the childbirth. Fathers are entitled to the same conditions as mothers on Maternity leave.

4. Take-up of leave

a. Maternity leave

Nearly all mothers take Maternity leave.

b. Paternity leave

There is no statutory leave entitlement.

c. Parental leave

Legislation on Parental leave, so that fathers could take leave, was introduced in 1990, but truly equal conditions for both parents were not introduced until January 2001. However, the number of men receiving Parental benefit in comparison to women has remained negligible. In 2001, men accounted for 0.77 per cent of recipients of this benefit; since then, there has been a slight increase, but only to 0.99 per cent in 2003, 1.4 per cent in 2006, and 1.5 per cent in 2008 when 5,724 men received Parental benefit compared with 375,876 women. Since 2008, there has been no further increase; in 2010 4,986 men received Parental benefit compared with 328,777 women, i.e. 1.5 per cent of recipients were men, the same proportion as 2008. In 2015, 5,100 men received Parental benefit, i.e. 1.8 per cent of all recipients. There is no information about how long women or men take Parental leave. It is assumed that most parents taking leave stay on leave only until their child's third birthday (when entitlement to leave, though not benefit, ends) as they prefer not to lose their jobs.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Recently research on work-life balance has been undertaken in particular by the Department of Demography and Geo-demography at Charles University, by the Department of Gender Studies at the Sociological Institute of the Academy of Science, and by the working group on family policy in the Research Institute for Labour and Social Affairs.

b. Selected recent publications

Höhne, S. (2017) `Změny v čerpání rodičovského příspěvku v demografických souvislostech` [‘Changes in Parental Allowance Take-up in a Demographic Context’], *Demografie*, Vol.59, No.1: 5-22.

The article analyses data on Parental allowance recipients in the last 15 years, during which eligibility criteria and the system of payments considerably changed. It points out changes in the structure of recipients in demographic and other contexts (e.g. labour market, childcare). It is evident that the period of Parental allowance uptake is getting shorter; however, there continues to be an interest in using it up to the time a child reaches the age of three.

Kuchařová, V. and Nešporová, O. (2017) `Česká rodinná politika - podpora rodin s nezaopatřenými dětmi a autonomie rodiny` [‘The Czech family policy – support of families with dependent children and autonomy of family’], *Forum sociální politiky*, 2: 3-13.

The article focuses on family policy in the Czech Republic. Firstly, it defines the basic principles of family policy and, secondly, it provides a discussion on the current situation and trends against the background of policy development over the last two decades. This broad theme has been narrowed down to the study of support for families with dependent children as an example of one of the key areas of contemporary family policy. The authors consider family policy to be a cross-sectional discipline and a specific area which exceeds the boundaries of social policy. The study begins by outlining the three main principles – the autonomy of the family, subsidiarity and participation considered by the authors to make up the cornerstones of Czech family policy, which is followed by a theoretical treatise on the definition of the family, family functions and the ideal of the functioning family. The second part of the article provides examples of specific family policy measures aimed at families with dependent children in the Czech Republic introduced over the last decade (2006–2016). Two specific areas are described – financial support and childcare services and education. The final discussion introduces the requirements and preferences of both those directly impacted by family policy and the wider public. The conclusion underlines the importance of the full participation of all the stakeholders involved.

c. Ongoing research

None reported.

Denmark¹

Lotte Bloksgaard (Aalborg University) and **Tine Rostgaard** (VIVE – The Danish Center for Social Science Research)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology: *Graviditetsorlov* is the leave to be taken by the mother before birth, *Barselsorlov* the leave reserved for the mother after birth, *Fædreorlov* the leave reserved for the father after birth, and *Forældreorlov* the leave available for both parents after birth. However, in the law the four leave schemes bear the same name *Barselsorlov*, or literally Childbirth Leave, because they technically all originate from the same law on leave.

a. Maternity leave (*Graviditets* and *Barselsorlov*: see ‘note on terminology’) (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- Eighteen (18) weeks: four weeks before the birth and 14 weeks following birth. The first two weeks after birth are compulsory.

Payment and funding

- All employees and self-employed persons are entitled to a daily cash benefit based on former earnings up to a ceiling of DKK4,300 [€577.37]² per week before taxes for full-time employees and self-employed.
- The cash benefit scheme is funded by the state from general taxation, except for first eight weeks when municipalities bear half of the cost.
- According to the work contract full earnings may be paid during leave.

Pension payments

- The Danish pension system is based on three pillars: 1) A universal and tax-based public pension scheme, 2) occupational pensions which may be quasi-mandatory given the collective agreements, and 3) private pension savings.

¹ Please cite as: Bloksgaard, L. and Rostgaard, T. (2018) ‘Denmark country note’, in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

- The public pension is not affected by taking leave. If full earnings are paid, pension payments to the occupational pension scheme are not affected by taking leave either. If leave is awarded without full pay, occupational pensions are normally affected since payments from employer and employee are discontinued. The collective agreement may however specify that the employer must continue payments. Special conditions apply for employees working in the state and municipalities where the employer must continue payments to the occupational pensions. Payments to the private pension scheme are entirely covered by the employee who may/may not decide to continue payments.

Flexibility in use

- None.

Eligibility (e.g. related to employment or family circumstances)

- Eligibility to full compensation for an employee is based on a period of work of at least 120 hours in 13 weeks preceding the paid leave, i.e. regardless of partner's labour market situation. Workers with temporary contracts are excluded only if they are not eligible for unemployment benefit.
- Eligibility for the cash benefit for self-employed persons (including helping a spouse) is based on professional activity on a certain scale for at least six months within the last 12 months period, of which one month immediately precedes the paid leave.
- People who have just completed a vocational training course for a period of at least 18 months or who are doing a paid work placement as part of a vocational training course are eligible to the cash benefit.
- Unemployed people are entitled to cash benefits from unemployment insurance or similar benefits (activation measures).
- Students are entitled to in total 12 months extra study grant, thus the 14 weeks of Maternity leave are covered via the study grant.
- People on sickness benefit continue to receive this benefit which is the same amount as the Maternity leave benefit.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None. There is no additional leave for multiple births as the right to Maternity (and Paternity and Parental) leave is related to the event of birth and not the number of children born.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- In Denmark leave is not only regulated via national legislation, but also via collective agreements in the labour market and agreements at company level. In 2012, 84 per cent of the total workforce was covered by such collective agreements (only 74 per cent in the private sector)³, and these workers receive compensation during leave from their employer up to their former earnings, i.e. their employer tops up the state benefit. However, the percentage of the Danish workforce that is covered by collective

³ Dagpengekommissionen (2015) Det danske arbejdsmarked. Arbejdspapir. København: Beskæftigelsesministeriet.

agreements is declining, especially among the younger age groups, which means that still fewer (younger) workers are ensured pay during leave via a collective agreement⁴.

- To help employers finance the costs regarding compensation up to the workers' former earnings (see above), different leave reimbursement funds have been set up. In 1996, a leave fund was set up to reimburse private employers' leave costs, so that the cost for compensation was pooled. Several municipal employers set up identical funds in the following years, and in 2005 it was made obligatory for all municipal employers. Municipal employers pool the costs of employees' take-up of leave, so that a workplace with a predominance of female workers should not face higher costs.
- Since 2006, it has been obligatory for private employers also to be members of a leave fund. In the largest private leave fund, DA-Barsel, private employers pay DKK876 [€117.62] per year for each full-time employee and receive reimbursement of up to DKK203.74 [€27.36]⁵ per hour for up to 31 weeks⁶. The additional cost of compensation for employees with higher hourly rates than this has to be borne by the employer. Depending on the industry in question, the funds also cover full or parts of the Parental leave, e.g. within the industrial sector each parent is as of 2017 entitled to full coverage for five weeks, and in addition three weeks can be shared.
- A reimbursement fund was also set up in 2006 to cover self-employed, who were reimbursed for the equivalent 31 weeks for women and 23 weeks for men. As of 1 April 2016, the fund was abolished and this group of employees is no longer covered by more than what equals unemployment benefits, the argument being that it was too costly to cover such a small group sufficiently. This is considered by one of the major unions to represent a blow to gender equality, given that Denmark has a very low proportion of female self-employees already⁷.
- An evaluation in 2010 of the funds covering the private sector showed that around 100,000 companies were members of a fund. The report concluded that the funds seem to be beneficial for women – although employers did not believe that the fund had made them change their view on hiring women – and also that more men seemed to take up leave as a consequence of receiving payment during leave. Employers tended to be more positive towards men taking leave than earlier and generally were positive towards the fund. Around one third of employers was unaware of the possibility to receive reimbursement for 29 weeks – even in female dominated sectors – and therefore failed to claim such reimbursement. This was clearly related to whether or not employers paid wages during leave for their employees (COWI, 2010⁸). Statistics from the fund of the industrial sector shows an increase in men's percentage of the refunds for take-up of Parental leave – from 17 per cent in 2012 to 40 per cent in 2015. This increase is explained with reference to larger flexibility in men's use of Parental leave due to a removal of a clause in the collective agreement for this sector (cf. 1c Additional note)⁹.

⁴ See http://www.ugebreveta4.dk/lo-om-15-aar-er-kun-hver-anden-medlem-af-en-fagforeni_20027.aspx?redir=newsletter&utm_campaign=guest_GammelA4_Ikkevalideret&utm_medium=nl_top&utm_source=newsletter_Morning&nlid=NDQy&aid=20027

⁵ See <http://www.dabarsel.dk/refusion/saa-meget-kan-du-faa>. As of October 2017, the types of leave are reimbursed differently: Pregnancy and Paternity leave (DKK64.96 [€8.72] per hour), Maternity leave (DKK73.46 [€9.86] per hour) and Parental leave (DKK87.52 [€11.75] per hour).

⁶ See <http://www.dabarsel.dk/refusion/saa-laenge-kan-du-faa-refusion>

⁷ See <http://magisterbladet.dk/news/2016/februar/slutmedbarselsfondogudvidetloenstatistik>

⁸ See COWI (2010) *Evaluering af barseludligningsloven*. Copenhagen: Ministry of Employment.

⁹ See http://www.ugebreveta4.dk/maend-i-skurvognen-skal-ud-med-barnevognen_20405.aspx?redir=newsletter&utm_campaign=guest_EU_Ekstralist_From_MorningNL&utm_medium=nl_top&utm_source=newsletter_Morning&nlid=NjY5&aid=20405

b. Paternity leave (*Fædreorlov*: see ‘note on terminology’) (responsibility of the Ministry of Labour)

Length of leave

- Two weeks.

Payment and funding

- Payment and funding as for Maternity leave.

Pension payments

- Payments as for Maternity leave.

Flexibility in use

- Employed fathers can take-up Paternity leave during the first 14 weeks after birth. Fathers who are unemployed or students need to use the leave the first two weeks after the birth.

Eligibility

- Employees and self-employed persons in a recognised partnership, including same-sex partnerships. Same provisions as for Maternity leave.
- Unemployed fathers receive unemployment benefit and people on sickness benefits receive sick benefit in the two weeks of Paternity leave.
- Fathers who are studying receive a total of six months extra study grant that must also cover the two weeks Paternity leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- All male employees covered by collective agreements receive full earnings during the Paternity leave. However, as earlier stated (cf. 1a Additional note) the percentage of the Danish workforce covered by collective agreements is declining, especially among the younger age groups.

c. Parental leave (*Forældreorlov*: see ‘note on terminology’) (responsibility of the Ministry of Labour)

Length of leave

- Each parent has a right to thirty-two weeks of Parental leave. The right to leave is an individual entitlement. However, although each *parent* can take 32 weeks of leave, each *family* can only claim in total 32 weeks of leave cash benefit.

Payment and funding

- Payment and funding as for Maternity leave.

Pension payments

- Payments as for Maternity leave.

Flexibility in use

- Between eight and 13 weeks can be taken later.
- Both parents can be on leave at the same time.
- Each parent can prolong their 32 weeks leave to 40 weeks (for all) or 46 weeks (only employed persons and self-employed people). In this case, the benefit level is reduced over the extended leave period, so that the total benefit paid equals 32 weeks at the full rate of benefit (though this extended benefit can only be claimed by one parent, as benefit is per family and not per parent).
- It is possible to return to work on a part-time basis, with a reduced benefit payment spread over this extended period of leave (e.g. a parent may work half-time and thus prolong the leave period from 32 to 64 weeks.) This is subject to agreement with the employer.

Eligibility (e.g. related to employment or family circumstances)

- As Maternity leave.
- Fathers who are studying receive a total of six months extra study grant.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent)

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- All employees covered by collective agreements receive full earnings during part or all of the Parental leave period (a maximum coverage may be set in the agreements, though); see 1a additional note.
- From 2007, the industrial sector (representing 7,000 employers nationwide including production, service, knowledge and IT; encompassing more than 500,000 employees) introduced a paid father's quota in Parental leave. The entitlement was up to nine weeks Parental leave with payment. Three weeks of this Parental leave with pay for the father, three weeks for the mother and three weeks for the parents to share – the weeks for the mother and the father respectively were quotas and therefore lost if not used. Later agreements have prolonged the period to first 4+4+3 weeks (in 2014)¹⁰, later to 5+5+3 weeks (in 2017)¹¹. In the 2012 agreement for the industrial sector, a clause was removed. This clause determined that pay during Parental leave was contingent on leave being taken immediately after the Maternity leave, i.e. the 15th week after birth. The clause reduced the flexibility of use considerably; especially in the fathers' take-up of Parental leave (Bloksgaard, 2009¹²). Now, parents covered by

¹⁰ <http://kooperationen.dk/media/69502/CO-Industriens-Overenskomst-2014-2017.pdf>

¹¹ CO Industri & DI (2017) Industriens Overenskomst 2017-2020. <https://di.dk/Shop/Overenskomster/Produktside/Pages/Produktside.aspx?productId=6549>

¹² Bloksgaard, L. (2009) *Arbejdsliv, forældreskab og køn – forhandlinger af løn og barsel i tre moderne virksomheder* [Work-life, parenthood and gender – wage and leave negotiations in three modern Danish companies]. Aalborg: Aalborg University.

this agreement are allowed to take Parental leave with pay within a year from the birth of the child.

- In spring 2008, a similar Parental leave model was also introduced for employees working in the public sector. If both parents work in the state sector they were entitled to leave with full payment for 6+6+6 weeks Parental leave – in all 14 weeks of Maternity leave and 18 weeks of Parental leave, all with full payment, a total of 32 weeks. Six weeks was earmarked for the mother, six weeks for the father and six weeks could be shared. As a part of the labour market negotiations in spring 2015, fathers employed in the public sector got further one week earmarked with full payment, making a total of seven weeks.

d. Childcare leave or career breaks

- No statutory entitlement – it would be dependent on collective agreement or individual contract, but is to our knowledge not used.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents, with the exception that two of the 48 weeks must be taken by both parents together.

Time off for the care of dependants

- Most working contracts and labour market agreements include the right to take one day off per sick spell to care for a sick child. Public employees are entitled to two days. Leave is paid.
- All employees may, depending on the assessment of the local municipality, be eligible for a care benefit (*Plejevederlag*) if they care for a terminally ill relative or close friend at home; the municipality decides the length and level of benefit payment. There is no entitlement to leave associated with this benefit.

Flexible working

- None

Specific provision for (breast-)feeding

- None.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Denmark is 14 months, if parents take the option of a part-time Parental leave period with a lower benefit payment; leave at 100 per cent of earnings subject to a ceiling lasts for 11 months. There is an entitlement to ECEC from when the child is six months, so there is no gap between leave and ECEC entitlements. (See also section 3. for current policy debates on ECEC attendance) Levels of attendance at formal services for children under and over three years are well above the average for the countries included in this review and for OECD countries in general. For

actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

In mid-2015 a new minority government based on the Liberal party, named Venstre, came into power. As of 2017, they joined in a coalition with two right-wing parties, the Conservatives and Liberal Alliance. Neither Venstre nor the new coalition government have made gender equality one of its main priorities. As an example, two major initiatives have been abolished: the reimbursement fund for self-employed, as described above, and the requirement for small enterprises to produce gender-based statistics.

In March 2017, the Socialist People's Parti (*Socialistisk Folkeparti*) introduced a bill to reward fathers, who took up leave for more than ten weeks with a tax-free cash benefit of DKK5,000 [€671.36]. This suggestion, however, lacked parliamentary support.¹³ A few months later, in August 2017, the Social Democrats introduced a bill to split the Parental leave in two: 16 weeks for the father and 16 for the mother with the possibility to transfer it to the other parent.¹⁴ This bill was not further processed at that time. However, the last model – splitting the 32 weeks of Parental leave, with 16 weeks for the father and 16 for the mother with the possibility to transfer it to the other parent – is now being supported also by the Liberal party ('Venstre') and a new bill on this is under negotiation (Spring 2018).

The EU Directive introduced in April 2017 including a four month father's quota in the member states has met criticism from the present Liberal government in Denmark, based on the argument that families should have the freedom to choose themselves, but also among Social democratic politicians, who likewise argue for the freedom of choice of families and that legislative quotas interfere with the Danish labour market model based on tripartite negotiations.¹⁵ Within the Danish parliament's Equality Council, only a minority of parties welcomed the proposal (*Alternativet, Radikale Venstre, Socialistisk Folkeparti*).¹⁶

Instead of initiatives at the policy level to increase fathers' take-up of Parental leave, in 2017 the Minister for Gender Equality and the Minister of Industry, Business and Financial Affairs initiated a campaign "Aktion Fars Orlov" [Operation Dad's Leave] (2017-2020). The campaign is publicly funded by the government and a broad range of parties (DKK4.5 mil. [€600,000]) and supported by the unions and a number of Danish companies. It seeks to inspire a cultural change, encourage more men to take (more) leave and incite companies to support them¹⁷.

In February 2018, a new law made fathers and co-mothers equal to mothers in case of infant death: both parents are now entitled to 14 weeks of leave.¹⁸

As of August 2018, a policy change has been negotiated making ECEC attendance mandatory for children aged one year in geographical areas considered vulnerable, i.e.

¹⁴ <https://www.information.dk/telegram/2017/08/socialdemokratiet-jagter-fleksibel-faedrebarsel>

¹⁵ <https://www.information.dk/telegram/2017/04/danske-ministre-saetter-foden-overfor-eu-orlov>, <http://www.dr.dk/nyheder/politik/s-eu-gaar-alt-vidt-med-forslag-om-oeremaerket-barsel>, <https://www.information.dk/udland/2017/04/maend-tage-fire-maaneders-barsel-staar-eu-kommissionen>

¹⁶ [http://www.eu.dk/samling/20161/kommissionsforslag/kom\(2017\)0253/bilag/4/index.htm](http://www.eu.dk/samling/20161/kommissionsforslag/kom(2017)0253/bilag/4/index.htm)

¹⁷ See <https://www.aktionfarsorlov.dk/> and <https://www.business.dk/arbejdsmarked/kampagne-skalfaa-flere-maend-paa-barsel-og-goere-op-med-ravnemor>

¹⁸ <http://www.ft.dk/samling/20171/lovforslag/1121/index.htm>

areas with high proportion of migrants who are not active in the labour market. The change in law is expected to be enacted July 2019. Attendance is 25 hours a week for the child, with a focus on cultural and linguistic learning and integration. Should the parents decide not to enroll the child in ECEC, they will be not receive the child benefit. The parents are also expected to participate in a learning program of a minimum of six hours weekly over three weeks, focused on how best to support the child.¹⁹ In the agreement, there is no mentioning of how the policy change will affect parents who would like to take up part-time leave and thus extend the leave beyond the one year.

4. Take-up of leave

Data on take-up of all Danish fathers and mothers are not available – statistics are instead based on parents entitled to a cash benefit during leave. A growing number of parents in Denmark lacks such entitlements; in 2014, 21 per cent of the fathers and 22 per cent of the mothers²⁰. When nothing else is noted, the statistics in the following sections do not encompass this (growing) number of people.

a. Maternity leave

The present statistics on leave take-up do not provide data on the proportion of mothers using Maternity leave only. Survey data from 2006 showed that among parents of children born in 2005, 99 per cent of mothers had taken Maternity leave²¹.

b. Paternity leave

Statistics show that among Danish fathers of children born in 2014 entitled to cash benefit, 80 per cent take (some of) the Paternity leave. Thus, 20 per cent of the fathers do not take any Paternity leave²².

c. Parental leave

As noted above, regular data are not available on the share of all fathers and mothers who take up Parental leave. The data instead provides only the number of parents who receive a cash benefit during leave. Most mothers take some Parental leave beyond the Maternity leave. Among mothers entitled to the cash benefit during leave, the percentage who only took Maternity leave was only 0.4 per cent.

Among fathers entitled to the cash benefit during leave, 45 per cent only took the two weeks of Paternity leave in 2014. Danish fathers on average only take 11.7 per cent of the Parental leave period in total in 2016 – a small increase since 2013 (10.7 per cent)²³ – but still considerably lower than in Sweden and Norway²⁴. An often-quoted explanation for fathers'

¹⁹<http://socialministeriet.dk/media/19171/aftaletekst-om-obligatorisk-laeringstilbud-og-skaerpet-straf.pdf>

²⁰ Danmarks Statistik (2016): *Nyt fra Danmarks Statistik. Dagpenge ved fødsel 2015*, Nr. 140, København: Danmarks Statistik.

²¹ Olsen, B. M. (2007) *Evaluering af den fleksible barselsorlov: orlovsreglerne set fra forældres, kommuners og arbejdspladser perspektiv*. Copenhagen: SFI - Det Nationale Forskningscenter for Velfærd.

²² Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik

²³ Danmarks Statistik (2017) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016. 2017: 9*, København: Danmarks Statistik.

²⁴ Rostgaard, T. and Lausten, M. (2014) The coming and going of the fathers' quota in Denmark: consequences for fathers' parental leave take-up, in: G.B. Eydal and T. Rostgaard (eds.): *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Bristol: Policy Press.

higher uptake of Parental leave in the neighboring countries is the father's quota in the legislation there.

While Denmark presently does not have a father's quota, in the period 1998-2002 a quota of two weeks with benefit or full pay depending on the work contract was in place. Recent analysis of register data of Parental leave take-up of more than 1 million fathers in the period 1990-2007, show that the introduction of the fathers' quota had a clear effect on fathers' take-up of leave. This is a period where various leave schemes were introduced, such as a low paid childcare leave, which mainly mothers took up, as well as the father's quota. Although the length of the quota was relatively short, not least in comparison with other Nordic countries, it had a significant effect on fathers' take-up.

The introduction of the quota initially sparked increased uptake of Parental leave among fathers, from 12 per cent of those becoming fathers in 1997 to 36 per cent of fathers in 2001, when at its height. From 2002, following the ending of the quota, there is a drop to 22 per cent of fathers. Interestingly, the number again begins to slowly increase after 2002. This development suggests that fathers increasingly take Parental leave, regardless of whether or not there is a legislated father's quota. The hypothesis is that this is partly due to the introduction of father's quota arrangements in some of the labour market agreements, which started to set in as of 2003²⁵. Another reason is believed to be the cultural shift in attitudes to fatherhood and in men's role in childcare for the young child²⁶, which the introduction of the father's quota may have encouraged or at least supported.

The same increase in the fathers' share of total leave days taken can be noted since the introduction of the father's quota. The elimination of the father's quota in 2002 is followed by a slight drop in the fathers' share, which has since increased; once again; this possibly reflects the increasing number of fathers who have gained a right to a father's quota through collective agreements as well as changing norms.

Further analysis shows that it is the well-educated fathers, working in public sector occupations and with well-educated partners who take Parental leave, presumably because they stand in a better situation in the labour market, they may have secured better leave rights and may also have a partner, who is more eager herself to return to the labour market. This is despite growing interest across social divides among fathers for taking up leave, and we conclude that the present composition of statutory leave entitlements in Denmark positions fathers differently, working against the Nordic principle of universalism^{27 28 29}.

²⁵ Rostgaard, T. and Lausten, M. (2014) The coming and going of the fathers' quota in Denmark: consequences for fathers' parental leave take-up, in: G.B. Eydal and T. Rostgaard (eds.): *Fatherhood in the Nordic Welfare States: Comparing Care Policies and Practice*. Bristol: Policy Press.

Bloksgaard, L. et al. (2015): "Masculinity Ideals in a Contemporary Danish Context", *NORA - Nordic Journal of Feminist and Gender Research*, Vol.23, No.3: 152-170.

²⁶ Bloksgaard, L. (2014): 'Negotiating leave in the workplace: leave practices and masculinity constructions among Danish fathers', in: G.B.Eydal and T.Rostgaard (eds.): *Fatherhood in the Nordic Welfare States: Comparing Care Policies and Practice*, Bristol: Policy Press, pp.141-161.

²⁷ Rostgaard, T. and Lausten, M. (2014) 'The coming and going of the fathers' quota in Denmark: consequences for fathers' parental leave take-up', in: G.B.Eydal and T.Rostgaard (eds.): *Fatherhood in the Nordic Welfare States: Comparing Care Policies and Practice*, Bristol: Policy Press,.

²⁸ Bloksgaard, L. (2014) 'Negotiating leave in the workplace: leave practices and masculinity constructions among Danish fathers', in: G.B.Eydal and T.Rostgaard (eds.): *Fatherhood in the Nordic Welfare States: Comparing Care Policies and Practice*, Bristol: Policy Press, pp.141-161.

²⁹ Bloksgaard, L. (2013) 'Uten fedrekvote i lovgivningen: Danske fedres forhandlinger om permisjon fra arbeidet', in: B.Brandth and E. Kvande (eds.) *Fedrekvoten og den farsvennlige velferdsstaten*. Oslo: Oslo Universitetsforlag, pp.194-210.

d. Leave take-up in total

In addition to the (relatively) limited statistics referred to above, the available statistics presenting the present leave situation look across the entire leave period (Maternity, Paternity and Parental leave) and the data are presented in this section. Also this data is based on parents receiving a cash benefit during leave.

Statistics indicate that mothers' leave take-up is stable. Mothers who have taken leave together with the father took between 299 and 296 days between 2006-2015, while mothers who have taken leave alone took 311 to 317 days over the same period.

Well-educated mothers and mothers in management top positions take the shortest leave (whereas the opposite is the case among fathers; here well-educated fathers and fathers in management top positions take up the longest leave). The educational level of the mother and her position in the labour market is central to the division of leave between the parents. Mothers employed in agriculture take the longest leave while mothers employed in information and communications take the shortest leave³⁰.

After the data for the period 2007-2010 showed an increase in the number of days that fathers take, when both the mother and the father take up leave (not necessarily at the same time) – from 32 days on average in 2007 to 37 days in 2010 – the data for 2011-2013 show stabilisation. In families, where both the father and the mother took leave, the father took an average of 37 days of leave in 2012-2014. In the few families where the fathers were the only parent to take parental leave, their leave take-up in 2015 was 55 days³¹.

Slightly more fathers took up leave in 2014 (80.1 per cent) than in 2003 (74.5 per cent).³² The increase in later years in fathers' leave use may be explained by the fathers' quota in the collective agreements and (partly) by the removal of the clause in the collective agreement of the industrial sector, which leads to larger flexibility in leave use for employees covered by this agreement, especially fathers³³ (see section 1c).

Statistics on fathers' leave take-up based on data from 2014 show that:

- Well-educated fathers and fathers with a high income take the longest leave.
- Fathers living in the largest cities take the longest leave.
- Well-educated fathers living in Copenhagen takes the longest leave of all fathers (51.5 days).
- Fathers employed in the public sector take the longest leave period (50 days).
- Fathers employed in male-dominated branches take 5 days less than the average.
- Self-employed fathers take least leave (16 days).
- Fathers with well-educated partners take in average 60 per cent longer leave than fathers in average.³⁴

Statistics on how parents, where both take leave, share the total leave period show that frequently the father takes precisely the two weeks Paternity leave and the mother 46 weeks equalling the 14 weeks Maternity leave and the 32 weeks of Parental leave³⁵.

³⁰ Danmarks Statistik (2017) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016*. 2017: 9, København: Danmarks Statistik.

³¹ Danmarks Statistik (2017) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016*. 2017: 9, København: Danmarks Statistik.

³² Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik

³³ DR Nyheder (2014) 'Mænd i industrijob tager mere barsel'. 25 January 2014.

³⁴ Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik

³⁵ Danmarks Statistik (2017) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016*. 2017: 9, København: Danmarks Statistik.

A report from The Danish Institute for Human Rights concludes that both mothers and fathers experience discrimination due to pregnancy and leave take-up – mothers to the largest degree³⁶.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year

a. General overview

Although there are quite extensive register data on the use of leave, Danish research into the take-up of leave and the reconciliation of work and family life is only limited.

b. Selected recent publications

Andersen, S.H. (2017) *Paternity Leave and the Gender Wage Gap: New Causal Evidence*, Study Paper No. 118, The Rockwool Foundation Research Unit, Copenhagen, March 2017. This paper tests the father's uptake of Paternity leave relative to the mother's and its effect on the intra-household gender wage gap. The results show that families where fathers take more leave have higher total household wage incomes.

Forum for Mænds Sundhed (2017) *Fædres Sundhed* [Fathers' Health]. Available at: <http://sundmand.dk/PDF-filer/F%C3%A6dres%20sundhed%20endelig.pdf>
This report explores the effect of fatherhood on men's health and concludes that becoming a father often improve men's health regarding e.g. alcohol habits, smoking, and risk behavior.

Kleven, H, Landais, C. and Søgaaard, J.E. (2018) 'Children and Gender Inequality: Evidence from Denmark' NBER Working Paper Series. National Bureau of Economic Research, Cambridge, Massachusetts. Available at: <http://www.nber.org/papers/w24219>
This study shows that the arrival of children creates a gender gap in earnings of around 20 per cent in the long run. The study finds clear dynamic impacts on occupation, promotion to manager, sector, and the family friendliness of the firm for women relative to men.

Eydal. G.B., and Rostgaard. T. (2018) 'Policies promoting active fatherhood in five Nordic countries', in: A. Santero and R. Musumeci (eds.) *Fathers, Childcare and Work*, Bingley: Emerald, pp.257-280.

c. Ongoing research

The Nordic Gender Equality Network, NoGen, led by Professor Anne Grönlund at Umeå University – the network focuses on gender research, including research about parents' use of Parental leave. <http://www.socw.umu.se/english/cooperation/nogen---nordic-gender-equality-network/>

³⁶ Warming, Kenn (2016) "Diskrimination af forældre. Oplevelsen af diskrimination i forbindelse med graviditet og barselsorlov". Copenhagen: The Danish Institute for Human Rights.

The project *Far for livet* [Project Father for life] (2018-2021), conducted by *Forum for Mænds Sundhed* [Forum for Men's Health], focuses on priming midwives and health visitors to involving fathers to a higher degree and supporting them in taking on the role of 'the involved father'. The aim is to create better conditions for father's and children's time together, from the beginning of the child's life. <https://nordeafonden.dk/projekter/far-for-livet>

Estonia¹

Katre Pall (Ministry of Social Affairs)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*rasedus- ja sünnituspuhkus*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- One hundred and forty calendar days: between 30 and 70 days can be taken before expected date of birth. If less than 30 days leave are taken before the expected birth, leave is shortened accordingly (e.g. if the mother starts Maternity leave 20 days before the expected birth, overall leave is shortened by 10 days to 130 instead of 140 days).

Payment and funding

- One hundred per cent of average earnings, calculated on employment in the previous calendar year, with no ceiling on payments. The minimum wage (€500 per month) is paid to mothers who had not worked during the previous calendar year but then worked prior to the birth of the child.
- Funded from health insurance contributions. All employers and self-employed pay a payroll tax of 33 per cent for each employee; 13 per cent is for health insurance, 20 per cent for pension insurance.

Flexibility in use

- None except for when leave can be started before birth.

Eligibility (e.g. related to employment or family circumstances)

- All employed mothers are eligible for Maternity leave, including workers with temporary contracts if the contract lasts more than one month.
- Self-employed people qualify for Maternity benefit on the same conditions as workers, even without taking up the leave.

¹ Please cite as: Pall, K. (2018) 'Estonia country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother.

- None.

b. Paternity leave (*isapuhkus* – literally ‘father’s leave’) (responsibility of Ministry of Social Affairs)

Length of leave (before and after birth)

- Ten working days.

Payment and funding

- One hundred per cent of earnings, calculated by the employer, with a ceiling of three times average earnings for the next to last quarter from the quarter when the leave was used.
- Funded from general taxation.

Flexibility in use

- Can be taken during two months before or two months after the birth of a child.
- Can be taken in blocks, with a minimum of a day at a time.

Eligibility (e.g. related to employment or family circumstances)

- All employed fathers with permanent or temporary employment contracts. Self-employed or unemployed fathers are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None.

c. Parental leave (*lapsehoiduspuhkus* – literally ‘childcare leave’) (responsibility of Ministry of Social Affairs)

Length of leave

- Until the child reaches three years. Leave is a family entitlement.

Payment and funding

- Two types of benefit are available to all families who meet the eligibility conditions, whether or not parents take Parental leave.
- Parental benefit (*vanemahüvitis*) is paid at 100 per cent of personal average earnings (calculated on employment in the previous calendar year) for 435 days (i.e. 62 weeks) from after the end of Maternity leave, with a ceiling of €3,089.55 per month, equivalent to three times average earnings. For parents who are not on leave and not working, the benefit is paid from the birth of the child until the child reaches 18 months of age. The minimum benefit paid to

- parents who worked in the previous calendar year is the minimum wage, €500 per month. For parents who were not working during the previous calendar year, the parental benefit is paid at a flat rate (benefit rate) of €470 per month.
- Childcare benefit (*lapsehooldustasu*) is a flat-rate payment of €38 per month, paid from the end of payment of parental benefit until the child reaches three years of age to both working and non-working parents (i.e. payment continues if a parent takes up employment).
 - Both parental and childcare benefits are funded from general taxation.
 - Pension credits for parents with children under three years (independent of Parental leave or employment). There are two types of pension credits for parents, available simultaneously. The state pays social security contribution, calculated from minimum wage, to the first pension pillar (public pay-as-you-go system) during three years. Also, the state pays contributions to the second pension pillar (public contributions-based system) during three years; the height of this public pension contribution is 4 per cent of the average wage.

Flexibility in use

- Parental leave may be used in one part or in several parts at any time until a child is three years old.
- Being on leave while receiving the benefits is not compulsory. When a parent takes up employment after the birth of a child, the parental benefit is reduced if the income from employment exceeds ½ of the benefit ceiling (€1,544.7). Income exceeding ½ of the benefit ceiling is divided by two and deducted from the level of benefit. However, the maximum reduction of benefit is up to €470 (benefit rate).
- Parents cannot be on leave at the same time.

Eligibility (e.g. related to employment or family circumstances)

- All working parents are eligible for Parental leave.
- All parents are eligible for parental and childcare benefits. Also, a parent's spouse, a person in custody of the child and adoptive person have right to parental and childcare benefits.
- Fathers are eligible for parental benefit when their child has reached 70 days of age.
- The actual caregiver of a child (none of the above-mentioned) is eligible for Parental leave if parents do not use leave themselves. In the case of a non-parental caregiver, he or she is eligible for childcare benefit, but not parental benefit.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None.

d. Childcare leave or career breaks

No statutory entitlement; see section (e) below, for supplementary annual holiday entitlement.

e. Other employment-related measures

Adoption leave (lapsendamispuhkus) and pay

- Seventy days of adoption leave per child for parents adopting a child under ten years at 100 per cent of average earnings, with no ceiling. Adoptive parents are eligible for Parental leave for a child under three years, and qualify for parental benefit and childcare benefit.

Time off for the care of dependants

- Fourteen calendar days per episode of illness. Leave can be taken by either parent to care for a sick child under 12 years, with 80 per cent of earning replacement for up to 14 calendar days per illness episode.
- Parents with a handicapped child may take one day of leave per month with full earnings replacement.
- A parent with a child under 14 years of age can take ten working days of unpaid leave per year.
- Parents may take a supplementary period of holiday: three days per year for a parent raising one or two children under 14 years and six days per year for a parent raising a child under three years, or three or more children under 14 years. There is a flat-rate payment, calculated from the minimum wage, of €23.6 per day.
- All payments funded from general taxation.

Flexible working

- *None*

Specific provision for (breast-)feeding

- Breastfeeding mothers with a child under 18 months can take either a half an hour breastfeeding break every three hours or a one hour break per day. The state compensates the breaks 100 per cent with the exception of mothers who receive parental benefit for raising a child. Funded from general taxation.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Estonia is 36 months, half paid at a high earnings-related rate and the other half at a low flat rate. According to the Social Welfare Act, municipalities are obliged to provide a place in ECEC to all children (but there is no individual right to a place), starting from age of 18 months, i.e. after the end of the high paid leave period. However, not all municipalities are able to meet this obligation, and for children between 18 months and three years of age the lack of places in ECEC is an issue. Many municipalities that are not able to provide an ECEC place pay a special childcare benefit to working parents who use a private licensed carer or centre. Levels of attendance at formal services for children under 3 years are below the average for the countries included in this review and for OECD countries; but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

Starting from 1 March 2018, the formula for reduction of parental benefit when receiving income from work simultaneously has been changed. The new formula is more generous and parental benefit is reduced only when income from employment exceeds $\frac{1}{2}$ of the benefit ceiling.

The Ministry of Social Affairs has presented proposals to the government in March 2017 include merging Maternity leave and Parental leave into one Parental leave, as well as merging Maternity benefit, Paternity benefit, Parental benefit and Childcare benefit into one Parental benefit. The new Parental benefit would have a period designated for mothers only, a shared period and a 30-days period designated for fathers only. The overall benefit period would be prolonged to 605 calendar days. The benefit could be taken out until the child reaches three years of age. The draft act will be presented to the government in 2018.

4. Take-up of leave

a. Maternity leave

There are no statistics on take-up of Maternity leave.

b. Paternity leave

Fourteen per cent of fathers took up leave in 2006 and 2007, but in 2008, after payment was introduced, take-up of leave increased approximately four times, up to 50 per cent. Since 2009 when the benefit for Paternity leave was abolished, there are no statistics on the take-up. In 2013 when Paternity leave payment was re-introduced, 38 per cent of fathers took leave; in 2014, about 41 per cent of the fathers took some leave, 46 per cent in 2015² and around half of the fathers took the leave in 2016. Based on preliminary data of registration of births in 2017 around 53 per cent of the fathers took the leave.

c. Parental leave

No official statistics about take-up of leave are collected. In 2017, 9.9 per cent of the recipients of parental benefit were men (9.3 per cent in 2016, 7.5 per cent in 2015, 9 per cent 2014 and 7.4 per cent in 2013)³.

From its introduction in 2004 until 2007, fathers' access to parental benefit was limited and they could take-up the benefit only after their child was six months old; the share of fathers using the benefit was very low, between one and two per cent between 2004 and 2006. In 2007 this restriction was removed and fathers could take up the parental benefit right after the end of Maternity leave (when child is 70 days old); subsequently the take-up by fathers increased slightly and has been around six to nine per cent since.

² Calculations by the Ministry of Social Affairs, using data from Statistics Estonia and Social Insurance Board.

³ Own calculations based on Social Insurance Board data.

According to the Labour Force Survey (2010), 90.1 per cent of mothers and 5.4 per cent of fathers of children below eight years old reported that they had taken a Parental leave after the birth of their youngest child. Of those parents who reported taking leave, 35.2 per cent reported that they had taken two to three years, 27.5 per cent one-and-a-half to two years, 23.2 per cent one to one-and-a-half years, and 6.7 per cent six months to one year; only 7.4 per cent of parents were on leave less than six months⁴.

d. Other employment-related measures

In 2016, 28 per cent of parents who received benefit for nursing a sick under 12 year old child (i.e. care leave certificates) were men (in 2015 this was 27 per cent and in 2014 this was 26 per cent)⁵.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Leave policies and childcare arrangements have gained researchers' attention recently as the issues of demographic changes and work-life balance have emerged in the political arena. Previously, research on reconciliation of work and family life, including use of Parental leave, focused mainly on women. No significant research has been done on employers' family-friendly policies.

b. Selected publications

Kurowska A. (2017) 'The impact of an unconditional parental benefit on employment of mothers: A comparative study of Estonia and Lithuania', *International Journal of Sociology and Social Policy*, Vol.37, No.1/2: 33-50.

The purpose of this paper is to solve the puzzle of the disproportionately lower employment rate of mothers of toddlers with relation to the employment rate of mothers of preschool and school-age children in Estonia. The research is based on the Most Similar System Design and compares Estonia with Lithuania. The applied methods include inferential statistics and microsimulation techniques, employing the OECD Benefits and Wages Calculator, the OECD Family Support Calculator and EUROMOD – the European tax-benefit microsimulation model.

The comparison revealed that the overwhelming majority of the crucial aspects of socio-cultural, economic and institutional conditions were more favourable for maternal employment in Estonia than in Lithuania. This explains the higher maternal employment rates both for mothers of pre-schoolers and school-age children in Estonia. However, one particular element of the institutional context targeted to the mothers of toddlers – the unconditional parental benefit – had an opposite character.

⁴Statistics Estonia. Available at: http://pub.stat.ee/px-web.2001/I_Databas/Social_life/09Labour_market/13Work_and_family_life/13Work_and_family_life.asp

⁵ Estonian Health Insurance Fund, based on the calculations of Ministry of Social Affairs.

This particular feature of the parental leave scheme was the only factor that could explain why the employment rate of mothers of toddlers is disproportionately lower than the employment rate of mothers of older children in Estonia and much lower than the employment of mothers of toddlers in Lithuania. This study complements previous research by providing evidence on the relative importance of universal parental benefit schemes in the context of other country-specific conditions for maternal employment, including the availability of institutional childcare. Furthermore, the results presented show that childcare regime typologies, at least those that characterize Eastern European countries, should be more sensitive to children's age.

c. Ongoing research

None reported.

Finland¹

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April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*äitiysvapaa/moderskapsledighet*²) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave (before and after birth)

- One hundred and five (105) working days (i.e. for all types of leave, one calendar week consists of six working days): between 30 and 50 days must be taken before the birth. It is obligatory to take two weeks before and two weeks after birth.

Payment and funding

- Earnings-related benefit. During the first 56 days of leave, the payment is equal to 90 per cent of annual earnings between €8,216 and €57,183, with a lower percentage (32.5 per cent) for earnings above this level. Mothers not employed and those whose annual earnings are less than €8,215 get a minimum flat-rate allowance of €24.64 per working day (€616 per month). After this initial period of leave, benefit is paid at 70 per cent of annual earnings between €10,563 and €37,167, with a lower percentage for earnings above this level (40 per cent until €57,183 and 25 per cent above this). Those whose annual earnings are less than €10,562 before the birth get the minimum flat-rate allowance. In 2016, 12 per cent of mothers received the minimum allowance. The proportion of recipients of minimum allowance has come gradually down from the maximum figure of 30 per cent in 1996³.
- Mothers are permitted to work, while on Maternity leave (except for the obligatory two weeks before and after the birth) but receive only the minimum

¹ Please cite as: Salmi, M., Närvi, J. and Lammi-Taskula, J. (2018) 'Finland country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Names of the different types of leave are given in Finnish and Swedish. Finland is a bilingual country with a Swedish-speaking minority.

³ Social Insurance Institution (2017) *Statistical Yearbook 2016*. Available at: www.kela.fi/statistics

flat-rate allowance for the days they work. Working on Sundays does not affect the benefit.

- Earnings-related benefits are funded by the sickness insurance scheme, financed by contributions from employers (approximately 68 per cent of the total cost) and employees (approximately 27 per cent) while the remaining 5 per cent is funded by the state. In 2018, employers pay 0.86 per cent of their total salary bill and employees 1.53 per cent of their taxable earnings higher than €14,020; these percentages are subject to annual change in the state budget. The minimum flat-rate allowances and 0.1 per cent of the benefit expenditure are funded from state taxation.
- Pension: Maternity leave accumulates the beneficiary's pension based in 2018 on 139 per cent of the yearly earnings from which the leave benefit is calculated. These earnings accumulate the pension with 1.5 per cent a year. For an unemployed beneficiary or a student, the pension is accumulated as if the earnings were €728.34 a month.

Flexibility in use

- None.

Eligibility (e.g. related to employment or family circumstances)

- Entitlements based on residence, i.e. paid to all women who have lived in Finland, or been insured in another EU or EEA Member State, Switzerland or Israel, for at least 180 days immediately before the date on which their baby is due. The basic formula is that a person entitled to family benefits is also entitled to leave. A woman is entitled to maternity benefit after her pregnancy has lasted 154 days.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In case of premature birth, if the pregnancy has lasted at least 154 days and ends earlier than 30 days before the due day, the mother is entitled to benefit and leave from the next day on for the following 105 days.
- Leave can be delegated to the father if the mother, due to illness, is unable to care for the child; or to another person responsible for the care of the child, if the mother dies and the father does not care for the child.

Additional note (e.g. frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)

- A brief made for the Committee on Parental Leave shows that in 2010, 96 per cent of employees in the private sector were covered by collective agreements guaranteeing full pay for part of the Maternity leave; in most cases (66 per cent) the full pay is for three months. In public sector collective agreements, coverage is also high. During periods of full pay, the daily benefit is paid to the employer. However, due to the high prevalence of fixed-term contracts for women of child-bearing age, a high proportion of women giving birth do not have an effective employment contract; so only 42 per cent of mothers on Maternity leave receive pay from the employer.

b. Paternity leave (*isyysvapaa/faderskapsledighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave

- Fifty four (54) working days (nine weeks), of which the father can take one to 18 days while the mother is on Maternity or Parental leave.

Payment (applied for the whole period of Paternity leave) and funding

- Earnings-related benefit. Benefit is paid at 70 per cent of annual earnings between €10,563 and €37,167, with a lower percentage for earnings above this level (40 per cent until €57,183 and 25 per cent above this). Those whose annual earnings are less than €10,562 before the birth get the minimum flat-rate allowance. In 2016, three per cent of fathers received the minimum allowance.
- Fathers are not permitted to work while on Paternity leave. Working on Sundays is permitted as the benefit is paid only for weekdays and Saturdays.
- Funding as for Maternity leave.
- Pension as for Maternity leave.

Flexibility in use

- One to 18 days can be taken in up to four blocks of time while the mother is on Maternity or Parental leave. Subsequently, all days or the remaining 36 days can be taken at most in two blocks after Parental leave. All 54 days can be taken until the child turns two years of age; and the child can be in day care between Parental leave/Home care leave and Paternity leave (if taken up later).
- Paternity leave is child-specific, so that the birth of the next child before the leave period has elapsed for the previous child does not cancel the father's unused leave entitlement; he can take 24 leave days based on the previous child during the Maternity or Parental leave period for the next child, but only in one segment.
- Fathers may only take 18 days of leave at the same time as the mother is on leave.

Eligibility (e.g. related to employment or family circumstances)

- As for Maternity leave, but the father must also live with the child's mother. The father is entitled to paternity benefit even if the parents do not live together, provided that the father is responsible for childcare. A single mother cannot use the Paternity leave herself.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None.

Additional note (e.g. frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)

- As a result of collective agreements, 60 per cent of all fathers with an employment contract in the private sector, as well as all fathers employed by the state, receive full pay during the five or six first days of the Paternity leave.

c. Parental leave (*vanhempainvapaa/föräldraledighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave

- One hundred and fifty eight (158) working days, to be taken after the end of Maternity leave. This is a family entitlement, and parents can share the leave between themselves as they choose.

Payment and funding

- Earnings-related benefit. Benefit is paid at 70 per cent of annual earnings between €10,563 and €37,167, with a lower percentage for earnings above this level. Those whose annual earnings are less than €10,562 before the birth get the minimum flat-rate allowance.
- Mothers and fathers are permitted to work while on Parental leave but receive only the minimum flat-rate allowance for the days they work. Working on Sundays does not affect the benefit.
- Funding as for Maternity leave.
- Pension as for Maternity leave.

Flexibility in use

- Each parent can take leave in two parts, of at least 12 days duration.
- Leave can be taken part time, at 40-60 per cent of full-time hours and at least for two months at a time, but only if both parents take part-time leave and take care of the child themselves. Benefit payment is half of the benefit for full-time leave. To get the partial benefit the mother and father have to make an agreement with their employer on part-time work.
- Parents cannot be on leave at the same time.

Eligibility (e.g. related to employment or family circumstances)

- As for Maternity and Paternity leave. The father is entitled to Parental leave even if the mother does not fulfil the residence criteria; in this case the father's Parental leave period starts 75 days after the child's day of birth.
- The parental benefit is paid provided the mother has had a check-up by a doctor or a qualified nurse employed in the public health care within five to 12 weeks after the birth.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In case of multiple births, the length of leave is extended by 60 days for each additional child. Either the father or the mother can use the extended leave, partly or wholly during the Maternity leave or the Parental leave period.

- If due to premature birth the Maternity leave has started earlier than 30 working days before the expected date of delivery, Parental leave is extended by as many working days.
- If the mother does not take part in the care of the child, the father is entitled to parental benefit even if the parents no longer live together, provided that the father is responsible for childcare. If the mother dies and the father does not care for the child, the parental benefit can be paid to another person responsible for the care of the child.
- Entitlement to the parental benefit ends if a new entitlement to parental benefit starts due to a next child.

d. Childcare leave or career breaks

- Childcare leave, referred to as 'Home care leave' (*hoitovapaa/ vrdledighet*) can be taken from the end of Parental leave until a child's third birthday. This leave can be taken in two parts, the minimum length being one month. While taking leave, a parent can receive a Home care allowance (*kotihoidon tuki*) consisting of a basic payment of €338.34 a month, with an additional €101.29 for every other child under three years and €65.09 for every other pre-school child over three years plus a means-tested supplement (up to €181.07 a month). This Home care allowance can be paid to any parent – whether or not they are on 'home care leave' from their job – as long as their child is not in a childcare service provided or funded by the local authority. The average home care allowance per family in 2016 was €416 a month. Home care allowance is financed from municipal taxation with a state subsidy of 25 per cent of the costs.
- In 2016, 23 per cent of local authorities paid a municipal supplement to the Home care allowance; these supplements averaged €152 a month per child, with a range from €72 to €252⁴. The local authorities usually impose specific conditions on paying the supplement, most frequently that all children in the family below school age are taken care of at home.
- If a child under school age is taken care of in a private day care centre or by a private nanny or other person employed by the family and accepted by the local authority, the family is entitled to a private day care allowance (*yksityisen hoidon tuki*), which is €172.25 a month per child. An addition of up to €144.85 a month per child can be paid based on the size and income of the family. If the child is only entitled to 20 hours of early childhood education per week, the allowance is €63.38 a month and the addition is halved. In 2016, 43 per cent of municipalities paid a municipal supplement to the private day care allowance with a range from €50 to €860; these supplements averaged €220 a month per child in 2015. The local authorities usually impose specific conditions on paying the supplement, most frequently that the private day care is for over five hours per day.
- Pension: During Home care leave pension is accumulated as if the earnings were €728.34 a month. These earnings accumulate the pension with 1.5 per cent a year.

e. Other employment-related measures

Adoption leave and pay

⁴ Lahtinen, J. and Selkee, J. (2016) Varhaiskasvatuskyselyraportti II: hallinto, kuntalist, palveluseteli [Report on early childhood education survey II: administration, municipal supplements, service voucher]. Kuntaliitto, Helsinki.

- Adoptive parents of a child younger than seven years are eligible for Parental leave of 234 working days after the birth of the child (or 200 working days if the child is older than two months when the adoptive parents assume care for the child). Fathers are eligible for the same Paternity and Parental leave as fathers having their biological children. A parent who adopts a child older than 12 months and is married to or co-habits with the parent of the child is not entitled to parental benefit. Adoptive parents are entitled to Home care allowance for a period which ends two years after the Parental leave period started even if the child is older than three years.

Time off for the care of dependants

- Parents of children under ten years can take up to four days leave when a child falls ill (temporary childcare leave, *tilapäinen hoitovapaa/tillfällig vårdledighet*). There are no limits on how often parents can take leave for this purpose during the course of a year. Payment is dependent on collective agreements, but is often at full earnings for three or four days at a time. A parent with joint custody who does not live with a child is entitled to the leave.

Leave of absence to care for a family member or other close person

- If an employee needs to be absent from work to care for a family member or other close person, the employer has to try to organise work so that the employee can be absent from work for a fixed time period. The employer and the employee agree on the length of the leave and other arrangements. Return to work has to be agreed on before the leave between the employer and the employee. If an agreement cannot be reached, the employee can, with reasonable grounds, interrupt the leave by announcing this to the employer a month before the return at the latest. The employee has to account for grounds of the absence and for interrupting it if the employer asks for it.
- No benefit or wage is paid during this leave.

Special care allowance

- An allowance for a parent who is not able to work on the following grounds:
 - because s/he has to engage in the hospital care of a child under seven, a severely ill child with ages between seven and 15 years-old, or in the rehabilitation of a child under 16.
 - because s/he cares at home for a severely ill child under 16, when home care is in connection to hospital care.
 - or because s/he has to be available during the school or day care assessment of a severely ill child.
- Both biological and adoptive parents are entitled to the allowance. It can also be granted to employees who care for the child of their spouse. During hospital care or rehabilitation the allowance can be paid to both parents if the child's physician considers the participation of both parents necessary. The allowance is not paid to parents who receive parental, sickness or unemployment benefit.
- The payment is equal to 70 per cent of annual earnings between €1,428 and €30,394, with a lower percentage (20 per cent) for earnings above this level. Employees whose annual earnings are less than €1,427 get a minimum flat-rate allowance of €24.64 per working day (€616 per month). The allowance is

- paid for at maximum 60 working days for hospital care or rehabilitation of same illness and for 60 working days for home care.
- Receiving the allowance does not entitle to a leave of absence from work.

Flexible working

- Parents of children under three years are entitled to a Flexible care allowance (*joustava hoitoraha/flexibel vårdpenning*) if, after taking Parental leave, they work less than 80 per cent of the normal full-time hours in the respective field. The Flexible care allowance is €160.80 a month if the weekly working hours are no more than 30 hours or 80 per cent of the normal full-time hours, and €241.19 a month if the weekly working hours are no more than 22.5 hours or 60 per cent of the normal full-time hours. Flexible care allowance can be paid to both parents at the same time if they take care of the child in different hours of the day or different days of the week.
- Parents can work reduced working hours ('Partial childcare leave', *osittainen hoitovapaa/partiell vårdledighet*) from the end of Parental leave until the end of the child's second year at school. The employee is entitled to Partial childcare leave if s/he has been working for the same employer for at least six months during the past 12 months. The employee should negotiate the reduction in hours with the employer, and the employer can refuse only if the reduced working hours would lead to serious disadvantages for the organisation – in that case, working hours must be a maximum of 30 hours a week. Both parents can take Partial childcare leave during the same period, but cannot take leave during the same time in the day. Employees taking Partial childcare leave during the child's first and second year at school are entitled to a Partial home care allowance (*osittainen hoitoraha*) of €96.89 a month. Partial home care allowance is paid for only one child even if the family has more than one child entitled to the allowance. The allowance is not paid for a leave period shorter than one month.

Specific provision for (breast-)feeding

- None. Breast-feeding leave is not considered necessary, as Maternity leave and Parental leave last until the child is nine to ten months old.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Finland is 36 months (including low paid 'Home care leave'). The maximum period of high paid leave is 11.5 months after birth. As there is an entitlement to ECEC from the end of the Parental leave, there is no gap between leave and ECEC entitlements. However, from August 2016 on, the ECEC entitlement is restricted to 20 hours a week unless both parents work or study full-time. Levels of attendance at formal services for children under three years are about the average for the countries included in this review and for OECD countries; but below both averages for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

No changes in policy have taken place since April 2017. However, a heated debate on the need for reform to leave policies has continued. During 2016–2017, six political parties and three central labour market organisations presented their models to reform the leave system (see country note 2017). The government's programme from 2015 did not include plans for reform; but in response to the political pressure, the government decided to start preparing a reform in autumn 2017. The preconditions set by the government for reform were partly contradictory, including a rise in participation in ECEC services, but also no additional costs to public economy; and maintaining the possibility to home care until a child turns three years, but also a rise in the employment rate. Preparations for reform were broken off in February 2018.

The group of ministers preparing the reform worked originally with several models, reduced to two in the last stage. Both of these models aimed at a longer father's quota, to be achieved by shortening the Parental leave period. They both also included a considerable cut to Home care allowance and abolition of the means-tested supplement to the allowance after a child turns two years. The reform process was halted as it became clear that the financial consequences of the planned changes would hit families in a weaker socioeconomic position and where mothers have difficult to find employment, as in these families fathers use Paternity leave less often and mothers use long Home care allowance periods more often. Moreover, calculations of the Ministry of Finance showed that there would be only a small increase in the employment rate for mothers.

In its planning meeting for the 2019 budget in April, the government decided to propose a 13 per cent rise to the minimum flat-rate allowance for parental benefits; a lengthening of parental benefit days to 233 days for adoptive parents; an extension of the entitlement to all who adopt a child under 18 years of age; and for multiple births, an additional 18 days of paternity benefit for each additional child (a single mother would get a similar lengthening to her parental benefit days). These proposals will be drafted in a tripartite group as they add to the expenses of the sickness insurance scheme (see funding of the benefits in section 1.).

4. Take-up of leave

a. Maternity leave

Almost all mothers use the leave. Two weeks of leave before and two weeks after the birth are obligatory. Very few mothers entitled to Maternity leave work during the leave period.

b. Paternity leave⁵

Paternity leave was reformed from the beginning of 2013 into a nine weeks leave, which includes the former one to 18 days Paternity leave and the former six weeks father's month (that is the bonus Paternity leave days plus the last two weeks of the preceding Parental leave available for fathers between 2003 and 2012). Statistics allow for a different review of the take-up of the first 18 days of the new Paternity leave, which can be taken while the mother is on Maternity or Parental leave (comparable with the old Paternity leave) and the remaining 36 days which are taken after the Parental leave. The analysis of the fathers' take-up of leave is based on the

⁵ One to 18 days that can be taken while the mother is on leave.

THL study⁶ where the respondents had their child in 2011 and still used the entitlements of the old scheme. These findings are thus comparable with findings from earlier research. A subsequent THL survey for fathers with a child born 2013 covers fathers' take-up of different forms of leave since the reform in 2013⁷.

Since the end of the 1990s, the great majority of fathers have taken the one to 18 days' Paternity leave, or, since 2013, the first one to 18 days of the Paternity leave. The proportion of fathers taking this leave increased from 40 per cent in 1990 and 76 per cent in 2000 to 84 per cent in 2012, with a slight drop to 83 per cent in 2013 and then a more significant drop in 2014 when only 78 per cent of fathers took this short period of Paternity leave. In 2016, again 80 per cent of fathers took the short Paternity leave⁸. Since 2013 it has been possible to postpone the take-up of Paternity leave until the child turns two years. Preliminary analysis of the take-up statistics suggests that a shift towards leave take-up nearer the child's second birthday is taking place⁹. THL study based on survey data indicates that for a majority of fathers (71 per cent) the possibility to postpone take-up was important for their taking the leave, and for a third it was decisive⁷.

Since 2008, the average length of the leave taken while the mother is on Maternity or Parental leave has been 15 working days.

Statistics indicate that one in five fathers do not take either Paternity or Parental leave.

The reasons for not taking the short Paternity leave are most often the father's work situation, the family economy or the father not being in work.^{7,10}

c. Parental leave and fathers' individual leave (i.e. the days of Paternity leave to be taken after the Parental leave)

The 158 days of Parental leave is mostly taken by mothers. Almost all mothers take Parental leave whereas only two to three per cent of fathers took a longer Parental leave than the two weeks of the father's month over the years it was available. Less than one per cent of mothers entitled to Parental leave did not take the whole leave period even if the father did not take Parental leave in 2004–2007. Less than four per cent of mothers work to some extent during the leave period.

Even if the popularity of the short Paternity leave is high, in 2013 only about 32 per cent of all fathers, took the father's month (still the entitlement for families where the

⁶ Salmi, M. and Närvi, J. (eds.) (2017) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, Helsinki: THL.

⁷ Närvi, J. (2018) *Isä hoitaa – vai hoitaako? [Daddy takes care – or does he?]* Työpaperi 1/2018, THL, Helsinki

⁸ The percentages given here are counted as proportions of the parental benefit periods that started in the respective year. It is presently studied, based on register data on children born 2015, which proportion of fathers took paternity leave taken all together, which proportion took it directly after Parental leave, which proportion postponed taking their leave days but used them until the child turns two, which proportion used only the days during Maternity or Parental leave, and which proportion used no leave at all. Preliminary findings indicate that the percentages of the final take-up differ from those based on annual statistics. Analysis by Miia Saarikallio-Torp and Anneli Miettinen, Social Insurance Institution.

⁹ Analysis by Anita Haataja, Social Insurance Institution.

¹⁰ Lammi-Taskula, J., Salmi, M. and Närvi, J. (2017) 'Isien perhevapaat [Fathers on family leave]', in: M. Salmi and J. Närvi (eds.) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, THL, Helsinki 2017.

Maternity leave started before 1 January 2013) or the six weeks of the new Paternity leave to be taken after the Parental leave. In 2014 the proportion was higher, 34 per cent, and in 2015 the proportion jumped into 50 per cent of fathers and has stayed at the same level in 2016. The average length of leave taken by fathers after Parental leave has also risen from 21 days in 2012 and 2013 to 27 days in 2015 and 2016.

Like the earlier 'Father's month' (see country note 2017), the longer part of Paternity leave has become more and more popular, but its contribution towards equalising parental responsibilities is still called into question as in every third family the mother stayed at home during all of the father's Paternity leave weeks because she planned to continue to care for the child at home supported by the Home care allowance, and the father had to take his leave before the child's second birthday⁷. However, before the extension of the time limit for taking leave (the earlier Father's month was to be taken within six months of the end of the Parental leave), the majority of mothers stayed at home during this leave; with more flexibility in the use of the Paternity leave, more mothers have returned to work before the father took his leave, which has increased fathers' individual care responsibility.^{7 10}

According to the two THL studies, men over 30, men with a good income, and men whose partners have a good income, as well as fathers of first-born children were more likely to take the earlier father's month or the longer Paternity leave. In families where the mother had been employed before the child was born, the mother's high employment status also increased the likelihood of the father taking the longer leave. The likelihood was halved if the father thought men to be mainly responsible for the family economy, or if the father had recently experienced unemployment. The most common reasons fathers with children born in 2011 or 2013 mentioned for not taking the longer part of Paternity leave, or the earlier 'Father's month', were that they thought the family economy did not allow it, or that their spouse was taking care of the child supported by Home care allowance. The spouse not having a job also hindered fathers from taking their leave quota. Work-related obstacles were also mentioned quite often. Highly educated fathers more often than other fathers did not take the longer leave because of work pressure or the nature of their work, while family economy was more often the reason among blue-collar fathers. However, family economy was mentioned more often than work-related reasons even by highly educated fathers. Hardly any father mentioned negative attitudes at their workplace as an obstacle, but rather themselves considered a long absence from work as difficult. This was related to the organisation of work at workplaces during fathers' leave: fathers reported that a substitute was seldom hired and work tasks were most commonly shared between fellow workers or, typically among white-collar employees, were left to be taken care of by the father himself despite taking leave, which made fathers hesitate to use the possibility of taking leave for longer than a few weeks^{7, 11}.

In 2016, five per cent of fathers took Parental leave. Even if the number is low, it has doubled compared to earlier years when only one to three per cent of fathers took a longer Parental leave than the two weeks included in the 'Father's month'. The average length of fathers' Parental leave was 57 working days. Fathers with children born in 2011 more likely shared the Parental leave with the mother if they were over 30 and fathers of first-born children. The spouse's high education level had a significant if small effect on the likelihood of fathers sharing the Parental leave. Fathers with children born in 2013 more commonly took Parental leave if their

¹¹ Närvi, J. (2017) Perhevapaat työpaikoilla ja työelämässä.[Family leaves at workplaces and in working life], In Salmi, M and Närvi, J (ed) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, Helsinki: THL

spouse had a high education level and income, especially if the father himself was not highly educated.⁷

The part-time option for taking Parental leave has not been popular. In 2003, the first year that it was available, 37 parents received the partial parental allowance, rising to 84 in 2004 and 117 in 2007. This means that less than 0.1 per cent of families with a new-born child used the new arrangement in its first five years. The use has not increased subsequently; 30–40 couples used it between 2008 and 2014, and 66 couples in 2017¹².

d. Childcare leave or career breaks

Almost all families (87 per cent in 2016) take advantage of the Home care allowance (HCA), at least for some time after Parental leave. Since 2006, statistics are available of use by women and men, showing that HCA is used almost entirely by mothers. In 98 per cent of all families receiving HCA, one of the parents takes care of the child and in 97 per cent of these families the carer is the mother.

In the long run, HCA has become less popular; the proportion of children aged nine to 36 months taken care of at home supported by the HCA has dropped from 58 per cent in 2000 to 46 per cent in 2016. Recently the take-up has varied: HCA was paid to 87 per cent of families whose Parental leave ended in 2005, dropping to 84 per cent for 2006, rising again to 88 per cent from 2007 on, and 89 per cent in 2014 and 2015, but dropping to 87 per cent in 2016. At the same time the proportion of under three-year-olds taken care of and supported by the HCA has varied between 53 and 46 per cent. The year-to-year variation of HCA take-up is probably due to variations in female labour force demand and in the composition of women giving birth. The decreasing popularity in the long run matches the growing proportion of young children attending childcare services from 2000 to 2015: while the proportion of under-one-year-olds in these services has dropped to less than one per cent, the proportion of one- and two-year-olds has risen from 35 to 41 per cent¹³.

Statistics also enable an assessment of take-up periods of HCA. In families paid this allowance at some point before their child turns three years¹⁴, periods taken have divided rather evenly during the past years: 26-31 per cent take less than seven months, 22-26 per cent between seven and 12 months, 27-29 per cent between 13 and 24 months, and 15-25 per cent longer than 24 months (the maximum length being 26-27 months). However, the proportion taking the longest period declined from 2003 to 2013 from 25 to 15 per cent while the proportion taking the shortest periods rose from 26 to 30 per cent. From 2013 to 2014 the proportion of the longest periods again rose to 16 per cent but dropped again to 15 per cent in 2015 and 2016 while the proportion of the shortest periods dropped to 29 per cent in 2014 but rose back to 30 per cent in 2015 and to 31 per cent in 2016. The (few) male recipients of HCA took less of the longest periods than their female counterparts (10 per cent in 2016) but in 2014 the proportion of fathers taking HCA for longer than a year rose from 41 to 45 per cent, though dropping again to 42 per cent in 2015 and 39 per cent in 2016 (calculations based on Statistical Yearbooks of the Social Insurance

¹² See www.kela.fi/kelasto.

¹³ Säkkinen, S. and Kuoppala, T. (2017) *Varhaiskasvatus 2016 [Early childhood education 2016]* Helsinki: THL Statistical Report 29/2017.

¹⁴ These statistics exclude families receiving Home care allowance where the person taking care of the child is not a parent; however, these families only comprise 2-3 per cent of all recipients.

Institution 2004–2016). In the long run, from 1999 to 2010, the median length of HCA periods has been ten months¹⁵. Only 6–8 per cent of fathers annually have been recipients of the HCA during the years 2006–2016. The THL study on parents who had a child in 2011 shows that it was most likely taken by fathers whose spouses had a high employment status and a high income¹⁰.

The fathers who answered the THL questionnaire in 2013 had taken some form of family leave and were thus more active leave users than the average father. Of these fathers, however, three in four said that they had not used Home care leave with HCA when their child is two years old, and will not use it¹⁰. The main obstacle for taking the leave according to the two THL studies in 2013 and 2016 was the family economy, which more than a half of fathers mentioned hindered them from taking childcare leave. Other common reasons (from a fifth to a third of fathers) for not taking the leave were that their spouse did not have a job, that the father did not consider taking the leave necessary, and that the child started at day care. Work-related reasons such as nature of work or work pressure were mentioned by only one in six or one in five fathers.^{7, 10}

The debate on possible cuts to the HCA period in 2013–2014 (see country note 2015) led to calculations on how many two-year-olds and their siblings are taken care of at home supported by the HCA. At the end of 2010, 36 per cent of two-year-olds belonged to this group either as the primary HCA recipient (69 per cent) or as a sibling of a younger HCA recipient (29 per cent). In 40 per cent of families the HCA covers the care of one child, in another 40 per cent two children, and in 19 per cent three or more children. Nine per cent of three to seven-year-olds (27,600 children) were taken care of at home as siblings of younger children receiving HCA¹⁶. According to annual statistics, in 2016, one in four children taken care of supported by the HCA was older than three years of age; thus presumably they were older siblings³. These 20,745 children comprised only seven per cent of three to seven-year-olds.

A study based on register data shows that half of women who had their first child in 1999 took Maternity, Parental and Home care leave at most until their child was 18 months old; while almost 30 per cent stayed on leave for 36 months or longer, ten per cent for almost five years. For these mothers, the leave that started with their first-born child continued without a break with successive children¹⁷. Another analysis based on the same data shows that 47 per cent of mothers who had their first child 1999–2006 had a second child within three years of the birth of the first child. However, less than half of these mothers (48 per cent) continued to a new Maternity leave direct from Home care allowance period with the first child, and half of the mothers stopped their Home care allowance period in between the children¹⁸. Thus, contrary to common beliefs, only a small majority of Finnish mothers stay at home on family leave for several years non-stop, and it is a minority that takes the maximum length of leave.

¹⁵ Aalto, A. (2013) *Katsaus osittaisen hoitorahan käyttöön 2000-luvulla* [Review on the take-up of partial home care allowance in the 2000s]. Helsinki: Kela Työpapereita 43/2013.

¹⁶ Calculations by Anita Haataja and Siru Keskinen, Social Insurance Institution.

¹⁷ Haataja, A. and Hämäläinen, U. (2010) 'Viekö haikara tasa-arvon? Puolisoiden väliset tuloerot lapsiperheissä' ['Does the stork wash away gender equality? Income differences between spouses in families with children'], in: U. Hämäläinen and O. Kangas (eds.) *Perhepiirissä* [In the family circle]. Helsinki: Kela.

¹⁸ Haataja, A. and Juutilainen, V-P. (2014) *Kuinka pitkään lasten kotihoitoa? Selvitys äitien lastenhoitajaksoista kotona 2000-luvulla* [How long at home with children? A report on mothers' childcare periods at home in the 2000s], Kela Työpapereita 58/2014.

The THL study of parents with a child born in 2011 shows that 46 per cent of all mothers were employed and 40 per cent were at home taking care of the child/children when the child was two years old; the remaining 14 per cent were mainly students (7 per cent) or unemployed (3 per cent). One in four mothers of two-year-olds had already a younger child, and a majority (84 per cent) of them were at home taking care of the children while one in ten was employed. Of those mothers whose youngest child was two-years-old, only 24 per cent were still at home taking care of the child supported by the HCA while 59 per cent were employed and 17 per cent did something else such as studying or were unemployed. Further analysis indicated that a mother whose youngest child is the two-year-old was more likely to be employed if she was employed before the child was born and had a high-income level, if she had a high level of education, and if she had a permanent employment contract when the child was born. A mother was more likely to be still at home with a two-year-old if she was a blue-collar worker, had a low level of education, had a low-income level before the child was born, and also if she had three or more children. Of mothers who were still at home with a two-year-old youngest child, less than half had a job waiting for them while an ample half did not have an employment contract¹⁹. Still further analysis indicated that of mothers without an employment contract almost a third had no education after basic school; an ample third had vocational education, and also an ample third had more than vocational education. So, the employability of these mothers varies in the current labour market, where there are less and less jobs for people with a low level of education.²⁰

This study also showed that when mothers' individual motivations for relying on the HCA were analyzed, the issues where at-home mothers and at-work mothers differed were views on (a) quality of day care services, with 29 per cent of at-home mothers but only eight per cent of at-work mothers mistrusting the quality; and (b) on 'mother's place' 59 per cent of at-home mothers thinking that mothers of young children should stay home, while only 35 per cent of at-work mothers did so. When the significance of the 'mother care ideal' for the mother's activity was analysed together with the factors related to education and position in the labour market, both types of explanatory factors proved to be important. Level of education and labour market experiences still predicted the mother's activity, but a traditional view on mother's place at home almost doubled the probability of a mother still being at home with the two-year-old. However, the strongest predictor proved to be that the mother mistrusts the quality of day care services; this triples the probability of a mother still being at home with the two-year-old¹⁹.

Earlier only a small number of families – 2,100 in 2003 – took advantage of Partial childcare leave. After the reform making parents of younger school children eligible for the Partial care allowance, the number of families increased and was 10,365 in 2008; the number then decreased to 9,995 in 2009 but was again 14,035 in 2013 (these figures describe the situation at the end of the year). Forty-three per cent of these families had a child under three years. The recent increase happened among the parents of school children (from 6,545 to 7,932 families), but especially among the parents of younger children. The take-up of Partial childcare leave for under three-year-olds increased after a small decrease between 2007 and 2008; at the end

¹⁹ Närvi, J. (2017) Äitien perhevapaat ja osallistuminen työelämään [Mothers' family leave and participation in working life]. In Salmi, M. and Närvi, J. (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo* [Family leave, economic crisis and gender equality]. Raportti 4/2017, Helsinki: THL.

²⁰ Salmi, M. and Närvi, J. (2018) *The Finnish family leave reform in the light of research: the rise and fall of a reform 2017–2018*. Presentation in the seminar of Nordic Gender Equality Network, Oslo, 14.3.2018

of 2009 it was paid to 3,449 families and in 2013 to 6,103 families, with 4.1 per cent of under three-year-olds and 6.8 per cent of seven to eight-year-old school children receiving the allowance in 2013. Partial childcare leave for under three-year-olds was mostly (94 per cent) used by mothers and was most usually taken (40 per cent) for not longer than six months; a third of the users took it for seven to 12 months and a quarter for more than 12 months. From 1999 to 2010, the median length of Partial care leave periods with children under three years was eight months. Partial care leave was taken more often by women with a high education level and high socio-economic status, less often by young mothers, perhaps because they are less likely to have permanent employment. In families with a child under three years, mothers almost always (80 per cent) took Partial care leave after a period of HCA taken after Parental leave; on average, the child was 18 months old when the mother started her partial care leave. Thus partial care leave did not function as an alternative to HCA but as a transition from full-time HCA to part-time employment.

The Flexible care allowance, available from the beginning of 2014, seems to be much more popular than the previous Partial care allowance for under three-year-olds. During the year 2014, 15,251 children (6 per cent of the age group) were taken care of supported by this allowance, while in 2013 only 10,927 under three-year-olds were taken care of supported by the Partial care allowance. During the year 2016, 17,370 families received Flexible care allowance compared to 15,800 families in 2014 and 11,300 families receiving Partial care allowance in 2013. Thus the popularity of the new part-time leave arrangement has risen with 54 per cent compared to the previous entitlement, even if the numbers still are low and still only six per cent of the age group are taken care of supported by this allowance. One in ten recipients of the Flexible care allowance were fathers^{3 15 21}.

The THL study shows that of mothers with two-year-olds who had returned to employment, 28 per cent worked part-time (of all employed Finnish mothers with children below school-age, 18 per cent worked part-time in 2013²²; in 2015 30 per cent of mothers to 1–2-year-old children did so²³). A third of mothers still at home with the two-year-old planned to work part-time. Also one in three mothers were interested in working part-time but did not find it possible. The most common obstacle was family economy, but part-time work was also considered unsuitable in own work either because it would be difficult to arrange or because the mother thought she would have the same workload with less time and less pay²⁴. The Partial childcare leave was used or planned more likely by mothers who had a valid employment contract before the child was born²⁵. The rule that the employee can

²¹ Kelan lapsiperhe-etuustilasto 2016 [Statistics on benefits for families with children 2016. Social Insurance Institution].

²² Sutela, H. (2015) Pitkät työajat hankaloittavat perheen ja työn yhteensovittamista [Long working hours complicate combining family and work]. Tilastokeskus, *Tieto & trendit* 4/2015, pp.50–57

²³ Pärnänen, A. & Kambur, O. (2017) Suomi–Ruotsi-vertailu: Pienten lasten äitien työssäolossa ei suuria eroja [Comparing Finland and Sweden: No big differences in employment of mothers to young children]. Tilastokeskus, *Tieto & trendit* 25.4.2017

²⁴ Salmi, M., Lammi-Taskula, J. and Mäntylä, E. (2016) Pienten lasten äidit osa-aikatyöhön? Poliitiikan ja käytäntöjen ristiriitoja [More part-time work to mothers of young children? Contradictions of policy and practice] *Yhteiskuntapolitiikka*. Vol.81 No.2: 206–215. See also: www.leavenetwork.org → Annual seminar 2015 → Presentations.

²⁵ Salmi, M., Närvi, J., Lammi-Taskula, J. and Mäntylä, E. (2017) Osa-aikaisten perhevapaiden ja osa-aikatyön käyttö, mahdollisuudet ja esteet [Take-up, possibilities and obstacles of partial childcare leave and part-time work], in M. Salmi and J. Närvi (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, Helsinki: THL.

take Partial childcare leave only if s/he has been working for the same employer for at least six months during the past twelve months effectively hinders mothers from choosing the partial leave as many mothers have to find a new job after their family leave.

In 2016, Partial home care allowance during the child's first and second year at school was used to take care of seven per cent of 7–8-year-old children.

The use of the private day care allowance for under three-year-olds has dropped: in 2016 only 3,510 families received this allowance for a child under three years, while the figure was 4,470 in 2011 and 4,209 in 2015. However, the lower number may be caused by a significant diminishing of the annual number of children born since 2010. Even this allowance is primarily used for the care of children over three years; 3.3 per cent of under three-year-olds and 4.6 per cent of under-seven-year-olds received the allowance in 2013.

The results of recent research confirm earlier findings that the length of leave periods taken by mothers depends on the mother's level of education, her employment status and her possibilities and experiences in the labour market as well as how easy it is to find employment especially for women with a low level of education; but also the values and attitudes of the mother play a role. The leave schemes also seem to create two categories of women in which a) women with a stable position in the labour market, higher levels of education and better employment prospects have more options, being able to choose between a shorter or a longer family leave period (and between a period of part-time and full-time work), while b) women with little education and less opportunities in the labour market have fewer alternatives. So, a woman with a fixed-term contract or without work prior to the birth of her child is more likely to stay at home for a longer period, and to be reliant on the Home care allowance. The HCA, therefore, has partly become an income source for unemployed women, even if it is lower than the basic unemployment benefit, while also functioning as an alternative to the use of childcare services for parents with an employment contract. It also serves as an alternative to unemployment, making room for mothers who identify with a strong mother as caregiver role, instead of the less socially-valued identity of the unemployed.

While statistics and research indicate that during the past ten years more and more fathers have taken the longer Paternity leave/'Father's month', the leave takers still tend to more often be men with a high level of education and a good position in working life, and especially men whose spouses have a high level of education and a good position in working life. Recent research strongly points to the importance of developing the leave schemes towards longer quotas for fathers. At the same time research shows that workplace practices in organising work during fathers' leave as well as gendered ways of perceiving only the ear-marked leave as father's leave play an important role in how fathers in practice consider themselves entitled to parental leave.

e. Other employment-related measures

There are no annual statistics available on the take-up of temporary childcare leave to care for a child fallen ill. In the Quality of Work Life Survey from 2013²⁶, 67 per cent of employed mothers and 52 per cent of employed fathers with children under ten years had taken temporary childcare leave during the past 12 months, compared

²⁶ Sutela, H. and Lehto, A-M. (2014) *Työolojen muutokset 1977–2013 [Change of working conditions 1977–2013.]* Helsinki: Statistics Finland.

to 65 per cent of mothers and 52 per cent of fathers in 2003 and 72 of mothers and 56 of fathers in 2008. In families where both parents have full-time employment, 71 per cent of mothers and 60 per cent of fathers have taken temporary childcare leave, compared to 80 per cent of mothers and 68 of fathers in 2008. The researchers point out that the figures have dropped from 2008 back to the 2003 level; they ask whether this is due to parents not daring to take leave in times of economic crisis and the general insecurity of working life.

In the THL family leave study, 77 per cent of mothers of two-year-olds who had returned to work, and 54 of fathers had taken temporary childcare leave during the past year. However, many of the fathers' spouses were still at home taking care of the two-year-old. In families where both parents were employed, 79 per cent of mothers and 74 per cent of fathers had taken leave to care for a child fallen ill. One in four mothers and one in three fathers worked at home while being on temporary childcare leave. This has grown much more common compared to year 2006, when only ten per cent of mothers and 12 per cent of fathers did so. The increasing use of mobile technology, more prevalent in many branches could potentially explain this change.²⁷

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Research on statutory leave entitlements and on take-up is done at the initiative of individual researchers; no systematic follow-up takes place, except for basic statistics. Research has been focused on the take-up of Parental leave and Home care leave and their connections with women's labour market participation, as well as on fathers' take-up of different forms of family leave. Comparisons over time have been developed on the preconditions and obstacles faced in taking up leave. Recent research has compared leave schemes and their take-up and consequences in the Nordic countries; it has also widened the focus to workplace attitudes and practices in connection with leave take-up. In addition, decision-making between parents and fathers' and mothers' reasons for leave-taking have been studied, as well as the consequences of leave-taking to the economic position of families. Qualitative research has been done on mothers' choices of care and career in the context of insecure working life, and on various factors affecting the timing of mothers' return to employment from family leave. Recently, register-based data have been used to study longitudinally the consequences of mothers' leave-taking for their career and wage development, and more detailed register-based analysis is being undertaken on fathers leave take-up. Another recent study has focused on the consequences of the HCA for mothers, and leave take-up among immigrants.

²⁷ Närvi, J. (2017) Perhevapaat työpaikoilla ja työelämässä [Family leave at workplaces and in working life]. In Salmi, M and Närvi, J (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo* [Family leave, economic crisis and gender equality]. Raportti 4/2017, Helsinki: THL

b. Selected recent publications

Närvi, J. (2018) *Isä hoitaa – vai hoitaako? Väestökyselyn ja haastattelujen tuloksia isien perhevapaiden käytöstä*. Terveyden ja hyvinvoinnin laitos THL, Työpäperi 1/2018 [Daddy takes care – or does he? Results of a population survey and interviews on fathers' use of family leaves. National Institute for Health and Welfare (THL). Working paper 1/2018]. Available in Finnish at: <http://urn.fi/URN:ISBN:978-952-302-995-8>

The report analyses preconditions for and obstacles to fathers' use of different forms of family leave. The study, funded by the Rights, Equality and Citizenship (REC) program of the European Commission, provides information on who are the users of the nine weeks Paternity leave available since the beginning of 2013, and who comprise the approximately half of fathers who still do not use the longer part of Paternity leave, which can be taken after Parental leave. The study also investigates the one in five fathers who do not take any family leave with their child and their reasons not to do so. Furthermore, the study analyses practices which at workplaces support or impede fathers' use of family leaves.

The study is based on a population survey responded by over 900 fathers of approximately three-year-old children, and on interviews with 13 fathers and/or superiors. The findings of the study indicate that family leave was left completely untaken more often by fathers outside the labour market as well as 'distance fathers' who did not live with the child and the child's mother. Young fathers and fathers without academic degree, as well as entrepreneurs and fathers in blue-collar position and those whose spouses were in a lower socioeconomic position, more often took only the short Paternity leave but nothing more. A longer leave – the longer part of Paternity leave, Parental leave or Childcare leave – was taken more often by fathers older than 35, fathers with high level of education, wage earners and upper white-collar employees in particular, as well as by fathers whose spouses had a university degree, high income or were white-collar employees. Especially fathers who took the longer Paternity leave after Parental leave were more often fathers in a good socioeconomic position.

Almost two in three fathers who took the longer Paternity leave, after Parental leave, did so later than immediately after Parental leave. A majority of fathers assessed that the flexible time limit available since 2013 affected their choice to take Paternity leave. However, taking the longer Paternity leave does not necessarily support the development of fathers' independent care responsibility: only half of the fathers took care of the child mainly on their own while on longer Paternity leave, and in almost half of the families the child's mother was home during at least part of the father's Paternity leave.

A substitute was seldom hired for a wage earner father on family leave. His tasks were most usually shared between his fellow workers. Especially among upper white-collar employees, it was usual that their work was taken care of by the fathers themselves either before, after or during the leave. Fathers considered a long absence from work to be difficult more often if their tasks were not transferred to other employees but they were themselves responsible for the tasks also during their family leave. On the other hand, white-collar employees, with more independent work than fathers in a blue-collar position and responsible for their own schedules, more often take even longer family leaves. The study indicates that fathers' use of different forms of family leave is connected to not only the ways in which work is organised but also to cultural conceptions of parenthood and gender prevailing at workplaces and in families.

Tervola J. (2018) *Supporting gender equality and integration. Immigrant families' child care choices in the Nordic policy context. Studies in social security and health* 149. Helsinki: Kela. Available at: <http://urn.fi/URN:NBN:fi-fe201804036299>

This PhD study investigates immigrant families' care choices and their determinants in Finland and Sweden. The study is based on comprehensive administrative register data, and the choices are observed from the take-up of different benefits. Economic and demographic factors are considered through regression analysis. Immigrant fathers in both Finland and Sweden show clearly lower take-up rates of Paternity and Parental leave than native-born fathers. Generally, though, the take-up rates of immigrant fathers are much higher in Sweden than in Finland, and the gap between the countries is largely traced back to differences in policy systems. However, the study also provides evidence that social norms play a role in fathers' Parental leave use, even between Finnish-born and Swedish-born fathers. Moreover, immigrant families' choices between child home care and day care follow the pattern previously found in some European and US studies. In Finland, with strong policy support for both home and day care, immigrant families take care of their children at home longer than native-borns. However, after the child turns three years, immigrants demonstrate an increasing preference for day care, even more so than native families. This may reflect immigrant-specific preferences for children's integration and language acquisition. All in all, it seems that care choices in immigrant families have many distinct features compared to the majority families. Nevertheless, this study provides evidence that care choices can be steered and family policy goals approached through efficient and consistent policies also among immigrant populations.

Weckström, S. (2018) *Views of Finnish mothers on childcare and labour market participation: a cross-European comparison. Turun yliopiston julkaisu – Annales Universitatis Turkuensis Sarja – Ser B 452. Turku: University of Turku. Available at: <http://urn.fi/URN:ISBN:978-951-29-7196-1>*

This PhD thesis examines childcare at home, work participation and unemployment from the viewpoint of mothers. In addition to the quality of life of the mothers, indications of neofamilialism are also examined. The aspects investigated are divided into four articles. Included in the first article are attitudes and behaviour related to the choice of home instead of work participation; in the second article, the perceived negative consequences of childcare at home on an occupational career; and in the third article, the perceived negative consequences of work participation on family domain roles. Also included in the third article is life satisfaction among working mothers and those staying at home. The self-assessed consequences of unemployment on wellbeing and on family life are investigated in the fourth article. With the exception of unemployment, the focus is on a European comparison. Of special interest are the differences and similarities between Finland and the two other Nordic countries included (Denmark and Sweden), which belong to the same welfare regime type but provide weaker access to very long family leave for mothers. The data used in the first three articles is based on the second round of the European Social Survey (ESS), conducted during 2004 and 2005, and the data regarding unemployment comes from a survey conducted by the University of Turku in 2000.

The Finnish mothers included in the investigation had stayed at home with their children for a relatively long time. In a cross-national comparison, their attitudes did not, however, appear familialistic. Mothers in only two – Sweden and Denmark – of the other 11 countries included here less commonly considered that a woman should be prepared to cut down on paid work for the sake of family. The results regarding unemployment further contradict the idea of (generalised) neofamilialism in Finnish

society. Finnish mothers did not report much detrimental effects related to childcare at home. Any negative consequences for an occupational career were perceived less commonly than in the other countries, and those mothers who took care of their children at home were satisfied with their life. Working mothers in Finland were also satisfied with their life, although out of these, the least satisfied were those whose work interfered with family roles. Negative perceptions regarding work in relation to family members were reported more often by Finnish mothers than by mothers in the other countries.

Despite the different routes regarding longer-term childcare leave, more similarities were revealed between Finland and the other two Nordic countries compared with Finland and the other European countries. Therefore, the idea that longer-term childcare leave differentiates Finland from the other two Nordic countries is not overall supported by the findings of this thesis.

c. Ongoing research

Finnish Childcare Policies: Inequality in Focus (2016–2020). University of Jyväskylä, University of Tampere and THL (National Institute for Health and Welfare). Funded by the Academy of Finland.

The project analyses the dualistic model of Finnish childcare policies in relation to issues of equality between regions, families, parents, children and genders. Contact: Maarit Alasuutari at maarit.alasuutari@jyu.fi and Johanna Lammi-Taskula at johanna.lammi-taskula@thl.fi

Father's uptake of family leaves (2018). Miia Saarikallio-Torp and Anneli Miettinen, KELA. Funded by the Social Insurance Institution (KELA).

A register-based study investigates fathers' use of family leaves, especially the father's quota, and patterns of take-up among fathers of children born in 2015. Since the latest family leave reform in 2013, fathers have been able to use their quota more flexibly, for example postpone it until the child turns two. The project provides information on which fathers do not use any parental leave at all as well as on the use and spreading of the father quota. Contact: Miia Saarikallio-Torp at miia.saarikallio-torp@kela.fi and Anneli Miettinen at anneli.miettinen@kela.fi.

Flexible care allowance and part-time work: which families make use of the new legislation (2018-2019). Anneli Miettinen and Miia Saarikallio-Torp, KELA. Funded by the Social Insurance Institution. (KELA)

The project studies families' childcare and part-time work choices using register data on children's participation in ECEC, parents' employment situation and use of care allowances. Contact: Anneli Miettinen at anneli.miettinen@kela.fi and Miia Saarikallio-Torp at miia.saarikallio-torp@kela.fi.

France¹

Danielle Boyer (Caisse nationale des allocations familiales) and **Jeanne Fagnani** (CNRS-IRES)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Congé de maternité*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave (before and after birth)

- Sixteen (16) weeks: at least three weeks before the birth, the remainder can be taken before or after. It is obligatory to take leave.

Payment and funding

- Hundred per cent of earnings, up to a ceiling of €3,311 a month. In the public sector, the leave is fully paid (i.e. there is no ceiling). In the private sector, some employers (particularly larger companies) pay in full, others do not.
- Funded from health insurance², financed by contributions from both employees and employers. The total amount of this contribution is 15.45 per cent of gross pay, including all social contributions, with employees contributing 2.35 per cent and employers 13.10 per cent

Flexibility in use

- Fourteen (14) weeks can be taken before or after birth

Eligibility (e.g. related to employment or family circumstances)

- All employees and self-employed workers.

¹ Please cite as Boyer, D. and Fagnani, J. (2018) 'France country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² The present social security system, including statutory health insurance, officially came into being with the Ordinance of 4 October 1945 which aimed to cover all the so-called 'social risks'. In 1967 social security was separated into four branches: health insurance (which represents the largest share of expenditures devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple or premature births, the length of leave increases to 22 weeks after birth (and 12 weeks before).
- Mothers having a third or higher order child receive 26 weeks of leave.

b. Paternity leave (*Congé d'accueil à l'enfant* – literally 'leave for looking after a child') (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave

- Two weeks (11 working days).

Payment and funding

- Payment and funding as for Maternity leave (see 1a).

Flexibility in use

- Leave must be taken within the four months following the birth.

Eligibility (e.g. related to employment or family circumstances)

- All employees and self-employed workers.

c. Parental leave (*Congé parental*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave

- Until the child reaches three years. Leave is an individual entitlement, i.e. both mother and father can take leave until the child is three years old, but only to a maximum period of 24 months to any parent.

Payment and funding

- A childcare allowance or childrearing benefit - 'PreParE' (*'Prestation partagée d'éducation de l'enfant'*) - is paid to all parents and is income-related and dependent on whether the recipient works and, if so, for how long. The basic benefit is €391 per month if not working; €253 per month if working less than half of full-time hours; and €146 per month if working 50 to 80 per cent of full time hours; a supplementary means-tested allowance, *Allocation de base*, is paid to lower income parents, increasing the benefit to €576, €438 or €331 respectively.
- For parents with a *single child*, *PreParE* is paid for six months maximum per parent after the end of the Maternity leave, i.e. to a maximum period of 12 months if both parents claim benefit, which can only be received if the parent receiving the benefit stops employment or reduces working hours. For parents with *two or more children* (under 20 years of age), *PreParE* can be paid until a child is three years old, but only for a maximum period of 24 months to any one parent, which means that the remaining 12 months can only be received by the other parent if he/she stops employment or reduces working hours.

- *PreParE* is paid by the local CAFs (*Caisse des allocations familiales*), the Family Allowance funds that are part of the social security system and provide a wide range of benefits for families with children. CAFs are financed by contributions from employers only, amounting to 5.4 per cent of gross wages, and not by employees unlike the Maternity and Paternity leaves that are funded from the health insurance scheme.
- Non-employed parents (including those taking leave) receive pension credits for childrearing: '*Assurance vieillesse du parent au foyer*' (Avpf) (see <http://www.caf.fr/aides-et-services/s-informer-sur-les-aides/petite-enfance/assurance-vieillesse-du-parent-au-foyer-avpf>). Avpf is paid by the local CAFs (*Caisse des allocations familiales*) to guarantee retirement rights to people who stop or reduce their professional activity to take care of one or several children or a handicapped person. This allowance is means-tested.

Flexibility in use

- Parents taking leave may work between 16 and 32 hours per week.
- Parents can take part-time Parental leave simultaneously and receive benefit at the same time from the *PreParE*, but the total amount of payment cannot exceed €392 Euros (unless eligible for the *Allocation de base*).

Eligibility (e.g. related to employment or family circumstances)

- All employees are eligible for Parental leave if they have worked at least one year for their employer before the birth of a child.
- Eligibility for *PreParE* becomes more restrictive the fewer children a parent has: for example, with three children the eligibility condition is to have worked for two out of the five years preceding birth (two out of the four years for parents with two children), but with only one child it is necessary to have worked without break for two years preceding birth.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents)

- Where a child is seriously ill or disabled, Parental leave (regulated by the Labour code) can be extended by a year.
- Lone parents are entitled to the full period of *PreParE*.

Additional note (e.g. if leave payments are often supplemented by collective agreements, employer exclusions or rights to postpone)

- Employers can refuse to let parents work part time if they can justify this on business grounds.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Every employee is eligible for an unpaid leave (*Congé de présence parentale*) to care for a sick child under the age of 16 years. Legally, periods of leave cannot exceed three days per year (or five days in specific cases), but this is a minimum and most collective agreements have special arrangements, as in the public sector where employees can take 14 days a year to care for a sick child.
- *Allocation journalière de présence parentale (AJPP)*: in cases of a serious disability or illness of a child under 20 years, every employee with at least one year of employment with an employer is entitled to paid leave to care for her/his child, or to work part time, for a period of up to three years. The allowance is paid for a maximum of 310 days over the three years period, and the level of the allowance depends on the duration of work in the enterprise and on the family structure; in couples, the amount is €43.01 per day if one parent stops work completely; and €51,11 for a lone parent. A similar period of leave is possible for employees who need to care for a relative at the end of life, either a child or a parent living in the same house.

Flexible working

- No statutory entitlement. Employees in the public sector are entitled to work part time for family reasons. The 'family tax credit' (*Crédit d'impôt famille, CIF*), introduced in 2004, is a financial incentive provided to companies to encourage them to develop family-friendly initiatives for their employees. The CIF stipulates that 25 per cent of related expenses are deductible from taxes paid by the company up to a ceiling of €500,000 per year and per company. As of January 2010, eligible expenses can no longer include training programmes for employees on Parental leave and supplements paid to employees taking various forms of child-related leave.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of parental leave available in France is three years, but most of this is low paid; leave paid at a high rate (Maternity leave) lasts for less than four months. Since 1989 there is an entitlement to ECEC from three years of age (and obligatory from September 2018): the French Education code states that 'every child upon reaching the age of three has the right to attend a nursery school located as close as possible to his or her residence if her or his family claims a place'. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than two-and-a-half years between the end of well-paid leave and an ECEC entitlement if we do not consider the large variety of other solutions on early childcare (childminders, EAJE). Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

Almost all mothers take up Maternity leave, which is obligatory, although the length of leave taken varies, with women in higher status employment taking less leave.

b. Paternity leave

Around two-thirds (62 per cent) of eligible fathers have taken leave in 2016.

c. Parental leave and childrearing benefit

It is impossible to calculate the number of parents on Parental leave because employers are not required to provide information about take-up. Statistics are limited to childcare allowance (*PreParE*), and it is not possible to find out how many recipients are also on Parental leave.

In 2016, 410,600 families (i.e. 455,200 children under three years) received the *PreParE*. Research provides evidence that women make up 98-99 per cent of parents taking leave, and there has been little change since the introduction of *PreParE*; in December 2016, only 4.4 per cent of benefit recipients were men. Research also suggests that mothers who were in employment just before taking Maternity leave are more likely to claim *PreParE* if they are entitled to Parental leave because they have a job guarantee. With high unemployment, most working mothers who are not entitled to Parental leave cannot take the risk of losing their job unless their partner has secure employment.

Mothers are more likely to claim Parental leave and *PreParE* when they face demanding working conditions, for example atypical/non-standard working hours or 'flexible' hours imposed by employers. It has been hypothesised that one of the factors explaining the high take-up of these entitlements is the deterioration in working conditions in recent years. From this perspective, taking Parental leave with *PreParE* is one way to escape a job with difficult working conditions that create difficulties for workers trying to combine paid and unpaid work.

A number of factors help to explain why fathers are so reluctant to claim Parental leave, including: the unequal gender distribution of domestic and child-raising tasks within the family still persisting in France; traditional value systems; in most couples, the man earning more than the woman; and a workplace culture in the private sector that makes it difficult for a man, in particular at management level, to take Parental leave. The small number of fathers who take childcare allowance full time are mostly blue-collar workers or employees with a stable job beforehand. Compared to fathers who do not take Parental leave, they are more likely to work in female-dominated sectors and to have partners with a higher level of education, a higher status job and higher earnings. Besides, the majority of fathers on Parental leave take it on a part-time basis.

The number of parents receiving a childcare allowance has been decreasing, falling from 609, 000 in 2006 to 410,600 by the end of December 2016 and the majority of beneficiaries receive full rate childrearing benefit (51 per cent)³. The proportion of childcare allowance paid to parents who choose to work part-time during Parental leave has gone up, though it remains less than the amount paid to those who stop working completely. This financial incentive has, therefore, proven its efficiency and has sharply increased the number of recipients working part time while receiving the benefit.

³ Observatoire National de la Petite Enfance, CNAF, 2017.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Only a few studies recently have addressed this issue.

b. Selected publications since April 2017

Boyer D (ed.) (2017) *L'accueil du jeune enfant en 2016. Données statistiques, observatoire national de la petite enfance*. Paris : CNAF. Available at:

http://www.caf.fr/sites/default/files/caf/741/Accueil_jeune_enfant_2013.pdf

This report coordinates and synthesizes all the scientific data on family-work balance in France, with extensive information on maternal employment and the usage of different types of ECEC service and Parental leave.

Boyer D., Crépin A. (2017) *Baromètre d'accueil du jeune enfant 2017, L'e-ssentiel*, n° 179. This paper presents results from a third survey of families with young children, including those on Parental leave, and covers actual and desired usage of ECEC provisions.

Available at <http://www.caf.fr/presse-institutionnel/recherche-et-statistiques/publications/l-essentiel>

HCFEA (*Haut Conseil de la famille de l'enfance et de l'âge*) ((High Council for Family, Children and Seniors) (2017) *Disposer de temps et de droits pour s'occuper des enfants, de sa famille et de ses proches en perte d'autonomie*, [Having time and rights for taking care of children, family and dependent relatives]. Available at :

http://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/hcfea_rapport_synthese_transversal_12012018.pdf

Math, A. (2017) *Panorama des congés destinés aux parents en Europe [Overview of Parental leave schemes in Europe]* Working Paper, IRES, n°3. Available at : <http://www.ires-fr.org/etudes-recherches-ouvrages/documents-de-travail-de-l-ires/item/5532-n-03-2017-panorama-des-conges-destines-aux-parents-en-europe>

This working paper provides a review of leave for parents in the countries of the European Economic Area. Leave granted to parents is one of the so-called reconciliation measures between private and professional life, and raises questions concerning equality between women and men in the professional sphere as well as in the domestic and parental sphere. This paper first compares the characteristics of the main leaves for parents, distinguishing between Maternity leave, Paternity leave or other leave of absence for fathers and Parental leave. It shows the great diversity of existing provisions as regards their eligibility conditions, their duration, their remuneration and their degree of flexibility. The working paper then proposes a typology of countries distinguishing national leave systems according to various characteristics.

c. Ongoing research

None reported.

Germany¹

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April 2018

NB. Germany is a federal state.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology: German legislation (*Bundeselternzeit- und Elterngeldgesetz (BEEG)*) differentiates two dimensions of Parental leave: ‘*Elternzeit*’ refers to job protection rights and the right to work part-time; ‘*Elterngeld*’ and ‘*ElterngeldPlus*’ to Parental leave benefits

a. Maternity leave (*Mutterschutz*) (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

Length of leave (before and after birth)

- Fourteen (14) weeks: six weeks before the birth and eight weeks following the birth. It is obligatory to take the eight weeks leave after birth.
- From the twelfth week of pregnancy until four months after the birth of a child (also stillbirth), mothers are protected from job dismissal.

Payment and funding

- One hundred per cent of earnings (of the mean income in the three months before maternity leave), with no ceiling on payments.
- Maternity leave benefits (*Mutterschaftsgeld*) are usually paid by the mother’s health insurance (€13 per day)². and the mother’s employer, who – if applicable – covers the difference between the money provided by the health insurance and the mother’s previous earnings. The benefits are paid direct to the mother by the employer, who can apply for reimbursement at the responsible health insurance institution
- Benefits for mothers with an income below €390 per month are paid by the mother’s health insurance alone and match their prior income.

¹ Please cite as: Reimer, T., Erler, D. and Blum, S. (2018) ‘Germany country note’, in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Since 2006 employers have to pay a contribution to the mother’s health insurance, amounting of approximately 0.2 per cent (the particular amount is assigned by the health insurance) of the gross pay of their female workers (*Umlageverfahren 2*).

- Mothers receiving unemployment benefits are also eligible to paid Maternity leave benefits by their health insurer, which match their unemployment benefit.
- Self-employed and non-employed women receive no Maternity leave benefit if they have no public health insurance. However, they may apply for up to €210 per month paid by state social security.

Flexibility in use

- Women may continue with paid work or education until the birth of a child if they explicitly declare that it is their personal decision to do so. During the period of Maternity leave after birth, however, in general no paid work is allowed for reasons of health protection. Only women with stillbirth may continue after two weeks if it is their personal decision and if there are no medical concerns.

Eligibility (e.g. related to employment or family circumstances)

- All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €450 per month) as well as female students and pupils and women working in voluntary work. Self-employed workers are not eligible if they have no public health insurance.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple births, premature births and children born with disabilities the length of leave increases to 12 weeks after birth, plus Maternity leave days that could not be taken before birth in the case of a premature birth.
- In certain circumstances (e.g. death or chronic illness of the parent), other relatives living with the new-born child may receive the benefit.

b. Paternity leave

No statutory entitlement³.

c. Parental leave (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

Length of leave ('Elternzeit')

- Up to three years after childbirth for each parent, of which 24 months can be taken up to the child's eighth birthday. This is an individual entitlement and non-transferable. It provides parents with employment protection rights during this period.

Payment and funding ('Basiselterngeld' / 'ElterngeldPlus')

- An income-related benefit is paid if a parent takes full-time or part-time leave. Parents can choose between (or successively combine) two types of leave benefit payments: *Basiselterngeld* and *ElterngeldPlus*.

Basiselterngeld

³ However, many German fathers use some of their Parental leave entitlements directly after birth, in a manner similar to Paternity leave.

- Replaces a proportion of former income, if parents take leave to care for their child/ren
- Duration: paid for a period of 12 (+2) months after the child is born
- 'Partner months' (*Partnermonate*): two bonus months are paid if both parents take at least two months of leave
- Income replacement rate: paid at a level of 65 per cent⁴ of last years' net earnings⁵ with a minimum of €300 per month and a maximum of €1,800 per month
- Flexibility in use: Parents can choose to work part-time (up to 30 hours)
- Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *Basiselterngeld* benefit period available to employed mothers to 10 months

ElterngeldPlus

- Replaces a proportion of the loss in income, if parents reduce their working hours to care for their child/ren
 - Duration: paid for a period of 24 (+4) months and may be used in the first two years after childbirth
 - Partnership bonus (*Partnerschaftsbonus*): four bonus months are paid if both parents work at least in four subsequent months in part-time with 25 to 30 hours a week
 - Income replacement rate: paid at a level of 65 per cent (see footnote 2) of last years' net earnings (see footnote 3) for lost earnings due to part-time, at most 50 per cent of *Elterngeld* payments, i.e. between a range of €150 and €900
 - Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *ElterngeldPlus* benefit period available to employed mothers to 22 months
- Parental leave entitlements are individual entitlements and both parents can receive their Parental leave benefits at the same time.
 - Parents who are not working before birth are eligible to receive the minimum rate of €300 per month. Parents who are long-term unemployed are not eligible for additional payments with parental benefits, as it is credited against social assistance payments.
 - There is a supplementary payment for parents with more than one young child (*Geschwisterbonus*): If there are two children under the age of three years, or three or more children under the age of six years in the household, the parental benefit is increased by 10 per cent (at least €75 per child for *Basiselterngeld* or €37.50 for *ElterngeldPlus*).
 - For parents of multiple births, a supplementary payment of either €300 (*Basiselterngeld*) or €150 (*ElterngeldPlus*) per month is paid per additional child
 - The *Basiselterngeld* and *ElterngeldPlus* are funded by the federal government, through general taxation.

⁴ Parents with a previous net income between €1,000 and €1,240 per month receive benefits at a rate of 67 per cent and parents with previous income from €1,240 and higher receive benefits at a 65 per cent rate up to the ceiling of €1,800 per month for the 'parental benefit' (*Elterngeld*) payment. Parents with a net income of less than €1,000 per month receive an increased benefit: for every €2 their monthly earnings are below €1,000, their parental benefit increases by 0.1 per cent. For parents with monthly incomes above €1,240, on the other hand, the income replacement rate is reduced: for every €2 their monthly earnings exceed this sum, their parental benefit decreases by 0.1 per cent to a minimum rate of 65 per cent.

⁵ The net earnings are estimated with fixed social security reduction rates, calculated on the individual's former gross earnings.

- Mothers (or fathers if they are the main caregiver) receive pension credits for childrearing time (*Kindernerziehungszeit*) even if they do not make use of Parental leave. For each child born after 1 January 1992, three years of childrearing (two years for children born beforehand) are recognised in the pension system. Each year of recognised childrearing time entails a monthly pension increase of €28.14 in Western and €25.74 in Eastern Germany. Pension credits for childrearing are currently paid through Germany's contribution based pension system.

Flexibility in use

- Parents can choose between *Elterngeld* and *ElterngeldPlus* or combine both types of leave.
- Recipients of *Elterngeld* and *ElterngeldPlus* may work up to 30 hours a week. Then, however, they only receive parental benefit for the *lost* income: That is, if a parent e.g. worked 40 hours weekly before taking Parental leave, and continues working 30 hours thereafter, s/he receives 65 per cent of the margin between the present and the former income in addition to her/his employment income.
- Both parents are entitled to take leave at the same time and both can take up to two leave intervals.

Regional or local variations in leave policy

- Parental leave legislation is federal. However, two federal states (Bavaria and Saxony) pay a means-tested parental benefit (*Landeserziehungsgeld*) extended to the third year of Parental leave, ranging from €150 to €300 per month and child. For more information, see 1d below.

Eligibility (e.g. related to employment or family circumstances)

- Parental leave (*Elternzeit*): all parents gainfully employed at the date of birth.
- Parental benefit (*Basiselterngeld & ElterngeldPlus*):
 - all parents not employed more than 30 hours a week
 - parents have to live in the same household with the child
 - other persons who take over the care, when parents are ill, disabled or dead
 - adoptive parents and foster parents
 - parents with a net income equal to or less than €500,000 or a single parent with equal or less than €250,000 income
 - citizens of the EU, EWR and Switzerland if they are employed in Germany or live in Germany (According to EU legislation)
 - citizens of other countries with a permanent residence permit or with a working contract in Germany. Asylum seekers are eligible after having lived in Germany for at least three years.
- Self-employed parents are eligible for leave and benefit, as are same-sex couples.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- Grandparents are entitled to unpaid Parental leave if their child, i.e. the parent of their grandchild is younger than 18 years or if the parent is still in education or vocational training.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Many collective and individual company agreements allow parents to utilise their Parental leave entitlement within 12 years or, in the public sector, within 18 years after childbirth.

d. Childcare leave or career breaks

Until July 2015, a cash-for-care benefit (*Betreuungsgeld*) of €150 per month was paid to parents who care for their one and two-year-old children at home and/or do not make use of public childcare facilities. However, the German Constitutional Court declared the *Betreuungsgeld* legislation was incompatible with federal law. However, in two federal states, Bavaria and Saxony, cash-for-care allowances (*Landeserziehungsgeld*) are still granted, available from the 13th month after childbirth and until the child's 3rd birthday. The benefits are paid in addition to other social benefits but not at the same time with Parental leave benefits. In Bavaria, parents get income-related payments up to €150 for the first child (for 6 months), up to €200 for the second and up to €300 for the third and further children (for up to 12 months), capped at €34,000 net household income (€31,000 for single parents; increasing for each additional child by €4,440). They are paid under the condition that parents take their children to health check-ups. In Saxony, parents receive *Landeserziehungsgeld* if they declare they will not use childcare facilities during the second and/or the third year after birth. Parents get income-related payments up to €150 for the first child, up to €200 for the second and up to €300 for the third and further children. Beginning at a net household income of €17,100 (€14,100 for single parents), payments are successively reduced.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- In case of sickness of a child (below 12 years of age) working parents with statutory health insurance (not parents with private health insurance) may each take up to ten days of leave per child (20 days for a single parent), receiving 80 per cent of earnings from their health insurer with no ceiling. The maximum annual leave period per working parent is 25 (50) days a year, even in case of three or more children.
- A relative of a care-dependent person is entitled to ten days of short-term leave if that person has an unexpected illness, as well as six months of long-term care leave. Both entitlements are unpaid.
- During pregnancy and during Parental leave mothers are protected by law against dismissal. Fathers are protected against dismissal during Parental leave, plus eight weeks before their leave period starts.
- *Pflegezeit* (caring time) entitles employees with care-dependent relatives to apply for up to ten days of paid leave (over a care-dependent's life-time) at 90 percent of their income; a medical certification of care-dependency is required and the wage replacement is financed by the public long-term care insurance. Moreover, employees with care-dependent relatives are entitled to take up to six month of full or partial unpaid caring time. During this period employees have the legal right to receive an interest-free loan from the Federal Office for the Family and Civil Engagement in order to compensate for their lost income. *Pflegezeit* does not require the consent of employers.

- *Familienpflegezeit* (family caring time) permits employees, for a period of up to two years, to reduce their working time to a minimum of 15 hours, if they need to care for a dependent relative. During this period employees are paid a lower income, though the reduction in income is less than the reduction in hours; employees repay the difference by receiving the same amount of reduced earnings for an equivalent period after returning to full-time employment. For example, if employees reduce their working time from 100 to 50 per cent for two years, they will receive 75 per cent of their income during that time and for a further two years after returning to full-time work again. The compulsory long-term care insurance covers additional pension contributions during the caring time if care is given for at least 14 hours and employment is limited to a maximum of 30 hours per week. Since January 2015 *Familienpflegezeit* is a legal entitlement for employees, if they continue to work for at least 15 hours per week.

Flexible working

- Working mothers have a right to 60-90 minutes for breastfeeding per day. This time has to be fully paid. For homeworkers, 75 per cent of earnings have to be paid, at least €0.38 per working day.
- During three years after *Elternzeit*, a parent has the right to reduced working hours of 15-30 per week (calculated as monthly average). This applies to employers with more than 15 employees.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Germany is three years, but most of this is unpaid; leave paid at a high rate runs for 12 months, plus two more months if at least two months leave is taken by each parent. From August 2013, there has been a legal entitlement to ECEC for all children from the age of one year (before then, the entitlement for all children, i.e. independent of an employment of the parents, only began at three years of age). Thus, there is no gap between the end of well-paid leave and an ECEC entitlement. The entitlement, however, does not specify hours per day or per week; many services in Western Germany still do not offer opening hours that allow for a full-time employment (of both parents), while full-time opening has remained the norm in Eastern Germany.

Levels of attendance at formal services for children under three years are at about the average for the countries included in this review and OECD countries; but well above the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

In 2016⁶ nearly 720,000 children under the age of three were in day-care. In contrast, a demand of 780,000 places in day-care are the estimated demand. 32.7 per cent of children up to three years were in day-care, 85.4 of those in day-care centres (*Kindertagesbetreuung*) and 14.6 per cent in private day-care (*Tagespflege*). 2.5 per cent of children up to one year old were in day-care, 36.1 per cent of children between one and two years and 60.6 per cent of children between two and three years old. Still there is a considerably gap between East Germany and West Germany: Whereas in East Germany 66.2 per cent of children between one and up to two years old were in day-care facilities, the percentage in West Germany was at a level of 28.8 per cent.

⁶ Reference date December 2016 (https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/KinderJugendhilfe/KindertagesbetreuungRegional5225405167004.pdf%20?__blob=publicationFile)

3. Changes in policy since May 2017 (including proposals currently under discussion)

A change in Maternity leave legislation was passed in 2017, to be implemented in January 2018 (with the exception of job protection after miscarriage and the extended leave for mothers with a disabled child, which are already effective since April 2017). The new legislation includes:

- protection from job dismissal if employee has a miscarriage after the third month of pregnancy
- employers' duty to assess the exposure to hazards for pregnant employees
- work prohibition only in cases where hazards for pregnant women at their workplace cannot be managed by a new organization of the workplace
- pregnant employees only have a working permission if such an assessment has been made and the results reveal no potential hazards ('*unverantwortbare Gefährdungen*') to the employee
- working hours during pregnancy after 8 pm and on weekends have to be authorised by the authorities

4. Take-up of leave

a. Maternity leave

There is a 100 per cent take-up as it is prohibited to work for eight weeks after birth.

b. Paternity leave

No statutory leave entitlement.

c. Parental leave and Parental benefit

In 2015, 24.1 per cent of mothers with children below the age of six years were on Parental leave (*Elternzeit*), compared to 1.5 per cent for fathers. The proportion of parents on Parental leave is higher when the youngest child is below the age of three years: 41.6 per cent of mothers, and 2.5 per cent of fathers⁷.

Parents with children born after 1 July 2015 are entitled to choose between *Elterngeld* and *ElterngeldPlus*. Among all Parental leave applications in the fourth quarter of 2017, 69.7 per cent concerned *Elterngeld* and 30.3 per cent *ElterngeldPlus*, from which 5.5 per cent were paid as part of the *Partnerschaftsbonus* regulation.

Among all monthly Parental leave benefit payments in the fourth quarter of 2016, 53.8 per cent were calculated on former earnings through gainful employment. In 24.1 per cent of all cases, payments were at the level of the minimum entitlement of €300, and 20.2 of payments were made on the basis of a wage replacement rate of up to 100 per cent of former earnings. Additional payments for several children in a family (*Geschwisterbonus*) were made in 22.5 per cent of all payments; payments for multiple births were received in two per cent of payments. The average (mean) wage replacement rate was €742 per month (*Elterngeld*: €857; *ElterngeldPlus*: €478). Mothers received on average €688 (*Elterngeld*: €791; *ElterngeldPlus*: €473) and fathers €1,084 (*Elterngeld*: €1201; *ElterngeldPlus*: 544). In

⁷ Destatis (2017) *Personen in Elternzeit [Persons in Parental leave]*. Available at: https://www.destatis.de/DE/ZahlenFakten/Indikatoren/QualitaetArbeit/Dimension3/3_9_Elternzeit.html

the fourth quarter of 2016, 13.6 per cent of Parental leave (in months) and 19.8 per cent of Parental leave (of total payments) were received by fathers⁸.

The 2007 Parental benefit reform had the explicit aim to raise the take-up of leave by fathers, and recently published data by the Federal Statistics Office⁹ show that the proportion of fathers taking parental benefit has risen significantly and steadily since its introduction in 2007. For births in the second quarter of 2015, parental benefit was taken up by 35.7 per cent of fathers (compared to 3.5 per cent of fathers in 2006, before the new legislation); however, there were substantial regional variations amongst the federal states, from only 24.5 per cent in Saarland to 46.7 per cent in Saxony¹⁰. The mean duration of Parental leave benefit use by fathers in 2014 who took any leave benefits was 3.1 months (compared to mothers' mean of 11.6 months). The Parental benefit reform therefore has been successful in raising the take-up of leave by fathers, although 78.9 per cent took no more than their individual two month entitlement (compared to 0.9 per cent of mothers); by contrast, only 6.1 per cent of fathers in this period took 11-12 months of Parental leave benefits (compared with 90.1 per cent of mothers). The fathers' overall share of Parental leave benefit months for children born in 2014 was 8.7 per cent¹¹.

d. Childcare leave or career breaks

In the fourth quarter of 2016, there were 131,386 recipients of the cash-for-care benefit 'Betreuungsgeld'; 94.8 per cent of the monthly benefit was paid to mothers and 90.9 per cent are expected to receive payments for the maximum take-up period of 22 months¹².

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Since the implementation of new Parental leave legislation in 2007 many studies have been conducted to analyse accompanied changes in the gender division of labour between the sexes, i.e. Parental leave uptake and employment behaviour of parents. For the analyses

⁸ Destatis (2017) own calculations. Data available at: <https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj.html>

⁹ Statistisches Bundesamt [Federal Statistical Office] (2017) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im 4. Vierteljahr 2014 geborene Kinder [Statistics on parental allowance. Completed performance bonuses for children born in the fourth Quarter of 2014]*. Wiesbaden: Statistisches Bundesamt. Available at: https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj5229208143234.pdf?__blob=publicationFile

¹⁰ Destatis (2017) *Elterngeld - Beendete Leistungsbezüge für Geburtszeiträume - Länder, Geburten, Väterbeteiligung am Elterngeld für im Jahr 2014 geborene Kinder [Completed Parental leave benefits for births in 2014]*. Available at: <https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Soziales/Sozialleistungen/Elterngeld/Tabellen/GeburtenVaeterbeteiligungJahr2014.html>

¹¹ Destatis (2017) own calculations. Data available at: <https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj.html>

¹² Destatis (2017) https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj5229208143234.pdf?__blob=publicationFile

often German panel data (German Socio-economic Panel) and data of the Federal Statistical Office are used.

b. Selected publications since April 2017

Auth, D. and Martinek, H. (2017) 'Social Investment or Gender Equality? Aims, Instruments, and Outcomes of Parental Leave Regulations in Germany and Sweden', in: D. Auth, J. Hergenhan and B. Holland-Cunz (eds.) *Gender and Family in European Economic Policy*, Springer, pp. 153-176.

In this article, Parental leave reforms in two different welfare states and care regimes, Sweden and Germany, are compared in the context of varying paradigms: social investment and gender equality. Starting with theorizing these two approaches, the authors develop an analytical framework of the overlaps and differences between them. They then empirically analyse paid Parental leave reforms since the turn of the millennium: the first, in Sweden, which is the prototype of a two-earner/carer model, and then in Germany, a (modernized) male breadwinner model. While gender equality aims dominate Swedish parental leave politics, the social investment strategy is more prominent within German policy debates. The actual design of policy instruments, however, shows less clear differences as the parental leave policies are influenced by a mixture of the two paradigms in both countries. In our conclusion, we interpret our empirical findings with regard to social policy traditions and trajectories.

Bergemann, A. and Riphahn, R.T. (2017) *Maternal Employment Effects of Paid Parental Leave*, *DIW SOEPpapers 900*. Available at:

https://www.diw.de/documents/publikationen/73/diw_01.c.554240.de/diw_sp0900.pdf

This study assesses the short, medium, and longer run employment effects of a Parental leave reform in Germany. In 2007, a means-tested monthly lump-sum Parental leave benefit for up to two years was replaced by an income related transfer payment for up to one year. The reform generated winners and losers with heterogeneous response incentives. The study finds that the reform speeds up the labour market return of both groups of mothers after benefit expiration. Since the reform in 2007, the average paid leave period of mothers before returning to the labor declined by 10 months. The authors argue that such substantial reform effects are also the result of changing social norms and increased preference of mothers for economic independence.

Hübener, M., Kühnle, D. and Spieß, K. (2017) *Paid parental leave and child development: Evidence from the 2007 German parental benefit reform and administrative data*. *DIW Discussion Papers 1651*. Available at:

<https://www.econstor.eu/bitstream/10419/156143/1/882065335.pdf>

This paper examines the effects of a substantial change in publicly funded paid Parental leave in Germany on child development and socio-economic development gaps. For children born before January 1, 2007, Parental leave benefits were means-tested and paid for up to 24 months after childbirth. For children born thereafter, these benefits were earnings-related and only paid for up to 14 months. Higher-income households benefited more from the reform than low-income households. The authors study the reform effects on children's language skills, motor skills, socio-emotional stability, and school readiness using administrative data from mandatory school entrance examinations at age six and a difference-in-differences design. They find no impact of the reform on child development and socio-economic development gaps. The results suggest that even substantial changes in Parental leave benefits are unlikely to impact children's development. These findings are consistent with recent studies showing that temporary unrestricted transfers and maternal part-time employment have a limited impact on parental investments in their children.

Menke, K. and Klammer, U. (2017) Mehr Geschlechtergerechtigkeit – weniger soziale Gerechtigkeit? Familienpolitische Reformprozesse in Deutschland aus intersektionaler Perspektive. [More gender equality – less social equality? Family policy reform processes in German from an intersectional perspective], *Sozialer Fortschritt*, No. 66: 213-228.

In recent years, German family policy has been subject to major reforms. The changes have even been called a “paradigm shift” and their implications are subject to controversial discussions. While some welcome the latest family policy reforms because of their assumed effects on gender equality, criticism is articulated by others referring to the selectivity of the reforms: their effects for mothers and fathers differ significantly depending on their position on the labour market, individual income and migrant or residence status. This article deals with the emerging conflict between gender, class and ethnicity. The question is whether family policy is confronted with the dilemma of implementing policies that either promote gender equality or other categories of social equality. Within the scope of an intersectional sensitive policy analysis the authors investigate the impact German family policy may have on parents’ choices, considering their social positioning. The range of mothers’ and fathers’ choices over their life course is our benchmark.

Peltz, K., Streckenbach, L. A., Müller, D., Possinger, J. and Thiessen, B. (2017) “Die Zeit kommt nicht wieder“: Elterngeldnutzung erwerbstätiger Väter in Bayern’ [“Time that never returns“: Working fathers taking parental leave benefits in Bavaria’], *Zeitschrift für Familienforschung*, Vol.29, No.1: 114-135.

The popularity of the ‘Elterngeld’ – the current parental allowance legislation in Germany – is growing considerably among fathers. By means of a multiple-method research approach, the influence of employment on paternal leave patterns is investigated through the example of Bavaria – a federal state that has a particularly high rate of fathers taking Parental leave. Contextual factors that might influence fathers’ involvement at the district level are investigated based on aggregated regional data using linear regression. The research shows that a low rate of unemployment, job opportunities for highly qualified workers and an equitable balance in the participation of women and men in working life correlate with a higher rate of fathers’ use of leave. Individual rationales for taking Parental leave are reconstructed on the basis of problem-focused interviews with Bavarian fathers and couples during leave. The analysis reveals that, besides financial considerations, the emotional attachment to working life is of great importance for the decision of fathers taking Parental leave. Even though the high income level in Bavaria is not – differently than previously assumed – crucial for the extensive use of ‘father months’, the findings confirm the overall importance of employment and the income level of both parents for the fathers’ decision on taking Parental leave.

Reimer, T. (2017) ‘Measuring German Fathers’ Involvement in Childcare’, *Men and Masculinities*, Vol.20, No.5: 588-608.

In fatherhood research, there is an ongoing question of how to measure fathers’ engagement in childcare. Recent studies mainly use (1) the amount of time spent on childcare and/or (2) the use of paid Parental leave as core indicators of paternal involvement. To examine how these two indicators of fathers’ engagement have to be understood differently, this study juxtaposes the determinants of these indicators, also differentiating between absolute and relative (i.e., compared to their partner) measures. Four negative binomial regression models are conducted with German Socio-Economic Panel data on 712 fathers with a child born between 2007 and 2013. The results indicate that there are distinct relationships behind the four different measures of fathers’ engagement. Fathers’ absolute and relative time for childcare is mostly explained by other time-use measures and a couples’ employment participation. With regard to fathers’ Parental leave use, the absolute rather than the relative measures might be more suitable to explain fathers’ constraints to take up Parental leave that are aligned to their work situation.

Unterhofer, U. and Wrohlich, K. (2017) *Fathers, parental leave and gender norms*, DIW Discussion Papers 1657. Available at:

https://www.diw.de/documents/publikationen/73/diw_01.c.555916.de/dp1657.pdf

Social norms and attitudes towards gender roles have been shown to have a large effect on economic outcomes of men and women. Many countries have introduced policies that aim at changing gender stereotypes, for example fathers' quota in Parental leave schemes. In this paper, the authors analyse whether the introduction of the fathers' quota in Germany in 2007, which caused a sharp increase in the take-up of leave by fathers, has changed the attitudes towards gender roles in the grandparents' generation. To this end, the authors exploit a quasi-experimental setting of a 2007 reform and compare grandparents whose son had a child born before the 2007 Parental leave reform to grandparents whose son had a child born afterwards. The results suggest that such policy programmes not only induce direct behavioural responses by the target group but also have indirect effects on non-treated individuals through social interaction and can thus change attitudes towards gender roles in a society as a whole.

Blum, S. and Dobrotić, I. (2018) Wer hat Zugang zu Elterngeld? Soziale Rechte und Anspruchsbedingungen in vergleichender Perspektive [Who has access to Parental-leave benefits? Social rights and eligibility in comparative perspective], *Sozialer Fortschritt*, 8/9, pp. 667-687.

There is limited knowledge about eligibility for leave benefits in general, and about leave rights of parents less securely attached to the labour market in particular. Consequently, social inequalities in access to leave benefit rights remain hidden, which may be particularly pronounced in countries where a certain duration or form of employment is a principal condition to exercise leave rights. In this article, an innovative conceptual framework based on the social rights literature is developed, which takes into account how access to Parental leave benefits is granted (in-)dependent of labour market position. Four ideal types are presented: the universal parenthood model, the selective parenthood model, the universal adult-worker model, and the selective adult-worker model. Finally, we these types are illustrated with three country case of Parental leave systems: Germany, Belgium, and Croatia.

c. Ongoing research

Care-Praxen von Vätern in Bayern. Fürsorgeverhalten und Paardynamiken bei der Nutzung des Elterngelds [Care practices of fathers in Bavaria. Care and couple dynamics during parental leave] (2015-2018). Prof. Barbara Thiessen and Kathrin Peltz, Hochschule Landshut

This project analyses how fathers engage in childcare during and after Parental leave use and examines their motivation to take Parental leave. A particular focus is on couples' negotiation processes. Both quantitative and qualitative methods are applied. Contact: Barbara Thiessen at barbara.thiessen@haw-landshut.de.

Greece¹

Evi Hatzivarnava-Kazassi and **Maria Karamessini** (Centre for Gender Studies, Panteion University)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on leave information: the information given below is based on: (i) leave arrangements for employees in the private sector that are covered by legislation and the National General Collective Agreements (NGCA) signed between the most representative national employers' organisations (SEV, GSEVEE, ESEE, SETE) and the General Confederation of Labour, which set the uniform minimum provisions for all workers in the private sector²; (ii) leave arrangements for public sector employees that are covered by basic laws and the Code for Civil Servants and relevant legislation.

i. Private sector (responsibility of the Department of Labour, Social Security and Welfare)

a. Maternity leave (Basic leave – Άδεια Μητρότητας; Special leave for the protection of maternity – Ειδική Άδεια για την Προστασία της Μητρότητας)

Length of leave (before and after birth)

- Basic leave: 17 weeks: eight weeks must be taken before birth and nine weeks after birth. It is obligatory to take leave.
- Special leave: six months, granted after the basic Maternity leave and before the beginning of the use of flexible working (reduced hours of daily work).

Payment and funding

- Basic leave: 100 per cent of earnings, on the condition that these do not exceed those granted to insured persons who belong to the highest insurance class of IKA, the

¹ Please cite as: Hatzivarnava-Kazassi, E. and Karamessini, M. (2018) 'Greece country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Provisions on leave arrangements are also included in other kinds of Collective Labour Agreements (i.e. sectoral, professional, enterprise), which are signed between Employers and Confederations of large sub-sectors of the economy such as the bank sector or enterprises of the wider public sector such as the electricity company. Due to the fact that such Agreements cannot include worse provisions than the minimum standards included in the National General Collective Agreement, they usually have improved provisions for working parents.

social insurance fund of all employees working under private law contracts, i.e. in effect, there is a ceiling on payment. The leave is funded by IKA and OAED, the Manpower Employment Organisation which is, *inter alia*, the social insurance fund for income protection against unemployment.

- Special leave: minimum daily wage agreed in the National General Collective Agreement and lately determined by law, as well as social insurance coverage. It is funded by OAED.
- Maternity leave (both basic and special) is fully insured and gives entitlement to full pension rights.

Flexibility in use

- Basic leave: none except for when leave can start. If birth takes place before the time envisaged, the rest of the leave can be granted after birth so long as the total time taken remains 17 weeks.
- Special leave: if the parent, with the employer's agreement, makes use of the right to take a continuous time off work instead of working reduced hours (see 1ie), then the 'special leave for the protection of maternity' is taken after this leave.

Eligibility

- Basic leave: to ensure full compensation, 200 working days during the previous two years, irrespective of whether on a fixed term or permanent contracts. Mothers acquiring children through surrogate motherhood are also entitled to receive the post-natal part of leave.
- Special leave: those insured in IKA-ETAM (the largest Social Insurance Fund) with fixed term or permanent contracts. Mothers acquiring children through surrogate motherhood are also entitled to receive this leave.
- Self-employed women, who are directly insured in the Social Security Fund for the Self-Employed (OAEE) and the United Fund for the Self-Employed (ETAA) and who are fully covered for medical and pharmaceutical care at the time of the child's birth, are entitled to get a monthly payment for four months due to pregnancy and maternity. In the first case the benefit is €150 per month while in the second case it is €200 per month. The benefit is granted in a lump sum following an application by the insured mother after the date of birth. The payment is made by the above Funds from their own budgets. No other leave rights are available for self-employed parents. Self-employed surrogate mothers, mothers acquiring children through surrogate motherhood and mothers that adopt children up to two years of age are also entitled to receive this benefit.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None.

b. Paternity leave (Άδεια Γέννησης Τέκνου)

- Two working days at the time of the child's birth, paid by the employer.

c. Parental leave (Γονική Άδεια Ανατροφής)

Length of leave

- Four months per child for each parent. Leave is an individual entitlement that cannot be transferred.

Payment and funding

- None.
- Working parents taking Parental leave have full insurance coverage on the condition that they pay the full insurance contribution (of both the employee and the employer). The Parental leave time is considered as a time of insurance for both the establishment of the pension right and the determination of the amount of pension.

Flexibility in use

- Leave may be taken up to the time the child turns six years.
- Leave may be taken in one or several blocks of time subject to agreement with the employer.
- If both parents work for the same employer, they cannot take leave at the same time and must decide together who is to use the leave first and for how long. The law does not specify whether parents working for different employers can take leave at the same time, but as leave is unpaid it is unlikely that both parents would take it together.

Eligibility (e.g. related to employment or family circumstances)

- All employees who have completed one year's continuous or non-continuous employment with their present employer irrespective of the type of contract they have (full-time, part-time, fixed-term or any other type of contract)
- Though the leave is for each child, it is necessary that one year of work with the same employer is completed after the end of any Parental leave taken for a previous child.
- Leave is granted by the employer according to a set of priorities: requests for Parental leave from parents of children with a disability or long-term illness or sudden illness and from single parents (due to the death of parent, total removal of parental responsibility or non-recognition of the child) are dealt with as an absolute priority. So, though the employer cannot refuse Parental leave, he/she can negotiate with the employee to take it later if there other employees falling in the priority criteria that request the leave at the same time.
- Non-biological parents in same-sex couples are not eligible for this leave

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- In the case of the death of one parent or the total removal of parental responsibility or non-recognition of a child, the amount of Parental leave granted to the other parent is double.
- Parents with a disabled child do not get additional Parental leave, but are eligible for carer's leave (see 1ie below).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- None.

d. Childcare leave or career breaks

- A parent can take time off work with full payment, up to an estimated three and three-quarter months, as part of a scheme which also allows parents to work reduced hours. For more details, see 1ie, 'flexible working'.

e. Other employment-related measures

Adoption leave and pay

- For parents who adopt or foster a child younger than six years of age (with an extension to eight years of age if adoption or fostering procedures are not finished), the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Leave for children's sickness: up to six working days per year per parent of unpaid leave if the parent has one child, up to eight working days if he/she has two children and up to 14 working days if he/she has more than three children. The leave is also granted for other dependent members of the family (e.g. a disabled spouse or adult children as well as disabled parents or unmarried sisters if their annual income is less than the basic income of an unskilled worker).
- Leave for visiting children's school: four working days paid leave per year per parent for each child that attends school up to the age of 16, funded by the employer.
- Leave for parents of children with disability: one hour per day, if the parent asks for it (unpaid and only applied in enterprises with more than 50 employees).
- Leave for parents whose children (up to 18 years of age) need regular transfusion or dialysis or suffer from cancer or need a transplant: up to ten working days per year paid leave, funded by the employer. Individual right. Parents of children up to 18 years of age who suffer from heavy mental retardation or Down syndrome or autism are also entitled to this leave.
- Leave for parents due to the hospitalisation of a child (up to 18 years of age), which requires their immediate presence: up to 30 working days per year unpaid leave on the condition that the parent has exhausted his/her normal Parental leave. Individual right.
- Leave for widows/ers or unmarried parents caring for children: in addition to other leave, six working days per year paid leave. If the parent has three or more children the leave is eight working days per year. The leave payment is funded by the employer.

Flexible working

- Parents are entitled to work one hour less per day for up to 30 months after Maternity leave, with full earnings replacement. This is a family right and both working parents have an independent right in the use of this leave after deciding who and for how long each will take the leave. If both parents are employees, they address a common declaration to their respective employers, specifying which parent is to use the entitlement; if parents plan to share it, they specify the period each one will use it within the total entitlement period. The entitlement is granted to fathers in cases where

the mother is self-employed but not if she is not working. This may be taken as: two hours less per day for the first 12 months and one hour less per day for another six months; or, with the employer's agreement, in block(s) of time of equal time value within the 30 months period after Maternity leave. This last option, of converting reduced hours into a block or blocks of leave, means that a parent can take a number of months off work, up to an estimated three and three-quarter months. This leave – titled 'alternative use of reduced hours as leave for the care of children' – is considered part of working time and paid and funded by the employer with no ceiling on payment (funded by the employer).

- Adoptive parents of children up to the age of six are entitled to flexible working or a childcare leave (see 1id).

ii. Public sector (responsibility of the Department of Interior)³

a. Maternity leave (Άδεια Μητρότητας)

Length of leave (before and after birth)

- Five months: two months must be taken before birth and three after birth. It is obligatory to take leave.

Payment and funding

- Hundred per cent of earnings, with no ceiling in payment.
- Maternity leave is fully insured and gives entitlement to full pension rights.
- Funded through general taxation.

Flexibility in use

- If birth takes place before the time envisaged, the rest of the leave can be granted after birth so long as the total time taken remains five months. If birth takes place after the time envisaged, the leave is extended until the actual birth date without any respective reduction in the after birth leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- Childbearing mothers who need special therapy and have exhausted their sick leave are granted paid childbearing leave.
- In the case of multiple births, Maternity leave after birth is extended by one month for each additional child.
- For every child after the third, the length of post-natal leave is extended by two months.

b. Paternity leave (Άδεια Γέννησης Τέκνου)

- Two working days paid leave at the time of the child's birth, funded by the employer.

³ The leave entitlements described in this section cover civil servants, employees of public entities and local government as well as any other employee in the above bodies not covered by special regulations.

c. Parental leave (Άδεια χωρίς αποδοχές)⁴

Length of leave

- Up to five years per parent. Leave is an individual entitlement that cannot be transferred.

Payment and funding

- None, except for the case of three or more children where three months of the leave are fully paid by the employer and funded through general taxation.
- Working parents taking Parental leave have full insurance coverage on the condition that they pay the full insurance contribution (of both the employee and the employer). The Parental leave time is considered as a time of insurance for both the establishment of the pension right and the determination of the amount of pension.

Flexibility in use

- Leave may be taken at any time up to the time the child turns six years.
- The law does not specify whether parents working for the public sector can take leave at the same time, but as leave is unpaid it is unlikely that both parents would take it together.

Eligibility (e.g. related to employment or family circumstances)

- An employee can use this leave if his/her spouse does not make use of the childcare leave at the same time (see 1iid below).
- An employee can make use of this leave even if his/her spouse is not working
- In cases of separation, divorce, widowhood or birth without marriage, only the parent that cares for the child is entitled to this leave.
- Non-biological parents in same-sex couples are not eligible for this leave

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- In the case of three or more children, three months of the leave are paid.
- Parents with a disabled child do not get additional Parental leave, but are eligible for leave for the care of dependants (see 1iie below).

⁴ Public sector workers are also eligible for the Parental leave entitlement that applies to private sector employees (see above), since this leave is based on legislation that applies to both private and public sectors (Law 4075/12 that incorporates the EU Directive 2010/18 on Parental Leave). Unlike the unpaid Parental leave that covers exclusively public sector employees, this leave safeguards the employees' rights (i.e. it is considered as working time that secures social security rights and does not affect any other employee rights such as leave rights, professional advancement, pensions etc.) (The Citizen's Ombudsman, Annual Report 2014). The five year leave provision included in this section was introduced in 2011, as a minor provision in a multi-purpose Law; previously the period was two years. It is a provision that gives the opportunity to civil servants to use unpaid leave for 'serious personal reasons'. When the European Directive on Parental Leave was first introduced in Greece, an addition was made that allowed civil servants to use this leave as Parental leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone

- None.

d. Childcare leave (άδεια ανατροφής or μειωμένο ωράριο εργασίας)

A parent can take nine months of childcare leave with full payment as an alternative option to a scheme which allows parents to work reduced hours (see section 1iie below – ‘flexible working’). The leave is paid by the employer and funded through general taxation, and is granted after the Maternity leave. The leave does not constitute a personal entitlement and can be used by either or both parents within the total nine month period. For a parent who is unmarried, widowed, divorced or has a severely disabled child, the leave is extended by one month. In the case of multiple births, an extra six month is provided for each additional child.

e. Other employment-related measures

Adoption leave and pay

- Adoptive mothers are granted a three- month paid leave during the first six months after the adoption if the child is less than six years of age. One of the three months can be taken before adoption.

Time off for the care of dependants

- Leave for children’s illness: Up to four working days of paid leave per year if the employee has one child; up to five working days of paid leave per year if the employee has three or more children; up to six working days of paid leave per year if the employee is a single parent
- Leave for children’s sickness: Parents are entitled to one month of non-paid leave in case of hospitalization of their child due to illness or an accident that requires his/her presence
- Leave for visiting children’s school: up to four working days of paid leave for one child, up to five working days for two or more children. If the children attend different levels of schools an extra day is granted. The leave is not a personal entitlement i.e. if both parents work in the public sector, the total number of days is for both parents to share.
- Up to 22 working days per year of paid leave for employees whose children or spouses need regular transfusion or periodic therapy or whose children suffer from severe mental handicap or Down’s syndrome. The leave does not constitute a personal entitlement and can be taken by either parent or shared by both.
- Leave for employees with children or spouses with disability: one hour per day, paid.

Flexible working

- Parents are entitled to work two hours less per day if he/she has children of less than two years old and one hour less per day if he/she has children between two and four years old, with full earnings replacement. As mentioned above (1iid) there is an alternative option for this leave which is nine consecutive months off work after Maternity leave.
- Flexible working does not constitute a personal entitlement and can be used by either or both parents within the total entitlement period with a common declaration addressed to their respective employers. However, the leave cannot be taken simultaneously by both parents.

- For a parent who is unmarried, widowed, divorced or severely disabled flexible working is extended by six months. In the case of the birth of a fourth child, flexible working is further extended by two years. In case of multiple births, flexible working is extended by six months for each child after the one.
- Adoptive parents of children up to the age of four are entitled to flexible working or alternatively childcare leave (see 1iid).
- An employee supporting a child or a husband/wife with a serious disability can work one hour less per day, with full payment.
- All paid leave is funded through general taxation.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Greece is 72 months in the public sector and 16 months in the private sector; but leave paid at a high rate runs only for 12 months and six months respectively. There is an entitlement to ECEC at five years of age, and attendance is compulsory for the year before the beginning of elementary school (i.e. from around six years). So there is no gap between the end of post-natal leave and an entitlement to ECEC for public sector workers, but a gap of more than three years for workers in the private sector; there is a substantial gap, of four years or more, for all workers between the end of well-paid leave and an ECEC entitlement. However, over the next three years, the gap will be reduced to a little more than two years as compulsory ECEC attendance is extended from one to two years. Levels of attendance at formal services for children under and over three years are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

The most significant development since April 2017 has been the extension of Maternity leave to surrogate mothers and mothers acquiring children through surrogate motherhood (Law 4488/2017, article 44). Under the same law, the above categories of mothers but also mothers in the process of adopting children are protected from dismissal, as other mothers already are (article 46). The same law also extended leave for health reasons to certain categories of children with disability (article 45).

Compulsory ECEC attendance for pre-school children has been extended from one to two years (Law 4521/2018, article 33); this will start to be implemented from the next school year and will be completed in three years.

In his Annual Report of 2017, the Greek Ombudsman notes that due to stereotypes and perceptions, fathers are not treated equally as regards leave requests. While as in previous years, he observes abuse of labour rights as regards pregnant women or women returning from Maternity leave in the private sector (p.204-5).

Within the context of the implementation of its National Action Plan (2016-2020) and in view of the continuing violation of rights related to maternity at the workplace, the General Secretariat for Gender Equality announced in March 2018 their intention to collaborate with the Ministry of Labour, the Labour Inspectors' Authority and the Greek Ombudsman for stricter monitoring of the implementation of the law.

4. Take-up of leave

There is no information on take-up of the various types of leave. Statistics provided by the Labour Inspectors' Authority record employees on leave by sex; but there is no information about how many employees are eligible but do not make use of their entitlement. It seems, however, that it is mothers who overwhelmingly use leave to which both parents are eligible. For example, in 2013 (there are no available data for 2014, 2015, 2016 or 2017 probably due to operational difficulties of the Labour Inspectors' Authority), out of the total number of employed women, 2.2 per cent of women but only 0.08 per cent of men made use of the paid childcare leave, while only 0.6 per cent of women and a negligible percentage of men made use of the non-paid Parental leave (Labour Inspectors' Authority, 2013 Annual Report). To become a meaningful indicator, the percentage should refer to the share of eligible mothers.

This lack of statistics is noted by the Committee of Experts on the Application of ILO Conventions and Recommendations, which asks the Greek government to provide information on the practical application of the provisions concerning leave entitlements for workers with family responsibilities under Act No. 3528/2007, Act No. 3986/2011 and Act No. 4075/2012, including statistical information on the extent to which men and women workers, respectively, make use of family-related leave entitlements both in the private and public sectors (Report of the Committee on the Application of International Labour Standards 2017 (I), p.401).

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Under a call of proposals for a Programme of Academic Research within the framework of the Funding Mechanism of EEA 2009-2014, five research proposals were approved in the area of Gender Equality and Work-Life Balance. Out of the five, three were focused on work-life balance, but none was exclusively focused on leave though including some questions and sections on this subject. Some of the research publications were cited in last year's country note. Below some more of these publications are included. The first three, though cited as 2016 editions, only recently came out.

b. Selected publications since April 2017

Thanopoulou, M. and Tsiganou, I. (eds.) (2016). *Gender in Science without numbers. From academia to work life. Main results of case studies*. Athens: National Center for Social Research. Available at: https://worlbal.eu/files/publications/Gender_Science_Numbers.pdf
The volume includes short reviews of the main results of eleven categories of women professionals and scientists. The qualitative research showed that the relationships between work and family life has been significantly influenced by the new conditions imposed by the recent economic crisis. Seven years after the advent of the crisis, the Greek society has undergone a variety of changes which are reflected in income, employment, state care services, benefits and allowances affecting those working in both, the public and private

sector. This publication is a summary in English of the two publications in Greek listed below.

Thanopoulou, M. and Tsiganou, I. (eds.) (2016). *Women between work and family within crisis, Case studies*. Athens: National Center for Social Research (in Greek)

Thanopoulou, M. and Tsiganou, I. (eds.) (2016). *Women in legal professions in the era of crisis: Between work and family*. Athens: National Center for Social Research (in Greek)

Alipranti-Maratou, L, Katsis A. and Papadimitriou P. (2017). *Work-Life (Im)balance, A quantitative research in Greece during the crisis*. Athens: KMOP. Available at: https://zenodo.org/record/1118219#.Wp_oZWbhN-U

Reconciliation of family and professional life is a matter of paramount importance to personal development, creation of growth conditions in economy, increase in employability, reduction in unemployment, promotion of gender equality in private life and, more generally, to addressing the current demographic challenges. The objective of this study is to explore ways of effective reconciliation of work and family responsibilities in Greece during the crisis. The study is based on the findings of quantitative research conducted in a sample of 1,000 working women in different parts of Greece (urban areas, suburban areas, rural areas). In the framework of the study, reconciliation conditions of working women are examined in the light of different economic, social, demographic and personal characteristics. At the same time, the difficulties working women encounter so as to achieve better work-life balance as well as the role of family environment are presented. Furthermore, on the basis of international bibliography and good practices implemented in other countries, changes are proposed not only in benefits and services but also within the existing institutional framework of our country.

c. Ongoing research

None reported.

Hungary¹

András Gábos (TÁRKI Social Research Institute)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website..

1. Current leave and other employment-related policies to support parents

Note on terminology: the Hungarian terms for the two elements of the Parental leave arrangements discussed in 1c – GYES and GYED – include the word *gondozás*, that is 'care'. By contrast, GYET - available for families with at least three children, after the youngest child getting older than three (see 1d) - includes the word *nevelés*, that is 'upbringing'. The Hungarian terms for these three leave arrangements (1c and 1d) literally refer only to the payment element, although in practice they cover both leave periods and cash benefits (e.g. GYES is *Gyermekgondozást segítő ellátás*, literally 'allowance to support childcare'²). The payment related to Maternity leave, has been re-named as 'Infant care payment' (CSED – *Csecsemőgondozási díj*) in 2015.

a. Maternity leave (*csecsemőgondozási díj*, CSED) (responsibility of the Ministry of Human Capacities)

Length of leave (before and after birth)

- Twenty-four (24) weeks: up to four weeks prior birth. Two weeks are obligatory.

*Payment (*csecsemőgondozási díj*) and funding*

- Seventy per cent of actual average daily earning, with no ceiling on payments. In cases when there has been previous employment (i.e. the pregnant woman is eligible), but no actual income can be determined on the first day of eligibility (e.g. the pregnant woman is on sick leave for several months, or is self-employed and does not have an actual income), the payment is twice the daily amount of the official minimum wage. In this case, the payment is made by the Treasury, not by the National Health Insurance Fund (NHIF).
- CSED is treated as gross income and taxed at 15 per cent, but family tax credit can be applied; social security (health and pension insurance) contributions are not deducted from the gross amount of CSED.

¹ Please cite as: Gábos, A. (2018) 'Hungary country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² The name of GYES has been slightly modified (previously *Gyermekgondozási segély*) since 2016, while keeping the acronym.

- Funded by the NHIF (National Health Insurance Fund), which is financed through contributions from employers, employees and general taxation; employers and employees both pay six per cent of gross earnings.

Flexibility in use

- The starting date can be from four weeks prior to birth up to the birth itself.

Eligibility (e.g. related to employment or family circumstances)

- All mothers are entitled to 24 weeks unpaid Maternity leave.
- Employees and self-employed women with an employment record of at least 365 days within two years prior to the birth of a child (and the birth is given no later than the 42nd day after the end of employment) are entitled to the benefit payment during the period of Maternity leave. The 365-days period may include: 180 days of secondary or tertiary school attendance, duration of CSED or GYED (excluding *diplomás GYED*).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- If the new-born is cared for in an institute for prematurely born infants for a year, the unused portion of the Maternity leave can be taken up after the child is taken home.
- Guardians who care for the child are eligible.
- The father (birth or adoptive) is eligible if the mother dies or is not present in the household due to health-related reasons.

b. Paternity leave³ (responsibility of the Ministry of Human Capacities)

Length of leave

- Five (5) days.

Payment and funding

- Hundred per cent of father's average daily wage, with no ceiling on payments.
- Funding as for Maternity leave.

Flexibility in use

- Leave can be taken during the first two months of the child's life.

Eligibility (e.g. related to employment or family circumstances)

- All employed fathers.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the father.

³ Paternity leave has no separate name in Hungarian; it is just listed as one of the eligible reasons for leave days in the Code of Labour legislation.

- Seven days in case of twins.

c. Parental leave (responsibility of the Ministry of National Capacities)

There are two types of leave and benefit: (1) for insured parents, *Gyermekgondozási díj* (GYED); and (2) for non-insured parents, *Gyermekgondozást segítő ellátás* (GYES). Both are family entitlements.

Length of leave

- **GYED:** from the end of the Maternity leave period until the child's second birthday, for insured parents.
- **GYES:**
 - a. From the end of GYED (child's second birthday) until the child's third birthday, for insured parents.
 - b. Until the child's third birthday for parents who are not insured.

Payment and funding

- **GYED:** benefit of 70 per cent of average daily earnings calculated for the last 180 days prior the birth, up to a ceiling of 70 per cent of twice the minimum daily wage (HUF138,000 [€432.64]⁴ per month; the amount of the benefit being max. HUF193,200 [€605.69]). This is a gross amount, income tax and pension contribution are deducted, but family tax credit can be applied. Funding as for Maternity leave.
- **GYES:** until the child's third birthday, a flat-rate benefit equal to the amount of the minimum old-age pension, HUF28,500 [€89.35] per month. For multiple births, two hundred per cent of this amount is paid in the case of two children, 300 per cent for three children, with similar increases for additional children. Funded by the Treasury from general taxation.

Flexibility in use

- A parent taking **GYED** can work unlimited hours after the child becomes six months old, while still receiving the full benefit until the child's second birthday (*GYED extra*). If the parent takes up GYED and works, she can still access public childcare for children under three years (*bölcsőde*).
- A parent taking **GYES** cannot work until the child becomes six months old, but can then work unlimited hours while still receiving the full benefit until the child's third birthday. If the parent takes up GYES and works, she/he can still access public childcare for children under three years (*bölcsőde*).

Eligibility (e.g. related to employment or family circumstances)

- **GYED:** either of the parents living with the child is eligible as long as she/he has been employed for at least 365 days within two years prior the birth of the child; however, only one parent at a time can actually take GYED. Foster parents are not eligible.
- **GYED:** women who would not be eligible under the above listed criteria but completed two semesters at a higher education institution recognised by the state within two years prior to the birth of the child (*diplomás GYED*). In this case, they are eligible for one year of payment, beginning at the birth of the child. They receive a payment equal to the minimum wage valid on the first day of their eligibility (HUF138,000 [€432.64]

⁴ Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

per month in 2018), except those studying for MA or PhD for whom the payment is 70 per cent of the guaranteed minimum wage (HUF96,600 [€302.85] per month in 2018).

- Self-employed parents are eligible if they fulfil all criteria, e.g. in the case of GYED, that they have been insured before the birth.
- As same-sex couples are neither allowed to marry or adopt, they are not eligible for Parental leave as a couple; if one of the partners has a young child, she or he is eligible in her or his own right, but her or his partner is not.
- **GYES:** all parents. Guardians are also eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- **GYED:** The duration of the benefit lasts until the children's third birthday in the case of twins.
- **GYES:** parents of a child with a long-term illness or disability can take leave until the child's tenth birthday (or even longer in discretionary cases); parents of twins are eligible until the children begin elementary school and receive a double payment.
- **GYES:** can be taken by grandparents from the first to the third birthday of the child if the child is looked after in her/his own home and if the parents agree to transfer their entitlement. Grandparents taking GYES can work less than 30 hours a week, or without limitation if the work is done in the home and the child is older than three years.

d. Childcare leave or career breaks

Either of the parents in a family with three or more children under 18 years, may take leave during the period between the third and eighth birthday of the youngest child (*Gyermeknevelési támogatás, GYET*). Benefit payment as for GYES. The person taking up GYET can work less than 30 hours a week, or unlimited hours if the work is done at home. While GYES and GYED are intended to promote childbirth and support reconciliation between work and childrearing, GYET is considered an acknowledgement of parenthood as paid work and consequently recipients are credited with social insurance contributions.

e. Other employment-related measures

Adoption leave and pay

- The same regulations regarding Maternity and Parental leave apply for adoptive parents as for other parents.

Time off for the care of dependants

- *Gyermekápolási táppénz* is part of the sick-pay system, the length of which depends on the age of the child: under one year, unlimited; 12-35 months, up to 84 days per child per year; 36-71 months, 42 days; six to 12 years, 14 days. Lone parents are entitled to a double period of leave. Leave is a family entitlement and a sickness benefit is paid at 50 or 60 per cent of actual earnings up to a ceiling.

Flexible working

- Mothers are entitled to two paid one-hour breaks per day for breastfeeding until a child is six months old; and to one one-hour break until a child is nine months old. The number of hours is doubled in the case of twins.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Hungary is three years (except for families with three or more children, where leave can be taken until a child is eight years); the last year is paid at a low flat rate, but until a child is two years old, insured parents taking leave are paid at a high earnings-related level. Attendance in ECEC (*óvoda*/kindergarten) from three years of age is compulsory (for at least four hours a day). Children under three years are also entitled to an ECEC service (*bölcsőde*/nursery) place if the parent studies full time or if the child becomes six months old. However, there is a shortage of spaces in Hungary; while legislation is in place, implementation varies. So although, by legislation, there is no gap between the end of Parental leave entitlement and the start of an ECEC entitlement, such a gap exists in practice due to a shortage of places in nurseries. Otherwise there is a one-year gap between the end of well-paid leave (GYED) and an entitlement for a kindergarten place for three-years-olds.

Levels of attendance in formal services for children under three years (nurseries and other similar forms of institutional care) are well below the average of both the EU countries and the countries included in this review; but it is above average for children over three years (in kindergartens). For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

Statistics⁵ are available only on the number of women receiving benefits. The average monthly number of mothers was 26,931 in 2016, which is 11.8 recipients per thousand women of fertile age. It is supposed that almost all eligible women take the leave.

b. Paternity leave

The total number of fathers taking leave during 2014⁶ was 21,914, using 109,382 days in total, i.e. most fathers taking leave used their full five-day entitlement.

c. Parental leave

Statistics are available only on the number of recipients of the benefits. The average monthly numbers in 2016 were: for **GYED**, 91,126, or 39.9 recipients per thousand women of fertile age; for **GYES**, 162,992, or 71.4 recipients per thousand women of fertile age; and for **GYET**, 33,381, or 14.6 recipients per thousand of women of fertile age. There is no

⁵ All statistics in this section are from the Hungarian Central Statistical Office (*Központi Statisztikai Hivatal*) Yearbook of Welfare Statistics (see section 3) and HCSO STADAT online database (https://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_fsp006.html). Data of download: 27 March 2018.

⁶ No data for 2015 are available yet.

information on the proportion of parents taking leave, how long they take or on the number of fathers taking Parental leave. An estimate can be made for 2015 on the basis that 0.3 per cent of children under one year, 11.9 per cent of those between one and two years, and 55.7 per cent of those between two and three years were in childcare centres in 2015, so the remainder probably had a parent (predominantly the mother) taking up one of the Parental leave options.

d. Other employment-related measures

In 2016, the total number of cases on paid leave to care for a sick child was 314,000 (27 percent of all paid leave cases), while the total number of paid leave days to care for sick children was 1,290,000 (5.1 per cent of all paid sick leave days)⁷.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Research and publications on leave and employment related policies have been scarce in 2017, as in the previous year.

b. Selected publications since April 2017

Bartus, T. (2017) 'Az iskolai végzettség és a második gyermekvállalás Bizonyítékok az életünk fordulópontjai adatbázisból' ['Education and second birth. Evidence from the Hungarian Generations and Gender Survey'], *Demográfia*, Vol. 60, No.2-3: 149-172.

Previous research documented a U-shaped relationship between female education and second birth rates in Hungary. This paper examines two questions: (1) how is female education related to second birth rates? (2) is the relationship in question a causal one? In order to examine causality, the author controls for sample selection, time-squeeze and partner's education; and uses the first three waves of the Hungarian Generations and Gender Survey. Applying discrete-time event history models, estimated jointly for first and second births to control for selection bias, the author finds that the relationship between female education and second birth rates is indeed U-shaped. The relationship seems to be a causal one because it cannot be explained by time-squeeze and partner's education. Analyses using the couple's educational level show that second birth rates are highest among women with a primary education, on the one hand, and couples with tertiary education, on the other hand.

Központi Statisztikai Hivatal [Hungarian Central Statistical Office] (2017) *Szociális statisztikai évkönyv 2016 [Yearbook of Welfare Statistics, 2016]*, Budapest: Központi Statisztikai Hivatal. <https://www.ksh.hu/polc>

This yearbook contains detailed data on a wide range of welfare measures and services including: social assistance, family benefits, child welfare provision, child protection, social benefits, basic social care and childcare, social work activities and accommodation,

⁷ <http://www.ksh.hu/docs/hun/xftp/idoszaki/pdf/tappenz16.pdf>

rehabilitative employment, sick pay, retirement allowances and the social and guardianship authority administration in 2015, with a detailed methodology

c. Ongoing research

Kohorsz'18 Hungarian Birth Cohort Study by Hungarian Demographic Research Institute (of the Hungarian Central Statistical Office).

The research aims to follow a sample of children born in 2018/19. The survey is carried out on a sample of 10,000 children and their parents. The first contact with parents takes place during pregnancy and information on the development of these children is collected regularly later.

Iceland¹

Guðný Björk Eydal and Ingólfur V. Gíslason (University of Iceland)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology: The term *fæðingarorlof* (literally ‘Birth leave’) is used in law to refer to paid Parental leave. Despite the three months quota of non-transferable individual rights that each parent is entitled to, the law does not apply the concepts of Maternity or Paternity leave, except that it is used in the translation of the title of the law. Sometimes the term *feðraorlof* (Paternity leave) is used in daily conversations about the three months non-transferable individual rights that fathers are entitled to (the father’s quota) even though the law does not make such distinction between Parental leave of fathers and mothers. Indeed the law was changed in 2006 to address parents without mentioning the sex of the parent, in order not to discriminate on the basis of gender or sexual orientations.

The joint leave referred to in 1c under the heading of ‘Parental leave’ is translated into English by the Icelandic Ministry of Welfare as ‘parents’ joint rights’.

Foreldraorlof refers to the unpaid leave included in 1d under the heading of ‘Childcare leave’, though it translates literally into ‘parental leave’.

a. Maternity leave (*fæðingarorlof*) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Three months to be taken within a 24 months’ time span: one month may be taken before birth. It is obligatory for mothers to take two weeks of leave following the birth.

Payment and funding

- Eighty (80) per cent of average total earnings for a twelve months period ending six months before birth, up to a ceiling of ISK520,000 [€4,142.91]² per month.
- The minimum payment to a mother working shorter part-time hours, i.e. between 25 and 49 per cent of full-time hours, is 123,897 [€987.10] per month; and the minimum

¹ Please cite as: Eydal, G.B. and Gíslason, I.V. (2018) ‘Iceland country note’, in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Conversion of currency undertaken on 13 June 2018, using <https://www.finanzen.net/waehrungsrechner>

payment for a mother working 50-100 per cent of full time-hours is ISK 171,111 [€1,368.05] per month.

- For those working less than 25 per cent of full-time hours and those outside the labour market the amount is ISK74,926 [€591.93] per month. Students (75-100 per cent of full-time studies) receive a flat-rate payment of ISK171,711 [€1,368.05] per month. As a frame of reference, the minimum wage in Iceland in 2016 is ISK260,000 [€2,071.46] per month.
- Funded by the Maternity/Paternity Leave Fund, which is financed from an insurance levy of 5.40 per cent of wages paid by employers; 0.65 per cent of the revenue goes to this fund.
- Non-employed parents are not entitled to any pension credits while caring for their child. Employed parents taking leave continue to accumulate their pension entitlements (and in indeed all other entitlements) as if they were at work.

Flexibility in use

- After the two weeks of obligatory leave, a mother wishing to take more leave can choose to take leave on a full-time or part-time basis. It is also possible to take leave in one continuous period or as several blocks of time (i.e. leave can be 'uninterrupted' or 'interrupted'). This has to be negotiated with the employer. Parents can be on leave together, partly or the whole period.

Eligibility (e.g. related to employment or family circumstances)

- All biological or adoptive parents have individual non-transferable rights to three months paid parental leave, regardless of sexuality or marital status. Parents that do not hold sole or shared custody of the child at birth need to have worked out the visiting rights with the custodial parent in order to be able to take paid parental leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In cases where there is only one parent (the other parent has died, in cases of artificial insemination or an individual adopts or takes a child in permanent foster), the parent has a right to nine months paid parental leave. In special cases, if one of the parents is in prison or hospital or is incapable to take care of the child due to health reasons it is possible to transfer the rights of that parent to the other parent.
- Maternity leave can be extended by two months if the mother suffers from a serious illness in connection with the birth.
- See also 1c.

b. Paternity leave (*fæðingarorlof*) (responsibility of the Ministry of Welfare)

Length of leave

- Three (3) months to be taken within a 24 months' time span.

Payment and funding

- Eighty (80) per cent of average total earnings for a twelve months period ending six months before birth, up to a ceiling of ISK520,000 [€4,142.91] per month. For maximum and minimum payments see 1a.

Flexibility in use

- Same as for Maternity leave, except there is no obligatory period of two weeks' leave that fathers must take after birth.

Eligibility (e.g. related to employment or family circumstances)

- All biological or adoptive parents have individual non-transferable rights to three months paid parental leave, regardless of sexual orientation or marital status. Parents that do not hold sole or shared custody of the child at birth need to have worked out the visiting rights with the custodial parent in order to be able to take paid parental leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- See 1c.
- In cases where there is only one parent (the other parent has died, in cases of artificial insemination or an individual adopts or takes a child in permanent foster), the parent has the right to nine months paid parental leave. In special cases, if one of the parents is in prison or hospital or is incapable to take care of the child due health reasons it is possible to transfer the rights to the other parent.

c. Parental leave (responsibility of the Ministry of Welfare) (see note on terminology at the start of part 1)

Length of leave (before and after birth)

- Three (3) months after birth. These are in addition to the earmarked months (three for each parent) and can be divided between the parents as they like.

Payment and funding

- Eighty (80) per cent of average total earnings for a twelve months period ending six months before birth, up to a ceiling of ISK520,000 [€4,142.91] per month. For maximum and minimum payments see 1a.

Flexibility in use

- The total of nine months leave (covering maternity, paternity and joint rights) can be used until 24 months after the birth.
- Parents can choose to take leave on a full time or part-time basis. It is also possible to take leave in one continuous period or as several blocks of time (i.e. leave can be 'uninterrupted' or 'interrupted'). This has to be negotiated with the employer. Parents can be on leave together, partly or the whole period.

Regional or local variations in leave policy

- None.

Eligibility (e.g. related to employment or family circumstances)

- Each parent is entitled to leave. See 1a and 1b for family circumstances

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- In the case of a miscarriage after 18 weeks, the parents are entitled to two sharable months and in the case of still birth after 22 weeks each parent is entitled to three months.
- In the case of multiple births, the length of leave increases by three sharable months for each additional birth; it can be extended by the same amount if the child suffers from a serious illness. Leave also increases if the child has to stay in hospital more than seven days after the birth by that amount of time up to four months.
- If the child is seriously ill or disabled in a way that demands more intensive parental care than is usual, the leave may be extended by up to seven months
- In cases where there is only one parent (the other parent has died, in cases of artificial insemination or an individual adopts or takes a child in permanent foster), the parent has right to nine months paid parental leave. In special cases, if one of the parents is in prison or hospital or is incapable to take care of the child due health reasons it is possible to transfer the rights to the other parent.

d. Childcare leave or career breaks (*foreldraorlof*)

- Each parent may take four months of non-transferable unpaid leave until the child is eight years old.

e. Other employment-related measures

Adoption leave and pay

- Regulations on paid parental leave apply if the child is younger than eight years when adopted.

Time off for the care of dependants

- There are no legal entitlements. The Equal Status Act instructs employers to do what they can to make it possible for employers to fulfil their responsibilities towards their families, but that is all. Most or all unions have negotiated a number of leave days when children are sick, but it is not thought that any union has negotiated a right to leave in the case of any other close relative being ill

Flexible working

- Employers are required by the *Act on Equal Status and Equal Rights of Women and Men* to make the necessary arrangements to enable men and women to balance family life and work, including the arrangement of work in a flexible manner and parents being able to take leave from work in case of serious or unusual family circumstances.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Iceland is 17 months, nine months of paid leave and two periods of four months of unpaid leave (see section 1d above). There is no legal entitlement to ECEC. However, most municipalities offer ECEC for children, but due to some gap still existing between the end of Parental leave and admission to preschools many parents opt for private child minders or similar solutions to bridge this gap; private child minders are few and in most cases the parents need to bridge the gap without public support.

Levels of attendance at formal services for children under and over three years are well above the average for the countries included in this review and OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

The Icelandic parliament adopted changes to the law on parental leave in December 2012, with a staged increase from nine to 12 months with a 5+5+2 system. Following parliamentary elections in April 2013, a new coalition government came to power. This government deemed state finances to be in such a bad state that the extension of the leave period adopted in December 2012 could not be carried out. The law was therefore revoked.

In 2014 the government appointed two committees, on leave and ECEC. One was to examine the possibility of restoring economic compensation during parental leave to the pre-2008 level and the eventual extension of the leave; while the other was to examine the possibility of increasing the capacity of preschools so that they can admit children once parental leave is over. Both committees have now reported. The first reported in March 2016 and proposed the successive restoration of economic compensation (e.g. a ceiling of ISK600,000 [€4,780.28]) and an extension to 12 months leave, with five for the mother, five for the father and two to be shared, to be fully implemented in 2022. The second reported in May 2016 and proposed that all children from 12 months old should be offered a place in preschools. Neither report was debated in the Icelandic parliament prior to the parliamentary elections that took place in October 2016 and led to the formation of a new centre-right coalition government. In its platform there is no mention of an extension of leave but the restoration of the economic compensation to pre-crash level is to be fulfilled.

This government did not last long and new elections were held in October 2017 resulting in a new coalition government straddling the political spectrum, the centre-right Independence Party, the centre Progressive Party and the Green-Left Party. In its platform the government stated its commitment to restoring economic compensation during Parental leave and an intention to discuss with the social partners the possibility of extending the leave; these discussions have just started. However, the Minister of Welfare has publicly stated that the intention is to extend the leave to 12 months.

4. Take-up of leave

a. Maternity leave

In 2015 (last year for which final figures are available), 99 per cent of women applying for leave used at least the three months available only to mothers. For more details see 4c.

b. Paternity leave

See 4c.

c. Parental leave (i.e. parents' joint rights)

In 2015, 81 per cent of fathers took a period of leave (paternity and/or parents' joint rights), taking an average of 88 days leave (compared to 178.4 for mothers). This is a substantial drop in the number of days used by fathers before the economic crisis, which were around 100. In all probability this is due to the severe cuts in economic compensation. Overall, 13.3 per cent of fathers took some of the parents' joint rights, and 34.3 per cent took less than their three months of designated paternity leave; 96 per cent of mothers took some period of parents' joint rights while 1 per cent used less than their three months.

In 2015, 33.9 per cent of men and 30.7 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Research on leave and other employment-related policies have been relatively few in Iceland though there has been some slow increase. Some studies include cross-national comparisons, which is reducing Iceland's previous knowledge gap in this area.

b. Selected publications since April 2017

Sigurdardottir H. M. and Garðarsdóttir Ó. (2016) 'Backlash in gender equality? Fathers' parental leave during a time of economic crisis', *Journal of European Social Policy*, 1-15, Available at: <http://journals.sagepub.com/doi/full/10.1177/0958928717739243>

In Europe, there has been an increasing emphasis on the equal rights of men and women to Parental leave. Nordic countries such as Iceland are often seen as forerunners in the implementation of laws that promote gender equality by giving each parent non-transferable rights to parental leave. In October 2008, the Icelandic banking system collapsed and a severe economic recession followed. This can be seen as a natural experimental intervention and provides a unique opportunity to study potential changes in fathers' use of Parental leave in response to drastic economic changes and resulting policy changes. The data reported in this article show that during the years 2003–2007, a time of economic prosperity, Icelandic fathers on average used three full months of Parental leave. After this event, fathers' use of Parental leave declined, while the reverse could be seen for mothers who progressively took a longer leave with partial pay. Analysis suggests that a decline in fathers' use of leave can be traced back to the dramatic collapse of the economic system and the subsequent substantial lowering of the maximum payment during Parental leave. The most dramatic changes were seen for fathers in high-income groups whose payments during leave were most severely cut. The data suggest that after the economic collapse and resulting policy changes, women have become increasingly responsible and men

decreasingly responsible for childcare duties – an alarming trend from the standpoint of gender equality. Possible remedies and courses of action are discussed.

c. Ongoing research

Nordic Family Policies and Demographic Consequences 1990-2011. Trude Lappegard from Statistic Norway and Ólöf Garðarsdóttir, University of Iceland. Funded by the Norwegian Research Council.

A data set is being created from existing register data from Statistics Iceland about fertility, labour market position, education, family position and incomes; and from the Birth Leave fund about the take-up of paid Parental leave by Icelandic parents. Contact: Ólöf Garðarsdóttir at olofgard@hi.is

Paid parental leave, fathers and mothers: Reconciliation of work and family (2013-). Guðný Björk Eydal, Ingólfur V. Gíslason. University of Iceland. Funded by the University of Iceland Research Fund, The Icelandic Centre for Research (RANNÍS) and the Icelandic Equality Fund.

This is a long-term project and aims to investigate through surveys how parents having their first child in 1997, 2003, 2009 and 2014 respectively, have organized their work and the care of their child from birth until the age of three years. The parents are also asked about their labour market participation a year before birth. In the 2013 survey there were also questions regarding the influence of the economic crisis on how parents have organized work and care during the aftermath of the crises, since many parents in the group had made their plans regarding parental leave before the cuts to the payments were made. The fourth survey will be conducted in spring 2018. Furthermore, qualitative interviews have been conducted among parents from Poland living in Iceland and native Icelandic parents in order to gain knowledge about their experience of the Icelandic paid parental leave system. Contact: Guðný Björk Eydal at ge@hi.is or Ingólfur V. Gíslason at ivg@hi.is. Ásdís A. Arnalds is PhD student in the project, aaa1@hi.is

Ireland¹

Mary Daly (University of Oxford) and **Michael Rush** (University College Dublin)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (responsibility of the Department of Justice and Equality)

Length of leave (before and after birth)

- Forty-two (42) weeks: at least two weeks must be taken before birth.

Payment and funding

- A weekly maternity benefit rate of €240 is paid to qualifying persons for 26 weeks; the remaining 16 weeks is unpaid. Mothers who are already on certain social welfare payments are entitled to half-rate Maternity benefit.
- Maternity benefit is funded from the Social Insurance Fund, which is financed by contributions from employers and employees. Pay Related Social Insurance (PRSI) rates vary across different types of employment. However, the majority of employees pay 4 per cent of earnings and employers 10.75 per cent.

Flexibility in use

- None except for when leave can be started before birth.

Eligibility (e.g. related to employment or family circumstances)

- To be eligible for maternity benefit, an employee or self-employed woman has to meet certain conditions relating to payment of Pay Related Social Insurance (PRSI), for example to have been employed for 39 weeks during which PRSI was paid in the 12 month period before the birth of the child.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother.

¹ Please cite as: Daly, M. and Rush, M. (2018) 'Ireland country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- Fathers are entitled to Maternity leave if the mother dies within 40 weeks of the birth. In these circumstances, the father is entitled to a period of leave, the extent of which depends on the date of the mother's death. If the mother dies within 24 weeks of the birth he has an optional right to the additional Maternity leave. If the mother's death is over 24 weeks after the birth, the father is entitled to leave until 40 weeks after the birth. The leave starts within seven days of the mother's death.
- In the case of a child who is hospitalised, the mother may postpone her Maternity leave if she has taken 14 weeks (including at least four weeks since the baby was born) up to a period of six months with the agreement of the employer.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Members of the Civil and Public and Services Union (CPSU) and other public sector workers are entitled to 26 weeks Maternity leave at full payment.

b. Paternity leave (responsibility of the Department of Justice and Equality)

Length of Leave

- Two (2) weeks (which must be taken consecutively)

Payment and Funding

- A weekly paternity benefit payment of €240, funded from the Social Insurance Fund.

Flexibility in use

- Paternity leave may be taken at any time within the first 26 weeks following the birth or adoption of a child.

Eligibility (e.g. related to employment or family circumstances)

- The entitlement to Paternity leave extends to all employees (including casual workers), regardless of how long they have been working for the organisation or the number of hours worked per week.
- Paternity benefit is paid by the Department of Social Protection to people who have a certain number of paid PRSI contributions on their social insurance record. It is paid to an employee or self-employed person who is a relevant parent, which includes: the father of the child; the spouse, civil partner or cohabitant of the mother of the child; the parent of a donor-conceived child. In the case of an adopted child, the relevant parent may include the nominated parent in the case of a married same-sex couple or the spouse, civil partner or cohabitant of the adopting mother or sole male adopter.

c. Parental leave (responsibility of the Department of Justice and Equality)

Length of leave

- Eighteen (18) weeks per parent per child. Leave is an individual entitlement that cannot be transferred. The one exception is when parents are employed by the same employer, in which case they can transfer a maximum of 14 weeks of their Parental leave entitlement to the other parent, subject to the employer's agreement. Both parents can take the leave at the same time.

Payment and funding

- None.

Flexibility in use

- Leave may be taken up to the child's eighth birthday, and up to 16 years in the case of children with disabilities and serious illness.
- Leave may be taken in separate blocks of a minimum of six continuous weeks or more favourable terms subject to employer's agreement.
- Parents can be on leave together, partly or the whole period.

Eligibility (e.g. related to employment or family circumstances)

- All employees who have completed one year's continuous employment with their current employer.
- An extension of the *force majeure* provisions includes persons in a relationship of domestic dependency, including same-sex partners.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- Parents with a disabled child do not get additional Parental leave, but would be eligible for Carer's leave (see 1e).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Parental leave can be postponed for six months (to a date agreed on by both the employer and employee) if the granting of the leave would have a substantial adverse effect on the operation of the business.
- An employee who falls ill while on Parental leave and as a result is unable to care for the child may suspend the Parental leave for the duration of the illness following which period the Parental leave recommences.
- Statutory codes of practice specify the manner in which Parental leave and *force majeure* leave might be taken and the manner in which an employer can terminate Parental leave.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Forty (40) weeks of leave for adopting mothers or sole male adopters of children under eight years, with 24 weeks paid and 16 weeks unpaid; payment and eligibility as for Maternity leave. If the child is under three years of age at the time of adoption, unpaid Parental leave can be taken before the child reaches five years of age. However, if the child is aged between three and eight years at the time of adoption, the leave must be taken within two years of the adoption order.
- Adoptive leave and/or additional adoptive leave may be split in the event of the hospitalisation of the adopted child, subject to the agreement of the employer.

- New adoptive parents (other than the mother of the child) can get two weeks' statutory Paternity leave from employment or self-employment following the birth or adoption of a child.

Time off for the care of dependants

- Three days of paid leave per worker in any 12 consecutive months, up to a limit of five days in any 36 consecutive months (treated as *force majeure*).
- Employees with 12 months continuous service can take a minimum of at least 13 weeks up to a maximum of 104 weeks unpaid 'Carer's leave' to provide full-time care for a dependant (a child or adult in need of full-time care), either in one continuous period or as several blocks of time. Employees may work up to ten hours per week while on this Carer's leave, subject to certain income limits. An employee on Carer's leave may be entitled to a means-tested Carer's benefit.

Flexible working

- Breastfeeding mothers are entitled to adjust their working hours or, if breastfeeding facilities are provided at work, to take breastfeeding breaks up until the child is six months old.
- On return from Parental leave, an employee may request a change in their working hours or pattern. Employers must consider such a request but are not required to grant it.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Ireland is 18 months, but most of this is unpaid; leave paid at a standard flat rate lasts for only six months. Children are entitled to start ECEC from three years of age. However, there remains a substantial gap between the end of leave and an ECEC entitlement, and there is no well-paid leave. Levels of attendance at formal services for children under three years are about the average for the countries included in this review and OECD countries; but are well below the average for children over three years (mainly because of an early start in school). For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2016 (including proposals currently under discussion)

The Single Affordable Childcare Scheme was implemented in September 2017, providing means-tested subsidies for children aged between six months and three years and a reduction in the age of children eligible to access the Early Childhood Care and Education Scheme, from 39 to 36 months.

The Parental Leave (Amendment) Bill 2017 proposed extending unpaid Parental leave from 18 weeks to 26 weeks for all parents with children under eight years., andl was referred to a review committee after receiving parliamentary approval in February 2018. The government did not oppose the Bill but added it would prefer to see a situation where Ireland would eventually have paid Parental leave. The Social Protection Minister, Regina Doherty, announced she wants to increase paid Parental leave to 12 months, which would be shared between the mother and the father; legislation is currently before Parliament.

4. Take-up of leave

a. Maternity leave

According to the social protection statistics for 2016 (the latest year for which statistics are available), there were some 22,708 recipients of maternity benefit in 2014, and 21,687 for 2015² The figures are considered to be generally static from year to year although there has been a fall from 23,947 in 2011 to 21,687 in 2015. It was estimated by the Department of Social Protection (July 2015) that there was a weekly average of 24,000 recipients at a cost of €254 million³.

According to a national study of Pregnancy at Work conducted in 2007-2009⁴, two-thirds of the 23,000 mothers surveyed were in employment. The sample was selected by the Department of Social Protection from its database of recipients of the universal child benefit. Of these, 92 per cent of mothers took paid Maternity leave, while 41 per cent took unpaid Maternity leave, mostly in addition to paid leave. Taking combined paid and unpaid leave was related to the mother's ability to afford a period of unpaid leave. Women who were self-employed or who worked in temporary/casual jobs or part-time employment during pregnancy were less likely to take paid Maternity leave.

Nearly half (48 per cent) of employed women received a top-up payment from their employer in addition to state maternity benefit. Receipt of such payments was higher among women who were already more financially secure. Nearly one-third (32 per cent) of the women surveyed who were in employment experienced problems around Maternity leave, the most common involving the timing or duration of leave, i.e. being pressurised into leaving work earlier or returning to work sooner than desired. The report concluded that the preferred option, among mothers who can afford it, would be for a longer period of Maternity leave than the six months of statutory paid leave.

b. Paternity leave

In the first six months of the new Paternity leave scheme, between September 2016 and February 2017, there were 8,558⁵ Paternity leave applications awarded. The reasons for the relatively low initial take-up (as compared with Maternity leave awards) was reported in the media as a combination of the newness of the scheme and an absence of 'wage top-ups' to the basic €235 paternity benefit for many fathers⁶. In the subsequent 12 month period (March 2017 to February 2018), statistics from the Department of Employment Affairs and Social Protection show an increased take-up for Paternity leave with 26,928 awards; this compares with 46,212 Maternity leave awards for the same period. This means that Paternity Leave awards for the period March 2017 and February 2018 were equivalent to 58 per cent of Maternity Leave awards.⁷

² Department of Social Protection (2016) *Statistical Information on Social Welfare Services, Third Annual Report 2016*. Dublin: Department of Social Protection.

³ www.kildarestreet.com/wrans/?id=2015-07-16a.193

⁴ Russell, H., Watson, D. and Banks, J. (2011) *Pregnancy at Work: A National Survey*. Dublin: HSE Crisis Pregnancy Programme and the Equality Authority.

⁵ Data supplied directly by the Department of Social Protection Statistics Unit.

⁶ <http://www.irishtimes.com/business/personal-finance/why-aren-t-more-fathers-taking-paternity-leave-1.2953763>; <http://www.irishexaminer.com/ireland/fathers-slow-to-avail-of-paternity-leave-437425.html>

⁷ Data supplied directly by the Department of Employment Affairs and Social Protection Statistics Unit.

c. Parental leave

Based on the findings of the *Pregnancy at Work* study (referred to earlier), only 18 per cent of women returning to work after childbirth in 2007-2009 had requested to take any Parental leave. However, the authors noted that since leave can be taken at any point until the child reaches eight years of age, more women may avail of this entitlement at a later stage. Almost one-fifth (19 per cent) of women who had applied for Parental leave had had their request refused, or leave was granted not in the form originally requested. The study showed that take-up of (unpaid) Parental leave is linked to women's ability to afford it. Women with an unemployed partner were four times less likely to request Parental leave than women with a working partner, indicating the constraint on choice associated with the household's financial position, which is likely to characterise many households during a period of recession. Women with higher earnings were more likely to have requested Parental leave. No information was given in the report on fathers' take up of Parental leave.

d. Other employment-related measures

There is no recent information on take-up, the latest data being from a survey in 2001.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Despite the introduction of Maternity leave and pay in 1994 there have been no specific studies on the use of this entitlement nor the take-up of other types of leave (including Carer's leave). More research attention has been given to the Parental leave entitlement introduced in 1998. Most available research has focused on broad issues around reconciling work/family, including flexible working arrangements and childcare rather than leave per se.

b. Selected publications since April 2017

None reported.

c. Ongoing research

None reported.

Nadav Perez-Vaisvidovsky (Ashkelon Academic College)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity Leave (תקופת לידה והורות, *Tekufat Leida VeHorut*, literally 'Birth and Parenthood Period') (responsibility of the National Insurance Institute)

Length of leave (before and after birth)

- Twenty-six (26) weeks: up to six weeks before the birth and the remainder following the birth. It is obligatory to take the first fourteen weeks.

Payment and funding

- One hundred per cent of earnings for the first 15 weeks, with a ceiling of five times the average salary (ISL1,463.83 [€347.61]² per day). The remaining 11 weeks are unpaid.
- The benefit is paid by the National Insurance Institute, funded by contributions from employers, employees and the state. Employers pay 3.45 per cent of earnings and employees 0.4 per cent up to 60 per cent of average earnings; above which payment is 6.75 per cent and seven per cent respectively up to a ceiling.

Flexibility in use

- Women may use the first six weeks of leave before birth. The leave may be shortened to 14 weeks, but not by less than that.
- Working is formally not permitted while on leave, and the National Insurance Institute is entitled to revoke benefits for those found to be working when on leave. However, maintaining a connection to the workplace (via email, phonecalls and even occasional visits) is considered acceptable for women. Enforcement of this regulation for men sharing their spouses' leave is much more stringent.

Eligibility (e.g. related to employment or family circumstances)

¹ Please cite as: Perez-Vaisvidovsky, N. (2018) 'Israel country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

- All women are entitled to the first 15 weeks of leave (including job protection, if relevant), regardless of employment status.
- Only women who have worked with the same employer for a full year before birth are entitled to a full 26 weeks leave.
- Entitlement to benefits depends on prior participation in the labour force (and payment of social insurance) for ten out of 14 months or 15 out of 25 months prior to leave. Self-employed women are eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- A mother who has been hospitalized during her leave for two weeks or more may extend her paid leave for the hospitalization period, up to four weeks, or split her leave so the hospitalization period will not be included.
- A mother whose baby has been hospitalized during the leave for two weeks or more may extend her paid leave for the hospitalization period, up to 20 weeks, or split her leave so the hospitalization period will not be included.
- In multiple child births, the mother is entitled to an additional three weeks of leave and benefits) for each child beyond the first.
- When the mother is unable to care for the newborn because of illness or disability, the full leave can be transferred to the father (and only to him). If both pass the eligibility criteria, benefits are then paid to the father, based on his income.
- The mother can transfer part of her leave to her spouse, as long as the following conditions are met:
 - The first six weeks after birth cannot be transferred.
 - Both the mother and her spouse must be eligible for leave and for benefits.
 - The minimum period to be transferred is 21 days.
 - The mother must return to work.
 - The mother has to provide written consent to transfer her leave.
 - Mothers in a same-sex relationship cannot transfer their leave to their (female) spouse.
 - One of the transferred weeks may be used by the spouse while the mother is at leave.

b. Paternity leave (חופשת אבהות, Hufshat Abahut)

Fathers are entitled to be absent from work from the beginning of their spouse's labour and for six calendar days after birth. The first day and two last days are treated and remunerated as sickness leave; workers receive no pay for the first day, and 50 per cent of their daily pay for the other two days, unless covered by collective agreements providing better conditions, and these payments are deducted from each worker's annual allotment of sickness leave days. The second, third and fourth days are treated and remunerated as annual leave, offering full pay. Fathers that have not accumulated enough sickness leave or annual leave days are not entitled to this leave.

c. Parental leave (Tekufat Leida VeHorut, literally 'Birth and Parenthood Period') (responsibility of the National Insurance Institute)

Length of leave

- Up to one year after childbirth for each parent. Leave is an individual and non-transferable entitlement.

Payment and funding

- None.

Flexibility in use

- Parents are not entitled to take leave at the same time.
- Both parents can take up to two leave intervals.

Regional or local variations in leave policy

- None

Eligibility (e.g. related to employment or family circumstances)

- Parents are eligible to a leave period no longer than a half of the length of their employment with the current employer, up to a leave of one year for four years of employment.
- Eligibility is granted to the mother's spouse (and not necessarily to the child's father)
- Same-sex couples are eligible

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- None

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Maternity leave apply as for other parents, as long as the adopted child is under 14 years of age.
- Same-sex couples enjoy the same eligibility criteria.

Time off for the care of dependents

- In case of the sickness of a child (below 16 years of age), each parent may use up to eight days each year out of their own allotted sick leave (paid by the employer from the second day at 50 per cent of earnings, 100 per cent from the fourth day). A single parent may use up to 16 days. In case of a malignant disease, the period of leave increases to 90 days (110 for a single parent).
- Parents of a child with special needs are entitled to 18 days out of their own sick leave (36 days for a single parent).
- In case of the sickness of a spouse, workers may use up to six days per year (60 days for a malignant disease), out of their allotted sick leave.
- During the pregnancy of his spouse, a worker is entitled to use seven days of his allotted sick leave to attend medical examinations and treatments related to the pregnancy.

- A worker may use up to six days per year of his allotted sick leave to care for a parent over 65 years of age.

Flexible working

- During the first four months after the end of the Maternity leave, mothers employed full time are entitled to one paid hour of absence from work per day, in addition to break times defined by law. The father is eligible for this reduction if the mother is not using it.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave in Israel is 12 months, but most of this is unpaid; leave paid at a high rate runs for 3.5 months. There is no entitlement to ECEC. Demand for children under three years exceeds supply, and places in government regulated and subsidized care are hard to come by. So when the initial birth leave of 26 weeks ends, parents have difficulties finding places in regulated ECEC centres, especially when the leave ends in the middle of the school year. Many parents, therefore, have to use the unpaid Parental leave, or else rely on family assistance or on expensive, unregulated private care.

There is no comparative information on levels of attendance at formal services for children under three years; but attendance for children over three years is above average for the countries included in this review and OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

All eligible women use Maternity leave as it is obligatory; As of 2010, women taking this leave account for 62 per cent of all women giving birth. Only 0.35 per cent of women receiving Maternity leave benefit transfer part of it to their spouse.

b. Paternity leave

No data exist on the use of the new Paternity leave program.

c. Parental leave

No data exist on the use of the unpaid Parental leave.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Research on Israeli leave policy is quite rare; few studies target this policy specifically, and as Israel is not a member state of the EU, and has only recently joined the OECD, few comparative studies include Israel in their sample. Leaves are generally understood by researchers within the context of wider family policy, which has in turn been understood as subject to the logic of the Israeli-Arab, and specifically the Israeli-Palestinian, conflict. The main role of women, according to this logic, is to 'fight the demographic battle', and they are rewarded for fulfilling this role and can make claims to common resources based on its demands. This explains the then-generous Maternity leave of 12 weeks, introduced in 1952. Its stagnation for 55 years – and the minor expansions afterwards – are understood, again, within the general framework of family policy, now focusing on 'rewarding childbearing while neglecting childcare' policy, providing generous measures to pregnant women and to women seeking to become pregnant, but giving minimal support to parents after the children are born.

b. Selected publications since April 2017

None reported.

c. Ongoing research

None reported.

Tindara Addabbo (University of Modena and Reggio Emilia), **Valentina Cardinali** (INAPP – National institute for public policy analysis), **Dino Giovannini** (University of Modena and Reggio Emilia) and **Sara Mazzucchelli** (Catholic University of Milan)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Congedo di Maternità*) (responsibility of the Ministry of Labour and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after birth)

- Twenty (20) weeks (five months): at least four weeks before the birth. It is obligatory to take this leave. Absence from work can take place before two months if pregnancy is certified as "at risk", or the Territorial Department of Labour certifies that the job is incompatible with pregnancy.

Payment and funding

- Eighty (80) per cent of earnings with no ceiling for salaried workers. For home helps, self-employed workers and agricultural temporary labourers, earnings are 80 per cent of conventional earnings determined each year by the law; for non-fixed term workers, Maternity leave depends on accredited contributions, though each professional sector has the possibility to determine, with approval by the Ministry of Labour, Health and Social Policies, a higher ceiling, after considering income and contribution potential of the professional sector and compatibility with its financial.
- Funded by INPS (National Institute for Social Security), financed by contributions from employers and employees at a rate that is related to the sector and to the type of contract (for example, in manufacturing it is 0.46 per cent of earnings for employers and 0.28 per cent for employees). Workers on Maternity leave may be paid direct by INPS or else by their employer, who is recompensed by INPS. These contributions are directed to maintain pension rights.

¹ Please cite as: Addabbo, T., Cardinali, V., Giovannini, D. and Mazzucchelli, S. (2018) 'Italy country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- Pension contributions for women taking leave are made by INPS. Maternity leave periods outside an employment relationship are counted as social security contributions for retirement pensions, provided that the claimant has at least five years of employment and paid social security contribution at the time of her application.

Flexibility

- For employees and workers enrolled in '*Gestione separata*'², the 20 week period is compulsory, but there are two options for taking this leave: four weeks before the birth and 16 weeks after (upon presentation of a medical certificate); and eight weeks before the birth and 12 weeks after. The allowance is accorded to autonomous female workers from eight weeks before the birth to 12 weeks after; Maternity leave, however, is not compulsory for this category. The Jobs Act provides that, in case of premature birth, which take place before the 7th month, the amount of leave not yet used before birth is in addition to that postpartum same.

Eligibility (e.g. related to employment or family circumstances)

- All employees and self-employed women with social security membership, including workers enrolled in *Gestione separata*.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- In the case of multiple or premature births, the length of leave increases by 12 weeks.
- In the case of a premature birth, the mother may take unused prenatal leave after the birth; and if the infant is hospitalised, the mother has the right to suspend the Maternity leave, taking up the leave again after the child is discharged.
- The mother can transfer one day of Maternity leave to the father, or a longer period if certain conditions prevent the mother from using the leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Public sector employees receive 100 per cent of earnings.
- In general national collective agreements guarantee 100 per cent of earnings, with employers paying the additional 20 per cent.

b. Paternity leave (*congedo di paternità*) (Ministry of Labour, Health and Social Policies)

Length of leave

- Four days which are obligatory. A further one day of 'optional' leave is available if the mother transfers part of her Maternity leave. Both types of leave are not yet permanent and are still experimental and linked to budgetary approval (e.g. the optional part of the leave has not been funded in 2017).

² INPS enrolls in *Gestione separata* ('separate administration') workers who do not contribute to other forms of welfare and who do not have any type of pension, e.g. workers on a fixed-term research project.

Payment and funding

- One hundred (100) per cent of earnings with no ceiling.

Flexibility

- Leave can be used until five months after childbirth.
- Leave can be taken as separate days.

Eligibility

- All employees.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employed fathers, including those who are self-employed and enrolled in *Gestione separata*, may take three months paid leave following childbirth in the following circumstances: the mother's death or severe illness; the child being left by the mother; or the child being in the sole care of the father. An important verdict by the Tribunal of Florence extends the possibility of obtaining Paternity leave, paid at 80 per cent of earnings, to two months before childbirth. This means that the father can take the whole period of Maternity leave in certain circumstances, i.e. if the mother is a housewife or ill or, alternatively, if she is a self-employed worker who cannot take advantage, for various reasons, of the leave. The Tribunal is a civil court and its decision acts as an important precedent for other Tribunals, but is not automatically binding on them. Conditions are the same as for Maternity leave.

c. Parental leave (*Congedo Parentale*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after child's birth)

- Six months per parent. Leave is an individual entitlement and non-transferable.
- The maximum total length of leave per family is ten months unless the father takes at least three months of leave; in which case the total length of leave can be extended to 11 months and the father can extend his leave to seven months. During this period, parents receive pension credits so they do not suffer a reduced pension because of taking leave.

Payment and funding

- Thirty (30) per cent of earnings when leave is taken for a child under six years; unpaid if taken when a child is six to twelve years.
- Funded as Maternity leave.
- Pension contributions for parents taking leave are made by INPS.

Flexibility in use

- Leave can be taken at any time until a child is twelve years old.
- Leave can be taken as a single leave period up to a maximum of six months; or as shorter periods amounting to a maximum of six months.

- Leave can be taken on an hourly basis, up to half of the daily hours worked during the month immediately preceding the start of Parental leave; but this 'hourly based leave' cannot be combined with another kind of permitted absence from work on the same day.
- Parents can take leave at the same time.
- From the end of Maternity leave until 11 months after the birth, mothers who meet the requirements of the law can exchange their Parental leave for vouchers of €600 per month for use in reducing childcare costs. It is an experimental measure until 2018 and is realized as part of the annual budget defined by specific regulations. Fathers are not eligible.

Eligibility (e.g. related to employment or family circumstances)

- All employed parents, except domestic workers and home helps. Self-employed workers are generally entitled to three months, which can be taken only during the first year after child's birth.
- The father is entitled to leave even if the mother is not, for example if she is a housewife. Circular letter B/12-5-2009 from the Department of Labour, Health, and Social Policies extends the right to fathers to make use of the leave indicated in the art. 40c, Act of Law n. 151/2001 (right to work reduced hours with full earnings compensation for the first 12 months after childbirth) if the mother is a housewife; previously this right was limited to fathers where the mother was self-employed. This change gives equal value to the domestic work of non-employed mothers as to paid work.
- Parental leave of three months, to be taken within the first year of the child, is available to workers enrolled with *Gestione separata* by the INPS.
- Same-sex couples are eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth (e.g. the length is doubled for twins, tripled for triplets).
- A lone parent may take ten months of leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Public sector employees receive 100 per cent of earnings during the first 30 days of leave.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive and foster parents the same regulations for Maternity, Paternity and Parental leave apply as for other parents. The period of Maternity leave does not depend on the age of the child adopted and must start within five months of entering the family; in case of international adoption, the leave can be taken also for overseas

visits in connection with adoption. Paternity leave can be taken within five months of a child's entry into the family or into Italy, in the case of national or international adoption. The Parental leave for adoptive and foster parents can be taken within eight years of the child entering the family and not after his/her eighteenth birthday; payment, generally, is 100 per cent of earnings for the first 30 days and 30 per cent for the following five months, if taken within three years of the entrance of the child into the family.

Time off for the care of dependants

- Without limit for a child under three years; five days a year per parent for a child aged three to eight years. Unpaid.
- Employees are entitled to two years leave over the course of their entire working life in the case of a serious need in their family, for example the disability of a child or other relative, even if not co-resident. The order of priority for taking leave is: husband/wife, parents, children, brothers and sisters of the person who needs care. During the period of leave, the applicant is entitled to receive an allowance of 100 per cent of their previous earnings, up to a ceiling of €47,351 per year.

Flexible working

- Until a child is 12 months old, women who are employees are entitled to work reduced hours (one hour less per day if working six hours a day or less; two hours less per day if working longer) for breast feeding, with full earnings compensation. Fathers are entitled to use this benefit in certain conditions, for example: if the mother is self-employed or freelancer; if the mother opts not to use it; if the mother is not employed; or if the father has sole custody of the child. Home helps, domestic workers and autonomous workers are not entitled to reduced hours, but in this case too the father can work reduced hours.
- Employees (mothers and fathers) who have parental responsibility for a child under six years or a disabled child under 18 years have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so...[and must give] a written explanation explaining why'.

Leave for women victims of gender violence

- The victims of gender violence employed in the public or private sectors who have care responsibilities (as certified by municipal social services or anti-violence centres) may request leave from work for three months, with a right to full pay. For the same period they are also entitled to switch from full-time to part-time employment. The Italian National Institute of Social Security (INPS) produced an explanatory implementation statement on leave for women victims of gender violence in April 2016.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Italy is 14 to 15 months (depending on bonus months if the father takes Parental leave), and there is only around four months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children attend ECEC from three years of age. However, despite being recognized as a social right for children and working mothers by Law 1044/1971, provision of ECEC for children under three years is much lower and very variable between different regions. Levels of attendance

at formal services for children under three years are below the average for the countries included in this review and for OECD countries, but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

Following the Budget Law 2017, employed fathers are entitled to four days of compulsory Paternity leave, which is an individual right and independent of the mother's right to Maternity leave. In addition, the mother can transfer one day of Maternity leave to the father, reduced from two days previously; this optional leave is conditional on the choice of the mother not to take advantage of the same number of days of Maternity leave .

An important debate in Italy is the location and funding of work-life balance policies, and the link between them and industrial relations. Second-tier, corporate or territorial bargaining is seen as the place where, with the use of special tax incentives, it is possible to apply work-life reconciliation measures.

4. Take-up of leave

a. Maternity leave

Maternity leave is obligatory for employees. The most recent data (INPS, 2016) for the private sector shows that there were 197,019 beneficiaries, of whom 11,037 were fixed-term employees, 184,846 permanent workers, 1,136 seasonal workers and 7,758 domestic workers. There is a specific regulation for the Agricultural sector in which the beneficiaries employed were 9,149. With regard to self-employed workers, in 2016 there were 14,110 beneficiaries, of whom 4,753 were in the craft sector, 8,118 in commerce and 1,239 in agriculture. Amongst professional workers, there were 4,863 beneficiaries.

b. Paternity leave

In 2016 in the private sector, 92,858 fathers took compulsory Paternity leave and 9,186 'optional' leave (INPS). There has been an increase by 27 per cent in their use. However, as the figures show, the majority of fathers do not take advantage of this leave; monitoring as well as more information about the right to take Paternity leave is needed to increase the number of fathers taking the compulsory leave.

c. Parental leave

In 2016, Parental leave was used by 308,682 employees (256,115 women and 52,567 men). Over 90 per cent of leave is taken by permanent workers.

5. Research and publications on leave and other employment-related policies since April 2017

a. General overview

The literature analysed relates to different topics: changes in family structure and its effects on childcare and child well-being; childcare supply (new models, fiscal sustainability, effects on child well-being); fatherhood and its intergenerational transmission; and public and private policies that foster work-life balance.

b. Selected publications since April 2017

Addabbo, T. (2017) 'Work and public policies: the interweaving of feminist economics and the capability approach', *Ekonomiaz. Revista vasca de Economía*, No. 91: 83-105.

This paper starts with an assessment on how the capability approach within a feminist economic framework can be used to analyse the determinants of gender inequalities and then to address public policies that are able to contrast them. To analyse public policies within a feminist economic framework and in the capability approach reference is made to the methodology proposed in Addabbo, Lanzi, Picchio (2010) and a special focus is devoted on work that is analysed with reference to the indicators developed to measure it and in a feminist economics perspective (Picchio, 2003). Its link with other relevant dimensions of well-being is highlighted together with the extent of gender inequalities in its achievement. In this setting a selection of public policies is evaluated to uncover their effects on the capability of working and gender inequality in its development and in its conversion into observable functionings with a special focus on the role of childcare services.

Addabbo, T. and Kjeldstad, R. (2017) 'Living Arrangements of Young Adults in Italy and Norway: The Significance of Gender, Sociocultural Background, Work, and Money', in: F.E. Caroleo, O. Demidova, E. Marelli and M. Signorelli (eds.) *Young People and the Labour Market: A Comparative Perspective*. London: Routledge.

Italy and Norway are characterized by different household patterns with young Italians being more likely to live in their parents' house and young Norwegians being more likely to live independently. This paper asks why, and how these differences can be understood. By means of multivariate analyses of the interaction of gender, sociocultural background, and economic activity indicators at the individual level, the paper shows that the propensity of young adults to live with parents and not in a couple appears to be generally more sensitive to individual characteristics in Italy than in Norway. This applies to both sociocultural and economic characteristics.

Aloè E. (2017) *Conciliazione. Meno fondi più sperimentazione [Work-family reconciliation. Less funds more Experimentation]*. Available at: <http://www.ingenere.it/articoli/conciliazione-meno-fondi-piu-sperimentazione>

This paper analyses the Report of the Equal Opportunity Department of the Italian National Government on the allocation of public funds (allocated on the basis of two Directives between State and Regions) to achieve a better work-life balance. A first important issue is the reduction in public resources: the first 2010 Directive allocated €40 million against 15 million allocated by the second 2012 Directive, therefore jeopardizing the extension of the policies to achieve the targets. Together with a cut in public funding, the paper highlights a step towards a privatization of the policies in terms of an increased involvement of private firms through the direct managing of welfare. However, the paper stresses the risk that this approach would have as it targets working women without the involvement of fathers, therefore producing a backward step in the achievement of equal opportunity in parental care and further negative effects on gender equity. Different results can be achieved also in relation to the type of authority (economic or social) that at regional level manages the resources and the communication effort provided. The paper reports the case of Piedmont region where in a first phase childcare supply has been extended and then been re-organized according to the needs expressed in the region; and the case of Lombardia region that has been able to promote co-funding by private institutions to increase the impact of work-life balance on the area by promoting 'work-life balance local coalitions'.

Arachi A. (2017) *Le 970 mila famiglie italiane dove lavora soltanto la donna [The 970,000 Italian families where only the woman works]*. Available at: http://27esimaora.corriere.it/17_marzo_21/italia-che-cambia-970-mila-famiglie-italiane-dove-lavora-soltanto-donna-98d551ce-0e75-11e7-bc58-c287e833415a.shtml

According to the statistics reported in this paper, there are almost one million families in Italy in which only women work and men cannot find a job. Women as well as working outside the home are also very busy at home with childcare, grocery shopping, laundry and cooking. This is certainly a strong overload situation for women. There are also just over a million households where there are no members employed. These households are mainly located in the South (587,000 households), followed by the North (300,000), and from central Italy (198,000).

Bramanti, D. Rossi, G.; Meda, S.(2017) 'A Relational Sociological Approach to Active Ageing: The Role of Intergenerational Relations and Social Generativity', *STAN RZECZY*, Vol.1, No.12:215-239

This paper considers the concept of active ageing from the perspective of relational sociology. Active ageing is the process of optimizing opportunities for health, participation, and security in order to enhance quality of life as people age. Ageing occurs in a relational network (the family, society), with a whole range of reciprocal mutual interactions (support, care, etc.). Starting from an operationalization of the relational components (Donati 2011) of the active ageing process, SHARE data were considered, as well as data collected for the Italian survey Non mi ritiro: l'allungamento della vita, una sfida per le generazioni, un'opportunità per la società ("I'm Not Withdrawing: The Lengthening of Life, a Challenge for the Generations, an Opportunity for Society", 2013–2014, N=900), in which the way Italians and other Europeans face ageing was explored. Finally, the focus was on a sub-sample of older adults active in various relational networks, such as their families (grandparents and caregivers aged 65+ of the older generation) and third-sector organizations. By embracing a relational (intergenerational) lens it was possible to grasp the differentiation that characterizes the ageing process, the transformations and standstills of individuals, as well as different orientations and ideas that facilitate or hinder the path to active ageing.

Bratti M., Meroni E.C. and Pronzato C. (2017) *Motherhood Postponement and Wages in Europe*, CESifo Research Report. Available at : <https://www.cesifo-group.de/DocDL/dice-report-2017-2-bratti-meroni-pronzato-june.pdf>

This article represents a first attempt to investigate the differences in the labour market returns from motherhood postponement in Europe ('postponement premia') using highly comparable EU data. The analysis shows a high variability in the 'postponement premia' related to wages. In some countries delaying first childbearing by one year may produce an increase in wages as high as 2.5 per cent (Germany or Poland), while in other countries the effect can be negative. We provide some evidence that these premia are related to the policies and institutions in place in the different countries. Namely, the wage gains from postponing motherhood are larger in countries lacking family friendly policies and in more traditional societies, and smaller in countries promoting higher gender equality.

Cardinali.V (2017) *Analisi dell'occupazione femminile e proposte di policy per incrementare la partecipazione delle donne al mercato del lavoro* INAPP

Cardinali.V (2017) *Occupazione femminile e gender policies: un confronto internazionale*, INAPP

Both papers aim to develop a comparative view of what the individual countries envisage for the increase in female employment, in order to identify some policy suggestions to be adapted to each context.

Del Boca, D., Martino, E. M., & Piazzalunga, D. (2017) 'Investments in early education and child outcomes: Short and long term effects', *ifo DICE Report*, Vol.15, No.1: 43–48.

This paper reports recent findings from the literature focusing on the impact of parental and non-parental investments on child outcomes, with attention to cognitive and non-cognitive outcomes as well as short-run and long-run effects.

Galasso V., Profeta P., Pronzato C. and Billari F. (2017) 'Information and Women's Intentions: Experimental Evidence about Child Care', *European Journal of Population*, Vol. 33, No.1: 109-128.

The paper investigates the effect of providing information about the benefits to children of attending formal child care when women intend to use formal child care so they can work. The authors postulate that the reaction to the information differs across women according to their characteristics, specifically their level of education. They present a randomized experiment in which 700 Italian women of reproductive age with no children are exposed to positive information about formal child care through a text message or a video, while others are not. The paper reports a positive effect on the intention to use formal child care and a negative effect on the intention to work. This average result hides important heterogeneities: the positive effect on formal child care use is driven by high-educated women, while the negative effect on work intention is found only among less-educated women. These findings may be explained by women's education reflecting their work-family orientation, and their ability to afford formal child care.

INPS (2017) *XVI Rapporto annuale [Annual Report]*, July 2017. Available at: https://www.inps.it/docallegatiNP/DatiEBilanci/rapportiannualiinps/Documents/INPS_XVI_Rapporto_annuale_intero_030717%20.pdf

This report analyses the (in)stability of employment and social protection, policies for the dependent population in Italy, the reform of the pension system and the labour market.

Istat (2017) *Annuario statistico italiano 2017 [Italian Statistical Yearbook 2017]*. Available at: <https://www.istat.it/it/files/2017/12/Asi-2017.pdf>

The Italian Statistical Yearbook offers a detailed portrait of Italy and its evolution, favouring an integrated interpretation of the phenomena taking place.

Istat (2017) *Il mercato del lavoro [The labour market]*. Available at: <http://www.istat.it/it/files/2017/12/Rapporto-Mercato-Lavoro-2017.pdf>

This first annual report is the result of the collaboration developed through the Framework Agreement between the Ministry of Labour and Social Policies, Istat, Inps, Inail and Anpal, aimed at producing harmonized, complementary and coherent information on the structure and dynamics of the labour market in Italy and implementing a shared statistical information system. The goal is to enhance the potential of the different sources of data on employment - administrative and statistical - to respond to the growing demand for an integrated reading of the labour market. The proposed analyses, based on the joint use of data from the institutions involved, offer an interesting perspective on the reading of the Italian labour market, and show how the integration of information in this field can be an important tool for users and policies makers.

Istat (2017) *Rapporto annuale 2017 – La situazione del Paese [Annual Report 2017 - The situation of the country]*. Available at:

<https://www.istat.it/it/files/2017/05/RapportoAnnuale2017.pdf>

The 25th edition of the Istat Annual Report deals with the theme of the social structure through the characteristics of groups, describing and interpreting the phenomena from different points of view. The reading keys proposed make it possible to highlight a plurality of aspects, widening the view from individuals to social subjects and economic actors.

Istat (2017) *Rapporto Bes 2017: il benessere equo e sostenibile in Italia [Bes report 2017: the equitable and sustainable well-being in Italy]*. Available at:

https://www.istat.it/it/files/2017/12/Bes_2017.pdf

Now in its fifth edition, the Bes Report offers an integrated picture of the main economic, social and environmental phenomena that characterize Italy, through the analysis of a wide set of indicators divided into 12 domains: health; education and training; work family reconciliation; economic well-being; social relations; politics and institutions; safety; subjective well-being; landscape and cultural heritage; environment; research, innovation and creativity; quality of services.

Macchioni, E. (2017) 'Il family audit nelle imprese trentine: una survey sui benefici prodotti da una politica locale di conciliazione famiglia-lavoro' ['Family audit in Trentino companies: a survey on the benefits produced by a local family-work reconciliation policy'], *Autonomia locali e servizi sociali*, No.1: 159-182.

This paper presents the results of a survey on the effects of work-life balance measures on workers' lives. The analysis shows that the creation of well-being at a personal, professional and family level emerges as a complex effect and establishes a 'reflexive equilibrium' through work-life balance measures and couple relationship. The effect is strongly conditioned by intervening variables concerning the worker, his/her family and measures characterized by flexibility and personalisation.

Macchioni, E., Orlandini M. and Vanelli V. (2017) 'Il benessere familiare tra i working carer che usano misure di FamilyAudit', *Sociologia e Politiche Sociali*, No.20: 75 – 93.

Working carers deserve increasing attention by welfare regimes and workplaces. Using the work family interface approach, the authors analyse the effects of Family Audit workplace measures – an Italian worklife balance policy – on family well-being. The research has been carried out through a CAWI survey, addressed to the employees of the organizations that participated in the policy programme in 2012. The results show that the measures implemented by companies are able to improve the employees' family well-being. The more effective ones are characterized by high levels of flexibility and personalization. These features allow a reduction of the negative effects produced by some socio-biographic variables and some work-related aspects).

Maino F. and Ferrera M. (2017). *Terzo Rapporto sul secondo welfare in Italia 2017 [Third Report on second welfare in Italy 2017]*, Torino: Centro di Ricerca e Documentazione Luigi Einaudi. Available at: http://secondowelfare.it/edt/file/Terzo_Rapporto_sul_secondo_welfare_in_Italia_2017_Versione_integrale.pdf

The Third Report addresses some central issues to understand the evolution of the second welfare in our country - such as social innovation, the empowerment of the recipients of the interventions, the interaction with the public and the 'bottom-up' activism - and deepens ways of operating projects and strategies of the many realities that are an integral part of the second welfare.

Maino F., (2017) *Welfare aziendale tra dimensione organizzativa e cura della persona [Corporate welfare between organizational dimension and personal care]*, I Quaderni di Sviluppo & Organizzazione, n. 23. Milano: ESTE.

In societies challenged by the crisis of public welfare, corporate welfare as a tool that allows balancing two interests at stake - work and people's needs - becomes an architrave of the European social model. Benefits for the company (tax benefits, strengthening of the link with workers, increase in productivity) and advantages for the workers (satisfaction of some essential needs, of some "gratifying" requests and greater organizational well-being) travel on the same track with the result that is substantiated in a new pact of trust between the company and the person. The incentives reward companies that sign agreements to increase productivity and has expanded the basket of services that can fall within the tax-free welfare. The extension of the welfare contracted to small and medium-sized enterprises remains a knot to be dissolved: an inter-confederal framework agreement between Confindustria and trade union confederations was signed in July 2016, but the road ahead is

still a lot, even to avoid the traditional asymmetries that characterize our country and that are the reflection of differences between the territories, between the size of the companies and between the categories of workers. In this scenario, corporate welfare is configured as an instrument of "organizational engineering" and social innovation. Here, welfare from "shopping cart" is increasingly configured as an opportunity to "redesign" the workplace of the future and create opportunities for greater participation of workers while encouraging a change based on new organizational logic.

Mazzucchelli S. (2017) 'Flexibility and work-family balance: a Win-Win Solution for Companies? The case of Italy', *International Review of Sociology*: 436-456. Available at : <https://doi.org/10.1080/03906701.2017.1377411>

Flexibility of working time is currently coming to the fore, with varying degrees of intensity, in European countries. After a brief analysis of flexibility (origin, characteristics, spread) in Europe, this paper focuses on the Italian case by presenting a phenomenon attracting growing attention: 'Smart Working.' This is an innovative approach to work organisation that integrates and exceeds concepts such as teleworking and mobile working, thus questioning traditional constraints (such as physical space or work times and tools) and seeking new balances based on greater freedom for workers, as well as their empowerment. By taking advantage of two recent empirical investigations carried out in Italy (2011–2012) we could illustrate the relevance of S.W. in terms of both aspiration and practice, and its high incidence on core issues such as care, fertility rate, and the daily challenge of balancing family and work. In light of this, we tried to discover whether and under what conditions the introduction of different S.W. forms could be a win-win solution for companies and employees alike.

Minguez A. M. and Crespi I. (2017) 'Future perspectives on work and family dynamics in Southern Europe: the importance of culture and regional contexts', *International Review of Sociology*, Vol.27, No.3: 389-393

The Southern countries model (Portugal, Spain, Italy, and Greece) take a specific family-oriented approach to work–family reconciliation. They are family-oriented in that they entrust the family with more responsibilities than in other countries. Work–family reconciliation is considered as a political action that gives quite limited and unstable support to encourage women's labour-market participation; this results in the poor development of external services and in few benefits for women, who have to undertake multiple roles inside and outside the family. In these countries, negotiation is left to the private spheres of the couple or local communities, so that each family can decide on the best way to use the existing policies and consider the possibilities available to them. In this sense it is not possible only to apply 'outside models' (such as the Nordic, French, German, etc.) to find an effective approach for these countries. The special issue, starting from the current situation explores possibilities for future scenarios in Southern Europe countries concerning work–family dynamics. It includes general comparative papers or case study on work-care arrangements, family and care policies, early childhood education and care (ECEC) with regard to family well-being, gender equality, fertility or father involvement in Southern European countries.

Minguez A. M. and Crespi I. (2017). 'Gender equality and family changes in the work–family culture in Southern Europe', *International Review of Sociology*, Vol.27, No.3: 389-393: 394-420.

The wider context of the trade-off between work and family is not just a matter of changing preferences. The focus of the literature in this area has been strongly concerned with the identification of factors promoting high levels of female employment than with the location of policy determinants of cross-national fertility variation. Work–family reconciliation is considered as a political action that gives quite limited and unstable support to encourage women's labour market participation, this results in the poor development of external services and in fewer benefits for women, who have to undertake multiple roles inside and outside the family. The Southern European countries (SEC) model take a specific family-

oriented approach to work–family reconciliation. They are family-oriented in that they entrust the family with more responsibilities than in other countries and take a conservative/corporatist-family-oriented approach to work–family reconciliation. The key role and the interconnection between fertility and employment among women, as well as the influence of the gender system and, on the whole, of the welfare system depend on the specific culture of different countries. Based on these theoretical premises, this paper reviews the academic discussion of the meaning of work–family balance concept in the cultural context of SEC from a comparative perspective, taking in account the gender equality debate.

Narazani, E. and Figari, F. (2017) *Female labour supply and childcare in Italy*, JRC Working Papers on Taxation & Structural Reforms 2017-02, Joint Research Centre (Seville site).

It is widely recognized that childcare has important pedagogical, economic and social effects on both children and parents. This paper is the first attempt to estimate a joint structural model of female labour supply and childcare behaviour applied to Italy in order to analyse the effects of relaxing the existing constraints in terms of childcare availability and costs by considering public, private and informal childcare. Results suggest that Italian households might alter their childcare and labour supply behaviours substantially if the coverage rate of formal childcare increases to reach the European targets. Overall, increasing child care coverage is estimated to be more effective in enhancing labour incentives than decreasing existing child care costs, at the same budgetary cost. [Abstract from Authors]

Pesenti L. (2017), *Welfare e lavoro [Welfare and work]*, in: V. Cesareo (ed.), *Welfare responsabile*. Milan: Vita&Pensiero, pp.405-418

The chapter analyzes the policies implemented in Italy on borderline between welfare and work: life-work reconciliation; transition from education to work; and activation policies for people in poverty.

Pesenti L. (2017), *La territorializzazione del welfare aziendale: spunti di discussione [The territorialization of corporate welfare: points of discussion]*, in: V. Cesareo (ed.), *Welfare responsabile*. Milan: Vita&Pensiero, pp.201-224

The chapter analyzes a number of empirical cases of occupational welfare at firm level, showing in particular the spread of territorialization cases that exploit network models to make welfare accessible even in small and medium-sized businesses.

Pronzato C. (2017), *Fertility decisions and alternative types of childcare*, IZA World of Labour. Available at : <https://wol.iza.org/articles/fertility-decisions-and-alternative-types-of-childcare/long>

Theoretical models predict that a larger availability of childcare and reductions in childcare costs should affect both the labour supply of mothers and the fertility of couples. By lowering the cost of having children, the demand for children should, theoretically, increase. However, the effect of childcare on fertility is likely to depend on the mother's labour supply decision (i.e. does the mother wish to work more or have more children), so that the link between childcare and fertility remains an empirical issue. A number of empirical studies look at the relationship between different modes of childcare (formal childcare, childminders, grandparents) and fertility decisions. There is evidence of a positive impact of childcare availability (regional public childcare coverage, regional availability of childminders, grandparents' proximity) on the probability of having children. To answer the question of what types of childcare should be promoted in order to increase fertility, it is necessary to account for the costs and benefits of each childcare mode for different kinds of families.

Riva, E. (2017) 'Background and rationale of collective bargaining around work-family issues in Italy: The duality of the business case argument'. *Employee Relations*, Vol. 39, Issue 4: 459-474

This paper outlines and assesses the role of industrial relations in introducing work-family-related policies and investigates the drivers, nature and scope of contract provisions revealing that the industrial relations framework influences collective bargaining in work-family-related fields.

Tiraboschi M., Dagnino E., Pelusi L.M. and Menegotto M. (2017) *Guida pratica al lavoro agile dopo la legge n. 81/2017. Formule contrattuali, schemi operativi, mappatura della contrattazione collettiva [Practical guide to agile work after the law n. 81/2017. Contractual formulas, operational schemes, collective bargaining mapping]*. Modena: ADAPT University Press

After having illustrated the rules on 'agile' work, agile work in company bargaining and in public administration is analyzed

Addabbo, T. (2018) 'Le disuguaglianze di genere nel lavoro e nelle retribuzioni' ['Gender inequalities in work and wages'], in: M. Franzini and M. Raitano (eds.) *Il mercato rende diseguali? La disuguaglianza dei redditi in Italia*. Bologna: Il Mulino.

The chapter analyses the gender inequalities that characterize the Italian labour market having an effect in wage gaps to women's disadvantage. The Italian situation is analysed in comparison with the European conditions of women and men in the labour market showing how the gender gap in employment to women's disadvantage is much higher than in Europe and the discouraging effect on women's labour supply of the presence of children. The most recent surveys on time allocation by gender show a decrease in the asymmetry in the distribution of unpaid work within the couple amongst some groups of the population, like Millennials and more educated partners' couples. However, the gender inequality in the distribution of unpaid work is still persistent in Italy as well as there is a persistent inequality in the access to apical positions. The chapter then deals with the measurement of wage differentials by gender in Italy showing how the observed inequality in the access to employment affects the value of the gender gap at their disadvantage and concludes with policies suggestions. In particular the A. stresses the importance of family friendly policies and the positive effect that a higher equality in wages by gender can have on the distribution of unpaid work within the couples.

Addabbo, T., Klatzer, E., Schlager, C., Villa, P. And de Villota, P. (2018) 'Challenges of Austerity and Retrenchment of Gender Equality', in: A. O'Hagan and E. Klatzer (eds.) *Gender Budgeting in Europe. Developments and Challenges*. Basingstoke: Palgrave Macmillan, pp.57-85.

This chapter focusses on the multidimensional pressures on increasing gender inequalities by presenting a summary of new EU economic governance and the implications on equality, focusing on Italy and Spain, two country case studies that exemplify the dynamics and effects of austerity policies at country level. With regards to the Italian case the essay analyses the effects of the fiscal austerity on a welfare system that was already characterized by poor family policies and insufficient and with regional heterogeneity public services for care dealing also with the effects on the provision of child-care services and the effect on gender equality.

Biroli, P., Del Boca, D., Heckman, J.J., Heckman, L.P.; Koh, Y.K.; Kuperman, S.; Sidharth Moktan, S.; Pronzato, C.D., Ziff and A.L. (2018) 'Evaluation of the Reggio approach to early education', *Research in Economics*, Vol.72, No.1:1-32.

The authors evaluate the Reggio Approach using non-experimental data on individuals from the cities of Reggio Emilia, Parma and Padova belonging to one of five age cohorts: ages 50, 40, 30, 18, and 6 as of 2012. The treated were exposed to municipally offered infant-toddler (ages 0–3) and preschool (ages 3–6) programs in Reggio Emilia. The control group either did not receive formal childcare or were exposed to programs offered by municipal systems (outside of Reggio Emilia), or by state or religious systems (in all three cities). We exploit the city-cohort structure of the data to estimate treatment effects using three

strategies: difference-in-differences, matching, and matched-difference-in-differences. Most positive and significant effects are generated from comparisons of the treated with individuals who did not receive formal childcare. Relative to not receiving formal care, the Reggio Approach significantly boosts outcomes related to employment, socio-emotional skills, high school graduation, participation in elections, and obesity. Comparisons with individuals exposed to alternative forms of childcare do not yield strong patterns of positive and significant effects. This suggests that differences between the Reggio Approach and other alternatives are not sufficiently large to result in significant differences in outcomes. This interpretation is supported by a survey we conduct, which documents increasing similarities in the administrative and pedagogical practices of childcare systems in the three cities over time.

Bosoni M.L., Mazzucchelli S. (2018) 'The invisible gap between public policy and company practices in supporting fatherhood - The Italian case', *Community, Work & Family*, pp. 193-208. <https://www.tandfonline.com/doi/full/10.1080/13668803.2018.1428176>

Work and family reconciliation is a key issue for many countries; in Italy it is also an important and crucial challenge. Though initially considered a predominantly female issue impacting the maternal employment rate, the importance of fathers in the family domain is now widely acknowledged in policy discourses (such as leave policies). However, an emphasis on 'fathers' rights' has not yet produced the expected improvements in term of men's sharing care responsibilities and fathers' involvement in children's lives. This paper first describes the legislative context along with data on the use of leaves by employed parents. Then three company case studies in the North of Italy are presented and analyzed, where both managers and fathers were interviewed to understand the facilitators and barriers for fathers' leave-taking within companies.

Del Boca, D., Piazzalunga, D. and Pronzato, C. (2018) 'The role of grandparenting in early childcare and child outcomes', *Review of Economics of the Household*, Vol.16, No.2: 477-512.

This paper examines the short and medium term impact of early childcare provision by grandparents and formal care settings on child cognitive outcomes, using data from the Millennium Cohort Study (UK). Compared with children placed in formal childcare, children cared for by their grandparents are better at naming objects, but perform worse on tests of basic concept development and non-verbal reasoning. These results mask strong heterogeneities. On the one hand, the positive association between grandparental care and child outcomes is stronger for children from more advantaged households; on the other, the negative association is only significant for those from more disadvantaged households. The results of OLS estimations used for our analysis are confirmed using panel methods and an instrumental variable approach. [Abstract from the Authors]

Mazzucchelli, S. and Bosoni M.L. (2018) 'Researching fathers through surveys: methodological challenges', in: E. Dermott and C. Gatrell (eds.), *Fathers, Families and Relationships: Researching Everyday Lives*. Bristol: Policy Press, Bristol, pp.47-71

Large international surveys have been used to investigate relevant topics, including family life, gender roles and care. Such topics are addressed with ad hoc scales and variables, covering many countries, thus allowing useful comparisons. However, in researching fathers, qualitative methods (narrative and biographic) have largely been used because they allow a deeper investigation of actions and motivations but also due to a lack of detailed questions on fatherhood or small numbers of items in large-scale surveys. This chapter starts from a question on why and how to investigate fathers from a quantitative perspective, using existing large and sophisticated surveys proving a big amount of interesting data (without costs) that, however, are not built to merely investigate fatherhood. The aim of this chapter is to provide an analysis of how existing large data sets – not specifically focused on fathers – can nevertheless be used by scholars to learn more about fathers and fathering: a brief overview of the topic, scales and aspects of fatherhood and gender roles will be discussed in

three relevant surveys (the European Values Study, the Generations & Gender Programme, and International Social Survey Programme) providing critical methodological considerations regarding researching fathers.

Musumeci R. and Santero A. (2018) (eds.), *Fathers, Childcare and Work: Cultures, Practices and Policies*. Bingley: Emerald Publishing Limited.

The work–life balance of fathers has increasingly come under scrutiny in political and academic debates. This collection brings together qualitative and quantitative empirical analyses to explore fathers' approaches to reconciling paid work and care responsibilities in twelve countries characterized by different gender norms, labour markets and welfare regimes: Austria, Czech Republic, Denmark, Finland, Iceland, Italy, Japan, Mexico, Norway, Spain, Sweden, and United States. Taking a global perspective, contributors explore how fathers realize and represent their gendered work–care balance and how enterprises and experts, in country-specific institutional contexts, provide formal and informal resources, constrains, expectations and social norms that shape their practices. Chapters explore how fathers from different social and economic backgrounds fulfill their roles in both family and workplace, and what support they rely on in combining these roles. Further, the collection explores an area of research that has been little investigated: the role played by organizational cultures and experts (such as obstetricians, gynaecologists, paediatricians and psychologists) in shaping notions of 'good' fatherhood and fathering, to which individuals are required to confirm, and to which they, variously, comply or resist. The book empirically explores, through both quantitative and qualitative methods developed mainly (but not only) in the context of a sociological approach, the interplay between individual, meso and macro levels in influencing the fathers' reconciliation between childcare and paid work. Such an approach, involving 21 contributors around the world (four continents including Europe, North and South America and Asia and in some areas of Africa, that is, areas of origin of migrant fathers interviewed for some of the contributions presented in the book) offers original insights on the interconnections between individuals, family, market and State.

Prandini, R. (2018) 'Themed section: the person-centred turn in welfare policies: bad wine in new bottles or a true social innovation?', *International Review of Sociology*, Vol. 28, No. 1: 1-19.

This themed section is aimed at evaluating different personalised policies and at drawing a clear map of opportunities and challenges for future implementations. All the essays are based on evaluative researches and on original case studies. They concern different policies: the Australian National Disability Scheme (NDIS) a first serious venture into personalised funding; personalisation in the management of offenders in probation services within the English criminal justice system; social care services for young disabled people attempting to personalise their transition from childhood into adulthood (in Redbridge, UK); health personal plans for disabled people (in Sardinia, Italy). These case studies address the question of how transferable the concept of personalisation is from the social care sector to other and outline different methodologies for developing and evaluating person-centred policies. Last but not least they reflect on a bundle of issues which seem to emerge autonomously from such different case studies. We can sum up their results affirming that personalisation is not an individual consumer-client technology, simply confronted with a single market context and new professionals. It has to be steered within an appropriate context, including new type of professionals, users' led associations and a new governance's architecture. If the public role has to shape freedom and control, helping people to exercise choice in a collectively responsible way and, consequently, to participate in creating public goods, then the *person-centred turn* will have to confront, at least, some emergent issues, which in turn need specific forms of governance.

Prandini R. and Orlandini M. (2018) 'The morphogenesis of disability policies and the personalisation of social services. A case study from Italy', *International Review of Sociology*, Vol. 28, No. 1: 86-109.

Across Europe, and particularly since the 2008 Financial Crisis, new demands for tailor-made services came from different actors and perspectives: user-led organizations, intellectuals, policy makers, social workers, advocacy organizations, which call for a new way of programming, realizing and evaluating social policies. Personalization became a relevant part of the so called 'welfare innovation narrative', which concerns – to name but a few – English personalization agenda, Scottish self-directed support, Finnish education system, Norwegian cash-for-care policies. Even the European Commission is addressing new social services, reshaped through users' capabilities. The aim of this paper is to critically explain, through a case study focused on the Sardinian disability policy, how social policy's morphogenetic cycles influence the governance of personalized disability plans and, consequently, the possibility of their implementation.

Tiraboschi M. (2018) *Welfare for people. Primo rapporto su il welfare occupazionale e aziendale in Italia [Welfare for people. First report on the employment and business welfare in Italy]*. Modena: ADAPT University Press

After outlining the legislative framework and a literature review, the volume offers a proposal for mapping and representing corporate and occupational welfare in Italy, trying to quantify the spread of the phenomenon. The book also contains two in-depth analyses: a welfare analysis in the main industrial relations systems of the engineering sector and a review of occupational Welfare in the Bergamo area.

c. Ongoing research

Men, work and family life [2011-in progress]. Giovanna Rossi, Maria Letizia Bosoni and Sara Mazzucchelli, Università Cattolica del Sacro Cuore di Milano.

This research on fatherhood provides an in-depth look at the theme of reconciliation between family and work from the point of view of the father within the research network Oxford Network of European Fatherhood Researchers (ONEFaR - <http://www.brookes.ac.uk/onefar/>), coordinated by Professor Tina Miller (Oxford Brookes University, UK). Contact Maria Letizia Bosoni at: marialetiziabosoni@unicatt.it

Turning parenthood into a competitive advantage: the Improving Welfare Management Project [2011-in progress]. Sara Mazzucchelli and Maria letizia Bosoni, Catholic University of Milan.

In recent year, different models of maternity management have emerged within Italian companies, with an increasing attention for maternal competencies. In this context, Improving Welfare Management Project is an innovative method of parenting enhancement (focused not only on maternity) with and within companies, born from a synergic action of different partners (Family Studies and Research University Center of the Catholic University of Milan, EDWIHR business consulting, Lexelent law firm and Niklas Events). The project aims at creating a new culture of parenting based on both behaviours and values, engaging all company levels. The aim is to understand how parenthood is perceived and managed in the company, in order to enhance it, turning it from a problem to a benefit for all the stakeholders (for the company, for the employees and their families and for all the community). The project is developed in steps: 1. Listening (contest analysis with managers and employees), 2. Diagnosis, 3. Planning and 4. Implementation of long term parenthood management strategies. Contact: Sara Mazzucchelli at sara.mazzucchelli@unicatt.it

Talenti senza età. Analisi del potenziale delle donne in middle-late career e proposte di intervento [talent without age. Analysis of the potential of women in middle-late-career and proposals for action]. [2011-in progress]. Claudia Manzi, Paola Castello, Sara Mazzucchelli,

Maria Letizia Bosoni, Semira Tagliabue, Mara Gorli and Fabio Paderi, Catholic University of Milan.

The project, commissioned and funded by D value - an association of companies that promotes diversity, talent and women's leadership for the growth of enterprises and the country - intends, through a methodology of quantitative investigation, to analyse the employment status of women aged 50-65 years; define the specific potential of women of this age group; locate the organizational aspects that support and promote it; and identify specific tools to enhance the performance and motivation of women in the age group examined. Contact: Claudia Manzi at claudia.manzi@unicatt.it

Intergenerational Family Solidarity across Europe (INTERFASOL) - SCH COST Action [2013 – in progress]. Italian research group: Camillo Regalia, Daniela Barni and Stefania G. Meda, Università Cattolica del Sacro Cuore di Milano. Funded by the European Commission.

This is an Action that is promoted and sustained by the European Community with the aim of creating a multidisciplinary network for the realization of a research project to: a) investigate the intensity and the benefits of intergenerational family solidarity, focusing on exchange between elderly and adult generations; and b) explore the modalities and best practices for reinforcing intergenerational solidarity. The action is coordinated by Anne Marie Fontaine (University of Porto) and involves 23 European countries.

Nuove frontiere del benessere: misurare e valutare il benessere relazionale nei luoghi di lavoro [New frontiers of well being: measure and evaluate the relationship being in the workplace]. [2014-in progress]. Sara Mazzucchelli and Maria Letizia Bosoni, Catholic University of Milan.

The project, in agreement with Best Nest Ltd., aims to: 1) enhance and further develop cases of services / interventions that show a character of innovation and who have made a strong impact in Italian companies (among them the "progetto90giorni", conceived and produced by BEST NEST); and 2) carry out studies aimed at developing knowledge of people working in the company, evaluation of satisfaction with work-life balance measures already in place (if any) and, above all, the identification of needs/latent resources they can find appropriate and prompt answers. The methodology used is based on an original and innovative approach to the person's knowledge of their criteria of values in relation to work-life balance and their consequent behaviour. The technique favours a quantitative tool (questionnaire) online, divided into seven main areas aimed at reaching a large part of the workforce and adjustable area, depending on the specific nature and needs of different companies. In case of need for special investigations, the questionnaire tool can be supplemented by targeted focus group activities.

The proposed methodology is aimed at the construction of measures (indices) able to assess relational wellbeing, with a specific focus on work-family relationship. Contact: Maria Letizia Bosoni at marialetiziabosoni@unicatt.it

Early Childcare and Child Non-Cognitive Outcomes [2016-in progress]. Daniela Del Boca, Enrica Maria Martino, Chiara Pronzato, CHILD - Collegio Carlo Alberto, Turin.

This study analyses the impact of formal early childcare on a number of non-cognitive child outcomes, conditional on several socio-demographic characteristics of the household and the child. Non-cognitive skills were found to be particularly malleable at young ages and to positively affect cognitive ones, in addition to having direct positive impact on a number of later life outcomes. Using a newly available data set for Northern Italy, the study examines the impact of formal childcare on non-cognitive outcomes, such as attitudes to schooling, sociability, generosity and reciprocity, as well as strengths and difficulties identified among children born in 2006 at the end of the first year of primary school. The results of this research are likely to have important policy implications, since increasing availability of formal childcare can be an effective policy for improving subsequent child outcomes and reducing inequality among children from different backgrounds, in addition to facilitating

maternal labour market participation. Contact: Enrica Maria Martino at enricamaria.martino@unito.it

Labour Cost of Motherhood and the Length of Career Break around Childbirth. [2016-in progress]. Enrica Maria Martino. CHILD - Collegio Carlo Alberto, VisitInps

The aim of this project is to analyse the effect of career breaks around childbirth on maternal labour market outcomes and the role of parental leave policies in affecting maternal labour supply, using access to newly available Italian administrative data including monthly information on dependent workers in the private sector. The study adopts an event study approach that accounts for individual fixed effects to explore the impact of childbirth on maternal earnings and labour supply at the extensive and intensive margin. It also exploits the introduction of a childcare subsidy conditional on early return to work as a quasi-experimental setting that allows estimation of the causal impact of the length of the career break around childbirth on maternal labour market performance (earnings, labour supply at the extensive and intensive margins, wage, career path) in the short and medium run. Preliminary results show that women experience more than 35 per cent loss in earnings after the birth of a child, mostly driven by a reduction in labour supply, and the loss is persistent up to three years after Maternity leave. The shorter leave induced by the introduction of conditional childcare subsidy increases maternal earnings only in the very short run. Contact: Enrica Maria Martino at enricamaria.martino@unito.it

Labour market and gender policies: a comparative approach (2017-2020) Valentina Cardinali and others, INAPP (National institute for Public Policy Analysis).

Without a modern family policy that allows work to be reconciled to family tasks (both for women and men), European countries will not be able to overcome the problems linked to demographic change or to mitigate the consequences of the aging of European countries. Starting from this premiss, the research will classify policies in two major areas: a) Measures aimed at women's employment (i.e. studied and explicitly addressed to the target); and b) indirect and contextual measures (which are not explicitly addressed to the target but which intervene on the socio-economic context, where the critical issues of female participation are born). Policies in both areas will be further classified by type and scope of application. This approach can give a comparative view of what the individual countries envisage for the increase in female employment, in order to identify some policy suggestions to be adapted to each context. Contact: Valentina Cardinali

Japan¹

Hideki Nakazato (Konan University), **Junko Nishimura** (Ochanomizu University) and **Junko Takezawa** (National Institute of Population and Social Security Research)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Sanzen-Sango Kyugyo*, literally ‘prenatal and postnatal leave’) (responsibility of the Ministry of Health, Labour and Welfare)

Length of leave (before and after birth)

- Fourteen weeks: six weeks before the birth, the remaining eight weeks after birth, six weeks of which are obligatory.

Payment and funding

- Two-thirds of the mother’s average daily earnings, up to a ceiling that only affects a very small number.
- The benefit payment is tax-free and the recipients are exempted from social insurance contributions.
- Funded from the Employees’ Health Insurance system, financed by even contributions from employees and employers. The system includes a variety of insurers, and although there is a statutory requirement of (at least) equal contributions from employers and employees, contributions by employer can be higher by collective agreements etc. Depending on the type of insurers, the state subsidises a small proportion of payments and/or administrative expenses.

Flexibility in use

- A woman can return six weeks after childbirth, if a doctor has confirmed the activities she will undertake will have no adverse effects on her.

Eligibility (e.g. related to employment or family circumstances)

- All women employees are eligible for Maternity leave, but only those covered by the Employees’ Health Insurance systems are eligible for Maternity benefit payment

¹ Please cite as: Nakazato, H., Nishimura, J. and Takezawa, J. (2018) ‘Japan country note’, in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

(*Shussan-teate-kin*). This means that women enrolled in the National Health Insurance system (including Special national health insurance societies) - such as self-employed women, or part-time or casual employees - are not eligible for Maternity Benefit.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple births, Maternity leave can be taken from 14 weeks before birth.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*Ikuji kyugyo*, literally 'childcare leave') (responsibility of the Ministry of Health, Labour and Welfare)

Length of leave

- Leave can be taken by each parent until a child is 12 months old; it is an individual entitlement. Leave can, however, be extended until the child is 14 months old if *both* parents take some of the leave even though each parent is only entitled to 12 months after birth including the Maternity leave period. A typical situation might be that a mother takes leave until the baby is 12 months old (including 180 days at 67 per cent of earnings, the remainder at 50 per cent) and the father either starts leave on the same day that the mother finishes or starts his leave some time before and then returns to work when the baby becomes 14 months old. As another example, the mother could take six months leave after Maternity leave at 67 per cent of earnings, followed by the father taking another six months at 67 per cent of earnings, so using the right to take leave up to 14 months after birth if leave is shared.
- A parent who is, or whose spouse is, already on leave can take Parental leave up to 18 months of age where (1) the child needs care for a period of two weeks or more due to injury, sickness, etc.; or (2) admission to a childcare centre has been requested but denied for the time being. A parent can take Parental leave up to 24 months of age if she/he meets the above condition at the time when the child turns 18 months of age. This extension of leave is a family entitlement, i.e. only one parent can take it, and paid at 50% of earnings.

Payment and funding

- Sixty-seven per cent of earnings for the first 180 calendar days of Parental leave taken by each parent, up to a ceiling of JPY447,300 [€3,442.51]² with a minimum payment of JPY49,647 [€382.09] a month and a maximum payment of JPY299,691 [€2,306.48] per month; then 50 per cent of earnings with a minimum payment of JPY37,050 [€285.14] a month and a maximum payment of JPY223,650 [€1,721.26] per month. The average monthly earnings of permanent full-time female employees in 2014 was JPY256,600 [€1,974.85] whereas those of male counterparts was JPY343,200 [€2,641.34].
- The benefit payment is tax-free and the recipients are exempted from social insurance contributions.

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

- The benefit payment is reduced if the benefit plus payment from the employer exceed 80 per cent of earnings.
- Funded from the Employment Insurance system, financed by contributions from employees, employers and the state: 0.85 per cent of all wages by employers and 0.5 per cent by employees (with different rates for some specific industries); 4.4 per cent of the benefit payments are subsidized by the state.

Flexibility in use

- A parent must generally take Parental leave in one consecutive time period, except in the case of a father who has taken leave during the eight weeks following childbirth (i.e. during the Maternity leave period); in which case, the father can take another period of Parental leave after returning to work.
- Both parents can take leave at the same time, with both receiving benefit payments if they are both covered by Employment Insurance.

Eligibility (e.g. related to employment or family circumstances)

- Parental leave only applies to an employee employed on a fixed-term contract when he/she meets all of the following conditions: (1) he/she has been employed by the same employer for a continuous period of at least one year; and (2) it is not obvious that his/her employment contract will end before the child reaches one year and six months of age and will not be extended.
- Workers may be excluded if (1) employed by the employer for less than one year; or (2) their employment is to be terminated within one year (or six months if leave continues until the child reaches one year and six months of age); or (3) they work two days or less per week.
- When a person covered by Employment Insurance takes Parental leave, he/she is eligible for a benefit payment if they have contributed to Employment Insurance for at least 12 months during the two years preceding the date on which the leave started, and if they have worked for 11 or more days in those months.
- A parent is eligible for the benefit payments even when she/he works for 80 hours or less during each payment period (a month). The payments, however, are reduced according to the extent that the total of the earnings and the benefit payments exceed 80 per cent of the earnings before leave.
- A parent who is financially dependent on a spouse who pays pension contributions is exempted from paying pension contributions, but is entitled to a pension in his/her own right.
- Self-employed workers are not eligible, neither are same-sex couples.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents)

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements, employer exclusions or rights to postpone)

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Although there are no special leave provisions for adoption, adoptive children by 'special adoption' (including those who are being given care by the worker before the completion of the adoption process) are treated in the same way as biological children for the purposes of Parental leave³.

Time off for the care of dependants

- A short-term family care leave is available for up to five working days (to be taken as half the usual working hours per day) per parent per year for a child under compulsory school age (6 years) if the child is injured, ill or needing a health examination; or up to ten working days per year if there are two or more children of this age. The leave is unpaid.
- Longer family care leave can be taken for a spouse (including de facto), parents, children, parent-in-laws, grand parents, siblings, and grandchildren for each occurrence of a condition where the subject family member requires constant care for a period of two weeks or more due to serious illness or disability, with a limit of 93 days over the whole lifetime of each subject family member, which can be divided into three periods or less. This is paid at 67 per cent of earnings.

Flexible working

- Women with a child under 12 months are entitled to unpaid breaks of at least 30 minutes twice a day; breaks are not specifically for breastfeeding, but can be used for other purposes, e.g. leaving early to pick up children from childcare centres.
- Until a child reaches the age of three years, parents have the right to reduce their normal working hours to six hours per day. There is no payment for working reduced hours. This does not apply to workers excluded by collective labour agreements (e.g. those employed for less than one year).
- Employers may not require an employee with a child below compulsory school age (1) to work more than 24 hours per month or 150 hours per year of overtime; or (2) work night shifts, i.e. between 22.00 and 05.00 – if the employee requests not to work these hours.

Measures to promote leave policy effective in workplaces

- Under the Act on the Advancement of Measures to Support Raising the Next Generation of Children (introduced as a legislation of specified duration in 2003, and revised in 2014 to be effective from 2015 to 2025), employers were obliged to establish (or to make an effort to establish) action plans for 2015-2025 for improving the employment environment to support balancing work and child raising. Under the 2003 Act, employers with more than 100 employees are obliged to establish action plans; while employers with fewer employees are obliged to make an effort to establish plans. The Government grants certificates to employers whose action plans and achievement meets nine conditions; this allows them to use a certification mark

³ 'Special adoption' refers to the case of children aged six years or younger whose relationship to their biological parents (as recorded on the family register) is ended through adoption. By contract, 'ordinary adoption' children keep their relationship to their biological parents on the family register; this form of adoption is intended to be used to secure an heir, not to provide care for children whose biological parents cannot do so.

called 'Kurumin', and provides them with preferential tax treatment. These conditions includes: at least one male employee took Parental leave during the period of the plan; and the Parental leave take-up rate for female employees during the period of the plan is 75 per cent or over. These conditions are relaxed for smaller companies. Under the revised act, the Government grants a special certificate with a certification mark called 'Platinum Kurumin' to employers whose achievements meet higher conditions, including a leave take-up 13 per cent or over among male employees whose partner has given birth. The employers with this special certificate are exempted from establishing action plans, and instead obliged to announce their achievements more than once a year.

- Employers are prohibited treating employees disadvantageously for taking Parental or family care leave and are obliged to take measures to avoid actions by other workers that harm their working condition for these reasons.
- Employers are obliged to inform each employee individually of statutory and workplaces leave schemes and other work/life measures, when they learn that an employee (or spouse) is pregnant or given birth.
- Employers are obliged to make an effort to establish leave entitlement, beyond statutory provision, which can be used for the purpose of childcare so employees taking care of children under school age can take care of their children without difficulties.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of well-paid post-natal leave available in Japan is 14 months (including two months of bonus leave if the leave period is shared by parents), which is nearly eight months for mothers and six months for fathers; if fathers do not use their leave entitlement, the maximum period of well-paid leave is just under eight months. Leave can be extended up to 24 months of age where admission to a childcare centre has been requested but denied for the time being. There is no universal entitlement to ECEC although there is an obligation on local authorities to estimate the demand and supply of ECEC for children from birth to school age (6 years) and to make a plan to close the gap through the approval process for various types of ECEC providers. They also match the childcare needs of each family to providers and subsidise childcare fees. Parents can apply for a childcare place for their children from 8 weeks after birth (the end of maternity leave period) to school age where the child needs care because the parents are working (expanded to part-time work or other non-standard work styles in the new scheme that started in April 2015), seeking jobs, studying, training, etc. However, there is a significant shortage of childcare places especially in large cities.

Levels of attendance at formal services for children under three years are slightly below the average for the countries included in this review and OECD countries; but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

Under an amendment of the Child Care and Family Care Leave Act, effective from 1 October 2017, Parental leave can be extended to 24 months if parents have applied for a place at a childcare service but not received one; the extension period was previously 18 months. An obligation has also been placed on employers to make an effort to inform parents of their

Parental leave entitlement and provide leave entitlements to employees with a child under school age to enable to take care of their children without difficulties.

4. Take-up of leave

a. Maternity leave

The figures in this section are taken from the 2007 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)⁴, based on a national sample of 6,160 private sector workplaces that employed five or more regular employees. There are no more recent data available; because part of Maternity leave is obligatory, it is assumed that there are few variations in take-up.

The average length of pre-natal Maternity leave taken by women who had single pregnancies from 1 April 2006 to 31 March 2007 was 42.1 days, with 72.2 per cent of them taking 42 or less days off and 26.0 per cent 43 to 98 days. The average length of post-natal leave taken was 54.5 days, with 77.2 per cent taking 56 days (8 weeks), 9.9 per cent 42 to 55 days, and 12.9 per cent 57 or more days.

b. Paternity leave

The figures in this section are taken from the 2011 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)⁵ unless otherwise noted, based on a national sample of 4,097 private sector workplaces that employ five or more regular employees.

Although there is no statutory Paternity leave, 46.8 per cent of the workplaces that were surveyed provided their workers with 'leave for childbearing of spouse' (*haigusha shussan kyuka*), which can be interpreted as non-statutory Paternity leave. The proportion in 2011 had increased from the same survey in 2008 by 10.8 percentage point. Most workplaces (88.9 per cent) that have this provision entitle their workers to one to five days of leave; 77.6 per cent provide paid leave, and 4.2 per cent provide partially paid leave. The proportion of workplaces that provide paid leave decreased by 5.2 percentage point from 2008 survey (82.8 per cent). Just over half (52.9 per cent) of male workers at workplaces that provided this leave and whose partners gave birth from 1 April 2009 to 31 March 2010 took leave.

According to a survey conducted in 2016⁶, 55.9 per cent of fathers whose spouse gave birth in 2015 took some leave including Parental leave, leave for childbearing of spouse, and annual leave, within two months after the childbearing of their spouse.

c. Parental leave

The figures in this section, unless otherwise noted, are taken from the 2016 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)⁷, based on a

⁴ Ministry of Health, Labour and Welfare (2008) *2007 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-19.html>.

⁵ Ministry of Health, Labour and Welfare (2012) *2011 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-23r.html>.

⁶ Intage Group (2017) *Dansei no haigusha no shussan chokugo no kyuka shutoku ni kansuru jittai haaku no tameno chousa kenkyu jigyo houkokusho (Report of the research project on fathers' take-up of leave following the childbearing of their spouse)* commissioned by the Cabinet Office. Available at <http://www8.cao.go.jp/shoushi/shoushika/research/h28/zentai-pdf/pdf/s2.pdf>

⁷ Ministry of Health, Labour and Welfare (2017) *2016 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/dl/71-28r-03.pdf>

national sample of 4,213 private sector workplaces that employed five or more regular employees

A large proportion (81.8 per cent) of female workers who had given birth between 1 October 2015 and 30 September 2016 had started or applied for Parental leave by 1 October 2016. The proportion increased by 0.3 percentage point from the previous year (81.5 per cent).

The proportion of men was much lower: 3.16 per cent of male workers whose spouse had given birth between 1 October 2014 and 30 September 2015 had started or applied for Parental leave by 1 October 2016. The proportion increased by 0.35 percentage points from the previous year (2.65 per cent) (2015 Basic Survey of Gender Equality in Employment Management⁸).

Nearly a third (31.1 per cent) of female workers who returned to work from leave between 1 April 2014 and 31 March 2015 had taken ten to 12 months of leave; 27.6 per cent had taken 12 to 18 months. Among male workers who returned to work after taking leave in the same period, more than 80 per cent took less than one month of leave, and 56.9 per cent took less than five days.

The figures above do not take into account the number of female workers who had quit their job before the birth of children. According to the first Longitudinal Survey of Newborns in the 21st Century (2010 cohort), about 36.6 per cent of mothers who had given birth to their first child in 2010 remained in their job six months after the birth.

d. Other employment-related measures

The 2016 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*) shows the following proportion of workplaces provide other employment-related measures: reduced working hours, 60.8 per cent; exemption from overtime work, 55.9 per cent; flexitime for childcare, 12.9 per cent; starting/finishing work earlier or later, 33.6 per cent; providing on-site childcare centre, 2.5 per cent; subsidizing childcare costs, 4.0 per cent; and telework, 2.4 per cent. Use of these measures in the workplaces providing each measure vary depending on the type of measure.

Figures related to the use of these measures are only available for the previous year (2015 Basic Survey of Gender Equality in Employment Management) There are differences between male and female workers: in 13.0 per cent of workplaces providing the reduced working hours measure only female workers used this measure, while in only 0.2 per cent both female and male workers used it; in 21.3 per cent of workplaces providing on-site childcare centres only female workers used them, while in 3.7 per cent both female and male workers used them; and in 13.0 per cent of workplaces providing the reduced working hours measure only female workers used this measure, while in only 0.2 per cent both female and male workers used it; in 10.7 per cent of workplaces providing starting/finishing work earlier or later measures only female workers took advantage of them, while in 0.8 per cent both female and male workers took advantage.

5. Research and publications on leave and other employment-related policies since April 2017

a. General overview

⁸ Ministry of Health, Labour and Welfare (2012) *2011 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-23r.html>

There have been an increasing number of publications that explicitly focus on Parental leave or other specific measures compared to earlier years.

b. Selected publications since April 2017

Fukahori, R. (2017) 'Seiki shūgyō josei no ikuji kyūgyō kikan ni kansuru youin bunseki' [Factors determining the length of child care leave of female regular employees], *Seikatsu keizaigaku kenkyū [Journal of personal finance and economics]*, Vol.46: 39-54.

This paper explores factors determining the length of Parental leave among female regular employees in the private sector. Using the Longitudinal Survey of Adults in the 21st Century, the 2002 cohort (LSA-2002), the paper examines determining factors on whether women take Parental leave for more than ten months or not. It is found that women are more likely to take leave of more than ten months when the child was born during January and March, and this tendency has become even more remarkable after the reforms in Parental leave legislation in 2005. The author suggests that parents raising infants should have an equal opportunity to send their children to childcare centres regardless of which time of the year their baby is born.

Miyajima, T. and Yamaguchi, H. (2017) 'I want to but I won't: Pluralistic ignorance inhibits intentions to take paternity leave in Japan', *Frontiers in Psychology*, Vol.20. Available at: DOI: 10.3389/fpsyg.2017.01508

This paper examines the organizational climate in Japanese workplaces, which is hostile toward fathers' taking Parental leave, using the concept of pluralistic ignorance. Based on web-based studies on male employees aged 20 to 49, using a crowdsourcing service, the authors find that male employees overestimate negative attitudes of their colleagues toward Parental leave use. Furthermore, they find that those who believe that their colleagues have negative attitudes toward Parental leave use are less willing to use leave, despite positive attitudes of their own on taking the leave. The authors suggest that the small numbers of fathers taking Parental leave in Japan is partly explained by pluralistic ignorance; although individual men have positive attitudes toward taking leave, their inaccurate assumptions that their colleagues have negative attitudes toward taking leave restrain them from behaving in accordance with their own preference.

Naganuma Y. et al. (2017) *Dansei no ikuji kyūgyō shutokuga hatarakikata, kaji ikuji sankaku, fūfu kankei tou ni ataeru eikyō. [Factors affecting father's taking parental leave and its impacts on father's participation in care, household chores and couple's well-being?]*, *ESRI Working Paper No.39*, Economic and Social Research Institute, Cabinet Office.

This paper examines factors affecting fathers' taking of Parental leave and its impact on father's participation in care and household chores and on the couple's well-being, using the survey of fathers' taking Parental leave and their working styles conducted in 2016 by Economic and Social Research Institute (n=5721, aged 20-59 male employee who had their first children during 2011- 2015). The study finds that family-friendly workplace practices and active participation in household chores before the birth of a first child promote fathers' taking Parental leave. Fathers taking Parental leave also shortened their working hours and increased their participation in care and household chores, which enhanced couple's well-being. The authors suggest that the government should inform employers that fathers' taking of Parental leave had positive impacts on both work and family life.

Noshiro, H. (2017) 'Shakai hoken seido ni miru kosodate shien kinou' ['The function of Child-care Support in social Insurance System'], *Kikan Tōyō daigaku ningen kagaku sōgō kenkūjyō [The Bulletin of the Institute of Human Sciences, Tōyō university]*, Vol.19:199-211.

This paper provides an overview of the historical and legal backgrounds of child-related cash benefits: birth grants, leave benefits and exemptions of social insurance premium during

Maternity and Parental leave, which are funded by the health insurance and the employment insurance. The author points out that more and more regular employees and their dependents have enjoyed more generous entitlements to child-related benefits since 1990s; however, a substantial proportion of non-regular employees and the self-employed have not been comprehensively covered by the insurance schemes. The author suggests all parents should be entitled to child-related benefits regardless of their working status or types of insurance schemes which they participate in.

Uchikoshi, F. (2017) 'Ikuji kyūgyō no shutoku ga josei no shūgyō keizoku ni ataeru chūchōkiteki na eikyō: JGSS-2009LCS wo mochiita seizon bunseki' [Childcare leave use among Japanese women and its long-term effect on occupational careers: A survival analysis using JGSS-2009LCS], *JGSS Research Series No.17*: 29-40.

This paper examines the long-term effect of Parental leave use on women's employment. Using the data from the Japanese General Social Survey 2009 Life Course Survey (JGSS-2009LCS), the author finds that the use of leave has positive effects on women's employment; women who did not use Parental leave are more likely to leave the labour market. The results suggest that the use of Parental leave enhances women's employment not only during the time shortly after childbirth, but also later.

c. Ongoing research

Basic Survey of Gender Equality in Employment Management. (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/toukei/list/71-23.html> (Japanese)

This annual survey is based on a national sample of 10,000 private sector workplaces that employ five or more regular employees. It provides nationally representative data on provision and uptake of Parental leave and other employment-related provision to help workers to reconcile their work with care of children and other dependent family members. Contact: Equal Employment Opportunity Division, Employment Environment and Equal Employment Bureau (+81+3-5253-1111: ext. 7837)

Japanese Panel Survey of Consumers (JPSC) (Annual survey). Undertaken and funded by the Panel Data Research Center at Keio University (PDRC). <https://www.pdrc.keio.ac.jp/en/>

This is an annual panel survey, undertaken since 1993, which now has four different cohorts of women and has been used to examine the effect of Parental leave take-up on job retention and childbearing. Contact: info@kakeiken.or.jp.

Longitudinal Survey of Newborns in the 21st Century (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/english/database/db-hw/vs03.html> (2001 cohort) and <http://www.mhlw.go.jp/toukei/list/27-22.html> (2010 cohort)

This panel surveys of children who were born in January and July 2001 (2001 cohort) and May 2010 (2010 cohort), and their families, has been conducted annually since 2001 and 2011 respectively. The information provided includes parents' job status, childcare and take-up of measures including Parental leave and shortened working hours for parents, and use of childcare services. Contact: Household statistics Office, Director-General for Statistics and Information Policy at c-cohort@mhlw.go.jp

National Fertility Survey. (Every five years). National Institute of Population and Social Security Research. http://www.ipss.go.jp/ps-doukou/e/doukou15/Nfs15_gaiyoEng.html

This survey investigates the situation and issues regarding marriage, childbirth and child-rearing in Japan. Unlike the Basic Survey of Gender Equality in Employment Management, it covers those who quit their job before the birth of a child, therefore enabling the relationship between job retention and Parental leave for mothers to be examined.

Contact: http://www.ipss.go.jp/mail/e_sendmail/mail.html.

Korea¹

Hyunsook Kim (Ministry of Health and Welfare, Korea)²

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (출산전후휴가) (responsibility of the Ministry of Employment and Labour)

Length of leave (before and after birth)

- Ninety (90) calendar days: a minimum of 45 days must be taken after birth. In the case of a delayed birth additional days are provided to guarantee 45 days leave after the birth; however, additional days in excess of the 90 days are not paid. It is obligatory to take leave.
- In the case of a miscarriage or stillbirth, 5 to 90 days leave is provided depending on the length of pregnancy.

Payment and funding

- One hundred (100) per cent of ordinary earnings (i.e. for contractually agreed working hours excluding bonuses and/or overtime pay) at the time of taking leave paid by the employer for the first 60 days, and one hundred per cent of ordinary earnings by the Employment Insurance Fund with a ceiling of KRW1,600,000 [€1,280.46]³ for the last 30 days.
- To reduce the financial burden on small and medium sized enterprises (SMEs), the Employment Insurance Fund⁴ pays for the first 60 days up to a ceiling of KRW3,200,000 [€2,560.92]. If an employee's ordinary earnings are higher than the ceiling for the first 60 days, the employer must pay the difference between the ceiling and the employee's ordinary earnings above the ceiling for that period. The definition

¹ Please cite as: Kim, H. (2018) 'Korea country note', in Blum, S., Koslowski, A., Macht, A.. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² The opinions expressed and arguments employed herein are solely those of the author and do not necessarily reflect the official views of the Ministry of Health and Welfare, Korea.

³ Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

⁴ The Employment Insurance (EI) does not cover government officials, teachers (both in public and private school), part-time workers working less than 60 hours per month nor domestic workers. EI also does not cover businesses in the agriculture, forestry, fishery, and hunting sectors with 4 or less employees nor does it cover small construction firms.

of an SME varies across sectors; for example, in the manufacturing sector the enterprise must have no more than 500 employees, and in the construction sector no more than 300 to be considered as an SME.

- The Employment Insurance Fund for Maternity leave benefit is financed mainly by employers' and employees' contribution with a small amount of government subsidy.

Flexibility in use

- Maternity leave can be taken from 45 days before the expected date of delivery. Women who have previously experienced or risk a miscarriage can take the first 45 days at any time for medical reasons.

Eligibility (e.g. related to employment or family circumstances)

- All women employees, whether permanent or temporary workers, are eligible for Maternity leave; but to be eligible for the maternity benefit from the Employment Insurance Fund, employees must have been insured for 180 days prior to the commencement of Maternity leave; for those not entitled to the benefit, the employer must pay for the first 60 days.
- Self-employed workers are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature birth; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple births, the length of Maternity leave increases to 120 days.

b. Paternity leave (배우자 출산휴가) (responsibility of the Ministry of Employment and Labour)

Length of leave

- Three to five days, in order to give some flexibility to the employer who can decide the length of leave.

Payment and funding

- One hundred (100) per cent of ordinary earnings for the first three days. The remaining two days are unpaid.
- Paid by the employer.

Flexibility in use

- Leave can be taken within thirty days after child birth

Eligibility (e.g. related to employment or family circumstances)

- All employees whose spouse gave birth.

c. Parental leave (육아휴직) (responsibility of the Ministry of Employment and Labour)

Length of leave

- One year for each employed parent. Leave is an individual non-transferable entitlement.

Payment and funding

- For the first three months of full-time Parental leave, 80 per cent of ordinary earnings, with a minimum of €560.20 a month and a ceiling of KRW700,000 [€1,200.43] a month; for the remaining nine months, 40 per cent of ordinary earnings, with a minimum of KRW500,000 [€400.14] a month and a ceiling of KRW1,000,000 [€800.29] a month.
- For part-time Parental leave, 80 per cent of ordinary earnings with a ceiling of KRW1,500,000 [€1,200.43] a month is applied for the whole period of leave, to encourage employees to use part-time Parental leave.
- In cases where both parents take Parental leave for the same child at different times, the allowance for the first three months of leave taken by the second parent increases to 100 per cent of ordinary earnings with a ceiling of KRW1,500,000 [€1,200.43] for the first child and KRW2,000,000 [€1,600.57] for subsequent children. This so-called 'Daddy month' (아빠의 달) aims to encourage fathers to take Parental leave by providing higher benefits when both parents participate in Parental leave consecutively.
- Twenty-five per cent of the Parental leave benefit is paid as a lump sum if the employee returns to the same employer upon expiry of leave and works for more than six months for the same employer afterwards.
- Funded from the Employment Insurance Fund.

Flexibility in use

- Leave can be taken until the child reaches the age of eight years or the second grade in elementary school.
- Leave can be split once, i.e. it can be taken in two separate periods. In this case, employees can divide Parental leave into one period of full-time leave and one period of reduced working hours; or two periods of full-time Parental leave; or two periods of reduced working hours. However, the total period of leave taken cannot exceed one year.
- Instead of taking Parental leave on a full-time basis, employees can reduce their working hours; this part-time Parental leave is called Reduced Working Hours during Childcare Period. Reduced working hours must be a minimum of 15 hours per week and cannot exceed 30 hours per week. The Parental leave benefit is paid in proportion to the number of working hours.
- Both parents can take leave at the same time, subject to the agreement of both employers. If both parents take leave at the same time, only one parent receives the Parental leave benefit.

Eligibility (e.g. related to employment or family circumstances)

- Employers can refuse to grant Parental leave to employees who have not worked continuously for their firm for one year.

- In order to receive the Parental leave payment, employees must have been insured for at least 180 days prior to the commencement of Parental leave and take at least 30 days leave consecutively
- Self-employed workers are not eligible.
- Same-sex couples are not eligible, as same-sex marriage is not legally allowed.

Variation in leave due to child or family reasons (e.g. multiple or premature birth; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None

d. Childcare leave or career breaks

- None

e. Other employment-related measures

Adoption leave and pay

- The same Parental leave regulations apply in case of adoption.

Time off for the care of dependants

- Employees can take up to 90 days' unpaid leave per year to take care of a family member on account of illness, accident, old age, etc. This must be taken in blocks of at least 30 days.

Flexible working

- All female workers who are within the first 12 weeks or beyond the 36th week of their pregnancies can reduce their working hours by two hours a day without reduction in pay. This rule on shorter work hours for pregnant workers, previously applied only to companies with more than 300 employees, was extended to all businesses in March 2016.
- After childbirth, a female worker is entitled to a 30 minute break two times a day to feed a child under 12 months (including breast feeding and bottle feeding).

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Korea is 27 months. From 2013 onwards, a childcare subsidy is available to all children aged five years or younger who wish to attend any type of formal ECEC facility regardless of family income level.

Levels of attendance at formal services for children under and over three years are slightly above the OECD average. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

The ceiling of the Maternity leave allowance was fixed at KRW1,350,000 [€1,080.39] for 15 years, but was increased for the last 30 days to KRW1,500,000 [€1,200.43] in 2017 and to KRW1,600,000 [€1,280.46] in 2018.

In September 2017, payment for the first three months of Parental leave increased from 40 per cent to 80 per cent of ordinary earnings and the minimum and maximum ceilings also increased from KRW500,000 [€400.14] to KRW700,000 [€560.20] and from KRW1,000,000 [€800.29] to KRW1,500,000 [€1,200.43], respectively. In January 2018, the allowance of part-time Parental leave increased from 60 per cent to 80 per cent of ordinary earnings with a maximum ceiling of KRW1,500,000 [€1,200.43].

From July 2018, the ceiling for the 100 per cent benefit paid for the 'Daddy Month' will increase from KRW1,500,000 [€1,200.43] to KRW2,000,000 [€1,600.57] for the first child; currently, this ceiling applies only to second and subsequent children.

4. Take-up of leave⁵

a. Maternity leave

In 2017, the number of employees taking Maternity leave was 81,093 (23 per cent of the total number of births). The number of births decreased from 406,200 in 2016 to 357,700 (provisional) in 2017. There are three main reasons why use of Maternity leave is low: female employment rates are low, so many women giving birth are not employed; the coverage of Employment Insurance is limited (see footnote 3); and self-employed workers are not eligible.

b. Paternity leave

No information.

c. Parental leave

In 2017, 90,123 employees took Parental leave, a slight increase on the number taking leave in 2016 (89,780), even though the number of births decreased from 424,563 in 2015 to 393,674 in 2016.

The proportion of male employees among the total number of employees taking Parental leave was 13.4 per cent (12,043) in 2017, compared with 8.5 per cent (7,616) in 2017. This proportion has been rising in recent years, from 2.0 per cent in 2010.

The number of 'Daddy months' users increased by 63 per cent from 2,703 in 2016 to 4,408 in 2017, with the large majority of users (3,895 or 88.4 per cent) being male employees; the remainder were female employees whose husbands had taken Parental leave before them (when these female employees took leave after their husbands, they received the 'Daddy months' payment for three months and then normal Parental leave payment for the remaining months). The increased popularity of the 'Daddy months' can be attributed to the

⁵ The numbers in this section relate to the number of employees taking leave covered by Employment Insurance.

fact that the period was extended from one month to three months in January 2016, and possibly also changing attitudes towards men taking Parental leave.

In 2017, the average duration of Parental leave taken by men was 6.6 months, compared with 10.1 months for women. The proportion of men who use Parental leave for 3 months or less was 41 per cent, while 40 per cent took between 9 and 12 months of leave. For women, the proportions were 9.5 per cent and 73 per cent respectively. The number of employees taking part-time Parental leave increased slightly from 2,761 in 2016 to 2,821 in 2017; male employees represented 11 per cent of all part-time Parental leave takers.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

In 2008 and every year since 2011, the Ministry of Employment and Labour has conducted a survey on implementation of policies to support the work and family life balance (일가정양립 실태조사). The Ministry questionnaire covers gender discrimination, maternity protection and measures in the workplace to reconcile of work and family life, and the survey includes about 1,000 employers with 5 employees and more sampled by size, type of industry and region. While the survey is confined to employers, not employees, it gives an idea of how people are using the different types of leave and other means that support the work and family life balance.

b. Selected publications since April 2017

None reported.

c. Ongoing research

None reported.

Natālija Pīlpa (Ministry of Welfare of the Republic of Latvia)

April 2018

NB. The Latvian country note is included for the first time in the 2018 International Review of Leave Policies & Research.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*grūtniecības un dzemdību atvaļinājums*) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Fifty-six (56) days before and 56 days after the birth of a child. No part of the leave is obligatory.

Payment and funding

- For employed women: 80 per cent of the gross insurance contributions salary that is calculated for a period of 12 calendar months ending two months before the month in which the leave begins;
- for self-employed women: 80 per cent of the gross insurance contributions made during the period of 12 calendar months ending one quarter before the quarter in which the leave begins;
- The average amount of the Maternity benefit (in total) during the last 12 months was €1,582.84 EUR; the number of recipients was around 2,446 per month.
- The benefit is paid in two parts, the first part is calculated for the 56 days before the due date and the second part is calculated for the 56 days after the actual birth date.

Flexibility in use

- None except for when the leave can be started (not earlier than 56 days before birth);
- The right to the maternity benefit ends six months from the first day of the first part of the leave.

¹ Please cite as: Pīlpa, N. (2018) 'Latvia country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Eligibility (e.g. related to employment or family circumstances)

- All women who are employed and have paid social insurance contributions for at least 12 months during the last 24 months before the month in which the leave begins;
- All self-employed women;
- All women who are spouses of a self-employed man and who have joined the social insurance system voluntarily;
- For the period after the childbirth – father of a child or any other person who takes care of a newborn at home if:
 - the mother is unable to take care of the child until the 42nd postnatal day due to sickness;
 - the mother has refused to take care of the child;
 - the mother has died during childbirth or before the 42nd postnatal day;
 - the child is a foundling (the child has been abandoned and the mother is unknown).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than mother

- If the mother has required medical supervision due to the pregnancy no later than at the 12th week of the pregnancy – 14 extra days before the birth of a child are provided;
- In case of multiple birth or complications during pregnancy, childbirth or postpartum period, 14 extra days after the child birth are provided;
- In case employment relations have ended due to the liquidation, leave is provided if the leave has started no later than 210 days after the end of employment relations;
- If the mother is unable to take care for the child until the 42nd postnatal day due to sickness, has refused to take care for the child, has died during childbirth or before the 42nd post-natal day or if the child is a foundling, then 56 or 70 days after the childbirth are provided to the father of a child or any other person who takes care of a child at home.

b. Paternity leave (*atvaļinājums bērna tēvam*) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Ten (10) calendar days after childbirth.

Payment and funding

- For employed men: 80 per cent of the gross insurance contributions salary that is calculated for a period of 12 calendar months ending two months before the month in which the leave begins;
- for self-employed men: 80 per cent of the gross insurance contributions made during the period of 12 calendar months ending one quarter before the quarter in which the leave begins;
- The average amount of the paternity benefit (in total) during the last 12 months was €292.37; the number of receivers was around 925 per month.

Flexibility in use

- None except for when the leave can be started.

- The right to the paternity benefit ends six months from the first day of the leave.

Eligibility (e.g. related to employment or family circumstances)

- Father of a child during the first two months after the child birth;
- one of the adoptive parents until the child reaches 3 years of age.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than mother

- None.

c. Parental leave (*bērna kopšanas atvaļinājums*) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Eighteen (18) months per parent until the child reaches 8 years of age;
- Leave is an individual entitlement, but only one parent may receive payment (for a maximum period of 18 months).

Payment and funding

- There are three separate benefits that are paid after the birth of a child: parental benefit, child birth benefit and child care allowance.

Parental benefit:

- only parents who are participants of the social security system are entitled to the benefit
- if a parent chooses to receive the benefit until a child reaches one year of age: 60 per cent of the gross insurance contributions salary calculating it for a period of 12 calendar months ending two months before the month in which the leave begins
- if a parent chooses to receive the benefit until a child reaches 18 months of age: 43.75 per cent of the gross insurance contributions salary calculating it for a period of 12 calendar months ending two months before the month in which the leave begins
- funded as for the maternity and paternity leave
- average amount of the parental benefit during the last 12 months was €368.09 per month; the number of receivers was around 25,395 per month, mostly women.

Child birth benefit:

- paid to one of the parents or the legal guardian of a child if the child has been taken under the guardianship until one year of age
- the benefit is a lump sum allowance of €421.17 for each child
- the right to the child birth benefit starts on the eighth day of child's life or the day the guardianship has been granted and ends six months after it.

Child care allowance:

- paid to one of the parents or the legal guardian of a child if the child has been taken under the guardianship
- the benefit is 171 EUR per month for each child until a child reaches 18 months of

- age and 42.69 EUR per month for each child until a child reaches 24 months of age
 - the right to the child care allowance starts on the first day of child's life or the day the guardianship has been granted and ends six months after it.
- Unemployed parents who have not received maternity, parental or child care allowance are entitled to receive the child care benefit of 171 EUR per month for each child until a child reaches 18 months of age and 42.69 EUR per month for each child until a child reaches 24 months of age.
- Additionally one of the parents, guardian or one of the adoptive parents are entitled to receive the family state benefit:
 - The amount of the family state benefit is €11.38 per month for the first child; €22.76 per month for the second child; 34.14 EUR per months for the third child and €50.07 per month for the fourth and any next child. The benefit is paid after the child reaches one year of age until 15 years of age or 20 years of age if a child continues the studies and has not been married. The benefit is paid directly to the child after he or she reaches 18 years of age if prior to that the child has been under guardianship;
 - Families with two or more children are entitled to additional benefit: €10 per month for families with two children; €66 per month for families with three children; €116 per month for families with four children; €166 per month for families with five children; €216 per month for families with six children, etc. When calculating the number of children deceased children; children for whom the family state benefit is received by other parent; children older than 20 years of age; children younger than 20 years of age but haven't continued the studies after 15 years of age; children younger than one year of age; are not counted;
 - Families with disabled children or children diagnosed with celiac are entitled to additional benefit: €106.72 per month for each child with disability or celiac.
- Additionally one of the parents, a guardian or one of the adoptive parents are entitled to receive the allowance for the care of a disabled child, which is €213.43 per month for each child with disability until child reaches 18 years of age.

Flexibility in use

- Both parents are entitled to 18 months of the leave until a child reaches eight years of age;
- Only one of the parents can receive the parental benefit.

Eligibility (e.g. related to employment or family circumstances)

- One of the parents of a child;
- one of the adoptive parents of a child;
- child's foster family member;
- child's guardian or any other person who takes care of a child according to the decision of an orphans' court.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than mother

- None except those mentioned above.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Adoptive parents are entitled to Paternity and Parental leave. Payment and funding is provided on the same grounds as for biological parents.

Time off for the care of dependants

- Parents who have joined the social insurance system (employed, self-employed or parents whose spouse is self-employed) are entitled to sickness leave and benefit for a child up to 14 years of age for 14 days if a child has been taken care of at home or up to 21 days if a child has been placed in hospital;
- grandparents, foster parents, guardian or any other person who takes care of a child according to the decision of an orphan's court are also entitled to sickness leave and benefit;
- the sickness benefit is calculated the same as the Maternity and Paternity benefits.

Flexible working

- Pregnant women, women in post-natal period up to one year after the child birth, parents who have a child up to 14 years of age or up to 18 years of age if a child has a disability and breastfeeding women during the period of breastfeeding are entitled to part-time work with the right to return to full-time work pattern when a person requires so;
- pregnant women are entitled to leave the work place for a doctor's appointment if needed;
- parents who have a child up to 18 years of age are entitled to temporary absence in case of sickness of a child or an accident, as well as for a doctor's appointment if needed;
- parents who have a child up to three years of age or 18 years of age if a child has a disability as a priority group are entitled to annual leave during the Summer months;
- parents who have one or two children up to 14 years of age are entitled to additional annual leave – one working day (paid);
- parents who have three or more children up to 16 years of age or up to 18 years of age if a child has a disability are entitled to additional annual leave – three working days (paid).

Specific provision for (breast)-feeding

- Parents (both mothers and fathers) with a child up to 18 months of age are entitled to additional break for feeding a child – at least 30 minutes every three hours or 60 minutes every three hours if a parent has more than one child up to 18 months of age. Upon the request, parents are entitled to combine the breaks thus prolonging lunch break or shortening working hours.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Latvia is three years, but only half of this is paid, at a low earnings-related level. According to the Law on Education, Art. 17 municipalities are responsible for ensuring that all children from 18 months that have been

registered in their area receive ECEC in the institution that is closest to the child's home; a child can also attend an ECEC institution in another municipality and receive the same financial support as those children who attend an institution in the municipality of their place of residence. Unfortunately, there are no municipalities that can offer a place in a municipal ECEC institution for all children; for instance, in September 2017 there were around 1000 1.5 to 4 years-olds who did not receive a place in a municipal ECEC institution.

Since the take-up of Parental leave is mostly until a child reaches 18 months of age, municipalities provide financial support for fees in private ECEC institutions if no place is available in a municipal service when a child reaches 18 months of age. The amount of the allowance is decided by calculating the average expenses for one child per month in a municipal ECEC institution. For instance, in 2018 Riga municipality's allowance is €231.00 which covers around 60 to 70 per cent of the actual costs. In some municipalities, parents who choose to employ a nanny are entitled to a municipal allowance; the allowance is usually provided for children who are at least 18 months of age until a place in a municipal ECEC institution is available. The amount of this allowance differs in each municipality. In 2018, only 19 out of 119 municipalities provided such support, and the amounts vary from €43.00 per month in Vecumnieki municipality (one of the 70 smallest municipalities) to €116.00 per month in Riga municipality and €188.00 per month in Mārupe municipality (one of the 30 largest municipalities).

Levels of attendance at formal services for children under three years are below the average for the countries included in this review and OECD countries; but above the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since May 2017 (including proposals currently under discussion)

There have been no major changes in recent years, except for the additional allowance for families with two or more children that was introduced in 2018. In the light of the proposal for the directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, the Ministry of Welfare is planning to perform an in-depth analysis of the possibility to extend the Paternity leave from ten calendar days to ten working days in 2019. Also, an analysis of the gender equality policy from the men's rights perspective is planned in 2020. Such analysis could give a better perspective on ways to promote the up-take of Parental leave among men, hence promoting equal sharing of household and family responsibilities.

4. Take-up of leave

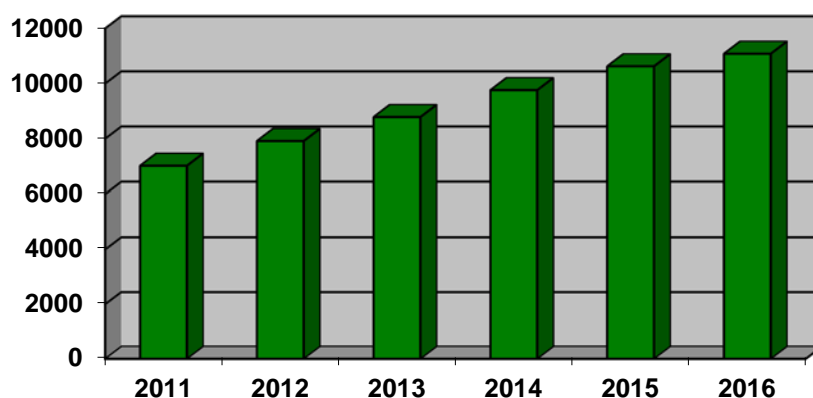
Data on take-up are from the State Social Insurance Agency and the data on the average salaries are from the Central Statistical Bureau.

a. Maternity leave

One hundred (100) per cent of employed women take Maternity leave.

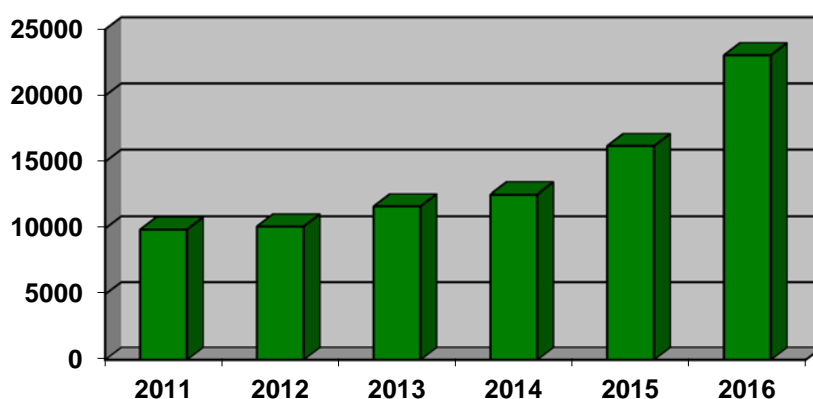
b. Paternity leave

Paternity leave was introduced in 2002, and since then the take-up has risen on average by 800 persons every year.



c. Parental leave

The take-up of Parental leave during the last four years has almost doubled. Most of the parents taking this leave are women (80 per cent of the total number in 2016). However, more and more men are filing requests for the parental benefits: in 2013 only seven per cent of the total number of Parental leave benefit recipients were men, rising to 19 per cent in 2015 and 20 per cent in 2016.



Most of the working parents who received parental benefits were men (89 per cent in 2015, 81 per cent in 2016). The most likely reason is the gender pay gap: in 2016 the average salary for men was €1,150 compared with €807.30 for women.

d. Other employment-related measures

No data available.

5. Research and publications on leave and other employment-related policies since April 2017

a. General overview

To the best of my knowledge, no state- or privately-funded research and publications have been launched during recent years.

b. Selected recent publications

None reported.

c. Ongoing research

None reported.

Lithuania¹

Ruta Braziene (Lithuanian Social Research Centre, Institute of Labour and Social Research) Social Research Centre, Institute of Labour and Social Research)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*nėštumo ir gimdymo, motinystės atostogos*) (responsibility of the Ministry of Social Security and Labour) *ir gimdymo, motinystės atostogos*) (responsibility of the Ministry of Social Security and Labour)

Length of leave (before and after birth)

- Eighteen (18) weeks (126 calendar days; 70 calendar days before child birth and 56 calendar days afterwards).

Payment and funding

- One hundred (100) per cent of previous net earnings. Since 2017, a ceiling is no longer applied.
- Funded from the Social Insurance Fund, which is funded by contributions from employers and employees. Self-employed people are obliged to pay social insurance contributions. Women taking Maternity leave receive pension credits to maintain their pension rights.

Flexibility in use

- None

Eligibility (e.g. related to employment or family circumstances)

- All employed mothers who have paid at least 12 months of social insurance contributions during the last 24 months are eligible for Maternity

¹ Please cite as Braziene, R. (2018) 'Lithuania country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

leave. Self-employed women qualify for maternity benefit on the same conditions as employees.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In case of multiple or premature births or complicated baby delivery, 14 extra days are provided.

b. Paternity leave (*térvystés atostogos*) (responsibility of Ministry of Social Security and Labour)*atostogos*) (responsibility of Ministry of Social Security and Labour)

Length of leave (before and after birth)

- One month (28 days) within the three months immediately following childbirth.

Payment and funding

- One hundred (100) per cent of previous net earnings. A ceiling of €1,617.40 is applied.

Flexibility in use

- None.

Eligibility (e.g. related to employment or family circumstances)

- Fathers who have at least 12 months of social insurance during the last 24 months.
- Same-sex couples are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None.

c. Parental leave (*vaiko priežiūros atostogos*) (responsibility of Ministry of Social Security and Labour)*priežiūros atostogos*) (responsibility of Ministry of Social Security and Labour)

Length of leave

- Until the child is three years of age. Leave is a family entitlement and can be shared between parents.

Payment and funding

- Parents can choose between two options:
 - One hundred (100) per cent of net earnings until the child is 12 months. A ceiling of €1,617.40 is applied;

- 70 per cent of net earnings until the child is 12 months, with a ceiling of €1,132.18; and 40 per cent of net earnings until the child is 24 months. With a ceiling of €646.98.
- The remaining period of leave until the child is three years of age is unpaid.

Flexibility in use

- Parents can work whilst on leave/collecting parental benefit. But, if parents choose to receive 100 per cent of net earnings until the child is 12 months and start to work, the benefit is reduced by the amount of income they have received; if parents choose to receive 70 per cent of net earnings until the child is 12 months and 40 per cent of net earnings until the child is 24 months and parents start to work during the first year, the benefit is reduced by the amount of income they have received; during the second year the benefit is not reduced.

Eligibility (e.g. related to employment or family circumstances)

- Parents are eligible for parental benefit if they have paid social insurance taxes at least for 12 months during the last 24 months; as social insurance is compulsory for all workers, self-employed workers are eligible.
- Same-sex couples are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple births, the parental benefit increases according to the number of children, but not exceeding a ceiling of 2 average wages in the National Economy, currently €1,600-1,700.
- Grandfather, grandmother or any actual caregiver of a child (if parents do not use leave themselves) is eligible for Parental leave, but not for parental benefit.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- If a person adopts or takes foster care of new-born baby, she/he is entitled to Maternity leave from the moment of adoption up to the child is seventy days of age. Maternity benefit is paid on the same grounds as to biological mother. Adoptive parents or foster caregivers have the same rights to Parental leave and benefit as biological parents.

Time off for the care of dependants

- An employee with a child under 14 years of age can take two weeks of unpaid leave per year.

Flexible working

- The availability of flexible working time arrangements has increased with the entering into force of the new Labour Code (2017). It introduces new types of employment agreements and has brought flexibility to labour relations. The new Labour Code also describes different flexible working time arrangements, e.g. more flexibility in employment contracts (project-based, job-sharing employment contracts, and employment contracts for several employers, apprenticeship and seasonal employment contracts), salary, employment termination, etc. Concerning flexibility, individual arrangements can be requested (though there is not obligation for an employer to agree: e.g. flexible work schedule, individual working regime, overtime, and summary working time.

Specific provision for (breast-)feeding

- According to the Law on Safety and Health at Work (2017), for the breast-feeding women, in addition to the general breaks to rest and eat in at least every three hours can be given a half-hour break for breastfeeding. Under the mother's request the breaks for breastfeeding may be joined and used for shortening of the working day. Breaks for breastfeeding are covered by the worker's average wage.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Lithuania is three years, but only the first year is paid at a high earnings-related rate; if the option for a second year of paid leave is taken, the second year is paid at a low earnings-related rate. There is no entitlement to ECEC at any age. Levels of attendance at formal services for children under three years are below the average for OECD countries, but about the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since May 2017 (including proposals currently under discussion)

There are was some discussion about abolition of Paternity and Parental leave payment ceilings. There is was also a discussion of introducing a shared Parental leave between mothers and fathers, of which some amount must be taken by fathers.

4. Take-up of leave

a. Maternity leave

According to the information provided by the Social Insurance Fund Board (SODRA), 100 per cent of employed women take up their full entitlement to Maternity leave.

b. Paternity leave

No information.

c. Parental leave

According to the information provided by the Social Insurance Fund Board (SODRA) 2018, 78 per cent of women and 22 per cent of men took Parental leave in 2017.

d. Other employment-related measures

No information.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

The low fertility rate in Lithuania is regarded as a threat to national security. Therefore demographic research was included among the tasks of the National Research Programme *Social Challenges to the National Security* by the Research Council of Lithuania. In the framework of this programme in 2010-2013 several research projects were completed or are being implemented, for example, *Gender inequality, public policy and the future of fertility in Lithuania* and *Fertility and family changes: factors, consequences, and possibilities to increase fertility*.is regarded as a threat to national security. Therefore demographic research was included among the tasks of the National Research Programme *Social Challenges to the National Security* by the Research Council of Lithuania. In the framework of this programme in 2010-2013 several research projects were completed or are being implemented, for example, *Gender inequality, public policy and the future of fertility in Lithuania* and *Fertility and family changes: factors, consequences, and possibilities to increase fertility*.

b. Selected recent publications

Kurowska, A. (2017) 'The impact of an unconditional parental benefit on employment of mothers: A comparative study of Estonia and Lithuania', *International Journal of Sociology and Social Policy*, Vol.37, No.1/2: 33-50.

The purpose of this paper is to solve the puzzle of the disproportionately lower employment rate of mothers of toddlers with relation to the employment rate of mothers of preschool and school-age children in Estonia. The research is based on the Most Similar System Design and compares Estonia with Lithuania. The applied methods include inferential statistics and microsimulation techniques, employing the OECD Benefits and Wages Calculator, the OECD Family Support Calculator and EUROMOD – the European tax-benefit microsimulation model. The comparison revealed that the overwhelming majority of the crucial aspects of

socio-cultural, economic and institutional conditions were more favourable for maternal employment in Estonia than in Lithuania. This explains the higher maternal employment rates both for mothers of pre-schoolers and school-age children in Estonia. However, one particular element of the institutional context targeted to the mothers of toddlers – the unconditional parental benefit – had an entirely opposite character. This particular feature of the parental leave scheme was the only factor that could explain why the employment rate of mothers of toddlers is disproportionately lower than the employment rate of mothers of older children in Estonia and much lower than the employment of mothers of toddlers in Lithuania. This study complements previous research by providing evidence on the relative importance of universal parental benefit schemes in the context of other country-specific conditions for maternal employment, including the availability of institutional childcare. Furthermore, the results presented show that childcare regime typologies, at least those that characterise Eastern European countries, should be more sensitive to children's age.

Vysniauskiene, S. and Braziene, R. (2017) 'Evaluation of Family Friendly Policy in Lithuania', *Public Policy and Administration*, Vol.16, No.3: 455-467. Available at: DOI: <http://dx.doi.org/10.5755/j01>

Purpose of this article is to disclose the effectiveness of family friendly policy implementation based on the attitudes of the parents with juvenile children, attitudes of experts in family friendly policy. The research goals are the following: 1) to describe the concepts family and family friendly policy; 2) to characterize support for family in the context of the welfare states regimes; 3) to analyse family social support system in Lithuania; 4) to prepare qualitative research methodology; 5) to carry interviews with parents with young children and experts on family friendly policy; 6) to present conclusions and recommendations for the improvement family and working life reconciliation. The research results revealed that there are no considerable differences in both parents and expert's attitudes towards family friendly policy in Lithuania. Both tend to criticize Lithuanian family friendly policy and indicate more disadvantages than advantages. The results indicated, that due to attitudes expressed by the informants, State should ensure adequate benefits and other social assistance means for families with young children; improve existing maternity, paternity and parental leave schemes, the legal basis; to increase public attention and subsidies to young families by helping to purchase real property; to establish more free future parents education centres.

c. Ongoing research

Information on ongoing research is not available.

Luxembourg¹

Nevena Zhelyazkova (Université Paris Dauphine, France), **Marianne Loutsch, Frédéric Berger** (both Inspection Générale de la Sécurité Sociale, Luxembourg) and **Marie Valentova** (LISER, Luxembourg)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*congé de maternité*) (responsibility of the Ministry of Social Security and the Ministry of Labour)

Length of leave

- Twenty (20) weeks: eight weeks before the birth and twelve weeks after. It is obligatory to take this leave.

Payment and funding

- One hundred (100) per cent of earnings up to a ceiling of €9,992.95 per month, equal to five times the minimum social wage in Luxembourg.
- The Maternity leave scheme is fully integrated into the National Health Fund and is funded in the same way as all sickness benefits, with funding shared between employers (30 per cent), employees (30 per cent) and the State (40 per cent). More specifically, Maternity leave payments are funded from contributions made specifically to cover benefits for sick leave. The state contributed 40 per cent of the cost of these benefits; the non-state contributions (amounting to 60 per cent of the cost) were 0.5 per cent of earnings, equally divided between employers and employees (i.e. 0.25 per cent of earnings each), although the proportion going towards Maternity pay cannot be differentiated.
- Pension social contributions are made during Maternity leave

¹ Please cite as: Zhelyazkova, N., Loutsch, M., Berger, F. and Valentova, M. (2018) 'Luxembourg country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Flexibility in use

- None.

Eligibility

- All insured persons, including self-employed who have belonged to the national social security scheme as an employee or a self-employed for at least six months during the year preceding the commencement of leave.
- No difference is made between workers on long-term or short-term contracts.
- Unemployed persons are not eligible to Maternity leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- If the birth takes place before the expected date, the part of the pre-natal period not taken is added to the post-natal period. If the birth takes place after the extended date, the post-natal period is still twelve weeks.

b. Paternity leave

- There is no statutory entitlement.
- Employees are entitled to 'leave due to extraordinary circumstances' (*congé extraordinaire*), which gives them the right to take ten working days off in the case of birth or adoption of a child. The two first days of leave are paid by the employer and covers 100 per cent of earnings; from the third day on, the leave is reimbursed to the employer by the State with a limit equal to five times the social minimum wage (€9,992.95 per month).

c. Parental leave (*congé parental*) (responsibility of the Ministry of Family Affairs and Integration)

Length of leave

- Parental leave is an individual entitlement and each parent can take between four and 20 months depending on their employment hours and the leave option they choose; see 'Flexibility in Use' for more detail.

Payment and funding

- The benefit paid during Parental leave is calculated on the basis of income and hours worked on average during the 12 month period preceding the start of the leave and the leave option chosen, e.g. full-time workers taking the full-time leave option receive between €1922.96 per month (the minimum social wage) for six months leave and €3204.93 (the minimum social wage increased by two-thirds) for four months leave.
- More detailed information on the level of compensation for the different leave options is available at: <http://www.reforme-famille.public.lu/fr/conge-parental/revenu.html>
- Funded from general taxation.

- As with other income, replacement income is subject to the applicable social and wage taxation and so pension social contributions will accrue during the leave period.

Flexibility in use

- Parents may choose between different length and payment options depending on their employment situation:

Parents working 40 hours per week:

- Full-time leave of four or six months
- Half-time leave of eight or 12 months
- Fractioned leave: four months within a maximum period of 20 months
- Fractioned leave: one day per week for up to 20 months

Parents working 20 hours or more per week:

- Full-time leave of four or six months
- Half-time leave of eight or 12 months

Parents working ten hours per week or on apprenticeship contracts:

- Full-time leave of four or six months

- Parents can take leave at the same time.

Eligibility (e.g. related to employment or family circumstances)

- Parents must be affiliated to the Luxembourg social security system at the time of the birth or of the reception of an adopted child and have been employed without interruption for at least 12 continuous months immediately preceding the beginning of the Parental leave. The same conditions apply for self-employed workers, who also belong to the Luxembourg social security system.
- Parents must be working for a minimum of ten hours per week.
- In the case of a change of employer during the 12 month period preceding Parental leave or during Parental leave, the leave may be granted subject to the agreement of the new employer.
- For parents on permanent contracts with a probationary period, the right to Parental leave cannot take effect and the leave may be requested only after the end of the probationary period.
- Parents whose spouse does not work can take leave but it must start within three weeks of the birth/adoption of the child.
- Same-sex parents are eligible.
- Workers on short-term contract are eligible provided that the end of the short-term contract is subsequent or concomitant to the end of the parental leave
- Unemployed are not eligible to parental leave

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- None.

d. Childcare leave or career breaks

- No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Adoption leave (*congé d'accueil*) is twelve weeks, paid at 100 per cent of earnings up to a ceiling (€9,992.95 per month as of 1 January 2018) equal to five times the minimum social wage in Luxembourg and available to all working persons in Luxembourg who have belonged to a social security scheme at least for the six months preceding the commencement of the leave. This leave applies for adopting a child not yet twelve years old. In case of adoption by both spouses, only one has the right to take this leave.
- Eligibility and funding for adoption leave is the same as for Maternity leave.
- Except if the adoptive parent benefits from the adoption leave described above, the adoptive parent(s) benefit(s) from a ten day leave in case of receipt of a child less than 16 years old for adoption. Payment rules are the same as for Paternity leave.

Time off for the care of dependants

- In the case of sickness of a child, employees with dependent children younger than 18 years may take working days of leave per child (*congé pour raisons familiales*). The duration of this leave depends on the age of the child:
 - 12 days per child if the child is aged from 0 years to less than 4 years old
 - 18 days per child if the child is aged from 4 years to less than 13 years old
 - Five days per child if the child is aged from 13 years to less than 18 years old and the child is in hospital
- The age limit of 18 years old does not apply to disabled children.
- Leave may be extended under certain circumstances: for example, in the case of a disabled child, the duration is doubled per age range; and for a very serious and exceptional illness defined by law (such as cancer in its terminal state), up to 52 weeks in a reference period of 104 weeks. The leave is paid and funded by the National Health Fund (*La Caisse nationale de santé*).
- Employees on short-term contract are eligible to this leave.
- Self-employed and unemployed are not eligible to this leave.
- A dependent child means child born in or out wedlock and adopted children.
- Same sex parents are eligible to this leave.

Flexible working

- Upon return to work after Maternity leave breastfeeding mothers are entitled to breastfeeding breaks, which can be either two breaks each of 45 minutes or one break of 90 minutes. These breaks do not lead to any loss of pay.

Specific provision for (breast-)feeding

- See above (flexible working).

2. Relationship between leave policy and early childhood education and care policy

With the increased duration of postnatal Maternity leave in 2017 to 12 weeks, the total duration of well-paid (full-time equivalent) leave has increased to 14.7 months, provided that both parents in the same family use their right to full-time Parental leave; the period could be longer if they opt for a part-time Parental leave arrangement. Formal and free entitlement to ECEC begins at three years, while enrolment is compulsory at four years. Other ECEC provision has developed significantly in the last 15 years, including registered childminders, with an important increase in places in centre-based services (subsidised and private). Public funding for parents using these ECEC services depends on family income, the number of siblings and the number of hours children attend.

Since 2016, Luxembourg has introduced a multilingualism education programme in ECEC services, which gives the right to all children aged one to four-years-old to attend 20 hours per week free of charge (children attending childminders and a full-time early education school (*education précoce*) are excluded); if children attend a part-time early education school, they have 10 hours free of charge.

Levels of attendance at formal services for children under three years are well above the average for the countries included in this review and OECD countries; but above the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

The Law of 15 December 2017 amending the Labour Code and the modified law of the 31 July 2006 introducing a Labour Code and repealing the modified law of the 12 February 1999 creating a Parental leave and a leave for family reasons produces the changes in policy since April 2017. This law came into force on 1 January 2018. The changes include: an increase in post-natal Maternity leave and adoption leave, from eight to 12 weeks; an increase in Paternity leave, from two to ten days; and an increase in care leave, from two days per year per parent to the situation described above in the section *Time off for the care of dependants*.

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up the whole period of leave.

b. Paternity leave

No statutory entitlement. There are no data for how many fathers take the special leave.

c. Parental leave

Luxembourg (the Inspection Générale de la Sécurité Sociale) is currently developing a national methodology to estimate the take-up of Parental leave for all types of families (1 to n children). The first challenge is to identify eligible parents because administrative data do not contain directly such information. The second challenge is to attribute the correct Parental leave to the correct child because administrative data concerning Parental leave benefit do not contain the information about the child who is the trigger of the Parental leave (this is also the case for administrative data concerning the “new parental leave” that exists since the 1 December 2016). According to the data and the fact that an important share of Parental leaves are exported (high share of cross-border workers who are entitled to the Parental leave), the take-up of Parental leave will be estimated on cohorts of parents of new-born children. This will be irrespective of the date of benefiting from the parental leave (0 to the 5 years of the child for the “old version of the parental leave” and 0 to the 6 years of the child for the “new version of the parental leave”). The take-up of Parental leaves will be categorised according to the age of the child when Parental leave begins (0, 1, 2... years) and other characteristics (gender, income, rank of the child...).

Presently, there is only limited information on the proportion of eligible parents using Parental leave. The first available source of take-up rates is the evaluation of Parental leave in Luxembourg completed by KPMG in November 2002². In December 2013 a report for the Luxembourg Ministry of Family and Integration was completed by the Luxembourg Institute for Socio-Economic Research³.

The most recent data come from the annual report of the Luxembourg Ministry of Family and Integration and provides a complete overview of the use of Parental leave covering 1999 to 2016⁴, although for 2016 the numbers reflect only the use of the previous system, since superseded. The report provides information on number of users of leave, and shows a number of trends. The total number of users of Parental leave has increased markedly over the last fifteen years. At the end of 1999 only 1,433 parents were on Parental leave compared to 4,595 at the end of 2015. In particular, the number of men using leave has increased dramatically, from only 90 at the end of 1999 to 1,106 at the end of 2015. The increased participation of men in Parental leave is also evident in the increasing share of male users (calculated as the percentage of all leave users who are

² KPMG Assurance Advisory Luxembourg(2002) *Etude d'évaluation de l'impact du congé parental au Grand-Duché de Luxembourg [Evaluation study of the impact of Parental leave in the Grand Duchy of Luxembourg]*. Available at:

http://www.gouvernement.lu/salle_presse/actualite/2002/12/23biltgen/dossier.pdf

³ Valentova, M., Bia, M. (2013) *Le congé parental chez les parents d'enfant unique. Analyse du recours au congé parental par les mères et les pères d'enfant unique, et de son impact sur l'engagement des mères sur le marché du travail. Rapport rédigé pour le compte du ministère de la Famille et de l'Intégration*. [Parental leave use by parents of one child] Liser, Luxembourg.

⁴ Ministry of Family and Integration (2016) *Rapport d'Activité 2016*. Available at: http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2016.pdf

male) from 6.3 per cent at the end of 1999 to 24.1 per cent in 2015. Nevertheless, women remain the majority of leave users, averaging 79 per cent of all leaves taken over the period 1999 - 2015.

Throughout the period 1999-2015, women were more likely than men to be using the first leave period available for the child, immediately after Maternity leave, while fathers were more likely to be using the second leave (each parent has a six month period of leave). On average for the period 1999-2015, 76.2 per cent of men using leave did so in the second leave period, while women more often used the first leave period. Throughout that period, the uptake of second leave periods increased, as both parents in more families took their entitlement. In 1999, 1,383 parents took the first period of leave, compared with only 50 second period leave takers. By 2015, the total of first period leave takers has risen to 3417, whilst second periods leave takers now stood at 1,178. Put differently, the number of men taking the second period of leave had shot up from 30 to 957.

There is also a marked gender difference in whether leave is taken full-time or part-time. Between 1999 and 2015, women taking leave were more likely to use it full time (76.2 per cent on average) compared to men (40.2 per cent on average). The general trend for both genders has been an increase in the percentage of part-time users and a decrease in the percentage of full-time users.

d. Other employment-related measures

There is no information available.

5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year

a. General overview

Nothing reported.

b. Selected recent publications

Zhelyazkova, N. and Ritschard, G. (2017) 'Parental leave within the broader employment trajectory: What can we learn from administrative records?' *Equality, Diversity and Inclusion*, Vol.36, No.7: 607-627. Available at: <http://doi.org/10.1108/EDI-05-2017-0109>

The purpose of this paper is to present an analysis of Parental leave use and long-term employment trajectories of parents in Luxembourg based on anonymous administrative records. This is the first systematic analysis of Parental leave take-up rates and return rates for Luxembourg using a large and reliable data set. The authors use highly detailed administrative data to calculate take-up and return rates for parental leave for both men and women working in Luxembourg. To gain deeper insights into the employment trajectories of parents, the authors deploy the visualisation tools of the TraMineR package, which allow the authors to trace developments over time. The authors estimate take-up rates for parental leave at 72 per cent for mothers and 13 per cent for fathers. The

return rates for mothers are 88.4, 99.4 and 70.8 per cent depending on whether they took full-time, part-time or no parental leave. In contrast, over 95 per cent of fathers remain employed following parental leave. The trajectory analysis reveals that the event of birth is a clear turning point for the majority of the female trajectories, but not for the male ones.

Valentova M. (forthcoming 2018) 'The impact of parental leave policy on the intensity of labour-market participation of mothers. Do the number of children and pre-birth work engagement matter?' *Journal of European Social Policy*. Available at: <https://doi.org/10.1177/0958928718776826>.

In this paper, we examine the impact of the introduction of parental leave policy in 1999 on the labour-market engagement of mothers with one and two children in Luxembourg who had been working 20 or more hours per week before childbirth. Labour-market engagement is measured by the number of hours worked monthly, one, two and three years following the birth of the last child. Analyses are conducted using longitudinal social security records data from 1995 to 2002. The difference-in-differences (DiD) method is used to establish a causal relationship between the introduction of the policy and its outcomes. The results of the analyses reveal that among mothers with one child, the introduction of the policy had a significant and positive impact on the working hours during the first three years after childbirth. Among mothers with two children, the impact of the policy was significant for one year after childbirth. Heterogeneity effect analysis shows that single-child mothers who worked part-time before childbirth were substantially more responsive to the policy than their full-time working counterparts.

c. Ongoing research

Evaluation of Parental Leave in Luxembourg: Focus on couples' strategies and the role of workplace characteristics (2017-2020). Marie Valentova, LISER, Luxembourg. FNR Core Project.

Given the increasing economic need for dual-earner couples, balancing the demands of family and work has become one of the most pressing issues for families with young children. Parental leave is one of the most important policies that aims to tackle this problem by facilitating employment for mothers and supporting the involvement of fathers in childcare. Evaluation of existing Parental leave policies helps to understand to what extent these objectives are met and how different segments of the eligible population respond to the policy. In the existing literature on Parental leave assessment, several gaps can be identified that leave room for innovative research. For example, there are only very few studies that analyse a couple's parental leave strategies. The role of employers' characteristics in the leave-taking strategies of individuals as well as couples also remains under researched. As regards the evaluation of the effect of Parental leave on labour market outcomes, the empirical evidence on the effect of Parental leave on the intensity of labour market participation and post-birth wages among fathers and mothers is limited, and there is little analysis of the heterogeneity of the policy responses across various subgroups of mothers and fathers.

This project aims at filling these gaps by addressing the following three research questions. First, how are the employer-level characteristics associated with joint couples' leave-taking strategies? Second, how has the introduction of Parental leave in Luxembourg affected the number of hours worked by mothers and fathers over five years following the birth of a child and was there heterogeneity

in this effect across different subgroups of mothers and fathers depending on their workplace characteristics? Lastly, what was the effect of Parental leave-taking on mothers' and fathers' wages after the birth of a child, taking into account any workplace characteristics? We use the case study of Luxembourg because its Parental leave scheme has particular features that are relevant to tackling the aforementioned research objectives. Additionally, Luxembourg provides a unique longitudinal social security database containing individual-, couple and company-level information, which allows us to analyse these issues and establish causal effects. Contact: Marie Valentova at Marie.Valentova@liser.lu

Evaluation of the Parental leave reform in 2016. Focus on intermediate outcomes (2018-2020). Marie Valentova, LISER, Luxembourg. Funded by the Luxembourg Ministry of Family and Integration.

The aim of the study is to evaluate the intermediate outcomes of the parental leave reform of 1 December 2016 in terms of parental leave policy usage and take-up. The research is focused on the following questions:

- Did the general usage and take-up of parental leave among mothers and fathers increase immediately after the introduction of the policy reform?
- What is the over-time evolution of the parental leave usage and take up in terms of parental leave form (i.e. full-time, part-time)?
- What is the difference in the usage and take-up of parental leave policy before and after the policy reform of 2016 across different socio-economic subgroups of parents (mainly with respect to income, employers' characteristics, siblings' composition etc.?)

Contact: Marie Valentova at Marie.Valentova@liser.lu

Malta¹

Frances Camilleri-Cassar (University of Malta)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents²

a. Maternity leave and Special Maternity leave (responsibility of Ministry of Social Dialogue, Consumer Affairs, and Civil Liberties) Maternity leave (responsibility of Ministry of Social Dialogue, Consumer Affairs, and Civil Liberties)

Length of leave

- Eighteen (18) weeks: six weeks must be taken following the birth, while a further eight weeks can be taken before or after birth. A further period of up to four weeks may be taken, immediately after the take-up of 14 weeks. It is obligatory to take six weeks following the birth.
- Special Maternity leave is granted when suitable alternative work and/or work hours (in terms of health and safety during pregnancy or during the 26 weeks starting from the date of confinement) are not possible. In such instances, the mother is granted leave, up to the time-limit stipulated by the statutory Maternity leave.

Payment and funding

- For Maternity leave, 100 per cent of earnings for 14 weeks with no ceiling on payments, followed by a flat-rate payment equivalent to the statutory minimum wage (€166.26 per week) for the final four weeks. During the special Maternity leave, an allowance is paid, equivalent to the rate of sickness benefit payable under the terms of the Social Security Act.
- Women on Maternity leave or special Maternity leave are entitled to all rights and benefits which may accrue to other employees of the same class or category of employment at the same place of work, including the

¹ Please cite as: Camilleri-Cassar, F. (2018) 'Malta country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² There is a distinction between policies in the public sector and those pertaining to the private sector and which do not fall under the Wages Council Wage Regulation Orders (WRO). Policies under the WRO include employees engaged in a contract of service in the private sector, and are outside the scope of this report.

right to apply for promotion. Furthermore, the mother is entitled to return to the same job. If for a valid reason, the position is no longer available, she is entitled to equivalent or similar work and conditions of employment.

- With the exception of bonuses or allowances related to performance or production, all automatic or fixed allowances specifically incorporated in the pay package should not be deducted during such leave.
- Funded by employers (public or private), except for the final four weeks paid at minimum wage level, which is funded by the government, via the department of Social Security.
- The Maternity Leave Trust Fund was implemented in July 2015 with the aim of addressing discrimination against the employment of women in the private sector. Although employment law prohibits gender discrimination at the stage of recruitment, employers in the private sector are often wary of employing women, due to the possibility of pregnancy and payment for maternity leave. The Trust Fund will be financed through contributions by private companies.
- The premium contribution is calculated at 0.3 per cent of the basic wage of all employees, and the amount collected will go into the Trust Fund. Private employers will receive a refund from the Maternity Leave Trust Fund for wages paid to women during their 14 weeks Maternity leave. The new policy will not change the system of payment to women on Maternity leave (i.e. full wage for the first 14 weeks paid by the employer, and a flat rate paid by the government for the remaining four weeks of Maternity leave).
- The computation of the 0.3 per cent is based on the number of employed women, the annual basic wage, probability of maternity, probability of women who exit the labour market before/during/after pregnancy, and the number of women working in private sector. The Trust Fund will be calculated on a three month, six month or 12 month reimbursement system (yet to be established) by the government to employers after their payment of Maternity leave.

Flexibility in use

- None, except for eight weeks of leave that can be taken before or after birth.

Eligibility

- All employees and self-employed women³.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- In those cases where, owing to a pathological condition arising out of confinement, an employee is unable to resume duties at the end of the Maternity leave, she will be entitled to a further period of absence of up to five weeks, which are deducted from her paid sick leave. Any period of

³ A self-employed woman who has recently given birth is eligible for Maternity Leave Benefit; this benefit is paid for four weeks in addition to the first 14 weeks as maternity benefit entitlement.

absence in excess of the paid sick leave entitlement is considered sick leave without pay.

b. Paternity leave (public sector)⁴ (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)(responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)

Length of leave

- Five working days after live and still birth.

Payment and funding

- One hundred (100) per cent of earnings with no ceiling on payments.
- Funded by the government (as employer).

Flexibility in use

- Must be taken up consecutively within fifteen days of the birth.

Eligibility

- All employees.

b. Paternity leave (private sector) leave (private sector)

Length of leave

- One working day.

Payment and funding.

- One hundred (100) per cent of earnings with no ceiling on payments.
- Funded by the employer.

Flexibility in use

- None.

Eligibility

- All employees.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the father.

- Two days leave in the case of multiple births.

⁴Manual on Work-Life Balance Measures, December 2017. Available at: https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Work-Life_Balance_Measures.pdf

c. Parental leave (public sector) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties) of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)

Length of leave (before and after birth)

- Twelve (12) months per child. This is a family entitlement; if both parents work in the public sector, they only receive 12 months shared (not concurrently) between them.

Payment

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if parent does not return to employment. Any credits for the fourth child and onwards (if required) will be awarded provided parent returns to employment for the same number of years of credits to be awarded. parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if parent does not return to employment. Any credits for the fourth child and onwards (if required) will be awarded provided parent returns to employment for the same number of years of credits to be awarded.

Flexibility in use

- Parental leave may be taken in one continuous period of 12 months or in continuous periods of four, six, or nine months.
- Four months may be broken down in periods of one month at a time and taken until the child is eight years old, and may be granted on a full-time or a part-time basis, in a piecemeal way, or a time-credit system.
- Leave may be shared between the parents if both are public sector employees.
- Parents cannot be on leave together.

Eligibility

- At least 12 months continuous service.
- Same-sex couples are eligible.

Variations in leave policy

- Public officers in the positions of head, director or assistant-director are eligible to four months unpaid Parental leave instead of the 12 months.

c. Parental leave (private sector, unless covered by Wage Regulation Orders⁵) (responsibility of Ministry of Social Dialogue, Consumer

⁵ 31 sectors in the private sector fall under WROs, including: hospitals and clinics, construction, private cleaning services, printing and publishing, seamen, hotels and clubs, etc. Workers covered by Wage Regulation Orders have their own legal entitlements which are amended regularly (e.g. hours of work). The reference to the 'private sector' benefits in this report covers only non-WRO workers. For more information see: <https://dier.gov.mt/en/Legislation/Pages/Wage-Regualtion-Orders.aspx>; and also

Affairs and Civil Liberties)) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)

Length of leave (before and after birth)

- Four months per parent. Leave is an individual entitlement.

Payment

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if parent does not return to employment. Any credits for the fourth child and onwards (if required) will be awarded provided parent returns to employment for the same number of years of credits to be awarded to parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if parent does not return to employment. Any credits for the fourth child and onwards (if required) will be awarded provided parent returns to employment for the same number of years of credits to be awarded

Flexibility in use

- Leave may be taken in blocks of one month, up to the child's eighth birthday.
- Parents cannot be on leave together.

Eligibility

- At least 12 months continuous service.
- Self-employed workers and same-sex couples are not eligible.

d. Childcare leave or career breaks (public sector) leave or career breaks (public sector)

- A one-off five-year career break can be taken until a child is ten years old.

Payment

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if parent does not return to employment. Any credits for the fourth child and onwards (if required) will be awarded provided parent returns to employment for the same number of years of credits to be awarded. parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if parent does not return to employment. Any credits for the fourth child and onwards (if required) will be awarded

provided parent returns to employment for the same number of years of credits to be awarded.

Flexibility in use

- The five years must be taken in one continuous block, and may be reduced by multiples of three months.
- If the five years are not fully used, the outstanding leave may be taken up for the care of another child/children.
- The career break may be shared by both parents if both are employees in the public sector.

Eligibility

- All employees in the public sector. However, female employees must undertake six months employment either after Maternity or Parental leave, or else immediately after the career break.

d. Childcare leave or career break (private sector)

- No statutory entitlement, any career break being at the discretion of the employer.

e. Other family-employment related measures (public sector)

Adoption leave and pay

- The same as Maternity leave.

Time off for the care of dependants

- Public sector workers may apply for up to one year of unpaid leave to care for elderly parents, disabled children or spouses.

Flexible working

- Employees in the public sector with one year of service may apply to work flexi-time for 12 months. This is renewable every year, with a full-time salary and other benefits. Employees may work different time schedules in winter and summer.
- Employees in the public sector may apply to work reduced hours (i.e. between 20 and 35 hours per week) until their children are 16 years old, with pro-rata payment.
- Alternative work arrangement 'closer to home' is limited to a maximum of 26 weeks from birth confinement.
- Employees in the public sector may apply to work on a teleworking arrangement for 12 months (renewable every year).
- Women may take a maximum reduction for breastfeeding of one hour each working day without loss of payment, taken as one 60 minute interval or two 30 minute intervals or three 20 minute intervals per day.

Specific provision for breastfeeding

- One hour each working day for breastfeeding or expression of milk with no loss in pay.

Specific provision for antenatal visits

- Release from work up to confinement, with no loss of pay or benefit.

Specific provision for medically assisted reproduction (IVF leave)

- One hundred (100) hours full pay (60 hours for the receiving person, 40 hours for the other)
- May be taken by both parents concurrently
- May be taken for every assisted reproductive procedure, up to three times

e. Other family-employment related measures (private sector)

Adoption leave

- Four months unpaid leave, until the child is eight years old, which may be used in one-month blocks.

Reduced hours

- Pro-rata benefits must be based on existing full-time working conditions.

Flexible working

- None

Specific provision for breastfeeding

- None.

Medically assisted reproduction (IVF leave)

- One hundred (100) hours full pay (60 hours for the receiving person, 40 hours for the other)
- May be taken by both parents concurrently
- May be taken for every assisted reproductive procedure, up to three times

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Malta is 76 months for public sector workers who use Parental leave and career breaks; or one year for private sector workers. In both cases, most of the leave period is unpaid, with leave paid at a high rate for just over three months. There is an entitlement to free attendance at ECEC services for children from three months of age who have a parent in full-time education or employment. Consequently, there is no gap between the end of paid leave and an ECEC entitlement (for parents in full-

time public sector employment or education). However, all children are entitled to attend ECEC from three years of age irrespective of whether the parent is economically active, or a stay-at-home parent. Levels of attendance at formal services are well above the average for OECD countries, both for children under and over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

In May 2017, new Regulations came into force titled: Leave for Medically Assisted Procreation National Standard Order (S.L. 452.114). The Regulations grant a period of paid leave to employees who undergo the process of medically assisted procreation whether in Malta or abroad. The prospective parents shall be entitled to 100 hours of leave on full pay between them, paid by the employer. The 'receiving person' shall be entitled to 60 hours of leave, and the other prospective parent to 40 hours of leave. The entitlement shall be granted for every process of medically assisted procreation, up to a maximum of three processes.

There was some discussion on the introduction of leave to care for sick children; however, employers in the private sector opposed the suggestion and no agreement has yet been reached.

4. Take-up of leave (public sector)⁶

a. Maternity leave leave

In 2014, 600 women took up their entitlement to 14 weeks of paid Maternity leave. However, the number fell substantially – to 431 women - for the remaining low-paid four weeks of Maternity leave. These are the most recent available statistics.

b. Paternity leave

There is no information available.

c. Parental leave

There is a clear gender gap in the take-up of unpaid Parental leave in 2014, with only 13 men taking leave compared with 473 women. These are the most recent available statistics.

d. Childcare leave and Career breaks

Two hundred and fifty-three (253) women took up their entitlement to an unpaid career break, of up to five years in 2014; only seven men opted for the benefit. These are the most recent available statistics.

A study of social policy in Malta finds that unpaid family leave is synonymous with career regression, and interruption in national insurance contributions. This in turn perpetuates women's financial dependence on men and increases the

⁶ <https://publicservice.gov.mt/en/people/Pages/PeopleSupportandWellbeing/Reports.aspx>

feminisation of poverty in old age (see Camilleri-Cassar, 2005). Until leave-to-care policies can offer financial compensation for loss of earnings, and are modified to allow time for the equal sharing of care between women and men, gender inequality will persist, both in the workplace and domestic sphere in Malta. (Cassar, 2005). Until leave-to-care policies can offer financial compensation for loss of earnings, and are modified to allow time for the equal sharing of care between women and men, gender inequality will persist, both in the workplace and domestic sphere in Malta.

e. Other family-employment related measures

In 2014, 1,234 women opted to work reduced hours, compared with 82 men. However, reduced hours need not necessarily be for reasons of childcare. These are the most recent available statistics.

4. Take-up of leave (Private sector)⁷

There is no information available.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Malta's leave schemes are based on a clear division between the public and private sectors, with employees in the public sector having more favourable conditions. They also assume and sustain a male breadwinner system. They are patchy, and have done little to change father practices. Leave policies couched by the state as family friendly, fall disproportionately on women, while men's employment is undisturbed by their transition into fatherhood. Most fathers in Malta are unable to shoulder the loss of income, and loss in retirement pension due to interrupted national insurance contributions during their unpaid leave. Admittedly, it makes economic sense that a clear majority of care-leave takers are women in a male breadwinner regime.

One of the most obvious of gender inequalities is the five day Paternity leave (one day in the private sector) compared with 18 weeks Maternity leave. Such discriminatory practices supported by the State can only broaden the gender gap, and reinforce traditional family patterns of a male breadwinner ideal type in Malta. According to a normative male-breadwinner model, unpaid leave schemes are largely taken up by women; this leaves unchanged the basic gendered structure of society.

A study of social policy in Malta finds that unpaid family leave is synonymous with career regression, and interruption in national insurance contribution that in turn

⁷ Based on personal communication with the Department of Industrial and Employment Relations, Malta: <http://dier.gov.mt/en/Pages/home.aspx>

perpetuate women's financial dependence on men and increase the feminisation of poverty in old age (see Camilleri-Cassar, 2005 in section 5). Until leave policies can offer financial compensation for loss of earnings, and are modified to allow time for the equal sharing of care between women and men, gender inequality will persist, both in the workplace and domestic sphere in Malta, Cassar, 2005 in section 5). Until leave policies can offer financial compensation for loss of earnings, and are modified to allow time for the equal sharing of care between women and men, gender inequality will persist, both in the workplace and domestic sphere in Malta.

Research and publications are patchy and consist largely of a few newspaper articles by employers' associations lamenting the (un)fairness to employers for having to pay for Maternity leave. Other than that publications are mainly annual reports by government departments such as the Public Administration HR Office of the Prime Minister or short comments uploaded on line by law firms in Malta. Statistics that would provide a clear picture of the take-up of leave policies for drawing up leave policies that are effective in Malta are dated or not available.

b. Selected recent publications

Manual on Work-Life Balance Measures, December, 2017 Malta: Office of the Permanent Secretary, Office of the Prime Minister. Available at: https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Work-Life_Balance_Measures.pdf
The report provides up-to-date information on recent policy measures available to all workers in the public sector of Malta.

c. Ongoing research

The People and Standards Division, Office of the Prime Minister is currently working on the 2018 Annual Report of the Work-life Balance measures applicable to all employees in the public sector.

Mexico¹

Cándido Pérez (Early Institute²)

April 2018

NB. Mexico is a federal state with 31 federal states and Mexico City.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*licencia de maternidad, seguro de maternidad*) (responsibility of the Ministry of Labour and Social Welfare – *Secretaría del Trabajo y Previsión Social*, at federal level)

Length of leave (before and after birth)

- Twelve (12) weeks: two to six weeks of pre-natal leave; and six to 10 weeks of post-natal leave. It is obligatory to take the whole period.

Payment and funding

- One hundred (100) per cent of earnings, with no ceiling on payments for the standard period.
- Fifty (50) per cent of earnings for a period not exceeding 60 days if Maternity leave is extended.
- Maternity leave is financed by social security on a tripartite basis: employers pay 70 per cent, employees 25 per cent and the federal government five per cent.
- Maternity leave periods are also taken into account in the calculation of old age and pension benefits.

Flexibility in use

- By specific request of an employee, up to four of the six weeks of Maternity leave before birth can be transferred after birth. This requires a

¹ Please cite as: Pérez, C. (2018) 'Mexico country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Early Institute is a Mexican Think Tank constituted by a group of social scientists and lawyers who develop applied research and consultancy mainly to analyse and inform public policies on childhood. In particular they contributed to the preparatory work for the introduction of Paternity leave in Mexico, 2012.

formal statement from a doctor, and takes into consideration the employer's view and the type of work the employee performs.

- Maternity leave is extended for the time necessary in the event that the employed woman is found unable to work due to pregnancy or childbirth.

Eligibility (e.g. related to employment or family circumstances)

- Employees must have contributed to social security for at least 30 weeks in the 12 months before the date on which the Maternity leave starts. When the employed woman does not meet this requirement, it is the statutory responsibility of the employer to pay the 100 per cent of the earnings. Employees must not perform any paid work during pre- and post-natal periods.
- Only women employees in the formal economy are eligible for Maternity leave. More than 60 per cent of all employed women have no access to social security since they work in the informal economy. Women who are self-employed have a special and voluntary social security regime (*régimen voluntario*), which does not include Maternity leave insurance.
- Unemployed mothers do not have any Maternity leave benefit.
- Under current laws, same sex parents are not eligible for the Maternity leave, but a recent Supreme Court ruling determined that they can benefit from it.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- If the child is born with any kind of disability or requires hospital care, leave can be up to eight weeks after birth; although, the mother must show a medical certificate to claim this extension.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Recently, local governments such as Yucatán (2016) and Chihuahua (2017) have extended the Maternity leave from 12 to 14 weeks. These changes apply just for public employees.
- As a general rule, for public employees, Maternity leave is one month before expected delivery date and two months after birth, paid at 100 per cent of earnings.
- The 2006 National Survey on the Dynamics of Household Relations³ revealed that 2.4 million women had faced some form of employment discrimination, of those, 1.1 million stated that they were asked to take a pregnancy test as a requirement for entry to work. Furthermore, more than 99,000 reported that they had been laid off, had not had their contracts renewed, or had their wages lowered when they got pregnant. Since 2012, it is illegal for employers to request a 'certificate of not being pregnant' (*certificado médico de no embarazo*) as a condition of new employment, permanence of employment or promotion. It is strictly prohibited to dismiss an employee or coerce her to resign for being pregnant, changing her marital status or childcare arrangements. However, pregnancy

³ INEGI (2006) *Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares* [National Inquiry into the Dynamics of Relationships in the Home], ENDIREH: México.

discrimination is widespread and most cases remain unpunished, with the majority of instances not even being reported.

b. Paternity leave (permiso de paternidad) (responsibility of the Ministry of Labour and Social Welfare – *Secretaría del Trabajo y Previsión Social*, at federal level)

Length of leave

- Five working days.

Payment and funding

- One hundred (100) per cent of earnings, paid by the employer.
- Paternity leave period is also taken into account in the calculation of old age and pension benefits.

Flexibility in use

- None.

Eligibility (e.g. related to employment or family circumstances)

- As Maternity leave, Paternity leave only applies to parents in the formal economy, so does not apply to about 60 per cent of male employees, who have no access to social security.
- Unemployed fathers do not have any Paternity leave benefit.
- Same sex parents are eligible for Paternity leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- Paternity leave can be extended in cases of serious illness of the child or death of the mother.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Many public agencies and academic institutions grant longer periods of Paternity leave than those contained in the Law of 2012, usually between ten and 15 days paid at full earnings. Several institutions have joined this positive trend, such as the Ministry of Social Development, the Ministry of the Interior, the Ministry of Foreign Affairs, the Electoral Tribunal of the Federal Judiciary, the Federal Police, the National Workers' Housing Fund, the National Women's' Institute, the Human Rights Commission of the Federal District, *El Colegio de la Frontera Sur*, the National Polytechnic Institute and the governments of Mexico City and Tamaulipas as well as the Guanajuato City Council.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

- No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- In case of adoption, the mother is entitled to six weeks of paid leave, after the day that she receives the child. While the father is entitled to five working days.

Time off for the care of dependants

- No statutory entitlement.

Flexible working

- None.

Specific provision for (breast-)feeding

- Mothers can have two fully-paid breaks per day, up to half an hour each, to (breast) feed their child (*periodo de lactancia*), until the child is six months old. These breaks should be in a proper and hygienic place designated by the employer, or, if this is not possible, the mother's working day should be reduced by one hour.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Mexico is ten weeks, paid at a high income-related level. Attendance at ECEC is compulsory from three years of age, but there is no entitlement for younger children. So for many cases there is a substantial gap of nearly three years between the end of leave and an ECEC entitlement. There is no complete information on levels of attendance at formal services for children under three years, but for children over three years attendance is just below the OECD average. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on cross-country comparisons page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

Currently there are four proposals concerning leave policy in Congress (both the House of Deputies and the Senate). They propose to extend Maternity leave to 14 weeks and Paternity leave to four weeks. All of them were presented by Senator María Cristina Díaz from the Institutional Revolutionary Party (PRI). These proposals should be discussed in the House of Deputies during 2018.

4. Take-up of leave

a. Maternity leave

Maternity leave benefit covered about 26 per cent of the 2,353,596 births in 2015 (author calculations based on data provided by the Mexican Social Security Institute, the Institute for Social Security and Services for State Workers and the National Institute of Statistics and Geography).

b. Paternity leave

There is no information available.

c. Parental leave and Parental benefit

No statutory entitlement.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Leave arrangements are not yet an established research topic in Mexico. The impact of the leave arrangements on gender and social equality in the labour market and on fertility decisions is an unexplored field. There are some studies in the field of Law that have examined Maternity leave as a starting point to promote Paternity leave, but these are still nascent. Nevertheless, research related to fatherhood and low paternal involvement in childcare, upbringing and housework, as well as policies around these childhood education and care, are receiving increasing attention.

b. Selected recent publications

Mateo-Díaz, M and Rodriguez-Chamussy, L. (2016) *Educación que rinde. Mujeres, trabajo y cuidado infantil en América Latina y el Caribe* [Cashing in on Education: Women, Childcare, and Prosperity in Latin America and the Caribbean]. Latin American Development Forum. Available at: doi:10.1596/978-1-4648-0902-6.

This book is about the potential for increasing growth and social inclusion through higher female labour force participation. It explores the effectiveness of childcare provision as a policy tool to lift constraints women face to contribute more actively to the income generation in their households. By reviewing the factors associated with take-up of existing programs, and by looking at the characteristics of the wide range of childcare programs in the region—often incoherent and lacking an integrated perspective—the authors present a convincing argument in favour of using childcare as a tool to foster participation.

The text overviews the public and private supply of childcare programs in Latin America and the Caribbean, based on data gathered from specialists and

directors of publicly supported childcare programs in 21 countries, included Mexico. It identifies a gap between supply and demand and shows that segmentation in the use of childcare programs affects the incidence of public spending. The book describes how different systems (parental leave, publicly subsidized childcare programs, and compulsory education) structure transitions and service hours, while identifying the problems families encounter when trying to reconcile family and work schedules.

López Estrada, S. (2017) Políticas de cuidado infantil en América Latina: Análisis comparado de Chile, Costa Rica, Uruguay y México' ['Childcare Policies in Latin America: A Comparative Analysis of Chile, Costa Rica, Uruguay and Mexico'], *Frontera Norte*, Vol.29, No. 58: 25-46. Available at: http://www.scielo.org.mx/scielo.php?pid=S0187-73722017000200025&script=sci_arttext

The article presents a comparative analysis of childcare policies in Chile, Costa Rica, Uruguay and Mexico, underpinned by the critical frame analysis, considering the problem that each policy solves, as well as its aims and solutions. Mostly based on governmental documents and Latin American literature regarding childcare policies, the author presents the main differences and similarities among the three countries.

While the Chilean policies seems to have greater congruence between the diagnosis focused on child development and the formulated solution, in Costa Rica and Uruguay, there is greater progress in the discussion of childcare as a public problem from an approach of equality, rights and citizenship, which points to a universal system of childcare. In contrast, the debate in Mexico is still incipient, although there are efforts to expand the interpretative framework of female participation in labour markets, when considering the framework of integral child development. However, these approaches are still limited and targeted on vulnerable populations, so in this country it is necessary to rethink care policies from the perspective of equality, rights and citizenship.

c. Ongoing research

The social politics of fatherhood in Mexico. (2015-). Cándido Pérez, doctoral study at Universidad Anáhuac México Norte, Estado de México, México.

The research investigates the role of public policies on paternal involvement in early childhood in Mexico. The analysis focuses on policies related to early childhood, particularly Maternity leave, Paternity leave and Parental leave, as well as early childhood education and care centres for children under four years old. The study seeks to determine whether public policies implemented in recent years facilitate the development of dual-earner models or reinforce the caring mother model. Contact: Cándido Pérez at cperez@earlyinstitute.org.

The Netherlands¹

Laura den Dulk (Erasmus University Rotterdam)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*zwangerschaps- en bevallingsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave (before and after birth)

- Sixteen (16) weeks. Leave must start four weeks before birth and up to six weeks can be taken before the birth, with ten weeks to 12 weeks after the birth. If the birth is later than the expected date of delivery, the longer benefit period preceding childbirth is not deducted from the benefit period after childbirth. It is obligatory to take at least four weeks before and six weeks after the birth.

Payment and funding

- One hundred (100) per cent of earnings up to a ceiling equivalent to the maximum daily payment for sickness benefit (€209.26).
- Funded from the unemployment fund, which is financed by employers contributing 4.15 per cent of employees' earnings.

Flexibility in use

- Leave can be started between six and four weeks before the expected date of delivery, but pregnant workers are not allowed to work between four weeks before the expected date, and six weeks after the actual date of delivery. After the six weeks obligatory leave after the delivery, mothers are entitled to use the remaining part of their leave in a flexible way (since 2015). They can spread out the remaining period of leave over a maximum of 30 weeks.

¹ Please cite as: den Dulk, L. (2018) 'Netherlands country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Eligibility (e.g. related to employment or family circumstances)

- All female employees.
- Self-employed women are entitled to 16 weeks payment up to a maximum of 100 per cent of the statutory minimum wage depending on the number of hours worked (€1578 a month before taxes for those aged 22 years and older).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- Additional leave up to ten weeks in case the child had to stay at the hospital for more than one week after birth (since 1 January 2015).
- Delegation of the leave to the partner in case the mother dies (since 1 January 2015).
- Flexible take up of the last part of the leave (6 weeks after birth the mother can spread the remaining leave over 30 weeks) (since 1 January 2015)
- In case of multiple pregnancy mothers are entitled to 20 weeks of maternity leave (8 to 10 weeks before the due date and the remaining leave after the birth).(since 1 April 2018, the leave was extended from 16 to 20 weeks)
- Adoptive or foster parents are entitled to 4 weeks, which they can use flexibly over a period of 26 weeks (four weeks before they have the child and 22 weeks after the adoption).

b. Paternity leave (*kraamverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Two working days immediately around the birth of a child and three days out of Parental leave (since 1 January 2015).

Payment and funding

- Paid by the employer at 100 per cent of earnings, with no ceiling on payments; the three days are unpaid leave. From 1 January 2019, all 5 days will be paid leave.

Flexibility

- Leave can be taken within four weeks after the birth of the child.

Eligibility (e.g. related to employment or family circumstances)

- Male and female employees who are the partner of a woman giving birth or who acknowledge the child.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the father

- In case of multiple births, partners are entitled to 3 days leave per child out of Parental leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Collective agreements may contain supplementary or restrictive arrangements with respect to the two days paid Paternity leave. Research in 2014 among the 100 largest collective agreements indicate that 12 collective agreements offer only one day Paternity leave while 15 collective agreements offer longer leave, mostly five days². Research conducted among collective agreements renewed in 2015 shows a similar picture³.
- See 1c.

c. Parental leave (*ouderschapsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Twenty-six (26) times the number of working hours per week per parent per child. For example, a full-time job of 38 hours a week gives a leave entitlement of 988 hours (i.e. 26 weeks). Leave is an individual, non-transferable entitlement.

Payment and funding

- None.
- The uptake of unpaid Parental leave has no consequences for unemployment benefits. However, when an employee falls ill during the leave period, he/she cannot make claims for sickness payment while on leave; this insurance entitlement is restored once the leave period ends. The impact on pension depends on the specific pension agreement and collective agreement.

Flexibility in use

- Leave can be taken until a child is eight years old. Parents can take leave at the same time, if they choose.
- Parents are granted full flexibility in use unless take up conflicts with serious business needs.

Eligibility (e.g. related to employment or family circumstances)

- The Act Modernizing Leave Arrangements and Working Times (2015) no longer contains the requirement that employees need to have completed one year's continuous employment with their present employer. Hence, all

² de la Croix, J. *et al.* (2014) *Arbeid en Mantelzorg*. [Paid work and informal care] CAO onderzoek 2014. Den Haag: SZW.

³ Been, W.M., Croix, J. de la and Junger-van Hoorn, E.C. (2016) *Arbeid en zorg 2015. Een onderzoek naar cao-bepalingen gerelateerd aan de Wet modernisering regelingen van verlof en arbeidstijden*. [Work and care 2015. Research on collective agreements related to the Act Modernizing Leave Arrangements and Working Times] The Hague: SZW.

employed parents are entitled to Parental leave, including same-sex couples, parents of foster children, stepchildren, adopted children (as long as they live in the same household), and employees with temporary contracts. Self-employed parents are not entitled.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Collective agreements can only supplement legislation. A study found that, in 2015, 19 per cent of the 100 largest collective agreements in the Netherlands contained additional arrangements with respect to Parental leave: 16 collective agreements offered partly paid leave (payment varied between 25 and 75 per cent); two collective agreements extended the age of the child to 12 years; and one collective agreement extended the period of leave. Collective agreements that supplement legislation are mainly found in public administration and the health sector⁴.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Each parent is entitled to four weeks leave when a child is placed for adoption (or long-term fostering), with payment equivalent to Maternity leave.
- Leave can be used flexibly over a period of 26 weeks (four weeks before the child is placed and 22 weeks after), as long as it does not conflict with serious business needs; and no longer has to be taken in one block.
- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Short-term leave up to a maximum per year of two times the number of working hours per week can be taken to care for a sick child living at home, a sick partner or parent, other household members, family members or friends. The employer is required to pay 70 per cent of the employee's earnings. All employees are eligible, subject to three conditions: first, an

⁴ Been, W.M., Croix, J. de la and Junger-van Hoorn, E.C. (2016) *Arbeid en zorg 2015. Een onderzoek naar cao-bepalingen gerelateerd aan de Wet modernisering regelingen van verlof en arbeidstijden*. [Work and care 2015. Research on collective agreements related to the Act Modernizing Leave Arrangements and Working Times] The Hague: SZW.

employer can refuse to grant the leave if the interests of the organisation might be seriously harmed; second, care must be necessary because of illness; third, care has to be provided by the employee involved.

- Employees are also entitled to unpaid long-term leave per year of up to six times their working hours per week to be taken part-time (i.e. 12 weeks at half of the working hours). The leave can be taken in all cases that long-term care is needed. With the agreement of the employer long-term care leave can also be taken full time or less hours per week over a longer period to a maximum of 18 weeks. The right is conditional: an employer can refuse the leave if the organisation's interests are seriously harmed.
- In addition, a reasonable amount of time off work can be taken by an employee with very exceptional personal circumstances (e.g. a broken water pipe, a death in the family, a child suddenly taken ill). This so-called, emergency leave can last from a few hours to a few days, but terminates after one day if short-term leave (see above) is subsequently taken. The employer is required to pay 100 per cent of the employee's earnings.

Flexible working

- Under the Flexible Working Act 2016, all employees who have completed six months continuous employment with their present employer have the right to increase, decrease or adjust their working hours and the right to work from home. These rights are, however, conditional: the employer can refuse to grant the request if the interests of the business or service might be seriously harmed; and the law does not apply to employers with less than ten employees.

Specific provision for (breast-)feeding

- Mothers returning to work after Maternity leave are entitled to breastfeed or pump breast milk during working hours until their child is nine months old, and to taking breaks of up to a quarter of their working hours. Employers are required to offer a suitable room and pay for these hours.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in the Netherlands per family is nearly 15 months, but most of this is unpaid. Leave paid at a high rate runs for only 12 weeks maximum. There is an entitlement to ECEC from four years of age, though only for part-time schooling (22 hours a week during school time). So, there is a gap of nearly three years between the end of leave and an ECEC entitlement, and a gap of three $\frac{3}{4}$ years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under three years are well above the average for the countries included in this review and OECD countries (though this includes many two year olds attending part-time playgroups); and are also above the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since May 2017 (including proposals currently under discussion)

From 1 April 2018, mothers with multiple pregnancies are entitled to 20 weeks of Maternity leave, eight to 10 weeks before the due date and the remaining leave after the birth.

From 1 January 2019, all five days of Paternity leave will be paid leave. There is discussion to extend this to five weeks by 2020.

In May 2016, the government presented the agreement 'Innovation and Quality of Childcare' (IKK). This agreement, between parents' representatives, childcare organisations and employees, aims to increase the quality of childcare, in particular for babies. The child to adult ratio for babies must increase from 4:1 to 3:1 and babies must be cared for by no more than two carers. The agreement also contains measures to invest in special education for professionals taking care of babies within childcare centres. The measures should be implemented in 2018⁵.

4. Take-up of leave

a. Maternity leave

No specific study has been done on the take up of Maternity leave. Because of the fact that all pregnant employees are entitled to (at least) 16 weeks of fully paid Maternity leave, and are not allowed to work from four weeks before the expected date of confinement, take up of 100 per cent might be expected. A recent study examined the use of the flexible part of Maternity leave and shows that relatively few women utilize the granted flexibility of the last part of the leave (after the first six week after delivery)⁶.

b. Paternity leave

In 2013, 83 per cent of fathers entitled to Paternity leave used the leave; the majority extended their leave by also taking annual leave (60 per cent)⁷.

c. Parental leave

In 2015, the take up of Parental leave among mothers is twice as high compared to fathers (22 per cent of mothers versus 11 per cent of fathers took Parental leave). The duration of leave was 15 months among fathers and 13 months among mothers. The long periods of leave reflect the possibility in the Netherlands to take part-time Parental leave and to spread the leave over several months. For those taking leave, on average mothers took 10 hours Parental leave per week and fathers 9 hours per week in 2015⁸.

The take-up of Parental leave is not only higher among women, but also among workers with intermediate and higher levels of education. The take-up among

⁵ SER (2016) *Een werkende combinatie. Advies over het combineren van werken, leren en zorgen in de toekomst. [A working combination. Advice on the combination of work, learning and care in the future] Analyse 16/08*. The Hague: Social and Economic Council (SER).

⁶ Zwinkels, W. (2018). *Evaluatie flexibele bevallingsverlof [Evaluation flexible maternity leave]*. Epsilon Research: Ministry of Social Affairs and Employment.

⁷ <https://www.cbs.nl/nl-nl/nieuws/2015/36/ruim-vier-op-de-vijf-prille-vaders-nemen-verlof>.

⁸ Portegijs, W. & M. van den Brakel (2016). *Emancipatiemonitor 2016*. The Hague: SCP/CBS.

women with a higher level of education is 56 per cent whereas for women with a low level it is 17 per cent; the figures for men are 26 per cent and eight per cent, respectively. Women working full-time (35 hours a week and more) more often take up leave than those working part-time (12 to 24 hours a week): 55 per cent and 30 per cent respectively. Furthermore, twice as many women with a high personal income (€40-50,000 a year before tax) take up leave than women with a low personal income (€10-20,000): 60 and 31 per cent respectively⁹.

As payment above the statutory minimum depends on collective agreements, take-up rates vary between sectors. Employees in the public sector and in the health care sector more often have paid Parental leave (with payment by the employer of up to 75 per cent of previous earnings) than employees in the private sector: 79 per cent and 25 per cent respectively¹⁰.

Figures from 2015 indicate a gap between use and need for Parental leave. Among employees with a child under eight years in 2015, about a third (110,000 people) did not use Parental leave even though they needed it. The lack of payment (32 per cent), fear for career consequences (27 per cent) and unfamiliarity with the scheme (11 per cent) were the main reason for not taking up Parental leave¹¹.

In a comprehensive study on the position and participation of women from ethnic minorities in Dutch society, published in 2006, attention is paid to the use of Parental leave by Turkish, Moroccan, Surinamese and Antillean working parents¹². Take-up was found to be much lower among Turkish, Moroccan and Antillean workers than among Surinamese and native Dutch workers. The two main reasons why respondents did not take up Parental leave were unfamiliarity with the entitlement and the fact that there was no need to use it (others took care of the children).

d. Other employment-related measures

Use of care leave. In 2015, 401,000 women (13 per cent of working women) and 302,000 men (9 per cent of working men) took some kind of leave to care of a sick child, parent, partner, family member or friend for a substantial period of time (longer than 2 weeks). Long-term care leave was seldom used (1 per cent). Most women and men use short-term care leave or annual leave. In addition, in 2015 278,000 women (9 per cent of working women) and 215,000 men (7 per cent of working men) dealt with short-term, unexpected care tasks (shorter than 2 weeks). For these kind of care responsibilities, women and men more often took

⁹ van der Mooren, F. and de Vries, J. (2011) 'Vooral hoogopgeleide, voltijds werkende vrouw neemt ouderschapsverlof op' ['Particularly highly educated, full-time employed women take up Parental leave'], *Webmagazine, maandag 4 april 2011*, Den Haag: Centraal Bureau voor de Statistiek.

¹⁰ Ewalds, D. (2010) 'Ouderschapsverlof in de marksector meestal niet betaald' [Parental leave in the private sector mostly unpaid], *Webmagazine, woensdag 15 december 2010*, Den Haag: Centraal Bureau voor de Statistiek.

¹¹ SER (2016) *Een werkende combinatie. Advies over het combineren van werken, leren en zorgen in de toekomst. [A working combination. Advice on the combination of work, learning and care in the future] Analyse 16/08*. The Hague: Social and Economic Council (SER)

¹² Keuzenkamp, S., Merens, A. (2006) *Sociale atlas van vrouwen uit etnische minderheden [Social atlas of women from ethnic minorities]*. Den Haag: Sociaal en Cultureel Planbureau

leave (23 per cent of women and 29 per cent of men), i.e. annual leave or short-term care leave¹³

The Working Hours Adjustment Act. As is well known, many workers in the Netherlands work part-time. The Netherlands Institute of Social Research has published three reports on part-time work in the Netherlands^{14 15 16}. It is clear that part-time work is very popular (and for women even almost natural). Most Dutch employees are satisfied with their amount of working hours, suggesting that part-time work is in most cases voluntary¹⁷. Research indicates that in general employers are positive towards part-time working on all occupational levels and employers rarely reject a request to reduce working hours. However, requests to increase working hours are less common and not always granted¹⁸.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Recently, the role of fathers received a lot of attention in relation to the discussion around the extension of Paternity leave from 2 to 5 days and by 5 weeks in 2020, next to the provision of informal care and flexible working time options resulting in several research reports.

b. Selected recent publications

Annink, A. and Dulk L. den (2017) 'De werk-privé balans van zelfstandig ondernemers' ['The work-life balance of the self-employed']. *Tijdschrift voor Arbeidsvraagstukken*, Vol.33, No.3: 326-344.

This article looks into the work-life balance experiences of different types of self-employed workers across countries. The findings in this article are based on a PhD dissertation that includes six separate, published studies all with a cross-national comparative research design (Annink, 2017). These six studies include a literature review, an analysis of state support for the work-life balance of the self-

¹³Portegijs, W. & M. van den Brakel (2016). *Emancipatiemonitor 2016*. SCP/CBS: the Hague.

¹⁴Portegijs, W., Keuzenkamp, S. (Eds.) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk* [Part-time working in the Netherlands]. Den Haag: Sociaal en Cultureel Planbureau.

¹⁵Portegijs, W. (Ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken* [A picture of part-time working]. Den Haag: Sociaal en Cultureel Planbureau.

¹⁶Keuzenkamp, S. (Ed.) *Deeltijd (g)een probleem. Mogelijkheden om de arbeidsduur van vrouwen met een kleine deeltijdbaan te vergroten* [Working part-time: (not) a problem?] Den Haag: Sociaal en Cultureel Planbureau.

¹⁷Vlasblom, J.D., van Echtelt, P., de Voogd-Hamelink M. (2015) *Aanbod van arbeid 2014, Arbeidsdeelname, flexibilisering en duurzame inzetbaarheid*. [Supply of labour 2014, labour participation, flexibility and sustainable work] Den Haag: Sociaal en Cultureel Planbureau.

¹⁸Echtelt, P. Van, Schellingshout, R. & Voogd-Hamelink, M. de (2015) *Vraag naar arbeid 2015*. [Demand for labour 2015] Den Haag: Sociaal en Cultureel Planbureau.

employed, three empirical studies based on the European Social Survey (2004 and 2010) and the Global Entrepreneurship Monitor (2013), and a qualitative study based on interviews with 50 independent professionals in three countries (the Netherlands, Spain and Sweden). The main conclusion is that different types of self-employed workers have different work-life balance experiences because their experiences are influenced by work and business characteristics and shaped by the national context in which they run their business. In particular, necessity self-employment and running a consumer-oriented business appear to have a negative effect on balance. Furthermore, the paper discusses how the work-life balance of self-employed workers is shaped by policy, economic and cultural contexts.

Been, W.M., Dulk, L. den and lippe, T. van der (2017) 'A business case or social responsibility? How top managers' support for work-life arrangements relates to the national context', *Community, Work & Family*, Vol.20, No.5: 573-599.

The extent to which organizations supplement statutory work-life arrangements varies systematically between countries. Empirical evidence on how organizations' approaches to work-life arrangements relate to the national context is, however, mixed. This study aims to elucidate this complex relationship by focusing on how top managers' considerations about whether or not to provide work-life arrangements are related to the national context. Semi-structured interviews were held with 78 top managers in Finland, the Netherlands, Portugal, Slovenia and the UK. This study finds that top managers' relate their considerations whether to provide work-life arrangements to the extensiveness of national legislation: only in the context of few state work-life policies top managers saw it as a business issue. Top managers also take into consideration what they believe is expected of them by employees and society at large, which can work either in favor or against the provision of work-life arrangements. Perceiving the provision of work-life arrangements as a social responsibility seems more apparent for top managers in Slovenia and Finland. By leaving the social responsibility argument out of the central framework of most studies, the existing literature appears to tell the story mainly from an Anglo-Saxon perspective placing business-oriented arguments central.

Been, W.M, Lippe, T, van der, Dulk, L. den, Das Dores Horta Guerreiri, M, Kanjuo Mrčela, A. and Niemistö, C. (2017) 'European top managers' support for work-life arrangements', *Social Science Research*, Available at: <http://dx.doi.org/10.1016/j.ssresearch.2017.02.004>

Top managers defined as CEOs, CFOs and members of boards of directors decide to what degree their organization offers employees work-life arrangements. This study focuses on the conditions under which they support such arrangements. A factorial survey of 202 top managers in five European countries was conducted in 2012. The analyses are based on 1212 vignettes. Implications are drawn from an integrated framework of neo-institutional theory, business case argumentation and the managerial interpretation approach. The results show that top managers simultaneously consider multiple conditions in deciding upon their support for work-life arrangements (i.e., the costs involved, the return in terms of employee commitment, and the type of arrangement, specifically having a preference for flextime and telecommuting over leave policies and part time hours). Additionally, they favor work-life arrangements designed for all employees above work-life arrangements granted to specific employees. How top managers weigh certain conditions depends on the organizational and national contexts. Their personal characteristics, however, do not seem to explain their support for work-life arrangements.

Plantenga, J. (2017) 'Flexibel werken en de combineerbaarheid van arbeid en zorg' ['Flexible working and the combining of work and care'], in: M. Kremer, R. Went & A. Knottnerus (Eds.), *Voor de zekerheid - De toekomst van flexibel werkenden en de moderne organisatie van arbeid*, Den Haag: Wetenschappelijk Raad voor het Regeringsbeleid, pp.257-273.

This chapter analyses current leave and childcare policies in the Netherlands in relation to the flexibilisation of the labour market. It examines whether and to what extent flexibility in the number of hours worked, contracts, and employment relation affects the access and entitlements to existing policies.

Plaisier, I., Boer, A. de and Klerk, M. de (2017) 'Gendersverschillen in gebruik van strategieën op het werk door mantelzorgers' ['Gender differences in the use of strategies at work by informal care givers'], *Tijdschrift voor Genderstudies*, Vol.20, No.2: 147-163.

This paper is based on a survey among workers who combine paid work and informal care. The study shows that one third of caregiving women and men prefer to use short-term leave as a strategy. Reducing working hours is in particular used by women with informal care responsibilities, men are more likely to take individual measures with their employer.

Roeters, A., Veerman, F. & Jaspers, E. (2017) *Gelijk verdeeld? Een verkenning van de taakverdeling bij LHB-stellen* [*Equally divided? An explorative study on the division of tasks among same-sex couples*], The Hague: SCP

This report analyses the division of paid and unpaid work among same-sex couples. The findings show that same-sex couples have a more equal division of tasks than heterosexual couples and in general strive towards an equal division of tasks. However, the trend that women work fewer hours than men is also true among same-sex couples.

Terhoeven, C., Veron, M., Peper, B. and Dulk, L. den (2017) 'The work must go on': The role of employee and managerial communication in the use of work-family policies'. *Management Communication Quarterly*. Available at: DOI: 10.1177/0893318916684980

The Netherlands is characterized by extensive national work-life regulations relative to the United States. Yet, Dutch employees do not always take advantage of existing work-life policies. Individual and focus group interviews with employees and managers in three (public and private) Dutch organizations identified how employee and managerial communication contributed to acquired rules concerning work-life policies and the interpretation of allocative and authoritative resources for policy enactment. Analyses revealed differences in employees' and managers' resistance to policy, the binds and dilemmas experienced, and the coordination of agreements and actions to complete workloads. There are also differences between public and private contexts in the enactment of national and organizational policies, revealing how national (e.g., gender) and organizational (e.g., concertive control) mechanisms play out in employee and managerial communication that determine the use of work-life policies.

Merens, A. and Bucx, F. (2018) *Werken aan de start. Jonge vrouwen en mannen op de arbeidsmarkt*. [*Working at the start. Young women and men on the labour market*]. The Hague: SCP.

This study investigates the labour market position of young men and women (18-35 years). It shows that the part-time work culture is already common at the start of women's career in the Netherlands.

Riva, E., Lucchini, M., Dulk, L. den and Ollier-Malaterre, A (2018) 'The skill profile of employees and the provision of flexible working hours in the workplace: a multilevel analysis across European countries'. *Industrial Relations Journal*, Available at: <https://doi.org/10.1111/irj.12207>.

This article investigates the relationship between the skill profile of the employees (i.e. the percentage of employees in highly skilled jobs) and the provision of flexible working hours in the workplace (i.e. the proportion of employees entitled to adapt, within certain limits, the time when they begin or finish their daily work according to their personal needs or wishes). Analyses draw on the 2009 European Company Survey, conducted on a representative sample ($N = 26,640$) of European establishments in 29 countries.

c. Ongoing research

Investments in a sustainable workforce in Europe: causes and consequences in comparative perspective (2014-2019). Prof. dr. Tanja van der Lippe, Utrecht University. Funded by the 7th Framework Program of the European Research Council.

Sustainable Workforce is an innovative, quantitative research project that investigates the role of organizations in creating a sustainable European workforce. The project will analyse and collect new longitudinal cross-national comparative data on the causes and consequences of organizational investments in human and social capital, work-life policies, work flexibility, long-term employability of older employees, and flexibility in nine European countries: UK, Finland, Sweden, Germany, the Netherlands, Portugal, Spain, Hungary and Bulgaria. See: <http://www.sustainableworkforce.eu/>

New Zealand¹

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April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology: In the New Zealand country note 'Parental leave' is used as a generic term to cover 'Primary carer' and 'Partner' and 'Extended' leaves and related payments for new parents and eligible carers.

a. Primary Carer leave (*paid Parental leave, previously termed 'Maternity leave': see 'note on terminology'*) (responsibility of the Ministry for Business, Innovation and Employment, with the Inland Revenue as delivery agent for payment)

Length of leave (before and after birth)

- Eighteen (18) weeks. A primary carer can start to take leave from six weeks before the expected date of delivery.

Payment and funding

- One hundred (100) per cent of earnings, up to a ceiling of NZD\$538.55 [€321.78]² per week before tax. Payment is indexed annually by any percentage movement upwards in average ordinary time weekly earnings.
- Self-employed parents who make a loss or earn less than the equivalent of ten hours pay at the highest rate of the minimum wage, receive a minimum rate of NZD\$157.50 [€94.11] before tax per week. Payment is indexed annually as of 1 July for each year, according to upward movements in average weekly earnings.
- Funded from general taxation.
- No pension credits are accrued during the leave period.

¹ Please cite as: McDonald, H. and Morrissey, S. (2018) 'New Zealand country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

Flexibility in use

- Primary Carer leave can start earlier if it is necessary for the health of the mother or baby or where a mother cannot continue to perform her job safely or adequately. Where a mother is directed by her doctor or employer to start Primary Carer leave early, she has the right to take eight weeks leave after the expected date of birth, with the overall leave period extended accordingly.
- An employer and mother can agree for Primary Carer leave to start at any other time before the baby is due. Usually leave commences six weeks before the due date and a mother is entitled to at least eight weeks leave after birth where her doctor or employer direct her to take leave before this period. The leave may be extended accordingly, but the payment is only extended where the child is 'pre-term'. This means that a mother may have longer primary carer leave e.g. 20 weeks, but will only receive 18 weeks payment (unless pre-term payment applies). Any additional leave is extracted from the total period of extended leave.
- The primary carer is the birth mother who is pregnant or has given birth or her eligible partner/spouse whom she may transfer any or all of the payment for leave to (including *de facto* and same-sex partners) or a person other than the biological mother or her spouse/partner, who takes permanent primary responsibility for the care, development and upbringing of a child who is under six years.
- An employee is able to perform up to 40 hours of paid work, during their Parental leave payment period, if that work is performed on 'keeping-in-touch days'. These are agreed between employer and employee, and able to be used from 28 days after the date on which the child is born.
- Where an employee is not entitled to Primary carer's *leave*, but is entitled to Parental leave (Primary carer) *payments* (e.g. they may have multiple employers, work casually or on a seasonal basis), they may request a period of 'negotiated carer leave'.

Eligibility (e.g. related to employment or family circumstances)

- The person who is the child's primary carer and who has worked for the same employer for at least an average of ten hours a week in the six or 12 months immediately before the expected date of delivery, is eligible for Primary Carer leave.
- An employee meets the eligibility for Parental leave payment if they have been employed for at least an average of ten hours a week for any 26 of the 52 weeks preceding the expected date of delivery.
- Self-employed persons similarly meet the eligibility for Parental leave payments where they have been self-employed for at least ten hours a week for any 26 of the 52 weeks preceding the expected date of delivery.
- Any eligible primary carer is entitled to these provisions, irrespective of whether her/his partner/spouse is eligible for any entitlements.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- A person eligible for Parental leave payments is also entitled to an additional payment – the preterm baby payment – of up to 13 weeks

where their child is born alive before the end of the 36th week of gestation (depending on the number of weeks it is born prior to the 36th week).

- An employee who receives a pre-term baby payment may also work up to a total of three hours multiplied by the number of weeks in the payment period, in addition to the 'keeping in touch' days available during the Parental leave payment period.
- Where an eligible mother has a child who is subsequently adopted, both the adoptive parent/s and the birth-mother may access the leave and payment.
- In certain circumstances (e.g. death of the mother), the spouse/partner may receive the payment.
- Special (unpaid) leave of up to ten days can be taken by a mother before Primary carer's leave, for reasons connected with the pregnancy (e.g. for ante-natal checks).

b. Partner's leave (previously termed *Paternity/Partner leave*: see 'note on terminology') (responsibility of the Ministry for Business, Innovation and Employment)

Length of leave

- One or two weeks (five or ten working days) depending on eligibility.

Payment and funding

- No direct payment, although an eligible spouse/partner can transfer their entitlement of the statutory payment.

Flexibility in use

- Leave can be taken at any time in the period between 21 days before the expected date of delivery and 21 days after the actual date of birth.
- If agreed between an employee and employer, leave can start at any other time.

Eligibility

- Employees may take partner's leave if they are the spouse or partner of the primary carer in respect of a child, and they have worked for the same employer continuously for at least an average of ten hours a week in the sixth or 12 months immediately before the expected date of delivery. If they have met the hours test, in the six months immediately before the baby's expected due date, they are eligible for one week of leave. A spouse/partner who meets the hours' requirements and has worked for the same employer for 12 or more months continuously is entitled to two weeks leave.
- Self-employed workers, who have been self-employed for a minimum of ten hours a week, in the six or 12 months immediately before the expected date of delivery.

c. Extended leave (responsibility of the Ministry of Business, Innovation and Employment)

Length of leave

- Up to 52 weeks leave may be taken in the 12 months after birth, including any 'Primary Carer' (previously 'Maternity leave') taken; 'Partner' leave (previously 'Paternity/Partner leave') is additional. Extended leave is a family entitlement.

Payment and funding

- None. There are also no pension credits.

Flexibility in use

- Leave may be shared by both eligible primary carer and their eligible partner/spouse. They can take their leave at the same time or consecutively.
- Extended leave may be taken as one or more periods of extended leave and can be started following Primary carer, Partner's leave or after a period of return to work. However, the right to the leave ends when the child is six months or one year old or six months or one year after the employee becomes the primary carer of a child, depending on the length of leave applicable.

Eligibility (e.g. related to employment or family circumstances)

- Extended leave of 26 weeks is available to employees who have worked for the same employer for an average of at least ten hours a week, in the six months immediately before the baby's expected due date or the date a parent assumes the care of a child under six years old that they intend to adopt.
- Extended leave of 52 weeks is available to those employees who have worked for the same employer for 12 months. Where one partner is only eligible for 26 weeks, they are not able to use more than that length of the extended leave entitlement, but when combined with a partner eligible for 52 weeks, the longer leave period is available to that partner.

Variation in extended leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Some collective agreements allow parents to access additional provisions, usually payments and longer leave periods; they are most commonly found in the public sector. These agreements are in addition to and cannot override statutory provisions overall.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Spouses/partners intending to adopt have the same leave entitlement as other parents. Eligible spouses/partners who are jointly adopting a child under the age of six years can nominate which parent will receive the payment.
- Note that Parental leave including payments are also available to eligible permanent primary carers other than the biological parents and formal adoptive parents.

Time off for the care of dependants

- After the first six months of continuous employment, an employee may take up to five days of sick leave per year, at 100 per cent of earnings from their employer, with no payment ceiling. This leave can be used in the case of the employee's/ spouse/partner's/dependant's illness.

Flexible working: the right to request and the duty to consider

- All employees have the statutory right to request a variation to their hours of work, days of work or place of work. A request can be made at any time, for any purpose or reason and there are no limits on how many requests can be made in any period. Furthermore, there is no requirement for an employee to tell an employer the reason for the request. Employers have a duty to consider a request and are able to refuse a request on one or more of the recognised business grounds or if it conflicts with a collective employment agreement. An employee can make a formal complaint only where they consider an employer has made a wrong decision about their eligibility to apply for flexibility or where the employer has not complied with the statutorily described process for considering a request.

Specific provision for (breast-)feeding

- Employees are entitled to breaks to breastfeed but there is no requirement that these breaks should be paid³.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in New Zealand is 12 months but some of this is unpaid. Leave is paid at an earnings-related rate for only 18 weeks. There is an entitlement to ECEC from three years of age, though only for part-time nursery education (for a maximum of six hours attendance a day and 20 hours a week). So there is a two-year gap between the end of leave and an ECEC entitlement, and a gap of over two and a half years between the end of paid leave and an ECEC entitlement (reducing to two and a half years from 1 July 2020 when paid Parental leave is increased to 26 weeks). Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For

³ Section 69Y from the Employment Relations Act 2000. Available at: <http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM1940663.html>

actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017

The period of Primary carer or paid Parental leave will be increased from 18 weeks to 22 weeks from 1 July 2018. A further increase to 26 weeks will occur from 1 July 2020.

4. Take-up of leave

Mothers, fathers and employers were surveyed in 2005/06 about their experiences of using leave around the birth/adoption of a child⁴. Overall two-thirds of all women in paid work took up a period of leave around the birth/adoption of a child. For more information on these data, please see previous editions of the Leave Review. The Government does not currently routinely collect data regarding take-up of leave.

A survey of public sector employees regarding take-up of leave by partners was conducted in 2017. Details are included in Section 5.

a. Maternity leave

No data.

b. Paternity leave

No data.

c. Parental leave

No data.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

⁴ Department of Labour, (2007) *Parental Leave in New Zealand; 2005/2006 evaluation*. Wellington; Department of Labour.

a. General overview

The Ministry for Women and The Treasury undertook a small research project in 2017. The researchers interviewed 49 employees in the public sector who had taken or were currently on Parental leave and examined the policies and procedures in place at 26 of the 28 core public sector departments. The research has recently been published as Treasury Analytical Paper AP 2018/01⁵.

b. Selected recent publication

Reilly, A. and Morrissey, S. (2016) 'Why New Zealand should introduce paid "Dad and Partner Leave"', *New Zealand Journal of Employment Relations*, Vol.41, No.3: 66-75.

This article considers the case for introducing an independent entitlement to a separate period of paid parental leave for fathers/partners. It suggests it should be a priority, arguing that such a measure would further equality between men and women, and would bring New Zealand law into line with corresponding policies in other developed economies and with International Labour Organization (ILO). It recommends leave should be well paid, ring fenced, and of at least two weeks duration.

Windelov, K. and PSA Policy Team (2017) *Partners and Parental leave – what do people do?* Wellington: Centre for Labour, Employment and Work, Victoria University of Wellington.

In late 2016 the Public Service Association (a public sector union) asked their members about their experiences as partners of someone who had had a child. Of the 179 respondents, most had taken some form of leave around the birth, adoption or fostering of their child with paid annual leave being the most common leave type (39 per cent) and unpaid Parental leave being the least common leave type (7 per cent). After their return to work, partners continued to use leave, and make changes to their working arrangements for childcare purposes. They value this time with their newborns/families highly. Some are well supported by their employer to make changes and others are not. Many are dissatisfied with the amount and kind of leave and other arrangements available to them and would like to see more support from government and employers for partners.

c. Ongoing research

Suzu Morrissey is undertaking PhD research into paid Parental leave in New Zealand, examining the policy from a problematisation perspective.

⁵ See <https://treasury.govt.nz/publications/ap/ap-18-01>

Norway¹

Berit Brandth and **Elin Kvande** (Norwegian University of Science and Technology)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology: there is no single agreed name for Maternity or Parental leave in Norway. The Work Environment Act 2005 (the responsibility of the Ministry of Labour), which grants leave but not money, uses the name *svangerskapspermisjon* (pregnancy leave) for the leave before birth, *fødselspermisjon* (birth leave) for the six weeks after and *foreldrepermisjon* (Parental leave) for the remaining leave period. The Ministry of Children, Equality and Social Inclusion, which grants the money for leave, refers to *foreldrepengeperioden* ('parental money' period).

NB. There is no separate Maternity leave². The information below is for that part of Parental leave reserved for women before and after birth; it is treated separately here, but is in effect part of the longer *foreldrepengeperioden* (parental money period)

a. Maternity leave (*svangerskapspermisjon* and *fødselspermisjon* – see note on terminology) (responsibility of the Ministry of Children, Equality and Social Inclusion)

Length of leave

- Thirteen (13) weeks: three weeks before the birth and ten weeks following birth. It is obligatory to take six weeks leave after birth for health reasons.

¹ Please cite as: Brandth, B., Kvande, E. (2018) 'Norway country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Leave of up to 12 weeks is available for pregnant women, who must quit work because of chemical, biological or physical hazards, and if the employer is unable to offer alternative work. It is paid at the same rate as sickness benefit.

Payment and funding

- One hundred (100) per cent of earnings up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK92,576 [€9,819.09]³ per month), funded from general taxation.
- Parents who for a temporary period are not employed in order to care for children below school age, may receive some pension credits. Parental leaves are not affected by any reduction in pension credits as leaves are wage compensated.

Flexibility in use

- None. If the baby is born before the estimated delivery date (e.g. so that the mother uses less than her three weeks pre-birth leave), the remaining time cannot be transferred to after the birth and is therefore lost.

Eligibility (e.g. related to employment or family circumstances)

- All women employed for six of the last ten months prior to delivery are eligible for leave and also those who have earned at least half the basic national insurance benefit payment over the previous year. Non-employed women receive a one-off payment of NOK61,120 [€6,482.70] per child. This payment is also given to non-employed women when the child is adopted.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- If the mother or child is ill and hospitalised after delivery, leave payment can be postponed.
- For multiple births or adoptions, the Parental leave period is prolonged by 5/7 weeks for each extra child. It means that parents to twins get 54/64 weeks and to triplets 59/69 weeks.

b. Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour and Social Affairs)

Length of leave (before and after birth)

- Two weeks after birth – ‘daddy days’ (+ten weeks = father’s quota, see section 1c).

Payment

- ‘Daddy days’ are unpaid by government; payment depends on individual or collective agreements and most employed fathers are covered by such agreements.

Flexibility in use

³ Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

- The Paternity leave is flexible in a number of ways. First, it can be used by someone else who will assist the mother (i.e. grandparents) if the parents do not live together. Second, the law does not inform as to when the leave must be taken other than “in connection with the birth”. This is normally interpreted as two weeks before or two weeks after. There is, however, an opportunity to move the leave if the situation requires it. Third, the leave may be split up. The father may for instance use a day or two to be present at birth, go back to work, and then take the rest when mother and child comes home. Fourth, it can be used by foster- or adoptive parents when taking over the care.

Eligibility (e.g. related to employment or family circumstances)

- All employed fathers have the right to leave, but payment is negotiated and paid by the employer.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the father.

- 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. (See flexibility above)

c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children and Equality)

Length of leave (before and after birth)

- Forty-six (46) or 56 weeks depending on payment level (see ‘payment and funding’ below) + a further three weeks before birth, i.e. a total of 49/59 weeks. Of the post-natal period, ten weeks are for mothers (*mødrekvoten* or ‘mothers’ quota’) and ten weeks are for fathers (*fedrekvoten* or ‘fathers’ quota’). The remaining 26 or 36 weeks is a family entitlement and may be taken by either mother or father. See ‘flexibility’ below for options available to parents.

Payment and funding

- Parental money may either be taken for 49 weeks at 100 per cent of earnings or for 59 weeks at 80 per cent of earnings, up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK92,576 [€9,819.09] per month (regulated on 1 May each year). When employees are included in collective agreements the employers pay the difference between wages and the cap.
- As of 1 January 2018, non-employed women receive a flat-rate payment of NOK63,140 [€6,696.95] per child.
- Funded from general taxation.

Flexibility in use

- For the family entitlement part of leave, it is possible to choose a longer period of leave (36 weeks) paid at 80 per cent of earnings, or a shorter (26 weeks) paid at 100 per cent.

- After the first six weeks, it is possible to postpone parts of the parental money period, as long as it is taken during the first three years after birth and the parent receiving the money is employed full time during the postponement period. Hospitalisation and vacation may also qualify for postponement.
- After the first six weeks, it is also possible for one or both parents to combine all or part of the parental money period with part-time work. If parents take less than the full benefit payment, this will prolong the period of parental money. Both parents may choose to combine parental money with part-time work (for instance, each working half-time) at the same time. A written agreement from the employer is required in both cases. There is also a requirement that non-eligible mothers have returned to employment or study, for the father to take the family entitlement part of leave (see below).
- Father's quota: this period of leave (ten weeks) is not transferable to the mother, except in certain circumstances: if the father is ill or otherwise unable to care for the child or if the mother and father do not live together.
- Father's quota may not be taken in the first six weeks of the parental money period, except for multiple births or adoption. Otherwise, fathers are free to choose at what time during the three-year period to use it. They can also choose whether to take the quota as part-time leave, also whether to split it or use it in one block. This flexible use requires agreement with the employer.
- The family entitlement part may also be taken as one block of time, as part-time or split into shorter blocks of time.
- Both parents may take leave at the same time, except during the period of obligatory leave for the mother (i.e. three weeks before birth and six weeks after). During the period of the father's quota, there is no requirement for what mothers can do (i.e. both parents may be on leave together). Taking leave at the same time shortens the period of paid leave.

Eligibility (e.g. related to employment or family circumstances)

- The main eligibility rules are the same for fathers and mothers. They must be employed for six of the last ten months prior to birth and earn at least half the basic national insurance benefit payment over the previous year.
- The eligibility rules for the family entitlement and father's quota are somewhat different. The father can use the 26/36 weeks of paid leave (the family entitlement) even if the mother is not eligible; but the mother is required to take up work or study (at least 75 per cent of full-time hours). For the father's quota, the mother must also have been eligible, but there is no requirement that eligible mothers (employed for six of the last ten months prior to birth) go back to work. According to data from 2011⁴, 87 per cent of fathers were eligible. Most of the remainder were not eligible because the mother was not entitled to leave (being, for example, a student or unemployed), or themselves being unemployed.
- Self-employed workers are eligible for the same leave benefits as employees.

⁴ Kitterød, R.H., Halrynjo, S. and Østbakken, K. M. (2017) *Pappaperm? Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor?* [Fathers who do not take paternity allowance - how many, who and why]. Report 2017:2, Oslo: Institute for Social Research.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- Family entitlement: when more than one child is born, the parental money period is increased by seven weeks for each child with 80 per cent pay, or five weeks with 100 per cent pay. If the child dies during the Parental leave period, parents will receive payment for six weeks of the period that is left.
- Single mothers who are eligible for Parental leave will automatically receive the ten weeks father's quota. However, and if the parents agree, they may apply for the non-residential father to use the father's quota.

d. Childcare leave or career breaks

- Each parent has the right to one year of unpaid leave after the parental money period.
- Parents with a child between one and two years old are entitled to receive a cash benefit ('cash-for-care' scheme) on condition they do not use publicly funded ECEC service. The full benefit is NOK6,000 [€636,39] per month. Children who use ECEC on a part-time basis receive a reduced benefit (e.g. if parents do not use a place, they receive 100 per cent of the benefit; if they use a place for up to 20 hours a week they receive 50 per cent of the full benefit). The main criterion for eligibility, therefore, is not parental employment status, but parents not using a particular service.

e. Other employment-related measures

Adoption leave and pay

- The same regulations apply as for parents having their own children, except for the nine weeks of leave reserved for mothers before and after birth. The whole period, with the exception of the father's quota, may be taken by either parent. Parents adopting children from abroad who are not eligible for Parental leave receive a cash benefit of NOK63,140 [€15,601.29]

Time off for the care of dependants

- Each parent of one or two children under 12 years has a right to: ten working days leave per year when children are sick (or the childminder or grandparent is ill in the case that children are not in kindergarten), or 15 if they have more than two children. Single parents have the right to 20/30 days a year. For severely or chronically sick children, there are extended rights to leave until the child is 18 years old. Leave is paid by the employer at the same rate as sickness benefit, i.e. at 100 per cent of earnings.

Flexible working

- Parents have a right to part-time work to care for children, until children are ten years old.

Specific provision for (breast-)feeding

- The Work Environment Act grants all breastfeeding mothers the right to breastfeeding breaks of up to one hour per day for children under one year old. From 1 January 2014 this leave is paid by the employer.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Norway is just over three years. About two years of this is unpaid (except for recipients of 'cash-for care', see section 1d, but they may not use publicly-funded ECEC services or only part time). Leave paid at a high earnings-related rate runs for 13 months (59 weeks at 80 per cent wage). There is an entitlement to ECEC from one year of age, supposed to be available on a full-time basis at kindergartens. So there is no gap between the end of leave and an ECEC entitlement in theory. However, a child must be born before the 1 September to be guaranteed a place in the autumn (start of the school year). Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

The new conservative government which was elected in September 2017, has decided to increase the mothers' and fathers' quotas to 15 weeks. The rest of the Parental leave period will be 16/26 weeks family entitlement, which can be shared between the parents. The plan is to introduce these new regulations on 1 July 2018. Moreover, it is proposed to give four months extra leave for born/adopted twins. Parents who get three or more children in one birth/adoption will get a double leave length. The government has decided to give all children, who are one years old by November 2017, a right to a place in kindergarten. This is estimated to give 4,400 more children a place in kindergarten as of autumn 2017. The government has proposed some simplifications in the Parental leave rules – for the most part these are administrative simplifications meant to make it easier to understand the rules.

A white paper (NOU 2017:6) which discusses public support for families with small children includes a number of new policy suggestions. In order to encourage equality between parents, the White Paper suggests that the Parental leave should be divided equally between the parents, except for three weeks before birth and six weeks after birth reserved for the mother. The rest of the 40 weeks should be divided in two equal parts, twenty weeks for the mother and twenty weeks for the father. . These suggestions are now being discussed by the political parties. The Labour unions and the Employers' organisations support this suggestion. In addition, it is suggested to give both parents individual rights to parental leave and also to abolish the cash for care to be replaced by free kindergarten for all children between one and six years old.

4. Take-up of leave

a. Maternity leave

Nine out of ten mothers have the right to parental money; the remainder do not meet the eligibility conditions⁵. Mothers not eligible for parental money receive a one-off payment. This is a heterogeneous group of mothers, but with an overrepresentation of immigrant mothers⁶.

b. Paternity leave

The share of fathers who take time off work around the birth of the child is approximately the same as for the father's quota, 89 per cent. This figure includes fathers taking time off work in various ways, including Paternity leave but also annual leave and other options. These survey data are not recent. There is no official, aggregated registration of the use of Paternity leave.

c. Parental leave

In the years prior to the introduction of the father's quota, less than four per cent of fathers took some Parental leave. Only a few years later, the take-up rate was over 70 per cent (representative sample; own research from 1997), and data from public records later showed that about 90 per cent of eligible fathers take leave of some length⁴. More recent comparable figures are hard to obtain as fathers now take their leave over several statistical periods and NAV (Norwegian Labour and Welfare Administration) no longer calculates the take-up rate. Comparable figures are also hard to obtain because of changes in the way statistics are presented and because the leave length changes all the time.

Figures based on public records in 2011 show that 18 per cent of the Parental leave days were taken by fathers. With every expansion of the father's quota, fathers have increased their uptake the following year. During 2012, 21 per cent of the fathers took exactly 12 weeks (60 working days), compared with only 0.6 per cent in 2011. The 'father's quota' increased from ten to 12 weeks between these two dates. In 2013 fathers took 46 days parental leave on average, and in 2014, 49 days. With the reduction of the quota's length, to ten weeks/50 days (effective from 1 July 2014), fathers' average uptake has also decreased to 47 days. Fathers take the number of father's quota days that corresponds to the number weeks granted by the rules. As the father's quota was lengthened, flexible use increased. In 2014, 25 per cent of eligible fathers took their father's quota part time, combining leave and work. This figure was slightly reduced in 2015 and 2016. Also as the quota has lengthened, parents rarely stay home together for the whole period, but it is quite common to stay home together part of the time.

The shareable Parental leave is for the most part taken by mothers. Figures from register data show that 14 per cent of eligible fathers took less than the father's quota and only ten per cent took more in 2011⁷. As the quota became longer,

⁵ Grambo, A.C. and Myklebø, S. (2009) *Moderne familier – tradisjonelle valg. En studie av mors og fars uttak av foreldrepermisjoner*. [Modern families - traditional choices. A study of mother's and father's parental leave episodes], Oslo: Nav.

⁶ NOU 2017:6 Offentlig støtte til barnefamiliene.

⁷ See Kitterød, R.H., Halrynjo, S. and Østbakken, K. M. (2017) 'Pappaperm? Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor?' [Fathers who do not take paternity allowance - how many, who and why]. Report 2017:2, Oslo: Institute for Social Research.

fewer fathers took the sharable leave. Father's use of this leave is in part dependent on the mother and her willingness to share: mothers who have invested in education and have strong ties to working life (e.g. work full-time and have higher-status work) are thus most likely to share. This means that fathers are more likely to take some Parental leave, when mothers have: a high level of education, high income and work status, and full-time employment.

However, some characteristics of the father are also associated with use of leave. Although social class differences are small, the father's level of education has some influence, particularly on the length of the leave. The eligible fathers least likely to use the quota are fathers with long working hours, in managerial positions or with a partner who works part time. Moreover, fathers' sharing of the Parental leave also depends on their relationship to work. Fathers must sometimes negotiate with their employers when they want to take more leave than the father's quota, and the view that Parental leave is really for mothers is to be found among some employers.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Research is constantly being undertaken. It is dispersed across many institutions in Norway, including a substantial part in the form of masters, doctoral or other small-scale studies.

b. Selected recent publications

Brandth, B., Halrynjo, S. and Kvande, E. (eds.) (2017) *Work-Family Dynamics: Competing logics of regulation, economy and morals*. London: Routledge.

This volume offers a new type of lens for understanding work-family reconciliation by studying how work-family dynamics are shaped, squeezed and developed between consistent or competing logics in different societies in Europe and the US. The three institutions of "state", "family" and "working life", and their under-explored primary logics of "regulation", "morality" and "economic competitiveness" are examined theoretically as well as empirically throughout the chapters, thus contributing to an understanding of the contemporary challenges within the field of work-family research that combines structure and culture. Particular attention is given to the ways in which the institutions are confronted with various moral norms of good parenthood or motherhood and ideals for family life. Likewise, the logic of policy regulation and gendered family moralities are challenged by the economic logic of working life, based on competition in favour of the most productive workers and organizations.

Brandth, B. and Kvande, E. (2017) 'Fathers integrating work and child care: Reconciling the logics', in: B. Brandth, S. Halrynjo and E. Kvande (eds.) *Work, Family Dynamics: Institutions and Competing Logics*. London: Routledge.

Kitterød, R.H., Halrynjo, S. and Østbakken, K. M. (2017) *Pappaperm? Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor?* [Fathers who do not take paternity allowance - how many, who and why]. ISS report 2017:2, Oslo: Institute for Social Research.

Kitterød, R.H. and Halrynjo, S. (2017) *Mindre spesialisering med fedrekvote? Foreldrepermisjonens potensial for å endre arbeidsdelingen blant foreldre* [Less specialization with paternity leave? A discussion of the potential for parental leave to change gendered work-family patterns] *Tidsskrift for samfunnsforskning* Vol.58, No.3: 311-333.

Heggem, G.F. and Kvande, E. (2017) 'Nordic work/family regulations exported to a liberal context', in: B. Brandth, S. Halrynjo and E. Kvande (eds.) *Work, Family Dynamics: Institutions and Competing Logics*. London: Routledge.

Kvande, E. and Brandth, B. (2017) 'Constructing male employees as carers through the Norwegian Father's Quota', in: M. Oechsle and B. Liebig (eds.) *Fathers in Work Organizations: Inequalities and Capabilities, Rationalities and Politics*. Barbara Budrich Publishers.

Kvande, E., Brandth, B. and S. Halrynjo (2017) 'Integrating work and family: changing institutions and competing logics', in: B. Brandth, S. Halrynjo and E. Kvande (eds.) *Work, Family Dynamics: Institutions and Competing Logics*. London: Routledge.

Kvande, E. and B. Brandth (2017) 'Fathers on leave alone in Norway: changes and continuities', in: M. O'Brien and K. Wall (eds.) *Comparative Perspectives on Work-Life Balance and Gender Equality: fathers on leave alone*. London: Springer, pp. 29-44.

Schou, L. (2017) 'Fedrekvoten – uttak og holdninger' [The fathers' quota – use and attitude]. *Arbeid og velferd*, 3: 81-95.

Brandth, B. and Kvande, E. (2018) 'Masculinity and fathering alone during parental leave'. *Men and Masculinities*, Vol.21, No.1: 72-90.

c. Ongoing research

New theoretical perspectives on the Nordic model of work-family reconciliations. Berit Brandth, Elin Kvande and Sigtona Halrynjo, Norwegian University of Science and Technology (NTNU). The funded period of the project is over, and publications are forthcoming.

The objectives of this study has been to develop new theoretically informed understandings and perspectives on the Nordic model of work/family adaptations, to contribute to new empirical knowledge on work/family adaptations through examination of possibilities and dilemmas within three empirical research contexts and to situate the Norwegian model in an international context through international collaboration and a comparative book project. Contact: Elin Kvande at elin.kvande@svt.ntnu.no and Berit Brandth at berit.brandth@svt.ntnu.no.

Care deficit, transnational fathers and the Norwegian care regime (Brita Bungum and Elin Kvande), at the Department of Sociology and Political Science, NTNU.

This project takes as its starting point the normative ideas and institutional arrangements included in the Norwegian childcare regime as they are specified in two different care policies. These are: 1) The Parental leave system, with a

special quota for fathers, and 2) The cash for care system, which is meant to provide more time for parents to care for their children. While dual caring is becoming a dominant ideal and practice in Norway and the cash for care policy is used by a small percentage of Norwegian families, we observe an increase in the transfers to transnational families of the cash for care. This is a policy measure supporting fathers as earners but not as carers, and thus working counter to the original intention of the policies. Addressing this paradox, the research questions in this project are: 1) What tensions in institutional logics are conveyed when national policies are introduced in transnational families? 2) How do different policies influence fathers' care practices in transnational families?

Poland¹

Anna Kurowska (University of Warsaw), **Piotr Michoń** (Poznań University of Economics) and **Barbara Godlewska-Bujok** (University of Warsaw)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*urlop macierzyński*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave (before and after birth)

- Twenty (20) weeks in case of a single birth; no more than six weeks can be taken before the birth; it is obligatory for the mother to take at least 14 weeks.
- In the case of the death of a baby before the end of the eighth week, the mother has the right to eight weeks of leave in total and to at least seven days after the death of a child who was older than eight weeks.

Payment and funding

- Twenty (20) weeks at either 80 per cent or 100 per cent of the mother's average earnings for the 12 months before the birth, with no ceiling on payments. If the mother (of a single child) chooses to take the 100 per cent option, any Parental leave taken afterwards will be paid at 100 per cent for the first six weeks and at 60 per cent for the remaining 26 weeks; if she chooses the 80 per cent option, any Parental leave will also be paid at 80 per cent.
- Funded from the Social Insurance Fund, financed by contributions by employees (2.45 per cent of earnings), self-employed workers and other insured persons with some additional finance from the State to cover pension contributions. There is no contribution from employers.

Flexibility in use

¹ Please cite as: Kurowska A., Michoń, P. and Godlewska-Bujok, B. (2018) 'Poland country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research*, 2018. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- No longer than 21 days after birth, the insured mother may declare if she wants to take the 80 per cent option, i.e. an option of combined Maternity and Parental leave, for the total of 52 weeks of leave (see Parental leave).
- The mother can share this leave (80 per cent option) with the father according to the rules of Parental leave (see below). The mother may share the leave with other members of family, who are employed or insured.

Eligibility (e.g. related to employment or family circumstances)

- Insured workers, including all employees and self-employed women covered by social security insurance at the start of leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple births, the 'Maternity leave' part, which is 20 weeks for one birth, is extended to 31 weeks for twins, 33 weeks for triplets, 35 weeks for quadruplets and 37 weeks for quintuplets.

b. Paternity leave (*urlop ojcowski*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Up to two weeks.

Payment and funding

- One hundred (100) per cent of average earnings for 12 months before birth, with no ceiling on payments.

Eligibility

- Insured workers, including all employees and self-employed men covered by social security insurance at the start of leave. Not transferable to mothers or other members of the family.

Flexibility in use

- It can be taken any time during the 24 months after the birth of a child. The leave can be taken in two separate parts.

c. Parental leave (*urlop rodzicielski*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Up to 32 weeks per family or 34 weeks in the case of multiple births. This is a family entitlement.

Payment and funding

- Payment depends on the payment option chosen by the mother taking Maternity leave. If during Maternity leave she opts to be paid at 100 per cent of earnings, the first six weeks of Parental leave (eight weeks in the case of numerous births) are also paid at 100 per cent, and the next up to 26 weeks of the Parental leave benefit are paid at 60 per cent of the mother's (or father's if he takes the leave) average earnings for 12 months before the birth, with no ceiling on payments; but if she opts for 80 per cent of earnings, the Parental leave benefit is paid at the same level.
- Funding as for Maternity leave (see above).

Eligibility

- Insured workers, including all employees and self-employed men and women covered by social security insurance at the start of leave.
- Parental leave must be taken immediately after Maternity leave, and only after the full statutory length of the Maternity leave have been taken. In a case when the mother, even uninsured, does not want or cannot take care of a child, an employed father or another employed member of the family may take the leave. Whilst Maternity leave is dependent on the mother's eligibility, mother's non-eligibility does not cause the loss of the eligibility of employed father or employed other member of the family (i.e. grandmother, uncle etc.) to Parental leave.

Flexibility in use

- The parents have to decide during the three weeks after birth if they want to use the Parental leave directly after the Maternity leave.
- Up to a 32 week period can be taken as one continuous period of leave or as up to 4 separate periods (but two of them must be taken continuously for a period of over 14 weeks), each not shorter than eight weeks. However, up to 16 weeks of Parental leave can be used in the time, which is not immediately after the previous part of the leave. Parents can use the leave until the end of calendar year in which the child turns six years old.
- Parental leave can be combined with part-time working (maximum half of full-time hours), with payment proportional to the working time. For the rest up to full time, a maternal benefit is paid.
- In the case of working parents, the leave can be proportionally extended up to 64 weeks. For example, if a parent combines half-time employment with the leave for eight weeks, the leave will be extended for an additional four weeks of full-time leave.
- Both parents can take leave at the same time. The overall length of leave must not exceed 32 weeks in the case of a single child.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In a case of multiple births, Parental leave is extended to 34 weeks regardless of the number of children born.

d. Childcare leave (*urlop wychowawczy*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Up to 36 months can be taken as a Childcare leave. It is not dependent on the Parental or Maternity leave. It is dependent on the period of work at the employer (over six months). Parents can use the leave until the end of calendar year in which the child turns six years old. Out of this, 34 months are a family entitlement, with one month as an individual entitlement for the mother and another month for the father.
- Up to 36 months for a disabled child. The same rules as for regular Childcare leave applies, except for the age of eligibility – which is extended up to the moment a child turns 18 years old.

Payment and funding

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego*) of PLN400 [€93.47]² per month is paid for 24 months to parents taking leave as a supplement to family benefit, if monthly household income per capita does not exceed PLN674 [€157.50]. Since 1 November 2017 the threshold has been PLN764 [€178.54]
- Funded from general taxation.

Flexibility in use

- Leave can be taken until the end of calendar year in which the child turns six years old.
- Parents can take leave in one continuous period or in up to five separate blocks.
- Parents can take leave at the same time.
- Both parents have an individual, non-transferable right to one month of the leave. However it could be transferable due to certain circumstances such as the father is unknown, the other parent died etc.
- During the leave period, parents may be employed and claim parental allowance (if they are eligible), if working does not prevent them from caring for their children. A working parent can switch employment while on leave.

Eligibility (e.g. related to employment or family circumstances)

- Employees with a work record of at least six months.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- The basic payment can be extended to 36 months where there is more than one child.
- Leave may be extended for another 36 months if a child is disabled or chronically ill and requires care, but can be taken no later than the child's

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

18th birthday. A means-tested payment of PLN400 [€93.47] per month is made in these cases and the payment period can be extended up to 72 months.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children.
- Parental allowance is paid if the adopted child is seven years old or younger.

Time off for the care of dependants

- An employee can take leave of up to 14 days per year to provide personal care for a family member, paid at 80 per cent of earnings.
- An employee can take leave to care for a child up to eight years of age (14 years if the child is disabled or chronically ill) in the case of an unforeseen closure of a nursery school, kindergarten, or school; or the illness or childbirth of the spouse caring permanently for the child. This leave is also paid at 80 per cent of earnings for up to 60 days.

Flexible working

- None.

Specific provision for (breast-) feeding

- Mothers who work at least 4 hours a day and breastfeed are entitled to breastfeeding breaks at work, which are included into the working time. The number of the breaks depends on the number of hours at work and the length of the break depends on the number of children. A mother of one child working full time would be allowed to two breaks per day of 30 minutes each. Breaks could be cumulated and granted at the beginning or end of the working day.

f. Other non-employment-related measures

Parental benefit

- Individuals who are not eligible to receive maternity benefit (thus also parental allowance) are eligible for parental benefit. The benefit is therefore addressed particularly to unemployed persons, students and people working on some types of civil law contracts (uninsured). However, also inactive mothers and fathers (those not officially registered as unemployed) will be eligible for this benefit. The benefit is not means-tested.

Eligibility

- The first 14 weeks of parental benefit are available only for mothers.

Payment

- PLN1000 [€233,69] per month.
- It is important to stress that if the maternity benefit or Parental leave benefit

in a given month is lower than PLN1,000 [€233.69] per month, the difference will be paid to the parents. It is especially important for low-paid parents who decide for the formula 100 per cent for 26 weeks or 60 per cent for 26 weeks. In the case of minimum wage earners their Parental leave benefit will be lower than PLN1000 [€233.69], thus the difference will be covered by social insurance.

Length of the benefit payment

- Fifty-two (52) weeks; 65 weeks for twins; 67 weeks for triplets; 69 weeks for quadruplets; 71 weeks if five or more children were born.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Poland is four years, but most of this is means-tested and low paid; leave paid at a high rate runs for twelve months (in a case of single child). Since September 2017 there has been an entitlement to ECEC for three-year-olds or older children. Therefore, there is a two-year childcare gap between the end of the well-paid Parental leave and ECEC entitlement. Levels of attendance at formal services for children under and over three years are below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

3. Changes in policy since May 2017 (including proposals currently under discussion)

Since September 2017 there has been an entitlement to ECEC for 3 year olds or older children.

4. Take-up of leave

a. Maternity leave

- The Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) collects data on Maternity, Parental and Paternity leave benefits. It must be stressed that the data on Maternity leave benefit and Parental leave benefit collected for 2012 -2013 and 2014-2017 are not comparable, because until 2014 the data were only collected for employers with more than 20 employees.
- In 2017, 707,800 individuals took Maternity leave, Paternity leave or Parental leave. In 2016, it was 669,100. While men took mostly Paternity leave (see below) women took Maternity leave and Parental leave. Altogether women took advantage of 97 per cent of all benefit-days paid by ZUS.
- In 2016, parental benefit (see above, part f.) was paid every month to on average 78,000 families.

b. Paternity leave

- According to ZUS, in 2016 146,400 and in 2017, 174,200 Paternity leave benefits were paid (for at least one day). The average payment equaled to PLN123.90 [€28.95] per day, and in 2017 it was PLN128.74 [€30.08] per day. However, on average fathers used 13.2 days of Paternity leave in 2016

and 12.6 days in 2017.

c. Parental leave

- In 2016, 395,900 and in 2017 406,600 parents took Parental leave benefit of which 99 per cent (391,700 and 402,400 respectively) were women. The Parental leave benefit on average amounted to PLN72.33 [€16.90] per day in 2016 and PLN70.99 [€16.59] per day in 2017. It was relatively lower for women reflecting the gender pay gap. In 2016, on average women received 73 per cent of the benefit paid to men on average, and in 2017 this figure was 67 per cent. The data indicate that the Parental leave is mostly taken by women.

d. Childcare leave (*urlop wychowawczy*)

- According to ZUS, in 2015 every month (on average) the childcare leave benefit was paid to parents of 53,300 children.
- There are no regular and coherent government statistics and analyses on the use of Childcare leave and Childcare allowances. Particularly the available official statistics do not show the incidence of Childcare leave among parents entitled to take leave, the proportion of parents who receive Childcare allowance, or the average duration of leave; and despite the fact that fathers are entitled to Childcare leave since 1996, no data about their take-up are collected.
- A representative, although already outdated picture of take-up of Childcare leave comes from analyses of data collected in the second quarter of 2005 using a module added to the Labour Force Survey^{3 4}.
- In the largest Polish survey *Diagnoza Społeczna*, published in 2011 and in 2013, the respondents were asked to select a solution that would facilitate the reconciliation of work and family responsibilities⁵. In 2011, a longer Maternity leave was most often given as the best solution for reconciling work and family life, both by women (26 per cent) and men (20 per cent). In 2013, it was 24 per cent and 19 per cent respectively. However, in comparison to 2011, in 2013 other answers were on the top of the ranking: flexible working time (indicated by more than half of women and men), childcare facilities for children below the obligatory school age and higher Childcare leave benefit. It seems that after the changes in the leave policy the respondents now stress the need for developing childcare facilities (the participation rate is rather low in Poland) and increasing the allowances for those who care for children at home. However, the most important change is in the social attitude towards flexible working time. The comparison of men's and women's responses leads to the conclusion that women are more interested in the development of childcare facilities, while for men childcare allowance is a tool for reconciling work and family life.
- Similarly, a long Maternity leave or Childcare leave is often discussed as a tool for encouraging people to have more children. In 2012, 27 per cent of Poles

³ Kotowska I.E. and Baranowska, A. (2006) *Praca a obowiązki rodzinne w 2005 r.* [Work and family in 2005, Information and Statistical Analyses], Warsaw: Central Statistical Office.

⁴ Matysiak, A. (2007) 'Organizacja czasu pracy i opieki' ['Work and care'], in: I.E.Kotowska, U. Sztanderska and I. Wóycicka I. (eds.) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne* [Economic and educational activities and family], Scholar Publishing Company.

⁵ Czapiński J. and Panek T. (eds.) (2011) *Diagnoza społeczna.* [Social Diagnosis]. Available at: <http://www.diagnoza.com/index.html>.

indicated 'longer maternity leaves' as a tool to achieve this aim⁶; while in 2013 almost half of Polish society considered 12 months of leave (Maternity and Parental) after birth to be an effective tool for encouraging young people to have children⁷. By the same token, Polish society does not consider 'Paternity leave' to be an important policy tool. It is worth noting, however, that academic studies show that the Maternity leave extensions that have taken place in the past in Poland did not influence childbearing among Polish women⁸. Furthermore, analyses of multiple conditions for childbearing in Poland and socio-economic context of recent changes undermine the chances for the recent reform to bring significant change in fertility rates in Poland⁹.

- Nevertheless, the extension in 2013 of Maternity leave, and introducing six months of 'Parental' leave, gained much support in Polish society; 91 per cent of adult Poles rated it beneficial¹⁰. But most people (58 per cent) did not think men were interested in taking the 'Parental' leave part. After the extension of Maternity leave, two other measures to support reconciling work and family have considerable support: flexible working hours (55 per cent of men and 57 per cent of women); and childcare facilities for children under 7 years (33 per cent of men and 37 per cent of women)¹¹.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Recent years have brought a rising interest in childcare related issues. Studies of the changes in family policy in Poland have been carried out, often taking a comparative perspective and referring to EU policy; labour market developments and their possible impacts on family behaviours, as well as the effects of leave policies on employment careers, have also received attention. Moreover, in

⁶ CBOS (2012) *Polityka państwa wobec rodziny* [State policy towards the family] (No. BS/67/2012). Warszawa: CBOS.

⁷ CBOS (2013) *O roli kobiet w rodzinie* (No. BS/30/2013) [The role of women in the family]. Warszawa: CBOS.

⁸ Kurowska A. and Słotwińska-Roslanowska E. (2013) 'Zatrudnienie a pierwsze i drugie urodzenia wśród kobiet w Polsce' ['Employment and the first and the second births among Polish women'], *Studia Demograficzne*, Vol.163, No.1: 37-51. Available at: https://www.researchgate.net/publication/266684882_Zatrudnienie_a_pierwsze_i_drugie_urodzenia_wsrod_kobiet_w_Polsce

⁹ Kurowska A. (2013) 'Ocena zasadności założeń reform urlopów i zasiłków związanych z opieką nad małym dzieckiem', *Problemy Polityki Społecznej. Studia i Dyskusje*, Vol. 21, No.2: 155-170. Available at: <http://www.problempolitykispolecznej.pl/images/czasopisma/21/Kurowska%20PPS%2021-13-12.pdf>

¹⁰ CBOS (2013a) *Postawy prokreacyjne kobiet* (No. BS/29/2013) [Attitudes to women's fertility], Warszawa: CBOS.

¹¹ Czapiński, J. and Panek, T. (2013) 'Diagnoza społeczna 2013: warunki i jakość życia Polaków' ['Social Diagnosis 2013: conditions and quality of life of Poles'], Quarterly of the University of Finance and Management in Warsaw (special issue), vol.7.

studies on reconciling work and family life, gender issues and the role of employers are increasingly under consideration.

b. Selected recent publications

Kurowska, A. and Javornik, J., (2017) 'Work and Care Opportunities under Different Parental Leave Systems: Gender and Class Inequalities in Northern Europe', *Social Policy & Administration*, Vol.51, No.4: 617-637. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/spol.12316/full>

This article analyses public parental leave in eight northern European countries, and assesses its opportunity potential to facilitate equal parental involvement and employment, focusing on gender and income opportunity gaps. It draws on Sen's capability and Weber's ideal-types approach to analyze policies across countries. It offers the ideal parental leave architecture, one which minimizes the policy-generated gender and class inequality in parents' opportunities to share parenting and keep their jobs, thus providing real opportunities for different groups of individuals to achieve valued roles as parents. Five policy indicators are created using benchmarking and graphical analysis. Two sources of opportunity inequality are considered: the leave system as the opportunity and constraint structure, and the socio-economic contexts as the conversion factors. The article produces a comprehensive overview of national leave policies, visually presenting leave policy across countries. Considering policy capability ramifications beyond gender challenges a family policy cluster idea and the Nordic-Baltic divide. It demonstrates that leave systems in northern Europe are far from homogenous; they diverge in the degree to which they create real opportunities for parents and children as well as in key policy dimensions through which these opportunities are created.

c. Ongoing research

Since May 2015 Anna Kurowska (University of Warsaw) has been carrying out research on the impact of Parental leave and childcare leave reforms in Poland, on the capabilities of mothers and fathers. The study is part of the RECAP project (Work-family reconciliation from the Capability Approach perspective) financed by National Science Centre in Poland (grant number: 2014/13/D/HS4/03645). Partial results of this project were presented at IAFFE Annual Conference in Seoul in June, 2017, and at the ESPAnet Annual Conference in Lisbon in September, 2017.

Since January 2018, Barbara Godlewska-Bujok has been carrying out research on the scope of parental entitlements in the collective agreements. The team intends to figure out whether there are any changes to company sources of law in the field of parental entitlements that could be wider than in the statutory laws.

Portugal¹

Karin Wall and **Mafalda Leitão** (University of Lisbon)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology: a new Labour Law came into effect in May 2009 and major changes were introduced in Leave policy (see details in 2009 review). 'Maternity leave' was replaced by the 'Initial Parental leave'; 'Paternity leave' and optional Parental leave for fathers was replaced by 'fathers-only Parental leave' and a 'sharing bonus' was introduced (see below).

a. Initial Parental leave (*licença parental inicial* – formerly 'Maternity leave', see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

Length of leave (before and after birth)

- One hundred and twenty (120) or 150 calendar days, depending on payment level (see 'payment and funding' below). It is obligatory for the mother to take 42 calendar days (six weeks) following the birth (mother's-only Initial Parental leave); the remaining period may be divided between parents by mutual agreement. An extra 30 days ('sharing bonus') is available if both parents share the leave. See 'flexibility' below for options available to parents.

Payment and funding

- One hundred and twenty (120) days at 100 per cent of earnings or 150 days at 80 per cent of earnings, with no ceiling on payments, if parents do not meet the gender sharing criteria; or 150 days at 100 per cent of earnings or 180 days at 83 per cent of earnings, with no ceiling on payments, if parents meet the gender sharing criteria.
- If parents decide to divide the 30 days of the fifth month of initial Parental leave, in order to stay at home simultaneously (each for a maximum of 15 days), payment remains at 80 per cent of earnings for each parent (see flexibility in use, point four).

¹ Please cite as: Wall, K. and Leitão, M. (2018) 'Portugal country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- Monthly payment corresponds to an average of all gross earnings during the first six months within the last eight months immediately prior to leave. Previously this monthly payment would have included holidays, Christmas or other extra benefits, but as from 2012 the government decided to exclude these benefits from that average. Therefore, Parental benefit now corresponds more closely to previous monthly earnings, whereas before it could be significantly different. Nevertheless, while on leave parents continue to receive more than when they are working, since they are exempt from paying taxes (social security contributions and IRS) during the leave period. Parents continue to accrue pension credits and other entitlements during the leave period.
- Parents living in Portuguese islands (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefit as compared to the mainland.
- When the level of earnings is very low there is a minimum payment of €11.44, €9.15 or €9.44 per day (social parental benefit, see eligibility).
- Parental leave benefit is funded by the Social Security system, financed in part by contributions to social security from employers and employees. The total amount of this contribution is 34.75 per cent of the employee's gross monthly salary. Employers contribute 23.75 per cent and employees 11 per cent. It is additionally funded from general taxation for cash benefits where there is no record of contributions or insufficient contributions, e.g. 'social parental benefit' (see 'eligibility').
- Non-employed parents receiving either social Parental benefit or unemployment benefit can claim pension credits regarding their leave period; apart from these two situations, non-employed parents are not eligible to paid leave or to pension credits for childrearing.

Flexibility in use

- Mothers have the option to take up to 30 days of Initial Parental leave before birth; six weeks (42 calendar days) immediately after birth are obligatory for mothers ('mother's-only Initial Parental leave', *licença parental inicial exclusiva da mãe*).
- Initial Parental leave may be taken in the following ways:
 1. the mother (or the father, after the mother's obligatory period) may take all 120 days at 100 per cent of earnings or all 150 days at 80 per cent of earnings, i.e. there is no sharing of leave;
 2. parents may divide between themselves 150 days at 100 per cent of earnings on condition the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or *vice versa*);
 3. parents may divide between themselves 180 days at 83 per cent of earnings on condition the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone (without the mother, or *vice versa*);
 4. during the fifth month, parents can share a maximum of 30 days in order to stay at home together but each parent can only stay at home with the other parent for a maximum of 15 days. Therefore, this option of staying at home together will imply a shortening of the total amount of leave time, from five to four and a half months, or from six to five and a half months (the latter is for cases where parents meet the gender criteria for sharing, which allows for the bonus).

- When parents want to take leave at the same time and both work for the same employer in a small company, the employer must give his agreement.
- Initial Parental leave of 120 or 150 days can be divided between parents, but cannot be taken at the same time by both parents except in the case just mentioned above: a maximum of 30 days during the fifth month can be divided between the parents (15 days for each), so that they can stay home together.
- Working is not permitted while on paid leave
- Single parents cannot use the other parent's entitlement.
- The Leave legislation (2009) does not mention same-sex parental couples yet. However, same sex marriage was introduced in 2010, followed by same sex adoption in 2016.

Eligibility (e.g. related to employment or family circumstances)

- All female employees with a record of six months (continuous or intermittent; the latter is only possible if the period without contributions is below six months) of insurance contributions. Mothers who have no record of contributions or insufficient contributions are entitled to a monthly benefit (social parental benefit), but only if their family income is below 80 per cent of the Index of Social Support (€428.90 in 2018). The amount and duration of this benefit is €343.12 for 120 consecutive days and €274.50 (64 per cent of IAS) for 150 consecutive days if parents do not share leave; if parents decide to share leave, benefit is paid at €343.12 for 150 consecutive days and €283.07 (66 per cent of IAS) for 180 consecutive days.
- Father's eligibility to use or to share Initial Parental leave is the same as mothers however it depends on the mother working or being eligible for other reasons (e.g. low family income, unemployment benefit). For example, if the mother is not eligible at all, the working father can only take his Father's-only Parental leave of 15 obligatory and 10 optional working days (see 1b); if the mother works but the father does not and is not eligible for other reasons (e.g. low family income, unemployment benefit) the mother is still eligible for Initial Parental leave.
- The sharing bonus only applies if both parents work or are eligible for other reasons (e.g. have a low family income, receive unemployment benefit).
- Self-employed workers, who contribute to social security and unemployed women/men receiving unemployment benefit.
- Eligibility does not differ for leave and for benefits.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple births, the leave period is extended by one month for every additional child.
- In case of death, mental illness or the physical incapacity of the parent who is taking leave at the moment, the other parent is entitled to the (remaining) leave to which the other parent would otherwise be entitled (this is called '*Initial Parental leave to be taken by one of the parents in case of the other parent's impossibility*'). A minimum of 30 days leave is granted to the father in case of mother's death, mental illness or physical incapacity.

- A working grandparent is entitled to 30 days leave, following the birth of a grandchild to an adolescent still living at home.
- In cases of poor health or health risks to the mother and child, the pregnant mother is entitled to receive maternity benefits before birth, for as long as the period of risk lasts (this leave is called 'health risk leave during pregnancy'). This leave does not reduce the 120, 150 or 180 days of Initial Parental leave, requires a medical certificate and is paid at 100 per cent of earnings.
- In case of hospitalisation of the child or the parent who is taking leave during the period after childbirth, the leave period shall be suspended at the request of the parent for as long as hospitalisation lasts.
- In cases of "specific risks" – ("night work" from 10 pm until 7 am of the next day "exposure to specific agents, processes or working conditions", both specified by law) – during pregnancy, after birth and while breastfeeding, women may interrupt their work and are entitled to a "leave/benefit for specific risks" paid at 65 per cent of salary. This interruption requires a medical certificate regarding danger to worker's health or safety and to the child's development as well as an employer's declaration concerning the impossibility of giving the working mother/pregnant woman another schedule or function. This leave does not reduce the 120, 150 or 180 days of Initial Parental Leave.

b. Father's-only Parental leave (*licença parental exclusiva do pai* – formerly Paternity leave, see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

Length of leave

- Twenty-five (25) working days, 15 of which are obligatory and must be taken during the first month after birth.

Payment and funding

- One hundred (100) per cent of gross earnings with no ceiling.
- Parents living in Portuguese islands (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefit compared to the mainland.
- Non-employed parents receiving either social parental benefit or unemployment benefit can claim pension credits regarding their leave period; except for these two situations, non-employed parents are not eligible either to leave, payment or pension credits for childrearing.

Flexibility in use

- Five of the 15 obligatory days must be taken consecutively immediately after birth; the other ten days must be taken during the first month after birth; the other ten optional days must be taken while the mother is on Initial Parental leave.
- The Law states that 15 days are compulsory and in principle these are enforced. The ATC (Authority for Labour Conditions) carries out inspections in the workplace and has had to provide new protocols and training for inspectors, who now have to be attentive to all aspects of parental leave up-take and not only maternity leave (enforced since 1976).

The rapid increase in take-up rates over the last few years shows that the majority of fathers now take compulsory paternity leave.

Eligibility (e.g. related to employment or family circumstances)

- As Initial Parental leave. Fathers who have no record of, or insufficient contributions are entitled to the obligatory paid leave of 15 working days as well as to the ten optional working days just as long as they meet the low income/flat rate criteria; daily payment is €11.44, corresponding to 80 per cent of 1/30 of IAS (€428.90 in 2018).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the father

- The 15 obligatory days will be increased by two days for every additional child in case of multiple births; the same for the ten optional days which the father can take, while the mother is on Initial Parental leave.

c. Additional Parental leave (*licença parental complementar* – formerly Parental leave, see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

Length of leave

- Three months per parent. Leave is an individual entitlement.

Payment and funding

- Twenty-five (25) per cent of average earnings for three months for each parent, but only if taken immediately after the Initial Parental leave. Parents living in Portuguese islands (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefit.
- Pension credits can be claimed by those on Additional Parental leave.

Flexibility in use

- Leave may be taken up to the child's sixth birthday.
- Leave can be taken in the following ways: a) on a full-time basis for three months; b) on a half-time basis for a period of 12 months per parent; or c) on an alternating basis (i.e. working half-time or full-time up to a maximum of three months full-time equivalent per parent).
- If the three months are taken as unpaid Parental leave, they can be taken by both parents at same time; but paid leave can only be taken by one parent at a time.
- However, when both parents work for the same employer, the employer has a right to postpone the leave of one of the parents.

Eligibility (e.g. related to employment or family circumstances)

- As Initial Parental leave. However paid Additional Parental leave is not available to parents receiving social parental benefit, nor to parents receiving unemployment or social unemployment benefits.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- If the three months are taken as unpaid Parental leave, they can be taken by both parents at same time. However, when both parents work for the same employer, the employer has a right to postpone the leave of one of the parents.

d. Childcare leave or career breaks

- After Additional Parental leave, and only if this leave has been taken, one of the parents may take up to two years of Childcare leave (*licença para assistência a filho* – formerly known as Special Parental leave) on a full-time basis, extended to three years when there is a third or subsequent child. The leave is unpaid. However, unlike Additional Parental leave, which is an individual entitlement, this special leave can only be taken by one parent who must prove that the other partner is employed or incapable of working. Moreover, while parents on Additional Parental leave continue to be considered as employees with full rights and guarantees, as if they were working (for example, they continue to be entitled to holidays which they can take at the end of the leave period), in the case of Childcare leave (and of Leave to care for handicapped or chronically ill children), there is a suspension of the work contract; this means that all of the employee's rights and guarantees are suspended, only the right to return to his/her job is safeguarded. The period of Childcare leave is also taken into account in the calculation of old age and invalidity pensions. Non-employed parents are not eligible either to leave, payment or pension credits.

e. Other employment-related measures

Adoption leave and pay

- In cases of adoption of a child less than 15 years old, the adopting parent is entitled to Initial Parental leave (length and payment, including the sharing bonus). If there are two adopting parents, the leave may be divided between them. In case of multiple adoptions leave will be extended by 30 days for every subsequent child adopted. In case of death of the adopting parent, leave may be transferred to the spouse, who can take as an alternative, a minimum of 14 days leave.
- Adoptive fathers are not entitled to father's-only Parental leave (15 compulsory days plus 10 optional days).

Time off for the care of dependants

- Up to 30 days per year can be taken to care for sick children under the age of 12 years, with no age limit in the case of a child who is chronically ill or disabled; an additional 15 days per year can be taken to care for a sick child above the age of 12 (if older than 18 years, the child must belong to

same household). This is a family entitlement to be divided between parents as they choose, and is paid at 65 per cent of earnings (minimum payment of €11.44 per day). Both entitlements are increased by one day for every second and subsequent child. If a child under the age of 12 is in hospital care, this entitlement lasts for as long as the child is in hospital.

- Up to 15 days unpaid leave per year to care for a spouse or a close relative (parents, grandparents, siblings, even if not living in the same household). Employees in the public sector are entitled to five-sixths of their earnings.
- An extra 15 days unpaid leave per year to care for a severely handicapped or chronically ill spouse.
- Grandparents are also entitled to take leave from work in order to substitute parents in caring for sick children; they may take the same number of days parents are entitled to or take the remaining days that parents have not taken from their leave entitlement.
- When there is a severely handicapped or chronically ill child, including adopted children and living-in stepchildren, one of the parents is entitled to six months leave (*licença para assistência a filho com deficiência ou doença crónica – leave to care for a handicapped or chronically ill child*), which may be extended to four years. This leave can only be taken by one of the parents and it is paid at 65 per cent of earnings; the maximum payment per month is equivalent to two times the amount of IAS (€357.80). Parents living in Portuguese islands (Madeira and Azores) are entitled to an uprating of two per cent.

Flexible working

- If there is a handicapped or chronically ill child below one year of age, one of the parents may also apply for a five-hour reduction in the working week, as long as the other parent is employed.
- Parents are entitled to four hours leave per school term to go to their children's school until children reach 18 years of age, with no reduction of earnings.
- Adopting parents are entitled to miss work (up to three times) in order to be present at meetings related to the adoption.
- Fathers are entitled to leave work (up to three times) to accompany their spouses in pre-natal appointments.
- Parents with children below 12 years (no age limit in the case of a child who is chronically ill or disabled living in the same household) are entitled to 'flexible working' which means that the employee may choose, within certain limits, when to start and finish daily work. Employees may work up to six consecutive hours and up to ten hours daily as long as the normal weekly hours of work are fulfilled. Both parents are entitled to this 'flexible working schedule for an employee with family responsibilities'.
- Where there are children below 12 years (no age limit in case of a child who is chronically ill or disabled living in the same household), one of the parents (or both for alternative periods of time) is entitled to half-time work after taking Additional Parental leave ('half-time work for an employee with family responsibilities'). Half-time work can be taken on the following basis: working half-time during five days a week or working three full days per week. Employers and employees can agree on another basis. Half-time work may be extended up to two years (three years in the case of third and subsequent child, four years in the case of chronically ill or disabled child).

- Parents working half-time or in a flexible working regime, cannot be penalized in their evaluation and career progression.
- Parents with children below three years of age are entitled to teleworking (working from home). If their function fits this working regime and the company has resources, employers cannot oppose this option.

Specific provision for (breast-)feeding

- Parents are entitled to two hours 'nursing' leave per day during the first year after the birth, with no reduction of earnings. It has been named 'breastfeeding or milkfeeding leave' (*dispensa para amamentação e aleitação*) to make it more gender neutral, since the worktime reduction may be used by mothers and fathers. The entitlement to be absent from work to milkfeed is supported by the employer, since it does not imply a benefit paid by the social security system. However, mothers/fathers have to apply for it, and employers must accept it. These two hours of nursing leave can be a family entitlement if mothers do not breastfeed their child. In this case, leave may be taken by one parent, either the mother or the father, usually in two different periods: one hour in the morning and one hour in the afternoon (unless negotiated otherwise with the employer).
- Parents may also share the nursing leave by taking one hour each per day. In cases of multiple births, leave is increased by 30 minutes for every child. Where mothers are actually breastfeeding, the two hours' reduction can last for as long as the child is breastfed.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of total post-natal leave available in Portugal is three years (including two years of unpaid 'childcare leave' and six months at 25 per cent of previous earnings). Leave paid at a high rate lasts for up to six months, depending on the gender sharing of leave. Since 2009, there is an entitlement to ECEC from five years of age, in nursery education available for eight hours a day. So, there is a gap of around two years between the end of leave and an ECEC entitlement, and of four and a half years between the end of well-paid leave and an ECEC entitlement. However, both publicly subsidised and private crèches are available for children from the age of four months and coverage rates for children aged 0-3 in formal childcare have increased steadily over the last two decades (from 19.8 per cent in 2000 to 51.1 per cent in 2015). This is thus a complementary relationship between well-paid leave and enrolment in formal services. Levels of attendance at formal services for children under three years are above the average for the countries included in this review and for OECD countries; and around average for children over three years. (see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page).

3. Changes in policy since April 2017 (including proposals currently under discussion)

Since March 2016 when fathers' only obligatory leave increased from 10 to 15 days, there were no changes to Portuguese Parental leave legislation.

Parental leave proposals presented and discussed in 2015 in the Parliament by different political parties regarding Initial Parental/Maternity leave (see 2016 edition) have not yet come to any conclusion.

Recent public and political debates have been highlighting gender equality in leave policies. Regarding gender equality in work and family balance, proposals aim to reinforce fathers' entitlements (leave time) and fathers' take up rates rather than increase parental leave time in general or payment for the three months of Additional Parental leave, currently paid at 25 per cent of earnings.

A government proposal, announced in March 2017, concerning a five day increase in fathers-only *obligatory* leave from 15 to 20 working days, without extending the total period of fathers-only leave, has not yet been implemented.

Meanwhile, a recent proposal (January 2018) from a left-wing political party will be soon discussed in Parliament. It seeks to promote gender equality in all types of leave, namely: equal leave entitlements between biological parents, adoptive parents and in same sex parent families. The main claims of this proposal are:

- the introduction of a fathers-only Parental leave in case of adoption on the same conditions as for biological fathers
- equal Parental leave entitlements in case of same sex couples
- an increase of 5 days in fathers-only compulsory Parental leave (currently at 15 working days) as well as an increase of five days in father's only optional leave (currently at 10 working days);
- payment at 90 per cent of earnings (instead of the current 83 per cent) for parents who share at least 30 consecutive days (or two periods of 15 consecutive days each) of the total of 180 days of Initial Parental leave
- payment at 100 per cent of earnings regarding 'leave for specific risks' (currently paid at 65 per cent of earnings)
- payment at 100 per cent of earnings (currently paid at 65 per cent of earnings) regarding 30 days per year to care for a sick child up to 12 years old/15 days to care for a sick child above age 12.

There are no definitive figures on the number of births for 2017 but there is an estimation of a slight decrease in comparison with last year (about 86,180 births in comparison to 87,126 in 2016, 85,500 in 2015 and 82,367 in 2014). Low fertility persists but it has not been highlighted by the media nor by civil society as it was during the crisis years (2011-2014) when the birth rate dropped significantly (down from 101,381 births in 2010 to 82,367 in 2014).

4. Take-up of leave

a. Initial Parental Leave (formerly Maternity leave)

After decreasing between 2011 and 2014 (down from 81,176 to 67,168) the total number of paid Initial Parental leaves reversed its downward trend and increased slightly in 2015 (72,402) and in 2016 (73,891). However, in 2017 the number of paid Initial Parental leaves seems to have resumed its downward trend decreasing to 70,397.

These figures include: mothers and fathers with a sufficient record of social security contributions entitled to 80-100 per cent of earnings compensation (57,867); as well as mothers and fathers with no record or an insufficient record

of social security contributions (12,530) who are only entitled to a flat-rate benefit (see 1a for benefit eligibility). The latter represented 17.8 per cent of the total number of paid Initial Parental leaves in 2017 (19.9 per cent in 2015 and 18.5 in 2016). In fact, since it was first introduced in 2008 the number of Social Initial Parental leaves (paid to parents with an insufficient record of social contributions) reveals a decrease (down from 16,887 in 2008 to 13,718 in 2016 and 12,530 in 2017).

In 2017, Parental leave benefit taken by mothers and fathers with a sufficient record of social security contributions (entitled to 80-100) represents about 67 per cent, in relation to total number of births, while the flat-rate Parental benefit (mothers and fathers with no record or an insufficient record of social security contributions) represents about 14.5 per cent in relation to total number of births. All in all, it is estimated that 81.7 per cent of mothers/fathers were eligible for Parental benefit in 2017 (84.8 in 2016).

b. Initial Parental Leave and Sharing Bonus

Since it came into effect in May 2009, data on the sharing bonus shows a strong initial increase in take-up in 2009 and 2010 (from 596 fathers who shared Maternity leave in 2008 to 16,426 fathers sharing Initial Parental leave in 2010). After this initial period, there has been a slow but steady increase in the take-up of the sharing bonus: 17,036 fathers staying on their own for 30 or more days during the five or six months of Initial Parental leave in 2011; 17,744 fathers in 2014, 20,941 in 2015, 22,919 in 2016 and 24,109 in 2017. Put another way, in 2017 34 per cent of Initial Parental leaves were taken with the sharing bonus (meaning that the father took at least 30 days of leave alone, without the mother, or *vice versa*), compared with 31 per cent in 2016, 28.9 per cent in 2015, 26.4 per cent in 2014 and 20.1 per cent in 2011. These numbers reveal that independently of downward or upward trends in take up of Initial Parental leave the sharing trend rises every year though moderately.

Initial Parental leave taken with the sharing bonus has to be shared between both parents. Although only the first six weeks have to be taken by the mother, in practice nearly all parents divide the leave between themselves by allocating four or five months to the mother and one month (the last month of Initial Parental leave, when the mother goes back to work) to the father. Among these couples, in 2017, 71.7 per cent (17,291) chose the longer leave period (six months paid at 83 per cent of earnings), compared to 58 per cent in 2010; while 28.3 per cent (6,818) preferred the five months' option paid at 100 per cent of earnings. This would seem to indicate that parents are choosing to stretch the period of leave to six months even if they receive a slightly lower level of earnings compensation. By contrast, parents receiving social parental benefit still tend to share the shorter period of five months.

Initial Parental leave taken without the gender sharing bonus is nearly always taken up by mothers. The major leave-taking pattern (55 per cent) is five months paid at 80 per cent of earnings (since it is taken without the sharing bonus); 45 per cent of mothers take the four months period paid at 100 per cent of earnings. However, there is a difference between mothers receiving parental benefit and mothers receiving social parental benefit (see 1a); the latter tend to opt for the four months period (85.8 per cent), while the others take the five months period.

c. Father's-only Parental leave (formerly Paternity leave)

In 2016, father's only compulsory parental leave changed from 10 to 15 working days (approved in 2015 but only coming into effect in 2016 with State budget approval). In 2017, take up numbers and percentages seem to have decreased slightly: 61,353 (71 per cent) of fathers took this compulsory leave. (For information on earlier years, please see earlier notes)

Take-up of the 'obligatory leave' is still not at 100 per cent for three main reasons: statistics exclude employees with special social protection regimes (e.g. civil servants, bank workers); some employees still do not fit eligibility criteria (they do not have a sufficient record of social contributions or their family income is not as low as required by the flat rate benefit); labour inspection services only recently began to control take-up of leave by fathers (making for lack of implementation by some employers).

The same trends may be observed for the 15 additional paternity leave days (the optional 'Daddy days' introduced in 1999). Ever since it has been following a rising trend (with exception of the crisis period) reaching 63,885 fathers in 2016 (63 per cent) and 61,353 fathers in 2017 (61 per cent). Nowadays most fathers who take the 15 working days compulsory fathers' only leave also take the 10 working days fathers'-only optional leave.

These percentages are based on the number of fathers who take leave in relation to an estimated number of births for 2017. If again, take-up is calculated in relation to the total number of Initial Parental leaves granted, then estimated proportions in 2017 rate 87.2 per cent for the fifteen obligatory days (86.4 per cent in 2016), and 74.6 per cent for the ten optional days (74.5 in 2016).

d. Additional Parental leave (formerly Parental leave)

Take-up of Additional Parental leave is still low, even if it has increased since a new payment was introduced in 2009 (at 25 per cent of average earnings, if taken immediately after the Initial Parental Leave. In 2009, only 1,215 parents took paid 'Additional Parental leave" Ever since, there has been an increase in take up although it is still mainly used by women. In 2017 take up represented about 8 per cent of all parents who were granted Initial Parental Leave (5.475).

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

None reported.

b. Selected recent publications

Perista, H., Cardoso, A., Brázia, A., Abrantes, M., Perista, P. and Quintal, E. (2016) *Os Usos do Tempo de Homens e de Mulheres em Portugal [How men and women use their time in Portugal]*. Policy Brief. Lisboa: CESIS/ CITE.

Wall, K. and Leitão, M. (2016) 'Le congé paternel au Portugal: une diversité d'expériences'. [Parental leave in Portugal: a range of experiences] *Revue des Politiques Sociales et Familiales*. 122: 33-50.

Been, W. M., van der Lippe, T., den Dulk, L., Das Dores, H., Guerreiro, M., Kanjuo Mrčela, A. and Niemistö, C. (2017) 'European top managers' support for work-life arrangements', *Social Science Research*, 65, pp.60-74.

Casaca, S.F. and Lortie, J. (2017) *Handbook on Gender and Organizational Change* (with Johanne Lortie), Geneva: International Training Centre/International Labour Organization. Available at: https://issuu.com/itcilo/docs/handbook_on_gender

Cunha, V., Atalaia S. and Wall, K. (2017) *Policy Brief II – Men and Parental Leaves: Legal Frameworks, Attitudes and Practices*. Lisbon: ICS and CITE. Available at: http://cite.gov.pt/asstscite/images/papelhomens/Policy_Brief_II_Men_and_Parental_Leaves_Legal_framework.pdf.

Marinho, S. (2017) 'Separate Mothering and Fathering: The plurality of parenting within the framework of post-divorce shared parenting norms'. *Journal of Divorce and Remarriage*, Vol.58, No.4: 288-309

Rodrigues, L. and Araújo, L. (2017) 'Modelos de análise das políticas públicas'. ['Models of analysis for public policy'], *Sociologia, Problemas e Práticas*, 83: 11-35.

Rodrigues, L., Cunha, V. and Wall, K. (2017) *Policy Brief I – Men, Male Roles and Gender Equality*. Lisbon: ICS and CITE. Available at: http://cite.gov.pt/asstscite/images/papelhomens/Policy_Brief_II_Men_and_Parental_Leaves_Legal_framework.pdf

Wall, K (ed.) (2017) *The white paper - men and gender equality in Portugal*. Lisbon: ICS-U and CITE. Available at: http://cite.gov.pt/asstscite/images/papelhomens/WHITE_PAPER_Men_and_Gender_Equality_In_Portugal.pdf

Wall, K. and Leitão, M. (2017) 'Fathers on Leave alone in Portugal: Lived experiences and impact of forerunner fathers', in: M. O'Brien and K. Wall (eds.) *Comparative Perspectives on Work-Life Balance and Gender Equality*. New York, NY: Springer, Life Course Research and Social Policies, pp.45-68.

c. Ongoing research

Men on Initial Parental Leave – Fathers' and Employers' perspectives. Leitão, M. PhD Dissertation at Instituto de Ciências Sociais [Institute of Social Sciences], University of Lisbon.

Co-parenting reconfigurations after breakups: negotiation dynamics and public policies on shared parenting responsibilities (on-going). Sofia Pappámikail Marinho, Institute of Social Sciences, University of Lisbon.

For more information contact: sofia.marinho@ics.ul.pt or visit the website: <http://www.ics.ul.pt/instituto/?ln=p&pid=222&mm=6&ctmid=2&mnid=1&d oc=31809901190&sec=5>

Romania¹

Alexandra Macht (Oxford Brookes University) and **Raluca Popescu** (University of Bucharest)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*concediul de maternitate*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)

Length of leave

- Eighteen (18) weeks (126 calendar days). This is made up of Birth leave (*concediul de sarcină*) given pre-natally, and Confinement leave (*concediul de lăuzie*) given postnatally. Mothers can take either nine weeks before birth and nine weeks after birth, or the entire period of 126 days after the birth. It is obligatory to take six weeks post-natal leave.

Payment and funding

- Eighty-five (85) per cent of the mean monthly gross income obtained in the last six months before Maternity leave is taken, with no ceiling on payments. The calculation of the payment takes account of the mother's previous previous breaks from employment including: unemployment, medical leave, the most recent educational certificates issued by a national institution and any other Maternity leave and benefit payments made in the past.
- Maternity benefits are not taxed and are funded by the national budget for social health insurance (*Fondul național unic de asigurări sociale de sănătate*).

Flexibility in use

- Mothers are required by law to take six weeks (42 days) of post-natal leave, out of the available eighteen weeks of Maternity leave. The remaining 12 weeks (84 days) can be renounced, if not needed.

¹ Please cite as: Macht, A. and Popescu, R. (2018) 'Romania Country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- If the mother dies during childbirth or during her post-natal leave, the remainder of the leave is transferable to the father of the child.

Eligibility

- Maternity leave is given to women who are Romanian or EU citizens, have their residency in Romania and contribute to the social security system, irrespective of occupational status (employees; self-employed; unemployed; workers on short-term contracts).
- Maternity leave is also given to pregnant women who have stopped their social insurance contributions for reasons beyond their control, but who are giving birth in the nine months preceding the date they have stopped contributing towards social insurance.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- If the child is still born or dies during the Confinement leave, the maternity benefit is paid for the entire duration of the leave.
- According to Law 25 from 2004, in the Code of Work, pregnant women and mothers can also take Maternal Risk leave for the protection of their own and their child's health and safety. The Maternal Risk benefit is completely supported with funds from the Unique National Fund of Health Insurances (F.N.U.S.S), calculated at 75 per cent of the average insured gross earnings over the last six months. The Maternal Risk leave is complementary to Maternity leave (the mother can take both).

b. Paternity leave (*concediul de paternitate*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)

Length of leave

- Five working days.
- There is the possibility of extending the leave by a further 10 days, if the father attends a child-care course (*curs de puericultură*); this extension is granted only once, and for only the first of the fathers' children. If the father is a medical professional with prior knowledge of child-care he can submit an application for leave extension, rather than attend the full course.

Payment and funding

- One hundred (100) per cent of earnings, with no ceiling on payment. The benefit is paid by the employer

Flexibility in use

- Leave can be taken at any time after birth, up until the baby is eight weeks old.
- Additional time is given for multiple births.

Eligibility

- The beneficiary needs to be insured within the state system of social insurance. This applies to self-employed fathers too, as long as they are paying social insurance. Paternity leave is granted upon request, during the first eight weeks from the child's birth, and after the beneficiary presents the child's birth certificate, which stipulates his role as the child's father.
- If the father has gained a certificate upon completion of an infant care course, demonstrating basic care knowledge, the length of the Paternity leave is increased by 10 days to fifteen days; the father can benefit from this increase only once. The course and certificate are prepared by the family physician, in maternity wards or by other health state services or private consultancies which are recognized by the state. The condition of implementing the uptake of an infant care course to complement a Paternity leave, tries to increase the father's knowledge and involvement in caring for the infant, since fathers are expected by policy makers to be less skilled in infant care. However, the usual practice is for couples to take these courses together, and men's participation is increasing especially in urban areas.

c. Parental leave (*concediul de creștere al copilului, CCC*) (responsibility of the Ministry of Work and Social Justice)

Length of leave

- Until the child is two-years-old. Leave is a family entitlement.
- If both parents are eligible for the leave, one month must be taken by the non-claiming parent in the first year of leave, or the total amount of paid leave is reduced to 11 months. This strategy is meant to foster more gender equal arrangements.

Payment and funding

- Eighty-five (85) per cent of earnings over the last 12 months. Monthly benefit cannot be lower than RON1,250 [€268.06]² nor higher than RON8,500 [€1,822.83].

Flexibility in use

- At least a month from the total Parental leave available can be granted to the parent who is eligible for leave but has not requested the right to leave. For example, if the mother is the one who has requested Parental leave, a month out of this period will be given to the father (being deducted from the mother's leave) or vice-versa. In this time during which one partner is on a 'compulsory' month of Parental leave, the other partner can either return to work or can opt for unpaid leave.
- A labour market Insertion incentive, intended to improve work-life balance and to promote gender equality, applies to both parents and is given to whoever is taking Parental leave. To receive the benefit, the parent should return to work at least 60 days before the child is two-years-old. The insertion incentive is RON650 [€139.39] per month and is given until the child is three years-old (or four years-old in the case of children with a disability). The same amount will be received by those who have not

² Conversion of currency undertaken on 13 June 2018, using: <https://www.finanzen.net/waehrungsrechner>

contributed to the social security fund before birth but have been enrolled in the labour force before the child reaches two years-old.

- Parents who return to work from Parental leave, cannot be dismissed in the first six months (this is also known as ‘the grace period’); the ‘grace period’ can only be revoked if the mother engages in illegal behaviours (i.e. fraud).

Eligibility

- Both parents are eligible for leave if they have paid national insurance contributions in the last 12 months. The Parental leave benefit is awarded if the parent fulfils the following criteria: is a Romanian citizen; or a EU citizen, with a residency in Romania; is living together with the child/ren; does not have state-incurred debts in the local budget for any of the goods owned in his/her property.
- The Parental leave benefit for the month that can be given to the other partner is calculated according to which parent takes the leave: so if the mother takes the month of leave, then it is calculated according to the father’s salary; if the father takes the leave then it is calculated according to the mother’s salary.
- Parental leave and parental leave benefit is given for each birth, on a case-by-case basis, for each of the situations mentioned (adoption, placement, guardianship etc.). This can be taken by both parents, so either the mother or the father. The only leave exclusively given to the mother is pregnancy leave and confinement leave (the latter of which is issued for up to 126 days).
- Since LGBT rights are not legally recognized in Romania, there is no provision for same sex parents.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- Parental leave is extended until the child is three-years-old in the case of a disability.

d. Childcare Leave or career breaks (*concediul de odihnă*) (responsibility of the Ministry of Work and Social Justice)

Currently in Romania, there are four types of paid leave: Rest leave³ (Paternity leave is included here), Professional Qualification leave and Medical leave (Maternity leave is included here), and Parental leave. An annual Rest leave is guaranteed to all employees; of a minimum length of 20 working days according to the Code of Work, or 21 working days according to the applicable collective work contract; for disabled employees there is an additional three days on top of the 21 days allocated. During leave, the employee receives a leave benefit, which cannot be less than the basic wage, or less than the permanent benefits and bonuses for that respective period, which are mentioned in the individual work contract. The benefit for Rest leave is paid by the employer with at least five working days before the commencement of the leave.

³ ‘Rest leave’ in this context is the equivalent to ‘annual leave’ or ‘vacation leave’ in other systems.

According to the Code of Work, the paid free days – which are not included in the rest leave period – are offered in the case of special family circumstances agreed through the law and through the collective work contract. These days include: employee's own marriage (five days), the marriage of the employee's adult child (two days), the birth of the employee's child (five days; or prolonged to fifteen days if the employee participated in an infant care course), the death of the employee's partner, the child's, the parents' or parents-in-law (three days); the death of the employee's grandparents, brother or sister (one day), and for change of employee's work within the same professional unit and having to move residency to another town (five days).

Professional qualification leave can be taken in a paid or unpaid capacity, if agreed with the employer. Medical leave and social insurance health benefits given to ensured employees include: medical leave and benefit towards temporary work incapacity, caused by unusual diseases or accidents outside of the workplace; medical leave and benefit towards the prevention of sickness and recuperating work capacity, as a result of situations resulting from work-place accidents or professional diseases; medical leave and benefit for maternity, for the care of a sick child, and Maternal Risk leave and benefit. For any other personal problems, employees are entitled to unpaid leave.

e. Other employment-related measures

Since January 2018, for twins, triplets or multiple pregnancy or for situations of more than one child in care (if the mother give birth before the age of two of the previous child), the additional monthly benefit (for the second, third child, etc.) is granted to the mothers and is a fixed sum of RON1,250 [€268.06]. Benefits are paid to the parent who has taken the leave. Benefits are government-funded and the payments and leave requests are the responsibility of respective local Agencies for Payment and Social Inspection.

Adoption leave and pay

- Same as for Parental leave; although Adoption leave does not equate Maternity leave, since the mother has not given birth to the child. The benefit begins from the day in which the adoption was legally accepted.

Time off for the care of dependants

- Leave for the care of a chronically sick child is an entitlement for parents until the child is seven-years old; if the child is disabled; it is up until the child is 18 years old. Parents can choose between them, which one can receive the leave, as long as the parent who chooses to care for the child fulfils all of the eligibility criteria. Adoptive parents, foster parents and legally-named guardians can also apply for leave and receive the leave benefit.
- The Leave benefit is paid at 85 per cent of the earned income, and is awarded for 45 days per year for one child; if there are surgical complications or additional health problems, the extent of the medical leave can be prolonged at the discretion of the child's respective doctor. The benefit is awarded on the basis of a certificate received from the family doctor (the equivalent of a GP) alongside with the child's birth certificate.

Flexible working

- None.

Specific provision for (breast-)feeding

- Mothers who are breastfeeding can take 120 working days of Maternal Risk leave, given at the end of the post-natal leave as a continuation.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Romania is two years (or three years for a child born with a disability). Considering the strong emphasis in Romanian policy for parents to stay at home until the child is two years-old, the public system services for the new-born and up to two years-old group is under-developed, the additional support being predominantly informal, provided by grandparents and other relatives.

Without sufficient coverage of childcare services for small children, there is a clear deficit of possibilities for parents to plan for their respective balance of work and family tasks. In many cases, children are staying at home with their parents, grandparents or other relatives, as an alternative to the lack of resources and services. Levels of attendance at formal services are below the average for the countries included in this review and OECD countries, both for children under and over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on cross-country comparisons page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

A number of changes have been made to Maternity, Parental and other related leaves, since August 2017 and again in January and March 2018. The government is currently issuing a series of emergency decrees (*ordonanțe de urgență*) to change the Parental leave provision. The calculation principle remains the same: 85 per cent of the earnings that the parent has made in the last 12 months from the last two years prior to the Parental leave application. However, the parental benefit is again limited to a maximum ceiling, as it was before 2017. The minimum and maximum amounts are no longer related to the minimum wage, but to a social reference indicator (SRI) currently at RON500 [€107.23]. The minimum amount is RON1,250 [€268.06] or the equivalent of 2.5 SRI and the maximum amount is RON8,500 [€1,822.83] or the equivalent of 17 SRI. As such, there has been a cutback on the amount of the parental benefit, which based on the new method of calculation is currently subjected to market fluctuations.

In June 2017, the central administration of Bucharest headed by mayor Gabriela Vrânceanu Firea, introduced a new incentive for every new-born in the form of a birth grant⁴ of RON500 [€107.23] for children born in the municipality of Bucharest, who have parents residing in this area. Another initiative is a programme named 'Voucher Materna'⁵. This is a voucher worth RON2000 [€430] given to eligible pregnant women residing in Bucharest. Mothers can use this

⁴ Decree nr.209/2017 of the General Council of the Municipality of Bucharest. Available at: <http://dgas.ro/stimulente-financiare/stimulent-nou-nascuti>

⁵ More information available on this website: <http://dgas.ro/voucher-materna/>

voucher to pay medical services to monitor the good development of the pregnancy, for medical treatment and to purchase medical drugs (the Mayor's group has signed a contract with a list of specific companies that can redeem this voucher)

There was a proposal for doubling the number of working days for fathers (so from just five to 10 working days); this was submitted to Senate in 2015 but it was rejected in February 2017, one of the main reason being that it was considered a burden for the employers.

4. Take-up of leave

According to the latest ANAPIS⁶ report published in December 2017, last year 168,554 people received a child-rearing benefit, while 89,693 people received an insertion incentive; these numbers are higher than in previous years. Data has not been provided by gender this year. At a national level, from 160,807 parents who receive a child-rearing benefit, only approximately 1,100 of them receive benefits that exceed RON9,000 [€1930,05] At the moment, the outstanding payments offered represent up to 130 times the value of the minimum benefit. The largest benefits are of RON159,000 [€34,097.57], specifically of RON108,700 [€23,310.73] in Bucharest, RON140,000 [€30,023.02] in Arad, RON81,000 [€17,370.46] in Vâlcea, RON 74,000 [€15,869.31] in Constanța. Of the total sum that is offered monthly from the benefit budget, (estimated at 58.76 million € last year) approximately RON130 [€27.88] million (or 47.4 per cent) is represented by payments for parents who receive the minimum of the benefit (that is 85 per cent of the minimum wage guaranteed at a national level or RON 1,233 [€264.42]). Out of these, 1,100 parents receive a benefit larger than RON8,500 [€1,822.83] counting towards RON16 [€3.43] million [€] per month or 5.9 per cent of the total state budget.

a. Maternity leave

Since the first 42 days (post-birth) of Maternity leave are compulsory, all employed women should take up this portion of leave.

b. Paternity leave

According to statistical data released by the Ministry of Work⁷, there has been an increase in the number and share of fathers taking up paid leave and incentive for work in the last years. Unfortunately, the data provided this year are not disaggregated by gender and we cannot confirm the increasing trend identified in previous years.

c. Parental leave

It is compulsory for parents to share one month out of the 24 months allowed; if this month is not taken up by the other parent, the Parental leave is shortened, with a loss of benefit payment for that month. However, no data are available to know precisely how well this compulsory month is.

The National Agency for Benefits and Social Inspection Report. Available at: http://www.mmuncii.ro/j33/images/Documente/Familie/RaportariPrivindIncluziuneaSociala/Raport_decembrie.pdf

d. Other employment-related measures

None reported.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

There seems to be scarce academic research published, apart from the data released by the Ministry of Work and the National Institute of Statistics. From the point of view of the legislation, the situation is at the moment in a state of fluctuation, with a number of governmental revisions aiming to change the system of social services in Romania.

b. Selected recent publications

Billingsley, S, Duntava, A. (2017) 'Putting the pieces together: 40 years of fertility trends across 19 post-socialist countries', *Post-Soviet Affairs*, Vol.33, No.5: 389-410.

Demographic change has been a key consequence of transition, but few studies trace fertility trends across countries over time. We describe fertility trends immediately before and after the fall of state socialism across 19 Central and Eastern European and Central Asian countries. We found a few common patterns that may reflect economic and political developments. The countries that experienced the most successful transitions and integration into the EU experienced marked postponement of parenthood and a moderate decline in second and third births. Little economic change in the poorest transition countries was accompanied by less dramatic changes in childbearing behavior. In western post-Soviet contexts, and somewhat in Bulgaria and Romania, women became more likely to only have one child but parenthood was not substantially postponed. This unique demographic pattern seems to reflect an unwavering commitment to parenthood but economic conditions and opportunities that did not support having more than one child. In addition, we identify countries that would provide fruitful case studies because they do not fit general patterns. behavior. In western post-Soviet contexts, and somewhat in Bulgaria and Romania, women became more likely to only have one child but parenthood was not substantially postponed. This unique demographic pattern seems to reflect an unwavering commitment to parenthood but economic conditions and opportunities that did not support having more than one child. In addition, we identify countries that would provide fruitful case studies because they do not fit general patterns.

Brodeala, E. (2017) 'The Changing Status of Women as Others in the Romanian Constitution', *ICL – Vienna Journal on International Constitutional Law*, Vol.11, No.4: 540-563.

This article investigates the extent to which the Romanian Constitution has provided for adequate means to enhance women's equal citizenship in its first twenty-five years of existence. Taking as its starting point Simone de Beauvoir's

thought, encompassed in the idea that gender inequality is derived from defining women as 'the Others' or as totally opposite to men, the article shows that since its adoption in 1991, the Romanian Constitution began to depart from the stereotypical and antagonistic understanding of women and men's roles in society that Romania had inherited from its Socialist past. In 2003, when the Constitution was reviewed for Romania's EU and NATO accession, the requirement that only men should serve in the military was replaced with the guarantee of equal opportunities for men and women to occupy public, civil or military positions. Meanwhile, the Constitutional Court inched toward being an active actor in advancing gender equality. For example, in 2005 the Court held that allowing only women in the military, but not men in the same position, to take parental leave was unconstitutional and, in that same year, it gave women's reproductive rights a rather liberal interpretation. However, this article argues that the developments that have taken place have not been progressive enough. The Constitution still provides only for paid maternity leave, provides special working conditions only for women, does not explicitly mention the protection of reproductive autonomy, does not connect bodily rights with equality but with privacy, and lacks clarity on the admissibility of measures - such as gender quotas - to promote more women into the public sphere.

Ravenscroft, J, Wazny, K and Davis, J.M. (2017) 'Factors associated with successful transition among children with disabilities in eight European countries', *Plos One*, Vol.12, No.6. Available at: <https://doi.org/10.1371/journal.pone.0179904>

This research paper aims to assess factors reported by parents associated with the successful transition of children with complex additional support requirements that have undergone a transition between school environments from 8 European Union member states. Quantitative data were collected from 306 parents within education systems from 8 EU member states (Bulgaria, Cyprus, Greece, Ireland, the Netherlands, Romania, Spain and the UK). The data were derived from an online questionnaire and consisted of 41 questions. Information was collected on: parental involvement in their child's transition, child involvement in transition, child autonomy, school ethos, professionals' involvement in transition and integrated working, such as, joint assessment, cooperation and coordination between agencies. Survey questions that were designed on a Likert-scale were included in the Principal Components Analysis (PCA), additional survey questions, along with the results from the PCA, were used to build a logistic regression model. To support a child with complex additional support requirements through transition from special school to mainstream, governments and professionals need to ensure children with additional support requirements and their parents are at the centre of all decisions that affect them. It is important that professionals recognise the educational, psychological, social and cultural contexts of a child with additional support requirements and their families which will provide a holistic approach and remove barriers for learning.

Ducu, V. (2018) *Romanian Transnational Families: Gender, Family Practices and Difference*, Basingstoke: Palgrave Macmillan.

This book explores novel aspects of transnational family research through the study of Romanian transnational families. A range of topics are covered, including the impact of lodging type upon life strategies; understudied elements in transnational relationships; gender roles in transnational communication; multinational relationships; the role of polymedia in the formation of couples; and the lives of the children of Romanian transnational families. The author presents the experiences of 'leavers' as well as of 'stayers'; of the 'highly-skilled'

as well as the 'low-skilled'; that of women and that of men - through individual testimonies and couple-interviews.

Kovács, B. (2018) *Family Policy and the Organisation of Childcare. Hierarchies of Care Ideals*. Basingstoke: Palgrave Macmillan

This book explains and theorises the ways in which family policy instruments come to shape the routine care arrangements of young children. Drawing on interviews with close to a hundred parents from very different occupations in urban and rural Romania, the book provides a rich account of the care arrangement transitions these parents experience during their children's first five years of life. The influence of family policies emerges as complex and uneven, affecting childcare decisions both directly and indirectly by contributing to the reproduction and legitimisation of age-related hierarchies of care ideals. These cultural artefacts, reflective of both longstanding institutional legacies and recent policy innovations between 2006 and 2015, are the prism through which mothers and fathers from diverse backgrounds view and make decisions about their children's care.

c. Ongoing research

None reported.

Russian Federation¹

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April 2018

NB. The Russian Federation is a federal state, comprising 85 regions.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*отпуск по беременности и родам*) (responsibility of Ministry of Labour and Social Protection)

Length of leave (before and after birth)

- One hundred and forty (140) calendar days, including 70 calendar days before and 70 calendar days after childbirth.

Payment and funding

- One hundred (100) per cent of average earnings, calculated on basis of employment during the 24 months before taking leave². There is a ceiling for maternity benefits based on the ceiling on earnings for social insurance contributions established by the state on an annual basis, the mother's actual number of worked days and the length of the leave. For women applying for leave in 2018 the ceiling for social insurance contributions in 2016 was RUB718,000 [€9,696.93]³ slightly lower than the one in 2017 RUB755,000 [€10,196.63]. From 1 January 2018, the ceiling is RUB815,000 [€11,006.96]. Hence, the ceiling for the benefit will be RUB282,493 [€3,815.20], where 730 is the maximum standard number of working days over two years and 140 days is the length of the leave. It corresponds to the RUB61,341 [€828.44] per month. If the woman worked less than 730 days before taking her leave, the calculation includes only the actual number of days she has worked.

¹ Please cite as: Sinyavskaya, O. (2018) 'Russian Federation country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leave-network.org/lp_and_r_reports/

² In 2013 women had a choice as to how they could calculate their benefits; either based on one year of income or based on two years of income. From 2014, all benefits are calculated on the basis of their income for the two years prior to taking Maternity leave.

³ Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

- From 1 January 2018 to 30 April 2018, the minimum amount of maternity benefit cannot be lower than RUB43,675 [€589.85] where RUB9,489 [€128.15] is a level of minimum wage per month from 1 January 2018.
- From 1 May 2018, the minimum amount of maternity benefit cannot be lower than RUB51,380 [€693.91], where RUB11,163 [€150.76] is a new level of minimum wage per month from 1 May 2018.
- Funded by the National Social Insurance Fund, which is largely financed from employers' contributions, supplemented by transfers from the federal budget⁴.
- From February 2018, unemployed women who have lost their jobs due to the closure of their workplace in the preceding 12 months, and who are registered at the unemployment office, can receive Maternity leave benefits at the level of RUB628.47 [€8.49] per month (this used to be RUB613.14 [€8.28] in 2017). However, they cannot receive unemployment benefits at the same time as receiving maternity benefits. As a comparison, in 2018 the amount of unemployment benefits established at the federal level, varies from a minimum of RUB850 [€11.48] to a maximum of RUB4,900 [€66.18] per month⁵; this is financed and administered by regional authorities.
- Full-time students receive the benefit included in their amount of student benefit (funded by the Federal budget). For the 2017/2018 academic year, a minimum amount of student benefit is RUB539 [€7.28] per month, for students of primary and secondary vocational institutions, and RUB1,484 [€20.04] for university students. Not all students receive the same payment; the conditions and the size of the benefit are regulated by each educational institution.

Flexibility in use

- None.

Regional or local variations in leave policy

- There are no official statistics about regional variations in practice.
- Regional authorities can however introduce additional payments during the period of Maternity leave. For instance, the Moscow government increases benefits for officially registered unemployed mothers discharged from work during business closure, during the 12 months before they registered at the unemployment office.
- According to the legislation, Maternity leave is paid by employers; however, in 2016-2017 in thirty-three regions of the Russian Federation⁶ Maternity leave was paid by regional / local Social Insurance Fund offices.

⁴ The national social insurance fund has a separate budget, which is separate from the federal budget. Employers pay particular social insurance contributions from their payroll to this fund. However, in some cases the federal budget can co-finance maternity leaves; e.g.: for students, unemployed women, etc.

⁵ Minimum and maximum amounts of unemployment benefits are the same since 2009.

⁶ From July 2011 – Karachayevo-Circassian Republic, Nizhny Novgorod Region; from July 2012 – Astrakhan, Novgorod, Kurgan, Novosibirsk, Tambov Regions, Khabarovsk Territory; from January 2015 – Republic of Crimea and Sevastopol, from July 2015 - Republic of Tatarstan, Belgorod, Rostov, Samara Regions, from July 2016 - Republic of Mordovia, Bryansk, Kaliningrad, Kaluga, Lipetsk, Ulyanovsk Regions, from July 2017 – Republic of Adygea, Altai Republic, Republic of Buryatia, Republic of Kalmykia, Altai Territory, Primorye Territory, Amur, Vologda, Magadan, Omsk, Oryol, Tomsk Regions, Jewish Autonomous Region.

Eligibility (e.g. related to employment or family circumstances)

- All insured women (including registered self-employed) and women who work as military personnel.
- Unemployed women discharged on grounds of the closing down of a business during the 12 months before registration at the unemployment office.
- Full-time students.
- Women who have adopted a child, if they belong to any of the categories listed above.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple births, the length of leave increases to 84 days before the birth, and to 110 days after.
- In the case of complicated delivery, the length of leave increases to 86 days after birth.

b. Paternity leave

No statutory entitlement.

c. Parental leave (отпуск по уходу за ребенком) (responsibility of Ministry of Labour and Social Protection)

Length of leave

- Until three years after childbirth. Leave is a family entitlement, which can be taken by only one person.

Payment and funding

- 40 per cent of average earnings during the two years preceding birth, paid until a child is 18 months, with a minimum payment of RUB3,065.69 [€41.40] per month for the first child from February 2017 to January 2018, and RUB3,142.33 [€42.44] per month from February 2018, and of RUB6,131.37 [€82.81] per month for the second child and any other subsequent children from February 2017 to January 2018, and RUB6,284.65 [€84.88] from February 2018. There is a ceiling for Parental leave payments based on the ceiling for social insurance contributions established by the state on an annual basis. The amount is calculated by taking 40 per cent of the ceiling for these social insurance contributions for a selected two-year period (for leaves calculated in 2018 earnings in 2016-2017 are taken into account; including ceilings of RUB718,000 [€9,696.93] in 2016 and of RUB755,000 [€10,196.63] in 2017), divided by 730 (the maximum standard number of working days over two years) and multiplied by 30.4 (the average number of calendar days per month). The maximum payment is RUB24,536.57 [€331.38]⁷ per month in 2018.
- For employed parents with children between 18 and 36 months, a payment of RUB50 [€0.68] per month is also provided. Women who became unemployed

⁷ Minimum and maximum values can be increased to regional coefficients established by law, for regions with higher level of costs of living (e.g. the Far North or Far East regions).

while on Parental leave because their employer closed the business and those who do not receive unemployment benefits, are also eligible.

- For unemployed people, who have lost their jobs *during* Parental leave because their employer has closed down during the 12 months prior to them registering as unemployed, Parental leave benefit is calculated on basis of their earnings during 12 months before their unemployment. These unemployed people have to choose either to receive unemployment benefit or Parental leave benefit. The maximum payment for unemployed mothers who have lost their jobs due to the closure of their workplace during the preceding 12 months and who are registered at the unemployment office as well as full-time students (mothers or fathers) is limited at the level of RUB12,262.76 [€165.61] (from February 2017 to January 2018) or RUB12,569.33 [€169.75] (from February 2018) per month.
- Other unemployed or inactive parents are provided with the minimum payment (i.e. RUB3,065.69 [€41.40] per month for the first child from February 2017 to January 2018 and RUB3,142.33 [€42.44] per month from February 2018, and of RUB6,131.37 [€82.81] per month for the second and subsequent children from February 2017 to January 2018 and RUB6,284.65 [€84.88] from February 2018).
- If a woman has a right for paid Parental leave benefits and Maternity leave benefits (e.g., if she is pregnant with a second child), she has to choose which benefit to get. The payments are not taxable, since they are social benefits. However, women get minimum pension rights during this period (on a minimum wage basis).
- Payments for insured workers are funded by the Social Insurance Fund and for those who are not insured (e.g. students, unemployed) - from the federal budget.

Flexibility in use

- Parents taking leave may work part-time.

Regional or local variations in leave policy

- There are no official statistics about regional variations in practice.
- The 85 regional governments can increase the federal level of Parental leave benefits within the minimum and maximum levels set by the central government, which in 2017 were RUB3,065.69 [€41.40] per month and RUB23,120.66 [€312.26] respectively (and from February 2018 are RUB3,142.33 [€42.44] and RUB24,536.57 [€331.38]) There is further scope for regional variations, e.g. regional governments may provide additional payments from regional budgets; or link payments to the order of births, increasing payments with each subsequent child; or target special groups of the population; and/or make these payments means-tested. For instance, Moscow government has introduced additional payments for some categories of unemployed women, single parents, families with both parents unemployed, families with many (three or more) children, poor families. Furthermore, regional governments are encouraged to introduce additional payments for care of a child between 18 and 36 months.

Eligibility

- Any insured caregiver (in proportion to previous earnings).
- Uninsured mothers or fathers (at a minimum level)

Variation in leave due to child or family reasons (e.g. multiple or premature births, poor health or disability of child or mother, lone parent), or delegation of leave to person other than the parent

- Leave can be delegated to grandparents or any other guardian caring for the child.
- Unemployed parents have the right to choose between unemployment or Parental leave benefit; the former is for a shorter period but may be paid at a higher rate depending on various conditions.

d. Statutory child or carer leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for other parents, without pre-birth paid leave.

Time off for the care of dependants

- The length of paid leave to care for a sick child under the age of 15 years (or under the age of 18 in case of children with disability or HIV, or severely sick children), varies according to the previous employment record of a parent/carer and the age of the child. Sick leave for taking care of a sick child can be taken by any relative (mother, father or grandparents). For a child under the age of seven years, up to 60 days leave may be taken per year, with 45 days for a child aged seven to 14 years old (up to 15 days per time). For instance, a family with two children, one below seven years and another between seven and 14 years old, can get up to 105 days of sick leave per year. Payment is made at 60 per cent of average earnings with an employment record under five years, 80 per cent with an employment record of five to eight years and 100 per cent with an employment record over eight years, under a ceiling for social insurance contributions for a selected two-year period (for leaves calculated in 2018, earnings in 2016-2017 are taken into account, including ceilings of RUB718,000 [€9,696.93] in 2016 and of RUB755,000 [€10,196.63] in 2017).

Flexible working

- Before Maternity leave or immediately afterwards, employed women are entitled to an annual paid vacation regardless of length of employment.
- Mothers of children younger than 18 months, are entitled to take breaks during work to rest and feed their children, with no reduction of earnings. These should be taken not less than once every three hours, and for no less than 30 minutes.
- Employees with two and more children under the age of 14 years, parents of disabled children under the age of 18 years, and single parents with children younger than 14 years, may receive annual unpaid leave of up to 14 days.
- Mothers of children under 18 years old, working in rural areas can get one additional unpaid day off per month.

- Written agreement of an employee with children below three years (or below five years in the case of single parents) should be obtained for her/him to work overtime, during weekends, or for business trips.
- All regulations are established in the Labour Code and costs are carried out by employers.

Vocational training / re-training

- Special programs aimed at vocational guidance, training/re-training of women on leave with children under three years old, are established at regional level. In 2014, 16.300 women on leave with a child under three years old received vocational training and 16.700 women received vocational guidance from local employment offices (in 2013, there were 13.300 women and 13.200 women, correspondingly). There is no data on the number of women in vocational training/re-training for subsequent years.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in the Russian Federation is three years, but the last 18 months are unpaid, and most of the first 18 months are paid at a relatively low rate; only the first ten weeks after birth are paid at a relatively high rate. Officially, there is an entitlement to ECEC from two months of age, which means there is no *de jure* gap between the end of the well-paid leave and an ECEC entitlement. The government officially supports the development of formal childcare for children from three to seven years old; however, there are no statistics on formal childcare use or on waiting lists for children under one year old. At the regional level, additional restrictions can be introduced on the child's registration/entry to kindergarten, based on child's age (e.g., places in kindergartens can be limited to children older than two or three years).

The Russian Federation is not included in the comparative data on ECEC attendance in the OECD Family Database. It does, however, appear in the TransMonEE Database covering countries in Central and Eastern Europe and the Commonwealth of Individual States. According to this Database, levels of coverage of children under three years old by formal childcare in Russia declined from 2005 to 2010; then levels increased slightly in 2012/2013, at 17.8 per cent, which was higher than in many Central European countries but below the average for OECD countries (for more details see Table 'Relationship between leave and ECEC entitlements'). According to the TransMonEE Database, in 2013/2014, the enrolment ratio for children from birth up to two years of age declined again and became 17.1 per cent, and in 2014/2015 increased again up to 18.0 per cent (this is almost two times smaller than the average enrolment for OECD in 2014). There is no information available for subsequent years.

3. Changes in policy since April 2017 (including proposals currently under discussion)

From 2018 minimum and maximum amounts of Maternity and Parental benefits were increased. Besides, from January 1, 2018 a new targeted child allowance is set for families with parental salaries below 150 per cent of regional subsistence minimum, whose child is born from January 2018. The allowance is paid from childbirth until a

child is 18-months-old at the level of RUB10,500 [€141.18] per month in 2018, RUB10,800 [€145.86] in 2019, and RUB11,100 [€149.91] in 2020.

4. Take-up of leave

a. Maternity leave

Although it is not obligatory, it is assumed that almost all eligible women take Maternity leave.

b. Paternity leave

There is no statutory entitlement.

c. Parental leave

No recent information is available. Since benefits for caring for a child from birth to 18 months are available for both insured and uninsured persons (and can be combined with part-time employment), it can be assumed that take-up is 100 per cent. According to Rosstat data, in 2014, the number of insured people on paid Parental leave to care for a child under 18 months was 2,466,921; the number of uninsured people receiving benefit for caring for a child under 18 months was 1,600,482.

5. Research and publications on leave and other employment-related policies since April 2017

a. General overview

Research on reconciliation of work and family life is still sparse in Russia, mostly due to lack of survey data or statistics. However, there is a growing interest in these issues motivated by an increase in the ageing population and the implementation of the current population policy of the Russian government, which was launched in 2007. Recently, more studies have appeared which draw on the relationship between female employment, fertility and family policy measures (including childcare use); these studies use data from the Russian Longitudinal Monitoring Survey (RLMS), the Generations and Gender Survey (GGS) or the European Social Survey (ESS).

The main methodological problem of all the studies trying to analyse the effect of recent policies on fertility and female employment in Russia, is that several measures were introduced simultaneously; hence, it is impossible to estimate the sole impact of extended coverage and of the increased reimbursement level of Parental leave allowances on fertility or employment. Another problem relates to the size of the samples, since the number of women with small children in particular, is quite limited in nationally representative samples.

b. Selected recent publications

Bezrukova, O. N. and Samoilova, V. A. (2017). Paternity leave in Russia: a dream or reality? *Sociological Studies*, Vol.7, No.7: 116-125.

The paper provides an analysis of the opinions of mothers and fathers about fathers' taking a Paternity leave from work, based on the study of the parents' interests, values and capabilities. The survey showed that 42 per cent of parents support Paternity leave, with the group of supporters being dominated by fathers (49.5 per cent) and the opponents being mostly mothers (61.1 per cent). Choosing whether to

take Paternity leave depends on the extent of men's involvement in fatherhood, the quality of couple relationships, trust, efficiency and flexibility of distribution of family responsibilities, the family's social capital profile, youthfulness, openness to new experience, and commitment to the idea of equal parental responsibility for the children. Some of the external factors include the flexibility of work arrangements and stability of the parents' employment, the sufficiency of the family budget, family-friendliness of the employer, and social support of families with children. The paper discusses the advantages of Paternity leave for families and social welfare in general.

Zakharov, S. (2018) 'Family Policy', in: I. Studin (ed.) *Russia: Strategy, policy and administration*, London: Palgrave Macmillan, pp.319-330. Available at: https://link.springer.com/chapter/10.1057%2F978-1-137-56671-3_28

Family policy in contemporary Russia has inherited many of the policy objectives and instruments of the former Soviet Union, while also preserving certain archaic aspects of pre-Soviet Russian family policy. Indeed, because Russian family policy has historically been contradictory in both its ideological underpinnings and its demographic and social consequences - often mythologizing past social and demographic realities - post-Soviet family policy in Russia has no clearly defined ideology and is woven together from poorly structured and disjointed elements.

c. Ongoing research

None reported.

South Africa¹

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April 2018

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1. Current leave and other employment-related policies to support parents

Note on leave information: South Africa is governed as a constitutional democracy with a three-tiered interdependent governmental structure, i.e. National, Provincial and Local. Leave entitlement in the South African contexts is primarily through one main statute that applies to the whole country, namely, the Basic Conditions of Employment Act (BCEA) (Act No. 75 of 1997, as amended). Though there are nine provinces in South Africa, they do not have the authority to develop or amend any leave provision standards. The BCEA sets the minimum standards for leave provision in the country except for the following exclusions i.e.: The National Defence Force, National Intelligence Agency or SA Secret Service and workers who work less than 24 hours in a month. There are two other mechanisms that can have an influence on leave determinations, and those are: A Collective Agreement (in terms of s213 of the SA Labour Relations Act (LRA), (Act 66 of 1995 as amended.) and Sectoral Determinations.

Collective Agreements

A collective agreement is a written agreement concerning terms and conditions of employment (or any other matter of mutual interest) concluded by one or more registered trade unions, on the one hand, and, on the other hand, one or more employers or one or more registered employers' organisations - s213 of the LRA.

Sectoral Determinations

A sectoral determination is not an agreement, it is a determination made by the Minister of Labour in terms of Chapter 8 of the BCEA - and, before making a sectoral determination for employees in an area or sector, the Minister of Labour is required to direct the Director-General: Labour to investigate conditions of employment in the sector or area concerned.

Please take note that collective agreements and sectoral determinations are indeed separate legal instruments governed by two different Acts, (the LRA and the BCEA), they have different purposes. Lastly, it is to be noted that neither the LRA nor the BCEA make provision for the extension of a Collective Agreement to non-parties by means of the promulgation of a Sectoral Determination in terms of the BCEA.

¹ Please cite as: Kasselmann, H. (2018) 'South Africa country note', in in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

The Minister of Labour in terms of the BCEA (as mentioned above) has to make, and has made, a number of sectoral determinations to make provision for unique circumstances in the following industries: Contract Cleaning Sector, Civil Engineering Sector, Learnerships, Private Security Sector, Domestic Workers, Wholesale and Retail Sector, Children in the Performance Arts – no mentioning of leave provisions; the determination only refers to working hours. Also, the Sectoral Determination for the Taxi Sector, Forestry Sector, Farm Worker Sector, Hospitality Sector, and the Ministerial Determination for Small Business Sector (for businesses with less than ten employees). Many of these determinations contain leave provisions identical or a little better than those in the BCEA.

The leave provisions in the BCEA and Sectoral Determinations are minimum standards provided but these standards may be improved upon through two different modes. The first is that an employer can decide to increase the leave days that they want to give their employees. The condition is that the leave cannot be less than prescribed by the BCEA or the sectoral determinations. Many employers have also done this, i.e. leave policies of different employers indicate that employers are giving between 15 and 30 working days leave to employees. It is also practice that employers use leave as a retention and reward strategy in as far as they provide more leave to employees working longer for the employer and as an award they increase or provide a set number of days with a long service award.

The second mode of determining leave is the collective bargaining process, usually in statutory forums called Bargaining Councils. Information/data on leave provisions in bargaining council agreements is difficult to obtain, as there does not appear to be an accessible or central database housing the agreements of all the Bargaining Councils in South Africa. Bargaining Council Agreements are also not necessarily a reliable indicator of employer provision because Bargaining Councils do not exist for all the industrial sectors in the country. Even in those sectors that do have Bargaining Councils, not all employers in the industry are necessarily members of the Bargaining Council or are covered by the scope of the collective agreements specific to their environment.

a. Maternity leave (responsibility of the Department of Labour)

Length of leave (before and after birth)

- Employees have a statutory entitlement to four consecutive months of unpaid Maternity leave.
- The four months Maternity leave is compulsory and can only be less if a doctor certifies that an employee may return earlier.
- Maternity Leave is not gender specific. According to s25 of the BCEA Act² which governs Maternity leave in South Africa the mention concerns: 1) “An

² Nowhere in the Act is “an employee” defined in gender terms, the Act is silent on identifying an employee as female. The result of this is that in the case of *Mia v State Information Technology Agency (Pty) Ltd*, the Labour Court in Durban, South Africa found that the failure of an employer to grant Maternity leave to a male employee in a duly registered civil union following the birth of a child through a surrogacy agreement, constituted unfair discrimination. The employer refused male employee four months paid Maternity leave in line with company policy on the grounds that he was not female and that their policy does not govern birth by surrogacy – see Van Bever Donker, K. (2015, December 1). Case Law: Maternity Leave for Men. Labour law for Managers: Practical Handbook, pp. C 35/001 - C 35/010.

employee is entitled to ...” and 2) “An employee may commence Maternity leave ...”.

- An employee may commence Maternity leave at any time from four weeks before the expected date of birth, unless otherwise agreed; or on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee’s health or that of her unborn child.

Payment and funding

- Statutory Maternity leave is unpaid but there are benefits that can be claimed from the Unemployment Insurance Fund (UIF)³. If an employee has been contributing to the UIF, the employee will be able to claim benefits for a maximum period of 17.32 weeks or four months (s24 of the BCEA). This claim is subject to the number of credit days an employee has. If an employee has worked and contributed for four continuous years, the employee will be entitled to the full amount of credit days for payment over the whole period of Maternity leave.
- The Unemployment Insurance Fund scale of benefits contained within Government Gazette No. 588 (Dept of Labour, 2017). The value of the benefit pay-out by the Fund has been amended. The changes in the amounts are an increase in the per annum rates, from ZAR178.464 [€11,400.22]⁴ to UAR212.539 [€13,576.92] and an increase in the monthly amount to ZAR17.712 [€1,131.44] and an increased weekly amount of ZAR 4.087 [€261.08]. Income tax is not payable on benefits received from UIF.
- Employers are not legally obliged to pay employees, but it is common practice amongst employers to provide some form of maternity benefits to employees while on Maternity leave. These benefits vary from employer to employer. Employers may expect the employee to sign a service agreement when they receive any maternity benefits.
- If an employee receives maternity benefits in terms of a collective agreement, contract of employment or any other legal means, the UIF benefit will only make up the shortfall between the benefit received and the normal monthly salary. This is done so that the total amount the employee will receive from the UIF and other sources cannot exceed the normal monthly salary. Employees must apply for Maternity leave benefits at a Labour Centre at least 8 weeks before the expected date of birth (s25 of the Unemployment Insurance Act).
- Compulsory contributions to the UIF are made by employers and employees on a monthly basis and each contribute one per cent of the employee’s earnings, up to a maximum combined contribution is ZAR148.72 [€9.50] per month.
- The main exception is employees in National and Provincial Government. Public Service employees are entitled to four months Maternity leave under the terms of a July 2009 Determination on Leave of Absence in the Public Service. Although this does not explicitly state that leave is fully paid, it can be assumed to be so because contract workers are entitled to fully paid Maternity leave in this Determination.

³ UIF payments are based on the number of ‘credit days’ an employee has accumulated in four years. An employee must work six days to receive one credit day at the UIF. This means that for every six days the employee works, s/he can claim one day’s pay from the UIF. The employee would need to accumulate 238 credit days to receive the full benefit.

⁴ Conversion of currency undertaken on 13 June 2018, using:
<http://finance.yahoo.com/currency-converter>

- Companies still pay the pension and medical contribution for employees on Maternity leave.

Flexibility in use

- Women who have miscarriages or give birth to stillborn babies in their third trimester are entitled to six weeks' leave afterwards, regardless of whether they have already gone on Maternity leave (s25 (4) of the BCEA).
- There is no distinction between live and still births in the granting of maternity benefits if the pregnancy has lasted at least 24 weeks.

Eligibility (e.g. related to employment or family circumstances)

- The Unemployment Insurance Act (UIA) and Unemployment Insurance Contributions Act apply to all employers and employees, except for employees working less than 24 hours a month for an employer, learners (includes students and those on apprenticeships), public servants, and foreigners working on contract (who have a work permit and contribute to the Fund), employees who get a monthly state pension, and workers who only earn a commission. Non-residents and undocumented migrants will not qualify as they would not be contributing to the Fund.
- The BCEA regulating Maternity leave specifically excludes employees of the South African National Defence Force (SANDF), the National Intelligence Agency (NIA) and the South African Secret Service (SASS).
- The UIA excludes Public Servants. The regulation of Maternity leave and maternity pay for these employees is regulated by the Determinations reached in the Public Service Bargaining Council (see '*Additional Note*' below).
- Independent Contractors and self-employed women are not eligible for Maternity leave or maternity pay.
- Entitlement to maternity pay is determined by an employee's status as a contributor and is not affected by whether her partner is working or not.
- There are differences in terms of eligibility for Maternity leave (BCEA) and maternity payments (UIA). But both Acts require an employee to be working for more than 24 hours a month to receive Maternity leave and maternity pay.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- *Premature Birth*: if the baby is born prematurely but after maternity pay has started, maternity payments will not be affected and will continue to be paid in the normal way. If an employee's baby is born before maternity pay has started, she must, inform her employer of the birth as soon as possible.
- *Pregnancy related sickness*: if an employee is sick during her pregnancy before she starts her Maternity leave, the normal rules relating to notification procedures, medical certification, sick leave and sick pay entitlements, will apply. Where the employee is absent from work due to a pregnancy related illness at any time after the start of the 4th week before her child is due, employers may reserve their right to require the employee to start her maternity leave immediately. All other sickness will be dealt with under the employer's attendance and sickness management policies.

- *Sick Leave*: Maternity leave is not treated as absence due to illness. Employees are not entitled to receive sick pay, i.e. employees cannot be classed as 'off sick' during Maternity leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employees in the Public Service are entitled to four months Maternity leave and can apply for an additional 184 calendar days of unpaid leave. Since January 2013, an employee falling under the Public Service Bargaining Council are entitled up to eight working days pre-natal leave per pregnancy to attend medical examinations. The Determination does not specifically state that these absences are paid but it could be interpreted to be so given the wording of the Determination in general⁵.
- A 2012 survey of wage agreements collected from trade unions, bargaining councils and sectoral determinations - covering a diverse range of industries and over 900 bargaining units - showed that employers offered Maternity leave ranging from the statutory minimum of four months in sectoral determinations to 5.1 months in bargaining council agreement.
- The percentage of employers offering Maternity pay (as a percentage of basic wage) ranged from 20 per cent in sectoral determinations to 47.7 per cent in bilateral agreement⁶.
- Employees are entitled to return to their specific post or comparable post they left before going on Maternity leave. It would be considered discriminatory to dismiss a woman for any reason related to her pregnancy, a right which is protected by the unfair dismissal provisions of the Labour Relations Act.

b. Paternity leave

No statutory entitlement, but fathers who wish to take leave at the time of the birth of their child can use their Family responsibility leave (see section 1e); this leave is available to both mothers and fathers and nothing in the legislation restricts this leave from being taken by both parents at the same time. Alternatively, a father can use this leave while his wife is on Maternity leave.

c. Parental leave

No statutory entitlement (though some companies may provide such leave)

d. Childcare leave or career breaks

No statutory entitlement (though some companies may provide such leave)

e. Other employment-related measures

Adoption leave and pay

⁵ Department of Public Service and Administration. (June 2015). Determination and Directive on Leave of Absence in the Public Service, June 2015 (pg31). Pretoria: Government Printer.

⁶ Last published report was in 2013 still only reflecting the 2012 survey. See also 'flexible working' (section 1e) for the Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child (Government Gazette, 1998) and Easley, T. (ed.). (2013, March) Bargaining Monitor, Vol.27, No.179, from The Labour Research Service. Available at: http://www.lrs.org.za/docs/LRS_BM_Strategic%20Bargaining%20in%202013.pdf

- There is no statutory leave for the adoption of a child. There is, however, a right to claim unemployment insurance benefits for time off work for adoption purposes. Only one parent can make application for adoption benefits and the child adopted must be under two years of age. The failure to provide statutory adoption leave means that if an employer refuses to grant an employee adoption leave it effectively nullifies the provision of adoption payment from the UIF.
- Employees in the Public Service are entitled to leave of 45 working days when adopting a child under the age of two years due to the July 2015 Determination regulating leave in the Public Service. Section 4 of the Determination now also includes Surrogacy leave on the same terms as Adoptive leave. (Department of Public Service and Administration, June 2015). Although this determination does not explicitly state that this leave is fully paid, it can be assumed to be so because contract workers are entitled to fully paid adoption leave in this Determination. These employees are permitted to extend this leave by 184 calendar days of unpaid leave.

Time off for the care of dependants

- An employee in the private sector is entitled to Family responsibility leave when the employee's child is born (not including the birth mother); when the employee's child is sick; or in the event of the death of the employee's spouse or life partner, or the employee's parent, adoptive parent, grandparent, adopted child, grandchild or sibling. This leave is fully paid by the employer and is available for a maximum period of three days in a 12-month period (five days for domestic workers). An employee must have been employed for longer than four months and work at least four days per week to qualify for this leave. This leave is an individual entitlement that cannot be shared by spouses, if one spouse chooses not to use his/her leave.
- Evidence from a 2012 survey found that employers offered improvements on the three-day statutory minimum period of Family responsibility leave ranging from 3.8 days to 4.3 days⁷
- According to the Public Service Determination⁸ employees in the Public Service are permitted to utilise Family responsibility leave as follows:
- Employees are entitled to the following Family responsibility benefits:
 - five working days Family responsibility leave per annual leave cycle for utilisation if the employee's spouse or life partner gives birth to a child; or the employee's child, spouse or life partner is sick;
 - five working days leave per annual leave cycle to be used if the employee's child, spouse or life partner or an employee's immediate family member dies.
- An employee who has a child(ren) with severe special needs shall be granted five working days Family responsibility leave per calendar year. Severe special needs are defined as a child who has a mental, emotional or physical disability, certified by a medical practitioner, which requires health and related services of a type or amount beyond that required by children generally. For the purposes of this provision "child" means the employee's son or daughter of any age. An application for Family responsibility leave should be supported by

⁷ Easley, T. (ed.). (2013, March) Bargaining Monitor, Vol.27, No.179, from The Labour Research Service. Available at:

http://www.lrs.org.za/docs/LRS_BM_Strategic%20Bargaining%20in%202013.pdf

⁸ Department of Public Service and Administration, June 2015.

- reasonable proof to demonstrate the severe special needs of the employee's child.
- Total Family responsibility leave cannot exceed five days. The Determination does not stipulate that this leave is paid, but it can be assumed to be so because the Determination specifically refers to the fact that if employees have used their Family responsibility leave they can apply for available annual leave or apply for a further 184 calendar days to be utilised as unpaid leave. This is subject to the approval of the Head of Department.
 - By virtue of a Ministerial Determination regulating conditions of employment in small businesses, employers who employ fewer than ten employees are permitted to reduce the amount of annual leave granted to an employee by the amount of Family responsibility leave granted to that employee.

Flexible working

- No general statutory entitlement.
- Codes of Good Practice are guidelines for employers and do not have the status of legislation. The Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child⁹ provides that employers must consider granting rest periods to employees who experience tiredness associated with pregnancy and should also consider that tiredness associated with pregnancy may affect an employee's ability to work overtime. It further recommends that employers identify and assess workplace hazards to the pregnant mother and/or to the foetus and consider appropriate action. The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices adds that an employer should provide reasonable accommodation for pregnant women and parents with young children, including health and safety adjustments and ante-natal care leave.
- The Code of Good Practice on Arrangement of Working Time adds that arrangements should be considered to accommodate the special needs of workers such as pregnant and breast-feeding workers and workers with family responsibilities.
- The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices requires employers to endeavour to provide "an accessible, supportive and flexible environment for employees with family responsibilities". This is specified to include "considering flexible working hours and granting sufficient Family responsibility leave for both parents". In addition, the Code of Good Practice on Arrangement of Working Time states that the design of shift rosters must be sensitive to the impact of these rosters on employees and their families and should take into consideration the childcare needs of the employees. Codes of Good Practice are guidelines for employers and do not have the status of legislation. The Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child states that arrangements should be made for pregnant and breastfeeding employees to be able to attend ante-natal and post-natal clinics during pregnancy and after the birth of the child and recommends that arrangements be made for employees who are breastfeeding to have breaks of 30 minutes twice a day to breast feed, or express milk for the first six months of a child's life.

⁹ Government Gazette (1998) Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child. Pretoria: Government Publishers.

Specific provision for (breast-)feeding

- None.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available is four months, paid at 38 per cent to 66 per cent of earnings. There is no entitlement to early childhood education and care (ECEC) and the compulsory school age is seven years. The 2015 General Household Survey (Statistics South Africa, 2015)¹⁰ indicates that approximately 33 per cent of children aged between birth and four years attended day-care or educational facilities outside their homes.

3. Changes in policy since April 2017 (including proposals currently under discussion)

According to the South Africa media, history was made in the South African Parliament on 28 November 2017, when a private member's bill was passed for the first time in the National Assembly. The Labour Laws Amendment Bill, proposed by ACDP MP Cheryllyn Dudley, aims to give fathers the opportunity to take Paternity leave. The purpose of this Bill is to provide for Parental leave, adoption leave and commissioning Parental leave as well as for providing payment of parental benefits from the Unemployment Insurance Fund. The bill is referred to the National Council of Provinces (NCOP) for approval; if approved, it goes to the President, who will sign it into law.

The Bill makes provision for the following:

Parental leave

Section 25A of the amendment act suggests that a section be inserted in the BCEA of 1997. This section will provide an employee, who is a parent of a child, to be entitled to at least ten consecutive days Parental leave. This section will be for an employee's child that is born or for the adoption of a child and it includes in subsection (5) for payment of parental benefits. Section 26A(1)(a) provides the right to parental benefits and states that the contributor to the UIF must be registered as the father of the child in terms of the Births and Deaths Registration Act to receive the benefit.

Adoption leave

Section 25B of the amendment act provide for at least ten consecutive weeks of leave for an employee who is adopting a child below the age of two. Subsection 5 describes the UIF payment set by the Minister. Section 26A(1)(b) provides the right to parental benefits for adoption leave for a child below the age of two.

Commissioning Parental leave

Subsection 25C of the amendment act provides for at least ten consecutive weeks of leave for an employee who is a commissioning parent in a surrogate motherhood agreement. Again, subsection 5 describes the UIF payments set by the Minister. Section 26A(1)(c) provides the right to parental benefits for a parent of a child who has been born because of a surrogate motherhood agreement. The Unemployment

¹⁰ Statistics South Africa (2015). *General Household Survey*. Pretoria: Stassa.

Insurance Act of 2001 will also be amended to include payments to adoptive parents as envisaged by the inclusion of parental and commissioning parental benefits.

4. Take-up of leave

a. Maternity leave

The Quarterly Labour Force Survey 2017¹¹, Quarter four indicates that there are 22,051,000 people employed in South Africa. Of these 13,778,000 have access to Maternity or Paternity leave which equates to 62.45 per cent of employees that were entitled to some form of Maternity or Paternity leave in 2017 (Statistics South Africa, 2017). However, there are no available figures for the take up of Maternity leave.

b. Paternity leave

There is no statutory leave entitlement. There is no information on the take-up of Family responsibility leave used for this purpose or for the take-up of Paternity leave provided for in collective agreements.

c. Parental leave

There is no statutory leave entitlement. There is no information on the take-up of Parental leave provided for in collective agreements.

5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

There is a shortage of research examining statutory leave entitlements in South Africa, and little information on employee take-up of existing leave entitlements.

b. Selected recent publications

Nhlapo, Z. (2018) 'New Parental Leave Bill: What you need to know', *Huffpost* (29 November 2017) Available at: https://www.huffingtonpost.co.za/2017/11/29/new-parental-leave-for-dads-what-you-need-to-know_a_23291248/

Pienaar, H. and Kok, R. (2017) 'Paternity leave and the archaic gender roles entrenched in employment law', in: A. Bosch (ed.), *South African Board for People Practices Woman's Report 2017*. Rosebank, South Africa: SABPP, pp.18 – 25

Swanepoel, S. (2017) 'Yes! South African dads are getting paid paternity leave!' *Parent24* (.29 November 2017). Available at : http://www.parent24.com/Pregnant/Getting_Ready/yes-south-african-dads-are-getting-paid-paternity-leave-20171129

¹¹ Statistics South Africa. (2017). *Quarterly Labour Force Survey*, Quarter 4: 2017

c. Ongoing research

None.

Slovak Republic¹

Daniel Gerbery (Comenius University)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*materská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)

Length of leave (before and after birth)

- Thirty-four (34) weeks: six to eight weeks of pre-natal leave; and 26 to 28 weeks of post-natal leave.

Payment (applied for the whole period of Maternity leave) and funding

- Seventy-five (75) per cent of daily earnings calculated based on the previous year. There is a ceiling of two times the national average monthly wage². If maternity benefit is lower than parental allowance (see 1c below), then an additional payment is made to cover the difference.
- Payment is made from sickness insurance contributions, collected by the Social Insurance Agency and by employers and employees (each of whom pay 1.4 per cent of earnings). Self-employed workers pay 4.4 per cent of declared earnings.

Flexibility in use

- Leave can start from six to eight weeks before birth.
- Mothers can choose the beginning of Maternity leave, within the limits defined by the law.
- Fathers can claim maternity benefit, based on the mother's agreement (provided that the mother doesn't receive maternity benefit or parental allowance). In order to claim this maternity benefit, fathers have to care for the child personally and to pay a sickness insurance for a total of 270 days in the previous two years. During this time, they are not allowed to work. In this case, maternity benefit is

¹ Please cite as: Gerbery, D. (2018) 'Slovak Republic country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² The average wage in 2017 was €954.

paid, after at least a period of six weeks from the birth. Fathers can take a leave for maximum of 28 weeks.

- If the mother decides to go back to work, in order for the father to claim her maternity benefit, he has to be personally be at home with the child and care for the baby. The aim of this stipulation is to prevent the father to take maternity benefit (which would be higher as men get higher wages on average) and continue working.
- If the mother dies, fathers can still claim maternity benefits.
- There is no provision for same sex parents to share leave.

Eligibility (e.g. related to employment or family circumstances)

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 days, during the two years before the birth. The same applies to self-employed persons and insured persons in the voluntary sector.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- Maternity leave is extended to 37 weeks for single mothers and 43 weeks in the case of multiple births.
- In the case of foster carers, there are 28 weeks (31 weeks for single persons, 37 weeks for persons caring for at least two new-born children).
- In the case of a stillbirth, the mother is granted a maximum of 14 weeks of Maternity leave.

b. Paternity leave

- No statutory entitlement.
- There is an option for the father to take maternity benefit as part of the provision for Maternity leave, after six weeks from the birth of the baby (see 1a).

c. Parental leave (*rodičovská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)

Length of leave

- Until the child reaches three years.
- If the child has a long-term health problem or disability, the age limit increases to six years.
- Leave is a family entitlement, which only one parent may use.

Payment and funding

- A Parental allowance (*rodičovský príspevok*) of €214.70 per month is available to all families who meet the eligibility condition whether they take Parental leave;
- Parental allowance is funded from general taxation. The period of caring for a child (up to the age of six years, when compulsory education begins) is covered by pension contributions, which are paid by the state.

Flexibility in use

- Parents can work full time or part time while receiving parental benefit.
- Only one parent is entitled to Parental allowance.

Eligibility (e.g. related to employment or family circumstances)

- The parents have to be permanent or temporary residents in the Slovak Republic in order to be eligible.
- Parental allowance is provided from the birth of the child, if parents are not eligible for maternity benefit.
- The parental allowance is not provided to parents if their older child (up to three years or older child up to six years if s/he has a long-term health problem or disability) has been removed from their personal care. In such cases, the Local Office of the Labour, Social Affairs and Family provides an allowance to a foster parent for that child.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- Parental leave and Parental allowance can continue until a child is 6 years old if the child has a long-term health problem or disability.
- Parental allowance is increased by 25 per cent per child in the case of multiple births.
- Parental allowance is reduced by 50 per cent, if any older child under parental responsibility displays absenteeism from compulsory education.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Employees can take ten days of leave per episode either to care for a sick relative at home (including a sick child) or to take care of a child under the age of ten years for other reasons, e.g. if the child's school is closed. They receive an earnings-related benefit (*ošetrovné*) paid at a 55 per cent of the assessment base for a maximum of ten calendar days. There is no limit to the numbers of episodes tolerated, as long as these do not exceed the maximum number of 10 days per year.

Flexible working

- None relating to Leave provision.

Specific provision for (breast-)feeding

- None.

Other measures

- A Childcare allowance (*Príspevok na starostlivosť o dieťa*) is available to cover some of the costs of childcare. It is provided to one of the parents (or foster parents) if they work or take part in secondary or tertiary education. The allowance is provided in three forms. The first is where childcare is provided by official providers, where it is paid up to the level of officially declared costs, with a ceiling of €280 per month. The second is where childcare is provided by other persons or relatives where it is paid at the level of €41.10 per month, without the need to declare childcare costs. The third one is where childcare is provided by the kindergarten, established by municipality or local administrative authority, which is included in the official network of schools and school facilities. It is paid at the maximum level of €80. The allowance is paid up to the age of three years (or six years in the case of a child with a long-term health problem or disability).

2. Relationship between leave policy and early childhood education and care policy

Slovakia belongs to the OECD countries with the lowest employment rate for mothers. ECEC services in Slovakia favour older children, with the highest enrolment rates among four and five-year-old children. This reflects the upper age limit for Parental leave, but also a shortage of places in kindergartens; with limited capacity, kindergartens prefer older children who should be in the process of preparation for compulsory education. At the moment, massive investments into ECEC services for young children, based mainly on EU funds, are implemented. The maximum period of paid post-natal leave available in Slovakia is three years, but this is paid at a low earnings-related level or at a flat rate. There is no entitlement to ECEC during this three-year period. Levels of attendance at formal services for children under three years are very low, well below the average for the countries included in this review and for OECD countries; levels of attendance for children over three years are much higher, but still below both averages. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

New amendments to the Act on Social Services No. 448/2008 have been made to improve conditions in child-care facilities for very young children (less than three-years-old), coming into effect on 1 January 2018. While originally the Act defined this type of childcare provided by state facilities, as a tool to support work-life balance and restricted access only to working parents, since 2018, child-care facilities for children under three years can be used also by unemployed parents. The condition is that there are available places that cannot be used by parents reconciling family and work responsibilities. The newly amended Act defines an obligation for providers to join a register of social services providers and it re-defines qualification requirements for staff. In addition, the level of some family benefits has been increased, but to a very limited extent.

The Ministry of Labour, Social Affairs and Family has declared a significant increase in social benefits for disabled persons and their (informal) caregivers. Since July 2017, the government will increase the amounts of Nursing allowance (*príspevok na opatrovanie*), paid to persons who care for long-term dependent relatives, as well as a Personal assistance allowance, paid to severely disabled persons dependent on personal assistance.

4. Take-up of leave

a. Maternity leave

Nearly all mothers take Maternity leave as it is obligatory. The number of fathers accessing maternity benefits has increased. In March 2017, 1,767 men receive maternity benefit and they represent seven per cent per cent of all recipients. Compared to previous year, the number has increased by 837 fathers. Newer data are not available.

b. Paternity leave

There is no statutory leave entitlement.

c. Parental leave

There is no information on Parental leave use. Parental leave allowance is paid to all families. The number of men receiving Parental allowance is persistently low.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

Recently, policy-oriented research on child raising, work-life balance, supply and use of pre-school institutional care, has been undertaken in particular by the Institute for Labour and Family Research, which is affiliated to the Ministry of Labour, Social Affairs and Family. Relevant research has been conducted at the Institute for Sociology of the Slovak Academy of Science, as well as at the Department of Sociology at the Faculty of Philosophy of Comenius University in Bratislava within the international research project *International Social Survey Programme* (ISSP). Important contributions to the study of population attitudes toward family, care, gender equality and related issues were published by the non-governmental Institute of Public Affairs.

b. Selected recent publications

Ministry of Labour, Social Affairs and Family (2017) *Report on the Social Situation of the Population in Slovak Republic for 2016*. Available at: <https://www.employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/report-on-social-situation-2016.pdf>

c. Ongoing research

The Institute for Labour and Family Research represents one of the most important actors in the field of family policy research. Currently, the Institute implements several research projects aimed at reconciling work and family life, gender equality, as well as quality of social services.

The Institute for Sociology of the Slovak Academy of Science has implemented the *European Value Survey*, which includes questions on population attitudes towards family, family behaviour and aspiration, work-life balance preferences, division of labour within households and other family-policy related issues. Up till now, some preliminary, partial information have been published, and a book is under preparation. For more details contact: Zuzana Kusa at Zuzana.Kusa@savba.sk.

Slovenia¹

Nada Stropnik (Institute for Economic Research, Slovenia)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*materinski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)

Length of leave (before and after birth)

- One hundred and five (105) calendar days (15 weeks): four weeks (28 days) before the birth and 11 weeks following birth. It is obligatory to take 15 days of leave.

Payment and funding

- One hundred (100) per cent of average basic income on which Parental leave contributions were paid during the 12 months prior to the leave; the last of these 12 months is defined as the penultimate one before the month of the first application for leave. Not all income on which the contributions were paid is counted into the basic income (e.g. in-work benefits and other income received in addition to basic earnings). If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage² [€323.55 a month] is considered for the missing period.
- Normally there is no ceiling. But currently - and until the year following the year in which economic growth exceeds 2.5 per cent of the GDP and the annual increase in the employment rate in the age group 20-64 years exceeds 1.3 percentage points - the ceiling is two times the average wage³ [approximately €2,863 per month]; the minimum is 55 per cent of the minimum wage [€323.55].
- Women who are not insured at the time when the leave starts, but who have been insured for at least 12 months in the last three years before the start of Maternity leave, receive 55 to 105 per cent of the minimum wage

¹ Stropnik, N. (2018) 'Slovenia country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² The uprated minimum wage as of 2006 is used as the basis wherever referred to in this overview.

³ Ibid.

[approximately €324 to €618 per month], depending on the period they have been insured for, in the last three years.

- Non-employed mothers/parents do not receive pension credits for childrearing but employed parents do (i.e. those who were receiving earnings compensation during the leave).
- Funded partly from Parental Protection Insurance that forms part of Social Security Insurance, contributions to Parental Protection Insurance are 0.1 per cent of gross earnings for employees and the same for employers. In 2008, Parental Protection Insurance covered 11 per cent of leave costs (estimated) and the remaining funds came from general taxation.

Flexibility in use

- The part unused before the birth may be claimed after childbirth if the birth took place before the envisaged date.

Eligibility (e.g. related to employment or family circumstances)

- The person must be covered by Parental Protection Insurance (which is part of Social Security) just prior to the first day of the leave. This insurance covers persons on employment contracts (both permanent and fixed-term, either full-time or part-time), the self-employed (including persons performing agricultural activities) and temporary agency workers. For the unemployed, see the *Payment and funding* section.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- Leave (80 days or fewer) can be delegated to the father or another person (who nurses and cares for a child if the mother dies, abandons the child or is incapable of living and working independently).
- The father or one of the grandparents is also entitled to Maternity leave with the mother's (and father's) consent, in cases where the mother who gives birth to the child is younger than 18 years and has the status of an apprentice, a pupil or a student. In that case, Maternity leave lasts 77 days less the age of the child (in days) when the father or the grandparent commences Maternity leave.

b. Paternity leave (*očetovski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)

Length of leave

- Thirty (30) calendar days.

Payment and funding

- Ninety (90) per cent of average monthly earnings (or other base on which Parental protection contributions were paid) during the 12 months prior to the leave, if those earnings/base exceeded the actual minimum wage [€842.79 in 2017], and up to a ceiling of two times the average wage in Slovenia [approximately €2,863 per month]. The payment increases to 100 per cent for a father earning up to the minimum wage, with the same ceiling. 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). If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage [€323.55 a month] is considered for the missing period.

- In the year following the year in which economic growth exceeds 2.5 per cent of the GDP and the annual increase in the employment rate in the age group 20-64 years exceeds 1.3 percentage points, the payment will be returned to 100 per cent and the ceiling will be returned to its normal amount of 2.5 times the average wage in Slovenia (expected to happen in 2019).
- Non-employed fathers (i.e. those who did not receive earnings compensation during the leave) do not receive pension credits for childrearing, but employed fathers do.
- Funding as for Maternity leave.

Flexibility in use

- Paternity leave may be taken as full-time or part-time leave. The duration of leave does not change, if taken part-time.
- For children born from 1 May 2018 onwards, at least 15 days of leave may be taken until one month following the end of Parental leave. Up to 15 days of the total of 30 days of Paternity leave, may be taken until the child completes the first grade of primary school.

Eligibility (e.g. related to employment or family circumstances)

- As for Maternity leave.
- The father is not entitled to Paternity leave if: the mother has given birth to a dead child; he was legally deprived of his parental right or prohibited from contacting the child; or if, according to the Centre for Social Work's opinion, he has evidently shown no intention to care for the child or is otherwise neglecting his parental responsibilities; or if, according to the physician's certificate, he is not able to nurse and care for the child.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the father

- If the father does not use Paternity leave, the following persons are entitled to it: mother's husband or cohabiting partner, partner of either sex in the registered same-sex partnership, and other persons who are nursing and taking care of the child. The same applies to the spouse, cohabiting partner or partner in the registered same-sex partnership of the person using Maternity leave.

c. Parental leave (*starševski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)

Length of leave

- One hundred and thirty (130) calendar days per parent. Leave is an individual entitlement.

Payment and funding

- As for the first 25 days of Paternity leave (see 1b).
- For persons not insured at the time the leave starts, but who have been insured for at least 12 months in the last three years before the start of leave (Maternity, Paternity or Parental, whichever taken first), see 1a.
- Non-employed mothers/parents (i.e. those who did not receive earnings compensation during the leave) do not receive pension credits for childrearing, but employed parents do.
- Funding as for Maternity leave.

Flexibility in use

- The mother is allowed to transfer 100 days of her entitlement to the father (30 days are the mother's exclusive right), while the father is allowed to transfer all 130 days of his Parental leave to the mother.
- The parents have to agree upon the use of Parental leave in writing 30 days prior to the expiry of Maternity leave. If the parents cannot reach an agreement, or their decision is not to the benefit of the child, the Centre for Social Work decides on this matter by taking into account what is in the best interests of the child.
- At least 185 days have to be taken as a continuous full-time or part-time leave; in the case of part-time leave being taken, the duration of leave is not extended proportionately. Up to 75 days may be taken at any time until the child completes the first grade of elementary school, full-time or part-time, but not more than twice a year, with each section lasting at least 15 days. If taken as individual working days, the length of the leave is equal to 70 per cent of the eligible calendar days.
- Parents can combine Parental leave (20 hours per week for the mother, 20 hours per week for the father) and take it at the same time.
- In rare cases, where the father is unknown and his entitlement cannot be transferred to the mother, a lone mother is entitled to all 260 days of Parental leave.

Eligibility (e.g. related to employment or family circumstances)

- As for Maternity leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- In the case of a premature birth, the leave is prolonged by as many days as the pregnancy was shortened.
- In the case of multiple births or adoption of multiple children, Parental leave is extended by 90 days for each additional child. It is also extended by 90 days in the case of a birth of a child in need of special care.
- Leave is extended by 30 days if parents already have at least two children who have not yet completed the first grade of primary school; by 60 days if they have three such children; and by 90 days if they have four or more such children.
- Additional leave for premature or multiple births or if parents have two or more younger children is a family entitlement, i.e. the parents must decide which of them will take the leave.

- Another person who actually nurses and cares for a child is entitled to Parental leave, reduced by the number of days the mother and the father have already used.
- If the mother is below 18 years of age and has the status of an apprentice, a pupil or a student, one of the grandparents (who himself/herself is insured for Parental leave) may take the leave with the mother's and the father's consent.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- All adoptive parents have the same entitlements to Parental leave as other parents (see section 3).
- Since 17 March 2018, there are 30 days of Parental leave in case of adoption of a child who has completed the first grade of primary school and is below 15 years of age.

Time off for the care of dependants

- An insured person is entitled to take leave to care for an immediate co-resident family member (spouse and children, own or adopted) who is ill. Generally, seven working days of leave may be taken for each episode of illness per family, but 15 working days may be taken for a child of up to seven years of age or a moderately, severely or very severely mentally and physically disabled child. Exceptionally, if required due to the health condition of the sick family member, the period may be extended to 14 and 30 working days, respectively, or longer in extreme cases (up to six months).
- Leave is paid at 80 per cent of the individual's average earnings in the preceding calendar year. It cannot be lower than the guaranteed wage [approximately €238] or higher than the wage which the person would receive if he/she were working.
- A parent leaving the labour market in order to take care of four or more children – and who has been insured for Parental leave or an active job searcher for at least 12 months in the last three years - is entitled to have Social Security contributions (based on the minimum wage) paid from the state budget, until the youngest child completes the first grade of primary school.

Flexible working

- A parent who is taking care of a child below the age of three years, or of a child below the age of 18 years with a severe physical disability or a moderate or severe mental disability, has the right to work part time. The hours worked must be equal to or longer than half full-time working hours. There is no payment, but Social Security contributions⁴, based on the proportional part of the minimum wage, are paid for the hours not worked.
- A parent who is taking care of two children may extend the right to work part time until the younger child completes the first grade of elementary school

⁴ Social Security contributions include pension credits.

(and not only until it reaches the age of six years), with Social Security contributions paid based on the proportional part of the minimum wage for the hours not worked. One year of this entitlement is a non-transferrable right for each of the parents.

Specific provision for (breast-) feeding

- Breastfeeding mothers who work full-time have the right to a break during working time lasting not less than one hour a day, until their child is 18 months. Payment amounting to a proportion of the minimum wage is made until the child is nine months old; during the remaining period, only Social Security contributions are paid, based on the proportional part of the minimum wage.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of Post-natal leave⁵ available in Slovenia is 12.1 months. Post-natal leave paid at a high earnings-related rate runs for a year. There is an entitlement to ECEC from the end of Parental leave, available on a full-time basis in centres. So there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

Paid Paternity leave was extended by five days in 2018 (from 25 to 30 days), while unpaid Paternity leave has been fully abandoned. For children born from 1 May 2018 onwards, at least 15 days of Paternity leave may be taken until one month following the end of Parental leave. Up to 15 days of leave may be taken until the child completes the first grade of primary school.

Since 17 March 2018, there are 30 days of Parental leave in case of adoption of a child who has completed the first grade of primary school, and is below 15 years of age.

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up some (normally all) leave.

⁵ This is a summary of Maternity leave and Parental leave (Paternity leave can be taken after Parental leave). For Slovenia, the time periods are: 77 days of Maternity leave (since 28 days must be taken before the foreseen delivery date), 30 days of Paternity leave and 260 days of Parental Leave. The sum is 367 days or 12.06 (12.1) months.

b. Paternity leave

Roughly four in five fathers take up to (and close to) 15 days of Paternity leave, while less than one in five leave-takers took more than 15 days – mainly because their earnings were not (fully) compensated during the rest of the leave before 2016. There are also obstacles from the employers' side⁶. A considerable number of fathers made use of their right to additional paid days (five days in 2016 and ten in 2017)⁷.

c. Parental leave

Some fathers take Parental leave, but mothers take it more variably: some take the entire Parental leave allocation, some take a good portion of it, while very few do not take it (usually due to health reasons). The share of fathers taking some of the leave increased from around five per cent in the mid-2000s to six–seven per cent in 2012–2016⁸. Considering the full wage compensation while taking leave (available until the end of May 2012), the reasons for fathers' low participation may be found in the traditional division of tasks within the family, attitudes in the society (not the declared ones but rather those that rule people's behaviour), the absence of a positive image of the father who takes over more family responsibilities, and employers' expectations of their male employees⁹ ¹⁰. Paternity leave provisions and fathers having the same entitlement to Parental leave as mothers, do not significantly influence mothers' earlier return to work after their leave period. Since fathers usually take only part of the leave (if any at all), women's professional careers continue to be affected by their absence from work created due to taking up Parental leave.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication

⁶ Rakar, T., Stropnik, N., Boškić, R., Dremelj, P., Nagode, M. and Kovač, N. (2010), *Raziskava o vplivih veljavnih ukrepov družinske politike na odločanje za otroke [Research on the impact of family policy measures on deciding to have children]*, Ljubljana: Social Protection Institute of the Republic of Slovenia. Available at: <http://www.irssv.si/publikacije/leto-2010/index.html>

Hrženjak, M. (ed.) (2016) *Spremembe očetovstva: moški med delom in starševstvom [Changing fatherhood: men between employment and parenthood]*, Ljubljana: Mirovni inštitut.

⁷ Stropnik, N. (2018). 'Thirty days of (fully) compensated Paternity leave in Slovenia from January 2018', *ESPN Flash Report 2018/7*, European Social Policy Network, February 2018. <http://ec.europa.eu/social/main.jsp?advSearchKey=ESPNFlash&mode=advancedSubmit&catId=22&policyArea=0&policyAreaSub=0&country=0&year=0>

⁸ MLFSAEO (2018), 'Statistika – Družinski prejemki, zavarovanje za starševsko varstvo' [Statistics – Family benefits, parental protection insurance], Ljubljana: Ministry of Labour, Family, Social Affairs and Equal Opportunities. Available at: http://www.mddsz.gov.si/si/uvveljavljanje_pravic/statistika/druz_prejemki_zavarovanje_sv/#c18828, own calculations.

⁹ Rakar, T., Stropnik, N., Boškić, R., Dremelj, P., Nagode, M. and Kovač, N. (2010), *Raziskava o vplivih veljavnih ukrepov družinske politike na odločanje za otroke [Research on the impact of family policy measures on deciding to have children]*, Ljubljana: Social Protection Institute of the Republic of Slovenia. Available at: <http://www.irssv.si/publikacije/leto-2010/index.html>

¹⁰ Hrženjak, M. (ed.) *Spremembe očetovstva: moški med delom in starševstvom [Changing fatherhood: men between employment and parenthood]*, Ljubljana: Mirovni inštitut.

or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

The topics of gender roles, work/family life balance and equal opportunities on the labour market are of particular research interest.

b. Selected recent publications

Been, W. M., Van der Lippe, T., Dulk, L. den, Das Dores Horta Guerreiro, M., Kanjuo-Mrčela, A., Niemistö, C. (2017) 'European top managers' support for work-life arrangements', *Social Science Research*, Vol. 65: 60-74. Available at: <https://doi.org/10.1016/j.ssresearch.2017.02.004>

Hrženjak, M. (2017) 'A qualitative study of labour market precarisation and involved fatherhood in Slovenia', *Revija za sociologiju*, Vol.47, No.2: 207-232.

Humer, Ž. (2017) 'Sodobno očetovstvo med plačanim delom in skrbjo za otroke' ['Modern fatherhood between paid work and care for children'], *Časopis za kritiko znanosti*, 45(267): 158-170.

Humer, Ž. and Frelj, M. (2017) 'Work-life balance of employed fathers in Slovenia: challenges and visions of a pilot experiment in four organizations', in: *Making the invisible visible: transforming social norms among boys & men for gender justice in practice: report from the Nordic MenEngage Conference 2017*, Oslo: Kuben Vocational Arena, Oslo, pp. 19-20. Available at: <https://reform.no/wp-content/uploads/2017/06/Making-the-Invisible-Visible-Reprt-1.pdf>

Stropnik, N. and Kapella, O. (2017) 'Interview about father-specific leave and challenges ahead in Slovenia and Austria', in: S. Hoyer (ed.) *New Fathers Wanted – How Father Involvement in Family Work is Promoted throughout Europe*, Newsletter, 2/2017, Berlin: The Observatory for Socio-political Developments in Europe. Available at: <http://www.beobachtungsstelle-gesellschaftspolitik.de/en/keytopics/familyandreconciliation>

Stropnik, N. (2018) *Thirty days of (fully) compensated Paternity leave in Slovenia from January 2018*, *ESPN Flash Report 2018/7*, The European Social Policy Network. Available at: <http://ec.europa.eu/social/main.jsp?advSearchKey=ESPNFlash&mode=advancedSubmit&catId=22&policyArea=0&policyAreaSub=0&country=0&year=0>

c. Ongoing research

None reported.

Spain¹

Gerardo Meil (Autonomous University of Madrid), **Irene Lapuerta** (Public University of Navarre) and **Anna Escobedo** (University of Barcelona)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Permiso y prestación por maternidad*) (responsibility of the Ministry of Labour and Social Security)

Length of leave (before and after birth)

- Sixteen (16) weeks: six weeks are obligatory and must be taken following the birth, while the remaining ten weeks can be taken before or after birth.

Payment and funding

- One hundred (100) per cent of earnings up to a ceiling of €3,751.20 a month in 2017 and 2018.
- A flat-rate benefit (€537.84 per month or €17.84 per day) is paid for 42 calendar days to all employed women who do not meet eligibility requirements (a mere increase of 18 cents per day since July 2016, after being unchanged since 2010).
- Financed by social insurance contributions from employers and employees. As a rule, employers pay 23.6 per cent of gross earnings and employees pay 4.7 per cent to cover common contingencies which include pensions, sickness and leaves (*contingencias comunes*), with an additional contribution paid to cover unemployment. In the case of public servants, all contributions are paid by their employer.

Flexibility in use

- The start date for taking leave before birth can vary.
- Mothers, including those who are self-employed, may take leave part-time except for the six weeks following birth.

¹ Meil, G., Lapuerta, I. and Escobedo, A. (2018) 'Spain country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Eligibility (e.g. related to employment or family circumstances)

- All employed women (employee or self-employed; working on open ended or fixed term contract; working full or part-time) are entitled to Maternity leave, but conditions must be met to qualify for the earnings-related Maternity leave benefit (non-eligible employees receive a flat-rate payment for 42 calendar days after delivery): the mother needs to be making social security contributions at the beginning of the leave; or be receiving an unemployment contributory benefit; or be in the first year of the Parental leave, *and* have contributed to social security at least 180 days in the previous seven years (or 360 days during working life). Women under 21 years do not need to have had a previous period of social security contribution, and women between 21 and 26 need only 90 days in the previous seven years, or 180 days during their working life. This requirement is more flexible for women who work part-time. Self-employed mothers are exempt from paying social security contributions while on Maternity leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple births (or multiple adoption or fostering), or birth (or adoption or fostering) of a child with some disability, or birth (or adoption or fostering) into a large family, mothers have the right to two extra weeks of leave for a new child from the second one onward, and to family benefits from an additional lump-sum benefit.
- In the case of a premature birth or infant hospitalisation, Maternity leave is extended up to 13 weeks.
- If the baby dies, Maternity leave is not reduced.
- If the mother dies, the father can take the Maternity leave entitlements, independently of the mother's previous employment situation and entitlements.
- Employed mothers have the right to transfer up to ten of their 16 paid weeks of Maternity leave to the father on condition that mothers take six weeks after giving birth, that their partner fulfils contributory requirements, and that the transfer does not endanger mothers' health. Leave can be completely or partly transferred, so both parents may share full or part-time leave simultaneously.
- The non-contributory benefit is extended to 14 calendar days (from 42 to 56 calendar days) for lone mothers, large families, multiple births or disabilities.
- In case of same sex parents, as is in case of adoption and foster care, partners must agree which one takes Maternity and Paternity leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employed and self-employed pregnant women and mothers breastfeeding babies less than nine months old are entitled to be relocated to another workplace if working conditions are not compatible with women in such circumstances or it is a risk for the baby. If this cannot be reasonably accommodated, the working contract or activity has to be interrupted, and leave can be taken with payment of 100 per cent of earnings. Such leave correspondingly lasts until the beginning of Maternity leave or until the baby reaches the age of nine months.
- Several regional and local governments have improved entitlements for public sector employees. For example, women working for the municipality of Madrid

have a right of up to eight additional weeks of Maternity leave and those working for the regional government of Madrid have a right of up to ten calendar days.

b. Paternity leave (*permiso de paternidad, permiso por nacimiento*) (responsibility of the Ministry of Labour and Immigration)

Length of leave (before and after birth)

- Two days of Birth leave (*permiso por nacimiento*) for employees, except public servants, and four uninterrupted weeks of Paternity leave (*permiso de paternidad*) for all employed fathers, including self-employed, which can be taken at any moment till the end of the Maternity leave or just after following it. Public servants have the right to four weeks Paternity leave to be taken just after the birth of the child.

Payment and funding

- One hundred (100) per cent of earnings, paid by the Social Security Fund with the same ceiling as for Maternity leave. In the case of public servants, all contributions are paid by their employer.
- Paternity leave is funded as Maternity leave; however, Birth leave is still paid by employers.

Flexibility in use

- The two days of Birth Leave (*permiso por nacimiento*) must be used at the time of birth. Fathers who need to travel for their work have two extra days, paid by the employer (this does not apply in the public sector).
- The four weeks of Paternity leave (*permiso de paternidad*) can be taken during or immediately after the end of Maternity leave and on a full-time or part-time basis. This does not apply in the public sector, where the four weeks are considered as a whole, to be taken full-time from the time of the birth, as a general rule (except when the specific regional government or institution - *Comunidades Autónomas* - regulates differently). Fathers who take part-time Paternity leave need their employer's agreement.

Regional or local variations in leave policy

- A number of regional and local governments have improved entitlements for public sector employees. Since 2006, in Catalonia they receive five days at birth (as Birth leave), and a month of Paternity leave that must be taken at the end of Maternity leave, which fulfils the new 2017 state standard. The same applies for male employees of the municipality of Madrid (collective agreement, 2012-2015, though the leave has to be taken at birth or after adoption) and from other cities. This latter improvement has been offset by the extension of Paternity leave from two to four weeks since 1 January 2017.

Eligibility (e.g. related to employment or family circumstances)

- All employees have the right to Birth leave (the self-employed are excluded, as this is provided by their employers).

- All employed fathers or partners (employees and self-employed) fulfilling contributory requirements (i.e. at least 180 days in the previous seven years, or 360 days during working life) are entitled to Paternity leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the father

- Leave is extended by two extra days per child from the second one onward, in the case of multiple births (or adoption or fostering) or if the child has a disability.
- The entitlement is gender neutral, to encompass homosexual and lesbian couples; this leave can be taken by the member of the couple who did not use the Maternity leave (or most of it) (see 1e below).
- In the above-mentioned case of public employees in Catalonia, lone mothers who assume the sole custody of the child can use the extra month for fathers at the end of Maternity leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents

- See 'regional or local variations' for improved conditions offered by some regional governments or municipalities for their employees.

c. Parental leave (*Excedencia por cuidado de hijos*) (responsibility of the Ministry of Employment and Social Security)

Length of leave (before and after birth)

- Each parent is entitled to take leave until three years after childbirth. Leave is an individual right. During the first year, return to the same job position is protected. After the first year, job protection is restricted to a job of the same category.

Payment and funding

- None. Since 2011, all employees taking leave are credited with social security contributions for the whole period, which affects pension accounts, health cover and new Maternity or Paternity leave entitlements. However, unemployment benefits and sickness leave are excluded.

Flexibility in use

- There are no limits to the number of periods of leave that can be taken until the child is three years old, with no minimum period required.

Regional or local variations in leave policy

- Since 2000, seven out of 17 regional governments - *Comunidades Autónomas* - have introduced flat-rate benefits (Navarre in 2000; Castile and León in 2001; Basque Country and Castile-La Mancha in 2002; La Rioja in 2003; and, finally, Balearic Islands and Murcia in 2008). However, these benefits have been reduced or abolished since 2010 because of the fiscal crisis. For example:

- Basque Country: €277.08 per month for families with an annual income below €20,000 per person (€232.92 for families with an annual income above the latter amount) in 2018, compared to €291 in 2011 for all families, regardless of the earnings. The amount of the benefit was not updated between 2012 and 2017 and income ceilings were introduced in 2015.
- La Rioja: €250 per month in 2018 but restricted to families with an annual income below €40,000 or €50,000 in case of large families (the amount of the benefit remains stable since it was introduced, but the income ceiling has been increased).
- Balearic Islands abolished benefits in 2010; Murcia in 2011; Castilla-León and Castilla-La Mancha in 2012; and Navarre in 2013.

Eligibility (e.g. related to employment or family circumstances)

- All employees. Employees on temporary contracts can only claim leave that is shorter than their contract period. Unemployed and self-employed workers are not eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent)

- The period of job-secured leave is extended to 15 or 18 months in large families, which are those with three or more children or with two children, one of whom has a disability.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents

- If both parents work for the same company, the employer can put restrictions on both parents using leave at the same time if this is justified for production reasons.
- In the public sector, the job position is protected for two years, and in the third year within the same municipality.

Pension credits

- For the calculation of the retirement or permanent disability pension, parents who have left employment, voluntarily or not, between the ninth month before birth (third in case of adoption or fostering of a minor) and the sixth year after, are given between 116 days (four months) and 260 days (nine months) from the social security credits per child². The number of days will be increased gradually from 2013 to 2019 (with 243 days recognized in 2018), until all children reach the maximum limit of five years. These credits apply not only for calculating the aforementioned pensions, but also for all other social security benefits (except for the minimum payment period) and covers only the period spent outside of employment. It also applies to all births, after or before the law took force. Only one of the parents has the right to these pension credits; in case of dispute, it is attributed to the mother.

² Regulated by RD 1716/2012. Available at: <https://www.boe.es/buscar/doc.php?id=BOE-A-2012-15765>

b. Childcare leave or career breaks

- Unpaid career breaks are recognised in the labour and public employees' regulations (*excedencia voluntaria*). The only protection offered is claiming the right of return to an equivalent job before the end of the leave, once there is a vacancy. This job protection works much better in the public than in the private sector.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for other parents for the adoption or fostering of children under six years or older children with additional needs (e.g. disabilities, international adoptions).
- Either parent can benefit from the Maternity leave entitlement in the case of an adoption.
- Public employees involved in an international adoption have the right to two months of paid leave; these include basic payment without benefits, and the process requires that the adoptive parents stay in the country of origin of the future adoptive child.

Specific provision for (breast-) feeding

- During the first nine months after the child's birth (12 months in the public sector), employees (mothers or fathers) are entitled to one hour of absence during the working day without a loss of earnings; this part-time leave (*permiso de lactancia*) was originally to support breastfeeding. It is a family entitlement that can be used by either parent, but if both parents are working, only one can use it. Self-employed parents are excluded. The period can be divided into two half-hours or be replaced by a half-hour shortening of the normal working day, or by an equivalent period on full-time days. The public sector and many collective agreements allow for a full hour shortening of the normal working day. By consolidating this entitlement, families can, in practice, extend Maternity (or Paternity) leave by two to four weeks (depending on the terms established by collective or company agreements). In the case of multiple births (or multiple adoptions or fostering) this leave is recognized for each child, although the length can vary depending on collective or company agreements in the case of using it on full-time basis. This absence is paid for by the employer.

Leave to care for sick children

- Parents are entitled to full-time or part-time leave (with a minimum reduction of 50 per cent of working time) to take care of a seriously ill child under 18 years old during the period the child is in hospital or in need of continuous treatment at home (with certification by the public health service); 109 types of illness are included. The scheme is paid at 100 per cent of the earnings (subject to the same ceiling as Maternity leave) from professional sickness insurance schemes, with previous contributory requirements as for Maternity and Paternity leave. This entitlement is extended to parents working part-time, in which case leave must be at least equivalent to 25 per cent of full-time hours. The leave is an individual right, but only one of the parents is entitled to take leave at any one time. Parents can alternate its use on a monthly base. In

case of divorce, when there is no agreement, the parent with legal custody has the right to take this leave; if they have joint custody, it is the one who makes the claim first.

Flexible working

- The law also guarantees that employees can postpone their annual holidays and use them after Maternity or Paternity leave, so they do not lose them.
- A working parent can reduce his/her working day by between an eighth and half of its normal duration to care for a child until the twelfth year or to look after a disabled child (*reducción de jornada por guarda legal*). Employees may decide, within their usual work schedule, the extent and period of the working time reduction. It is defined as an individual right and there is no payment, but workers taking this 'part-time leave' are credited with up to two years full-time social security contributions (which affect pension accounts, unemployment benefits and new leave entitlements). In addition, public employees have guaranteed some working time flexibility to adapt (for example, to school hours). Self-employed parents are excluded from this right.
- Since 2000, a number of regional governments have introduced payments to parents reducing their working hours. For example: Basque Country, Navarre, La Rioja, Galicia, Castilla La Mancha or Castilla-León have provided flat-rate payments to support this measure proportional to the working time reduction, though Navarre has abolished these payments in 2011 and Castilla-Leon and Castilla La Mancha in 2012. Since 2002 public employees in Catalonia (both fathers and mothers) can reduce their working hours by a third with a 20 per cent earnings reduction, or by a half with a 40 per cent earnings reduction, if they have a child less than six years or care for a disabled relative. Since 2012, they can consolidate this reduction in working time during the first year as a full-time leave, to extend in practice their Maternity or Paternity leave.

Time off for the care of dependants

- Two days leave per employee, per event (*permiso por enfermedad grave de un familiar*) to care for a seriously ill child or for other family reasons (serious illness, hospitalisation or death of a relative to a second degree of consanguinity or affinity), paid by the employer. The entitlement is extended to four days if travelling is required for work. However, there is no agreement on what 'serious illness' means. For public sector employees this entitlement is extended to three days (five days if travelling is required) for the care of first degree relatives (e.g. partner, children or parents, including in-laws).
- Each employee may take up to two years of leave (*excedencia por cuidado de un familiar*) or reduce working hours by between an eighth and a half (*reducción de jornada por cuidado de un familiar*) to take care of a dependent relative (up to the 'second degree of consanguinity or affinity') due to severe illness, disability, accidents or old age. In cases of chronic dependency, the informal carer on leave may receive a payment if he/she is co-resident, which varies depending on the region of residence, the relative's level of dependency recognised by a public agency, and the household income (e.g. in the case of Navarre, one of the regions with the highest benefits, the payments are between €60 and €542.85 per month in 2018). The payment is claimed by the dependent relative. Workers taking leave are credited with social security contributions, which affect pension payments, health cover and new leave entitlements, for the first year of full-time or part-time leave.

- Public employees can extend the unpaid leave to care for a relative for up to three years, with the whole period credited with social security contributions and related social protection benefits. Furthermore, they can work half-time for up to one month without a loss in earnings in the case of a very serious illness for a first degree relative (child, partner or parent including in-laws); they can also benefit from extra flexibility in working time, as do parents of children under 12 years.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Spain is three years, but most of this period is unpaid; leave paid at a high rate ends after Maternity and Paternity leave (around five months after birth, including the consolidation of reduced working hours related to the Breastfeeding leave or *permiso de lactancia*, see section 1e).

The 2006 Spanish Education Law (*Ley Orgánica de Educación*), modified in 2013 by the Law for the Improvement of Educational Quality (*Ley Orgánica para la Mejora de la Calidad Educativa*), provides an entitlement to ECEC from three years onwards, and nearly all children over this age attend early education. So, there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of approximately two and half years between the end of well-paid leave and this *de facto* entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

No substantial changes have taken place during the period. The interparty agreement signed in 2016 to support the election of the actual conservative government, which included the gradual equalization of the duration of Maternity and Paternity leaves, hasn’t been implemented further than the increase of Paternity leave from two to four weeks introduced in January 2017. The regional government of the Basque Country, however, plans to grant its employees the right to 18 weeks Maternity and Paternity leave.

4. Take-up of leave

a. Maternity leave

After a long period of continuous coverage increases (from 31 per cent of total births in 1995 to 68 per cent in 2009) due to growing maternal employment and better attention of atypical employment situations, coverage has been decreasing till 66 per cent in 2014 as a consequence of economic crisis and atypical employment. Since then a slowly increase can be observed reaching 68 per cent in 2016. It is worth highlighting that in the context of crisis and very high general unemployment, maternal employment is hardly diminishing while female activity rate in central adult age groups has sharply increased. According to the survey *The social use of leave in Spain, 2012* (see section 5c in the 2014 Annual Report), 80 per cent of mothers aged 25 to 60 who were in paid employment when pregnant, benefited from Maternity leave, with this percentage was higher among younger women than among older

ones (89 per cent for those aged less than 40 and 72 per cent for older women). This result is very close to that obtained using official statistics: 85.6 per cent of mothers, who were active in the labour market at the moment of the birth of the child, benefited from Maternity Leave in 2014 (authors' own calculations). Fathers share some Maternity leave in around one-quarter of adoption cases (27.5 per cent in 2005), but around two per cent of all such leaves (2.1 per cent in 2016 and 1.9 in 2017).

In 2017, an average of 6,856 women per month were on leave because of a risk during pregnancy, with an average duration of 90.9 days, equivalent to 20 per cent of all live births in 2016. Since 2008 (the first year for which there are available take-up data) there is a steady increase in the number of women who take this kind of leave, from 2,546 per month to 6,856 in 2017), while the average number of days of leave taken has decreased (from 120 to 90.9 in the same period). The mean number of women per month taking leave for breastfeeding because of a potential risk (introduced in 2007) reached a mean of 62.2 per month in 2017. The mean number of days of leave was 135.6 days.

b. Paternity leave

Most fathers are eligible for Paternity leave according to the Labour Force Survey data. While Paternity leave was restricted to two days (*permiso por nacimiento* i.e. Birth leave) paid by employers, there was no information on take-up rates. But from March 2007, fathers have received a 13 days payment from Social Security funds, and coverage was 59.8 per cent in 2016 (authors' own calculations based on the ratio number of fathers who took a leave to total number of births), 1.6 percentage points more than the previous year. In 2017, leave duration doubled from two to four weeks and the number of leave users increased by 8.25 per cent to 264.632. Since the total spending increased by 94 per cent, only a small amount of leave users took less time than they were entitled to. According to the survey *The social use of leave in Spain, 2012* (see section 5c in the 2014 Annual Report), the take-up rate among those eligible for Paternity leave is much higher: 74 per cent of men who became fathers after the introduction of this leave and were working at that time report having used it.

Those who were working when they fathered a child and did not take it are mostly men who work without contract or are self-employed. The difference between take-up rates can be attributed to the high proportion of unemployment among young adults (the proportion of unemployed men aged 30 to 34 years increased from 9.2 per cent in 2008, to 25.9 percent in 2012, and was still 15.4 per cent in 2017) and to the fact that the social security institution does not register the Paternity leave of some public servants.

c. Parental leave

In 2016, 40,517 people started some period of Parental leave (11.9 per cent more than in the previous year, the maximum reached since data are available). This corresponds to 9.9 per cent of the births in that year, but still higher than in the recent past (in 1995 it was only 1.7 per cent). However, this represents only 3.2 per cent of children under three years old; the age is relevant since leave can be taken until children reach three years. Fathers made up 7.4 per cent of users, with 0.7 percentage points more than in 2015³.

³ Ministerio de Empleo y Seguridad Social (2016) *Anuario de Estadísticas del Ministerio de Empleo y Seguridad Social, 2015*. Available at:

According to the survey *The social use of leave in Spain, 2012*⁴, only 0.5 per cent of men aged 25 to 59 who were working when they became fathers made use of Parental leave, compared to 10.4 per cent of women. In most cases leave was taken for the first child (69 per cent); and women mostly took it just after Maternity leave (64 per cent) for a maximum of one year (85 per cent), and most commonly for six months or less (46 per cent), i.e. until a childcare arrangement was available. After leave, all men returned to a full-time job, but only 55 per cent of women did so, while a third returned to part-time job or part-time leave (35 per cent) and only seven per cent gave up paid work altogether or lost their jobs (three per cent).

d. Other employment-related measures

The fact that Parental leave and working time reduction are not paid, limits their use, even among those who have a secure job. The influence of payment can be seen from the high and gender-equal use of the fully-paid working time reduction of one-third of usual working hours, for parents of children under one year old; this was available for public employees in Catalonia between 2002 and 2012 (see section 3 in the 2013 Annual Report); otherwise the use of unpaid working time reductions is limited.

According to the survey *The social use of leave in Spain, 2012*, 19.9 per cent of women and 1.8 per cent of men aged 25 to 59 years, employed at the time when they became parents made use of the right to reduce their working hours. As in the case of Parental leave, most working time reduction is taken for the first child (61 percent among those with two or more children) and, among women, mostly taken just after Maternity leave (55 per cent) or during the first year of the child (79 per cent). Men reduce their working hours mostly for less than one year (72 per cent), while women tend to do it for a longer period (61 per cent for more than one year).

According to the Spanish Social Security Statistics⁵, the number of parents who have taken the leave to care for seriously ill children, introduced in 2011, has increased from 1,114 in 2012 to 2,642 in 2017. However, the mean number of days of leave taken has risen sharply from 176.9 to 381.4, during this period.

Unpaid leave to care for dependent relatives has been available from 2001 onwards. Between 2001 and 2005 about 9,000 employees have used it: 82 per cent were women, with a median duration of 62 days, and 18 per cent were men with a median duration of 55 days (Escobedo and Navarro, 2007). Since 2006, the number of users has grown, increasing to 10,020 new users in 2016, a 6.9 per cent more than 2015 (compared with 3,332 in 2005). The proportion of new male users remained stable at around 15 per cent between 2010 and 2016.

The statistical yearbook of the Ministry of Labour does not provide details on the duration, nor on the extent to which the leaves to care for dependent relatives are connected to the benefit for informal carers, introduced since the 2006 Spanish Law to support dependents. In January 2018, 32.5 per cent of all benefits provided under this law were used for paying informal family carers (384,504 benefits, 27.2 per cent more than one year ago). However, it seems difficult to link care leave to benefits, because these usually require a long administrative process.

<http://www.empleo.gob.es/es/estadisticas/contenidos/anuario.htm>

⁴ Meil, G. (2014) See sections 5b and 5c in the 2014 Annual Report.

⁵ http://www.seg-social.es/Internet_1/Estadistica/Est/Otras_Prestaciones_de_la_Seguridad_Social/index.htm

5. Research and publications on leave and other employment-related policies since April 2017

a. General overview

Leave arrangements have become a research topic in Spain, particularly their use by mothers and fathers, and their impact on gender and social equality in the labour market, and on fertility decisions. Fathers' use of leave arrangements is presently a main research focus, as is leave in the organisational context of the workplace and companies.

Since 2006, a fund on Social Protection has supported research on leave arrangements and the Ministry of Labour created a continuous database with a sample of four per cent of all social security contributors, including selected life-course data on work and social security (*Muestra Continua de Vidas Laborales, MCVL* - the Continuous Sample on Working Lives), supplemented with tax and household data. The Ministry still provides limited information on leave arrangements but has allowed researchers to produce detailed information about unpaid leaves such as Parental leave, leave to care for a relative, and working time reductions.

Otherwise, the indicators published on a yearly basis since 1995 by the National Institute of Social Security provide updated information on paid leaves (e.g. total social security expenditure by region and the number of administrative records initiated each year, with the percentage of those for fathers), but with no information on other items such as duration of leave, flexibility in use or the characteristics of users. There is a data gap on the uses and impacts of the various regional flat-rate benefits and full-time or part-time additional schemes, which research projects have partially filled (see Lapuerta in Spain country note, sections 5b and c, of the 2013 Annual Review). There is increasing research interest in the benefits addressed to long-term dependants and family informal carers implemented since 2007 onwards, in the framework of a new public care system for the support of dependency and autonomy, primarily for the elderly but also covering adults and children with severe dependency. Further research is needed in this area.

b. Selected recent publications

Farré, L. and González, L. (2017) *The effects of paternity leave on fertility and labour market outcomes*. IZA Discussion Paper Series, n° 10865, Bonn: IZA Institute of Labour Economics.

This paper studies the effects of a father quota in the parental leave period on households' labor market and fertility decisions. Identification is based on the 2007 reform of the Spanish family benefit system, which extended the sixteen weeks of paid parental leave by two additional weeks exclusively reserved for fathers and non-transferable to mothers. Using a regression discontinuity design, we show that the reform substantially increased the take-up rate of fathers (by as much as 400 per cent), as well as the re-employment probability of mothers shortly after childbirth (by about 11 per cent). However, it did not affect parents' longer-term leave-taking or employment behavior. We also find that the introduction of the two weeks of Paternity leave delayed higher-order births and reduced subsequent fertility among older women (by about 15 per cent). These results suggest a limited scope for the father quota to alter household behaviors beyond the parental leave period and reduce gender inequality at the workplace.

Fernández-Cornejo, J.A., Del-Pozo, E.V. and Escot, L.; Castellanos-Serrano, C. (2018) 'Can an egalitarian reform in the parental leave system reduce the motherhood labor penalty? Some evidence from Spain', *Revista Española de Sociología*, Vol.27⁶. Available at: <http://www.fes-sociologia.com/journal/online-first.php/>

The article explores parental leave policies as a possible mechanism for furthering male involvement in childcare and the effectiveness of this approach among Spanish fathers with children under the age of six. The data collected with the survey *Use of parental leave, 2012* showed that fathers who took Paternity leave devoted more time to caring for their children than those who did not (5.1 hours/day compared to 4.6 hours/day). Fathers who reduced their working hours as part-time parental leave devoted even more time to their children (5.5 hours), while those who took a full-time parental leave invested more hours (6.6) than any other group. Those findings attest to the effectiveness of leave specifically targeting fathers as a mechanism for promoting parental co-responsibility.

Meil, G. (2017) 'Permisos parentales para hombres y corresponsabilidad en el cuidado de niños' ['Parental leave and Spanish fathers' co-responsibility for childcare'], *Revista del Ministerio de Empleo y Seguridad Social*, Vol.131: 15-34. Available at: <https://dialnet.unirioja.es/ejemplar/477228>

The article explores Parental leave policies as a possible mechanism for furthering male involvement in childcare and the effectiveness of this approach among Spanish fathers with children under the age of six. The data collected with the survey *Use of parental leave, 2012* showed that fathers who took Paternity leave devoted more time to caring for their children than those who did not (5.1 hours/day compared to 4.6 hours/day). Fathers who reduced their working hours as part-time parental leave devoted even more time to their children (5.5 hours), while those who took a full-time parental leave invested more hours (6.6) than any other group. Those findings attest to the effectiveness of leave specifically targeting fathers as a mechanism for promoting parental co-responsibility.

Meil, G., Romero-Balsas, P., Rogero-García, J. (2018) 'Parental Leave in Spain: Use, Motivations and Implications', *Revista Española de Sociología*, Vol.27. Available at: <http://www.fes-sociologia.com/journal/online-first.php/>

In Spain as in other countries, advances in childcare leave policy have aimed to encourage leave-taking by both parents. Based on the survey *Social use of parental leave 2012*, this study explores the characteristics of and underlying motivations for leave-taking, as well as the implications for careers, focusing in particular on gender differences. While the analysis reveals only moderate gender-based differences where paid leave was concerned, unpaid leave was taken primarily by women or by the parent with the most favourable working conditions. The reasons for using unpaid leaves revolved essentially around a desire to spend more time with or breast-feed the baby beyond the termination of paid leave, although contributing to the partner's job security also entered into the equation. The study showed that in addition to economic costs, taking unpaid parental leave entails a setback in a significant percentage of men and women's careers.

c. Ongoing research

⁶ This paper can be found in Meil, G. and Escobedo, A. (2018) Introduction to the Special Issue Gender Equality and Leave Use, *Revista Española de Sociología (RES)*o. 27. Available at: <http://www.fes-sociologia.com/journal/online-first.php>

Fathers on Leave Alone in Spain (2014-2017), Gerardo Meil (coordinator), Department of Sociology, Universidad Autónoma de Madrid. Funded by the Spanish Ministry of Science and Innovation.

The research focuses on use by fathers of any kind of leave to care for children while the mother returns to paid work for at least one month. A first objective is to examine fathers' negotiations and experiences of leave taking 'alone' in dual earner families with a child under three years. Research will tap into the reasons why some men take a larger share of leave and the consequences of leave taking on fatherhood and work-family balance: Are the new measures tailored to their needs and preferences, in terms of work-family balance and well-being? What are the factors that promote or hinder men's take up of leaves? How are father's perspectives influenced by mother's attitudes or their workplace cultures? What is the impact of leave, in particular of stay-at-home-alone fathering, when the mother returns to work, on family dynamics and on the father-child bond? And what is its impact on men's professional career? This study is part of a collaborative research project 'Fathers on Leave Alone' coordinated by Prof. Karin Wall and Prof. Margaret O'Brien, which adopts a comparative perspective among several industrialized countries. Contact: Gerardo Meil at gerardo.meil@uam.es.

The role of men in family dynamics from an international perspective (2014-2017). Teresa Martín-García (coordinator), Center for Human and Social Sciences (CCHS), Spanish Council for Scientific Research (CSIC). Funded by the Spanish Ministry of Science and Innovation.

This project aims to analyze the role of men in family dynamics, with special emphasis on fertility. The first objective is to assess the differences in family formation/dissolution (cohabitation, marriage, divorce) and fertility (delay, number of children, infertility) between men and women, explaining what distinguishes family and reproductive choices, preferences and behavior at an individual level. The second objective is to study the relevance of gender (in)equality in such decisions, taking into account the institutional and contextual aspects and specifically the Parental leave and childcare policies. Contact Teresa Martín at teresa.martin@cchs.csic.es, or visit the project website <http://www.menrolesproject.com/>

Shared-responsibility woman-man in caring from the perspective of companies: Organizational culture and corporate responsiveness towards men who want to reconcile (2015-2017), José Andrés Fernández Cornejo and Lorenzo Escot (coordinators), Department of Economy at the Universidad Complutense. Funded by the Spanish Ministry of Science and Innovation.

This research aims to analyze the phenomenon of effective inclusion of male workers in the work-life balance policies of companies. That is, its objective is the analysis of the shared-responsibility between men and women in caring, from the perspectives of organizations. The purposes of these surveys are to better understand: what the needs of male workers are in the work-life balance domain; what kind of work-life balance policies are applied by organizations; to what extent these policies effectively include male workers; the organization-culture regarding work-life balance; what might be "good practices" that encourage men to use the reconciliation practices; and what are the costs and benefits for companies of men achieving work-family balance. Contact José Andres Fernández Cornejo at jafercor@ccee.ucm.es

Working time, paternity and childhood. How can business policies promote father involvement in care and maintain gender equality? (2015-2018) Teresa Jurado (coordinator), Department of Sociology II at Universidad Nacional de Educación a Distancia (UNED), in cooperation with researchers in other Spanish Universities

(UDIMA, UPF, UPO and UPNA). Funded by the Spanish Ministry of Economy and Competitiveness.

The objective of this project is to analyze the employment context in order to understand under which circumstances a family responsible management of human resources, without gender bias, is found. This study intends to identify the degree of diffusion of equal-sharing couples in the Spanish society, their socioeconomic characteristics, and the existence of good practice among enterprises, with respect to work-family balance and its feasibility from a perspective of profit and competitiveness. Contact: Teresa Jurado at tjurado@poli.uned.es and the project website is <http://implicaproject.org>

Sweden¹

Ann-Zofie Duvander (Stockholm University) and **Linda Haas** (Indiana University)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (pregnancy benefit: *graviditetsspenning*) (responsibility of the Ministry of Social Affairs)

- It is obligatory for women to take two weeks Maternity leave before or after delivery; they can decide whether to take part of the paid parental insurance benefit during this period of leave. Pregnant women can take indefinite leave paid at 77.6 per cent of earnings if a job is a risk to the foetus and no other work can be made available. If a job is physically demanding and therefore hard for a pregnant woman to perform, the Swedish Social Insurance Agency is likely to grant eligibility of up to 50 days of leave during the last 60 days of pregnancy paid at 77.6 per cent of income. This benefit is called pregnancy benefit and the woman will need a physician's certificate. If she is not granted pregnancy benefit she may start using Parental leave benefit the last weeks of pregnancy (see footnote for Parental leave).

b. Temporary leave in connection with a child's birth or adoption (*tillfällig föräldrapenning i samband med barns födelse eller adoption*) (responsibility of the Ministry of Social Affairs)²

Length of leave

- Ten days. Designed to be used for other parent (or carer) to attend delivery, to care for older siblings while the mother is in the hospital, to stay over in the hospital in a family room after childbirth and/or to participate in childcare when the mother comes home. Most often this is used by the father of the child and was earlier called 'daddy days' (*pappadagar*).

¹ Please cite as: Duvander, A.-Z., and Haas, L., (2018) 'Sweden country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² Referred to as 'Paternity leave' in reviews before 2014; now revised to provide a literal translation to 'entitlement', which is considered gender-neutral.

Payment and funding

- Seventy-seven point six (77.6) per cent of earnings up to an earnings ceiling of SEK341,184 [€33,676.40]³ per year (see section 1c for information regarding eligibility and further details). Payments come from the Swedish Social Insurance Agency.
- Funding for all forms of Parental leave is obtained from statutory contributions from employers and the self-employed. Employers pay 2.60 per cent on all employees' earnings, while all self-employed workers pay 2.60 percent on their earnings as well⁴.

Flexibility in use

- Leave can be used at any time during the first 60 days after childbirth.

Eligibility (e.g. related to employment or family circumstances)

- All employees are eligible, regardless of time spent in employment, but a person is required to have a sickness benefit qualifying income (SGI)⁵.
- The benefit is gender neutral and attributed to the second parent or another close person if the second parent is unknown.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother.

- Leave is increased in the event of multiple births (e.g., doubled in the case of twins).

c. Parental leave (*föräldrapenning*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- Each parent is entitled to take full-time leave from work until their child is 18 months old, regardless of whether they are using paid benefits. Each parent is also eligible for 240 days of Parental leave benefit, which can be used during the 18 months but also afterwards, so that this paid leave can be taken until a child is eight or 12-years old (see *Flexibility in use* below). There is thus one legislation concerning the right to unpaid leave (18 months per parent) and another granting paid leave (240 days per parent).
- Ninety (90) of the Parental leave benefit days are reserved and cannot be transferred to the other parent (often called *mammamånader* or a 'mother's quota' and *pappamånader* or a 'father's quota'). The remaining days for each parent can be transferred to the other by signing a consent form.

³ Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

⁴ Confederation of Swedish Enterprise. 2016. Introduction to insurance schemes on the labour market, 2016, p. 15. Accessible at <https://www.svensktnaringsliv.se>

⁵ Swedish Inspectorate for the Social Insurance 2016. Sickness benefit qualifying income. Report 2016:10. Stockholm, at www.inspsf.se. Swedish report with English summary.

Payment and funding

- For parents eligible for earnings-related benefit (see below), 195 days of leave are paid at 77.6 per cent of earnings, up to an earnings ceiling of SEK455,004 [€44.910.95]⁶; the remaining 45 days are paid at a flat-rate payment of SEK180 [€17.77] a day.
- Parents who are not eligible for earnings-related leave receive a flat rate of SEK250 [€24.68] a day for 240 days.
- All Parental leave benefit, income related and flat rate, offers pension credits.
- Funding is the same as for Temporary leave in connection with birth and adoption.
- There is an extra pension supplement for the parent who earns the least income during the child's first four years. This supplement to the pension-qualifying amount for years with small children is aimed to compensate the parent who takes the largest responsibility for childcare and therefore has to reduce work, or who temporarily exits the labour market⁷.

Flexibility in use

- The length of leave is counted in calendar days (rather than weeks or months) to enhance flexibility of use. It is thus possible to use the benefit during weekends. To get 77.6 per cent of earnings, seven days of benefit per week are needed.
- Parents can take paid leave days full-time, half-time, quarter-time or one-eighth time with the length of leave extended accordingly (e.g. one day of full-time leave becomes two days of half-time leave and four days of quarter-time leave). Parents cannot work while on paid or unpaid leave unless they are taking the leave part-time.
- Paid and unpaid leave can be combined to enable parents to stay at home longer.
- Parents can take leave in one continuous period or in several blocks of time. While officially employees taking Parental leave have the right to stay away from work for a maximum of three periods each year, many employers allow for more periods.
- Starting with children born from 1 January 2014, paid leave can be used until the child turns 12-years-old (though only 96 days can be used after the child turns four-years-old). For children born before this date, parents may use the paid leave up until a child's eighth birthday or until the end of the first school year.
- Both parents can take up to 30 days of paid leave at the same time, until the child reaches one year of age. These days have been labelled 'double days' (*dubbeldagar*). Parents cannot use any of the mother's quota or father's quota when using double days. Parents must use the remaining 105 wage-based days that each are entitled to if they want to stay home at the same time.

Eligibility (e.g. related to employment or family circumstances)

⁶ The ceiling for Parental leave is higher than for temporary leave in connection with a child's birth or adoption to encourage use of Parental leave by fathers.

⁷ Swedish Pension Agency (2014) Orange report 2014. Annual report of the Swedish Pension System. Stockholm. Available at:
<https://secure.pensionsmyndigheten.se/download/18.3c07b8ed14fbdb77cd57cd1/1446806348928/Orange+Report+2014+eng.pdf>

- The benefit requirements are both residence-based and employment-based in Sweden. All parents living in Sweden are entitled to paid Parental leave. Paid leave at 77.6 per cent of earnings requires parents to have had an income of over SEK250 [€24.68] a day for 240 days before the expected date of delivery or adoption. A parent remains qualified to receive the same compensation for Parental leave if an additional child is born or adopted within 30 months of the birth or adoption of an earlier child. This is economically significant mainly to parents who reduce working hours (and income) after the first child since it keeps them at a higher benefit level for the second (or subsequent) child. This is commonly referred to as the 'speed premium'.
- Self-employed persons contribute to the social security system with a separate tax and are eligible for the same leave benefits as employed persons.
- Parents are entitled to paid Parental leave even if their partners are unemployed.
- Same-sex parents have the same rights as opposite-sex parents and the Parental leave is gender-neutral in its construction.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- Families with multiple births are entitled to additional paid leave (in the case of twins, an additional 90 days at 77.6 per cent of earnings and an additional 90 days at a flat rate of SEK180 [€17.77] a day). For each additional child in a multiple birth, parents are entitled to an additional 180 days at 77.6 per cent of earnings.
- In case of sole custody, the parent with custody receives all Parental leave days (i.e., 480 days). However, in most cases of parents who are living apart, parents share joint-custody and thus both share rights to leave.

Additional note (e.g. leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Additional Parental leave pay (*föräldralön*) has been negotiated in collective bargaining agreements in the public sector and is commonplace in the private sector. A common collective agreement is that the employer pays ten per cent extra under the ceiling (i.e., workers receive 90 per cent of earnings) or up to 90 per cent of income above the ceiling⁸.

e. Other employment-related measures

Adoptive leave and pay

- Cohabiting adoptive parents get five days each of Temporary leave in connection with a child's birth or adoption (see section 1b) at the time of adoption. A single adoptive parent gets ten days. Benefits are conditional on the child being under ten years old at adoption, and leave can only be used up

⁸ Lindquist, G. S., Wadensjö, E. (2005) *Inte bara socialförsäkringar – Kompletterande ersättningar vid inkomstbortfall, Rapport till expertgruppen för studier i samhällsekonomi [Not only social insurance – complementary income replacement at loss of income. Report to the expert group for studies in national economy, 2005:2]*. Stockholm: Regeringskansliet, Finansdepartementet. Available at: www.regeringen.se/sb/d/5225/a/52073

until the child is ten years old, or 12 years old if in the parents' obtained custody from 2014 and onwards.

Time off for the care of dependants

- Temporary Parental leave (*tillfällig föräldrapenning*) is available for 120 days per child, per year, for children under the age of 12 years, and for children aged 12 to 15 years with a physician's certificate. This is paid at 77.6 per cent of earnings, up to an earnings ceiling of SEK341,184 [€33,676.40] per year; it is a family entitlement and it can be used to care for sick children. Sixty of these days can also be used to stay at home with young children if the regular caregiver is sick. Since 2001, it can be offered to someone outside the family if they are an eligible person in the Social Insurance system. The ten days of temporary Parental leave associated with birth or adoption (see section 1b) also come under this category of Temporary Parental leave.
- Parents whose children are sick or functionally disabled for more than six months can apply for care allowance (*vårdbidrag*) from the birth of the child until the child reaches the age of 19 years. Parents may receive a maximum of SEK9,333 [€921.21] per month for extra care obligations, such as paying for a caregiver or as compensation for reduced work hours. In addition, parents can receive a maximum of SEK28,000 [€2,763.73] yearly for extra costs, such as equipment or medicine.

Flexible working

- Until a child reaches the age of eight years or completes the first grade of school, parents have the right to reduce their normal working time by up to 25 per cent; there is no payment for working reduced hours.

Specific provision for (breast-) feeding

- None. The Parental leave law §4 (under Maternity leave) states the right to breastfeed the child but there are no further details about how this impacts work (for example, how often, how long and so on).

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Sweden is around 16 months, with 13 months paid at a high rate. There is an entitlement to ECEC from one year of age, available on a full-time basis in centres or at licensed family day carers to employed parents (or part-time if parents are not employed). Consequently, there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

In December 2017 a major commission on Parental leave published proposals for changes in Parental leave legislation⁹. The commission proposals included: 1) increasing the amount of each parent's quota from three to five months, with five months to be shared between parents; 2) stricter age limits for when Parental leave can be used; 3) abolishing the speed premium and temporary leave in connection to a child's birth or adoption; 4) providing for the possibility to transfer two months of leave to someone other than the two primary parents. No new laws have yet been enacted.

4. Take-up of leave¹⁰

a. Maternity leave

In 2016, 27,210 women received Maternity leave benefits for an average of 41 days. Since there were 117,245 births in 2016, this suggests that 23 per cent of pregnant women took Maternity leave.

b. Temporary leave at the birth or adoption of a child

In 2016, 87,405 individuals took temporary Parental leave at the birth or adoption of a child. Approximately 75 per cent of fathers, same-sex partners or other designated persons took this leave. Of all leave users, only 1.1 per cent were women. Men took on average 9.6 of the ten eligible days.

c. Parental leave and childrearing benefit

Almost all families use paid Parental leave in Sweden. For children born until the end of 2013 it has been possible to use this benefit until a child reaches the age of eight years or after the first school year has ended. In 2016, most Parental leave days were taken by women during the child's first year of life, while men tended to take leave when the child was between one and three. However, most of leave days are taken before children reach the age of two years; all children are entitled to an ECEC place from 12 months of age.

In 2016, the majority of women (88 per cent) and men (96 per cent) who took Parental leave were entitled to benefits at the earnings-related compensation level as opposed to the low flat-rate level. Foreign-born parents and young parents, especially mothers, are more likely than native-born parents to have access to only the low flat-rate payment. The average cash benefit was 30 per cent higher for fathers. Fathers received benefits of SEK651 [€62.26] per day in 2016, while the average mother received benefits of SEK499 [€49.25].

For children born in 2001, parents used 92 per cent of the 360 days that are paid at a high earnings-related rate, and 69 per cent of the days that are paid at a low flat-rate level. Parents of foreign background are less likely than native Swedes to use all

⁹ Jämställt föräldraskap och goda uppväxtvillkor för barn – En ny modell för föräldraförsäkringen [Gender-equal parenthood and good conditions for childrearing – a new model for Parental leave] *Statens Offentliga Utredningar* 2017:101).

¹⁰ All take-up statistics from Social Insurance in Figures 2017 Accessible in English at <https://www.forsakringskassan.se>

their days. The great majority of fathers of children born in 2004 (88.3 per cent) took Parental leave at some stage before their child's eighth birthday, mainly starting when their children were 13 to 15 months of age¹¹. Fathers of children born in 2008 took on average 106 days of Parental leave during the eight years they could use the leave, while mothers took 342 days (76 per cent).

In 2016, 45 per cent of Parental leave benefit recipients were men, compared to 55 per cent who were women; on average, mothers took 86 days and fathers 40 days during that year. For children born in 2013, fathers had taken on average 69 days by the time their children were two, while mothers had taken 276¹². While mothers still take more Parental leave the proportion of total days used by men has slowly increased. In 2002, fathers took about 12 per cent of all Parental leave days used in that year; by 2016 it had increased to 27 per cent. The percentage of couples that are sharing Parental leave equally (40-60 per cent) is also slowly increasing. For children born in 2013, 14.1 per cent of couples equally shared leave that year¹³.

Fathers with higher education take more Parental leave, as do fathers whose partners have higher levels of education. For children born in 2013, by 2015, fathers whose jobs required higher education had taken an average of 112 days of Parental leave while mothers had taken 108. An important exception is men in management jobs who took an average of only 58 days, but this has increased more for men in this job than most others¹⁴. Fathers who work in the private sector are less likely to take leave, perhaps because they more often lack extra compensation, as a result of collective agreements. Self-employed fathers take 27 fewer leave days than wage-earning fathers. Mothers who are self-employed take 46 fewer days than wage-earning mothers, but the proportional difference is much less for mothers than fathers. Groups who take little or not leave include those born outside Sweden and unemployed fathers (who typically have low benefit levels)¹⁵.

The introduction of a father's quota in 1995 (one month) and its extension in 2002 (to two months) both led to more fathers taking more leave; though the second month had a less dramatic effect than the first¹⁶. Still, only 44 per cent of fathers had taken their two reserved months by 2015, for children born in 2013¹⁷. No study has so far investigated the effect on use by the introduction of the third reserved month in 2016.

¹¹ Försäkringskassan [Swedish Social Insurance Agency] (2010) *Outnyttjad föräldrapenning [Unused Parental leave]*. Socialförsäkringsrapport 2010:14. Available at: www.forsakringskassan.se

¹² Försäkringskassan [Swedish Social Insurance Agency] (2016). *Föräldrapenning och yrke. Korta analyser 2016:1*. [Parental leave and occupation – Short analyses].

¹³ Försäkringskassan [Swedish Social Insurance Agency] (2013:8) *De jämställda föräldrarna [Equal parents]*.

¹⁴ Försäkringskassan [Swedish Social Insurance Agency] (2016). *Föräldrapenning och yrke. Korta analyser 2016:1*. [Parental leave and occupation – Short analyses].

¹⁵ Anxo, D., Ericson, T. (2015) Self-employment and Parental leave. *Small Business Economics* 45 (4), 751-770).

¹⁶ Duvander, A. and Johansson, M. (2012) Ett jämställt uttag? Reformer inom föräldraförsäkringen [Equal use? Reforms within Parental leave insurance] Rapport 2012:4. Inspectorate of Social Insurance. Available at: <http://www.inspsf.se/>. See also Duvander, Ann-Zofie, and Mats Johansson (2014) Parental leave use for different fathers. A study of the impact of three Swedish Parental leave reforms, pp. 349-369 in Rostgaard, T. and Eydal, G. (Eds.) *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Policy Press, and Duvander, Ann-Zofie, and Mats Johansson (2012) What are the effects of reforms promoting fathers' Parental leave use? *Journal of European Social Policy*, 22, (3):319-330.

¹⁷ Försäkringskassan [Swedish Social Insurance Agency] (2016). *Föräldrapenning och yrke. Korta analyser 2016:1*. [Parental leave and occupation – Short analyses].

d. Other employment-related measures

Mothers are more likely than fathers to work (long) part-time hours (34 hours or less per week); 22 per cent of all mothers with children from birth to 17 worked part time in 2012, compared to only five per cent of employed fathers¹⁸. In 2015, 21 per cent of women ages 20-64 who worked part-time reported doing so in order to care for children, compared to 10 per cent of men¹⁹. Part-time employment among mothers has declined during the last 10 years. No official statistics are kept concerning how many parents working part-time are doing so by exercising their entitlement to work reduced hours.

Temporary Parental leave to care for sick children, is used somewhat more by mothers, who took 62 per cent of all days taken in 2016. On average mothers took 8.5 days and fathers 6.8 days, this being highly dependent on the age of the child, as most days are used during the first years, and after regular Parental leave has ended.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year

a. General overview

The research conducted during the three decades of Swedish Parental leave has mainly focused on comparing mothers' and fathers' use of Parental leave, and explaining gender differences, as a major issue has been the unequal sharing of Parental leave days between women and men. Over time, the impact of Parental leave on various outcomes, notably fertility and women's employment, has received attention, as has the use of leave by specific groups of men, including separated and immigrant fathers.

b. Selected recent publications

Duvander, A-Z. and Korsell, N. (2017) 'Whose days are left? Separated parents' use of Parental leave in Sweden', in: R. Niewenhuis and L. Maldonado (eds.) *Triple Bind of Single Parent Families*. Bristol: Policy Press, pp. 263-283.

Analysis of register data of first-born children found that separated fathers use fewer leave days than partnered fathers. Fathers who separate tend to have used the same amount of leave days as other fathers before separation; it is after separation that the traditional division of labor for childcare becomes more evident.

Hagvist, E., Nordenmark, M., Perez, G., Aleman, S. and Gådin, K. (2017) 'Parental leave policies and time use for mothers and fathers: A case study of Spain and Sweden', *Society, Health & Vulnerability*, Vol. 8, No.1. Available at: DOI:

¹⁸ Statistiska Centralbyrån (2013) *Allt fler mammor jobbar heltid*. Article 2013:31. Available at: www.scb.se

¹⁹ Statistiska Centralbyrån (2016) *Lathund – Gainful Employment Table LF09*.

10.1080/20021518.2017.1374103

This study of Sweden and the Basque country in Spain finds that changes in leave policies over two decades are associated with mothers and fathers spending a more even share of time in childcare.

Kaufman, G. and Almqvist, A-L. (2017) 'The role of partners and workplaces in British and Swedish men's Parental leave decisions', *Men and Masculinities*, Vol. 20, No.5: 1-19.

Interviews found that mothers have considerable influence on fathers' leave use; however, in the UK this makes leave less equal while in Sweden it makes it more equal. Workplace opposition was reported as a larger barrier to men's leave use in Britain compared to Sweden.

Suweda, K. (2017) "It was necessary at the beginning to make this whole revolution": men's attitudes to Parental leave in Sweden and Poland', *Men & Masculinities*, Vol. 20, No.5. Available at: <https://doi.org/10.1177/1097184X17727571>
In-depth interviews of Swedish and Polish parents of young children found that the institutional and cultural context is related to men's leave attitudes, with Swedish men being more interested and supportive of fathers' leave-taking. Poland was described as supporting "orthodox masculinity," while Sweden was described as supporting "caring masculinity."

Tervola, J., Duvander, A.Z., and Mussino, E. (2017) 'Promoting Parental leave for immigrant fathers', *Social Politics*, Vol. 24, No.3: 269-297.

Immigrant fathers in Sweden were found to take advantage of Parental leave more often than those in Finland, likely because the Swedish policy provides non-transferable and flexible leave. Use of leave immediately after childbirth was, however, similar in both countries, where the policies are similar.

Viklund, I. and Duvander, A.-Z. (2017) 'Time on leave, Timing of preschool: the role of socioeconomic background for preschool start in Sweden', in: H. Blossfeld, N. Kulic, J. Skopek and M. Triventi (eds.), *Childcare, early education and social inequality*. Cheltenham, UK: Edward Elgar, pp. 67-88.

Swedish parents have the option of placing children in subsidized preschool immediately after one year of paid Parental leave. This longitudinal study examines preschool start times and finds that over time, children are starting preschool earlier and that lower-income families place children in school earlier than higher-income families.

Brandén, M, Duvander, A-Z. And Ohlsson-Wijk, S. (2018) 'Sharing the caring: attitude-behavior discrepancies and partnership dynamics', *Journal of Family Issues*, vol. 39, 771-785.

Men who wish they had shared Parental leave more reported less relationship satisfaction, fewer children and a greater likelihood of breaking up with partners

Valarino, I, Duvander, A.-Z., Haas, L. and Neyer, G. (2018) 'Exploring leave policy preferences: A comparison of Austria, Sweden, Switzerland and the United States', *Social Politics: International Studies in Gender, State & Society*, Vol. 25, No.1: 118-147.

This study finds that the institutional dimension, individual self-interest and individuals' values are all correlated with leave policy preferences. It also reveals significant mismatches between what individuals would like policy to be and what it is in their countries.

d. Ongoing research

Research related to Parental leave in Sweden is conducted in a variety of fields. Please contact authors for specific area. Ann-Zofie Duvander can be reached at ann-zofie.duvander@sociology.su.se and Linda Haas can be reached at lhaas@iupui.edu.

Switzerland¹

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April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

Note on federal, cantonal and communal government: Switzerland is a federal state with three political levels: the communes, the cantons and the Confederation. In principle, family policy follows the principles of federalism and subsidiarity: the Confederation cedes responsibility for many areas of family policy to the cantons and the communes, insofar as they are able to perform these tasks, and retains an ancillary and enabling role. The Swiss Constitution defines the areas of responsibility of the Confederation. Pursuant to art. 116 of the Swiss Constitution, in fulfilling its tasks, the Confederation shall take due account of the needs of the family and may legislate on family allowances; this article also provides the legal basis for Maternity insurance.

Family policy may be organised very differently from one canton to the other. Various cantons have also set up special family commissions. In their respective areas of responsibility (e.g., schools, childcare), many cantons and communes also implement family policy measures. Many non-governmental organisations are in part subsidised by the state and carry out specific tasks related to family policy. The division of responsibilities among political levels and the number of actors involved is, therefore, complex. For instance, each political level intervenes in early childhood education and care: for example, though most childcare services stem from the market, they are regulated and partially subsidized by the communes and/or the cantons. Finally, the federal level is also involved through a temporary programme, which subsidizes new childcare initiatives and the creation of additional places for pre-school children.

The Swiss political system is a direct democracy: through referendums and initiatives, citizens may challenge any law passed by parliament and propose amendments to the federal constitution. In the case of an amendment proposed to the federal Constitution, a referendum is mandatory.

Note on Leave Policies in Private Law v. Public Law: The information provided in this report refers, unless explicitly stated, to the rules applicable for persons working under private law contracts. Leave policies in the public sector of the Confederation, the cantons and the communes may vary considerably.

¹ Please cite as: Valarino, I. and Nedi, R. A. (2018) 'Switzerland country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Congé et allocation de maternité*) (responsibility of the Federal Department of Home Affairs, namely the Federal Social Insurance Office)

Length of leave (before and after birth)

- Statutory leave is 14 weeks, starting on the day of delivery². It is obligatory to take eight weeks leave. In practice however, many collective agreements provide for 16 weeks paid leave.
- Between the 9th and 16th week after birth, women covered by the Employment Act cannot be compelled to return to work. However, only 14 weeks are covered for payment by the statutory Maternity leave insurance.
- Employed women can be exempt from work before birth for medical and health reasons and in this case, salary payment continues for a limited period, provided the employment relationship has lasted for or was concluded no longer than three months prior, and that the employee has proved her incapacity to work, which is usually done through a medical certificate.

Payment and funding

- The maternity compensation covers eighty per cent of earnings for 98 days, i.e. 14 weeks, up to a ceiling of CHF196 [€168.63]³ per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350 [€6,323.61] the maternity compensation in that case amounts to CHF5,880 [€5,058.88]. The annual income ceiling for employed and self-employed workers is CHF88,200 [€75,883.26].
- The leave is funded by the Loss of Earnings Compensation fund, which also provides benefits for people carrying out military service, civil defence or civil service. It is financed by equal contributions from employees and employers, each paying 0.225 per cent of earnings (0.45 per cent of earnings in total).
- Maternity leave allowances are considered as income and taxed accordingly. The period spent on Maternity leave counts for the establishment of pension credits.

Flexibility in use

- In principle, there is no flexibility in leave and compensation, the claim for compensation starts on the day of the delivery.
- However, if the new-born child has to stay at least for three weeks in the hospital and a medical certificate has been presented, mothers can choose to start the maternity compensation upon the child's arrival at home. Following case law, employers are obliged to pay the salary during these weeks until the maternity compensation takes over.

² In previous country notes, the length of statutory leave reported was 16 weeks. The right not to return to work up to 16 weeks after giving birth is guaranteed by the Employment Act. However, the Employment Act does not apply to all companies and all workers (it excludes for instance home workers and public administrations). As of 2017, we therefore report 14 weeks of statutory Maternity Leave.

³ Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

Eligibility (e.g. related to employment or family circumstances)

- Eligible for maternity compensation: employed women workers, whether employed under a fixed-term or open-ended employment contract; self-employed workers; women working in their husbands' or partners' businesses (or that of a family member's) and who are paid a salary; women who are benefiting from unemployment, sickness, accident or invalidity allowances are also entitled to maternity compensation.
- For maternity compensation, women must have a record of nine months of contribution to the Old Age and Survivors Insurance; and must have worked for a minimum of five months, during the nine months preceding birth.
- If the maternity compensation criteria are not met, a mother may have a claim against her employer for continued payment of salary based on art. 324a of the Swiss Code of Obligations⁴. Moreover, certain cantons provide for specific maternity benefits for mothers who do not meet the federal eligibility criteria.
- Biological mothers only are eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None (this is currently only available to birth mothers⁵).

Regional, local and sectorial differences in leave policy

- In the canton of Geneva, all working mothers are granted sixteen weeks of Maternity leave, paid at eighty per cent of earnings. A cantonal Loss of Earnings Compensation fund pays for the two additional weeks, which are not covered by federal dispositions.
- The canton of Fribourg has an additional Maternity contribution targeted at all resident mothers including adoptive and for stay-at-home mothers, meaning women who have not been previously attached to the labour market. The daily allowance of CHF32.50 [€27.96] is paid over 98 days (equivalent to CHF975 [€838.85] per month for 3.2 months) if the income is below CHF2,475 [€2,129.38] for single mothers or CHF3,300 [€2,839.17] for both parents. The income ceiling is increased by CHF350 [€301.12] for each additional child living in the same household.
- The Confederation, cantonal public employers and communes are not subject to the basic legislation, but to specific regulations of their own. However, these regulations generally provide more generous Maternity benefits for their employees, i.e. 16 weeks of leave at full earnings or even variation for multiple births, as in the canton of Jura. A minority of cantonal employers grant four additional weeks for mothers who are breastfeeding, bringing their leave up to twenty weeks. Employees working for the Confederation are entitled to 16 weeks of Maternity leave. Maternity compensation for this period corresponds to 100 per cent of the salary.

⁴ *Bundesgesetz betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünfter Teil: Obligationenrecht, SR 220 [Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations)].*

⁵ A draft Act is under preparation in order to enable fathers to benefit from Maternity allowances in the event the mother dies after giving birth to a child. Also, the Swiss Federal Council has inter alia been mandated to draft a provision providing for a longer maternity compensation in case a new-born has to stay more than three weeks at the hospital (see also section 3).

Additional note (e.g. if leave payments are often supplemented by collective agreements, employer exclusions or rights to postpone)

- Maternity leaves are often supplemented by collective agreements, which grant full wage replacement and/or extended lengths of leave (approximately two additional weeks, i.e. sixteen weeks of paid Maternity leave). Companies, which often take out private supplementary insurance for such cases, cover these expenses.

b. Paternity leave

No statutory entitlement. Article 329 paragraph three of the Swiss Code of Obligations specifies that the employer 'must allow the employee the customary hours and days off work', in addition to vacation leave, which is generally understood as time-off granted to employees for personal reasons. That provision is considered the gateway for a short Paternity leave⁶. The length of the Paternity leave can be regulated through the mutual agreement of the parties involved in the employment relationship, a collective agreement or the standard employment contract. If nothing is regulated, custom and practice will determine the length. Some legal authorities consider between one and two days as an appropriate length for Paternity leave⁷. Art. 329 paragraph three applies regardless whether an employee is working under a fixed-term or open-ended employment contract. It can be assumed that only biological fathers can deduce a leave right from article 329 paragraph three of the Swiss Code of Obligations.

It is unclear whether or not the employer has to pay the employee during Paternity leave in the absence of a provision in the collective agreement, the standard employment contract or an agreement by both parties⁸. To be on the safe side, employers are advised to pay their employee's Paternity leave days.

There is no representative national data on the number of days-off granted to fathers and if they are paid. Approximately half of the employed population is covered by a collective labour agreement in Switzerland. It is estimated that 27 per cent of collective labour agreements provide at least one day of paid Paternity leave and/or give access to an unpaid Parental leave, ranging between three months and two years⁹.

Nowadays, all public employees working for the Confederation or the cantons are entitled to paid Paternity leave. The length varies generally between three days and three weeks¹⁰.

⁶ Pärli, K. (2016) *Eltern im Arbeitsverhältnis [Parents in the Employment Relationship]*, FamPra.ch 2016, p. 933 ff.

⁷ Rehbindler, M. and Stoeckli, J.F. (2010) *Art 319–330b OR. Der Arbeitsvertrag: Der Einzelarbeitsvertrag [Art 319–330b CO. The Employment Contract: The Individual Employment Contract]*, Berner Kommentar, Bern: Schulthess, art. 329 no. 20; Subilia, O., and Duc, J.L. (2010), *Droit du travail, éléments de droit suisse*, Lausanne: Schulthess Press, art. 329 no. 15.

⁸ Streiff, U./ von Kaenel, A./ Rudolph, R. (2012) *Arbeitsvertrag, Praxiskommentar zu Art. 319–362 CO [Employment Contract, commentary of art. 319–362 OR]*, 7th edn., Zürich: Schulthess, art. 329 no. 12.

⁹ Swiss Federal Council (2013) *Congé de paternité et congé parental. Etat des lieux et présentation de divers modèles [Paternity and Parental leave. Status and presentation of various models]*. Available at: <https://www.bsv.admin.ch/bsv/de/home/sozialpolitische-themen/familienpolitik/vereinbarkeit/elternurlaub.html>, p. 12 ff.

¹⁰ For an overview see Pärli (Fn 6), p. 949 ff.

c. Parental leave

No statutory entitlement. There is some indication that a minority of companies in the private sector grant employees unpaid Parental leaves¹¹. Many cantonal public employers also grant unpaid Parental leaves - ranging from a few days up to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants)¹².

The years spent out of the labour market to care for children under 16 years old are credited for old-age pension to the parent who was the main carer during this time (it is split between parents, if both were equally responsible). The amount corresponds to three times the amount of the minimum annual retirement pension. It increases the average annual income from which the retirement pension is calculated (up to a ceiling) when individuals reach retirement age. This reformed Parenting Credit system, regulated in art. 52f of the Ordination to the Federal Old Age and Survivor's Insurance, was implemented in January 2015¹³.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- There is not yet an explicit statutory federal entitlement. However, a parliamentary initiative from 2013 demanding the introduction of 12 weeks adoption leave pay has been accepted and a draft regulation is currently being processed¹⁴.
- Currently, Adoption leave is subject to the involved parties' agreement or to the collective employment agreements. The applicable collective agreement for the Swiss Federal Railways grants for instance ten days Adoption leave¹⁵. If nothing is regulated, the right to take a few days off for adoption can be based on Art. 329 paragraph three of the Code of Obligations¹⁶.
- Some cantons¹⁷ have implemented gender neutral adoption allowances for all working parents, available to only one of the adoptive parents. The cantons of Vaud and Geneva entitle adoptive parents to 14 and 16 weeks of pay,

¹¹ Swiss Federal Council (FN 9), p. 14.

¹² Swiss Federal Council (FN 9), p. 15 f. ; Fuchs, G. (2008) *Prestations en cas de maternité et initiatives parlementaires sur les congés et prestations offerts aux parents (notamment congé paternité, congé parental et congé d'adoption): rapport sur la situation actuelle dans l'administration fédérale, les cantons et quelques municipalités* [Maternity allowances and parliamentary initiatives about Parental leaves and benefits (Paternity leave, Parental leave and adoption leave) : report on the current situation at the federal administration, the cantons and several municipalities]. Available at: <http://www.equality.ch/f/publications.htm>, p. 14 ff.

¹³ Verordnung über die Alters- und Hinterlassenenversicherung (AHVV) [Ordination to the Federal Old Age and Survivor's Insurance], SR 831.101

¹⁴ Parliamentary Initiative Romano Marco, 13.478.

¹⁵ Available at http://gav.arbeitsrechtler.ch/SBB_GAV_2015.pdf

¹⁶ Cardinaux, B. (2015) *Leistungen bei Vaterschaft: eine Aufgabe des Staates? [Paternity benefits: a task of the state?]*, in: E.M. Belser. and B. Waldmann (eds.), *Mehr oder weniger Staat? Festschrift für Peter Hänni zum 65. Geburtstag* [More or less state? Commemorative publication for Peter Hänni for his 65th anniversary]. Berne: Stämpfli Press, p. 456.

¹⁷ More information can be found in the corresponding cantonal laws, the following page contains a link to all cantonal online legislation catalogues: <http://www.lexfind.ch>.

respectively, at 80 per cent of the salary. Such cantonal allowances are provided only if one of the parents interrupts his/her employment. For each birth or adoption, parents in the canton of Vaud are also awarded a unique contribution of CHF1,500 [€1,290.53]. The canton of Fribourg provides a flat-rate benefit for adoptive mothers of CHF32.50 [€27.96] per day (equivalent to CHF975 [€838.85] per month) paid for 3.2 months.

- In the public sector, at present, about half of the cantons offer their employees paid adoption leave between two days and 16 weeks¹⁸.

Specific provision for (breast-)feeding

- During the child's first year, the time taken by mothers to breastfeed or express milk during a working day, counts as working time. Salary payment is mandatory within the following limits: for a working day of up to four hours, 30 minutes minimum; for a working day over four hours, 60 minutes minimum; for a working day over seven hours, 90 minutes minimum¹⁹.

Time off for the care of dependants

- Following art. 36 paragraph three of the Employment Act²⁰, parents are entitled to three days per illness episode, to care for their sick child, upon presentation of a medical certificate. When two persons share parental responsibilities, only one benefits from this provision (parents should decide who benefits from the leave for sick children, depending on the solution which suits them best), unless the condition of the child demands the presence of both parents. This leave is also meant to support single parents or working parents to organise prolonged childcare, if that is needed. Salary payment is granted based on art. 324a of the Code of Obligations that provides for wage continuation in the case the employee is prevented from working by personal circumstances for which he or she is not at fault such as illness²¹. Nevertheless, for that provision to apply, the employment relationship must have lasted for more than three months or have been concluded three months prior.
- Art. 324a of the Code of Obligations remains applicable to parents of seriously ill children who have to care for them for a prolonged yet limited period of time. In the first year of service, the employer must pay at least three weeks salary; in the following years, the length will depend on what is the customary practice of the canton.

Flexible working

- There is no statutory entitlement to reduced or flexible working hours for employed parents. However, the Employment Act states that the employer should consider the employee's 'family responsibilities' when fixing work and rest hours. Family responsibilities are defined as the education of children up

¹⁸ For more information see Pärli (Fn 6), S. 953.

¹⁹ Art. 60 Verordnung 1 zum Arbeitsgesetz (ArGV 1) [Ordination 1 to the Employment Act], SR 822.111.

²⁰ Bundesgesetz über die Arbeit in Industrie, Gewerbe und Handel, Arbeitsgesetz, ArG [Federal Employment Act on work in the industry, trade and commerce], SR 822.11.

²¹ Portmann, W./Rudolph, R (2015) *Basler Kommentar Obligationenrecht I [Basel Commentary of the Code of Obligations I]*, 6th edn., Basel: Helbing Lichtenhahn Press, art. 324a no. 47.

- to 15 years old and the charge of other family members or close members in need of care.
- Some collective labour agreements specifically include the right to reduced working hours for parents and there is some indication that a significant proportion of companies allow flexible working hours²².
 - The Confederation grants its employees the right to reduce their working time by 20 per cent, however the lowest part-time work allowed in comparison to 100 per cent is 60 per cent²³.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Switzerland is just over three and a half months, all paid at a high rate of income replacement, with the possibility of additional two weeks of unpaid leave. In the majority of Swiss Cantons (17 out of 26 as of 2015), statutory provision for 2 years of ECEC programmes is available, with the implementation of an inter-cantonal agreement for the harmonization of education systems (HarmoS).. Obligatory school now starts when children reach 4 years of age, while in the rest of the country it starts between 5 and 7 years²⁴. ECEC attendance rate for children under three years is slightly above OECD-28 average²⁵, while for children over three years, levels of attendance are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

Maternity leave will be improved for mothers of children who must stay in hospital for at least three weeks directly after birth. Until now, upon presentation of a medical certificate, mothers could choose to postpone the start of their maternity compensation upon the child's arrival at home. However due to the ban on mothers' employment during the first eight weeks after delivery, mothers could face economic uncertainty in this difficult period. A Motion proposing that the payment of maternity allowances be prolonged by the length of hospitalization of the child was accepted by both Chambers of Parliament; in December 2016 by the Council of States and in June 2017 by the National Council. Maternity allowances will be prolonged from a minimum of 21 days and up to a maximum of 45 or 56 days (to be determined by the Federal Council).

²² See Bühler, S. (2004) *Bébés et employeurs - Comment réconcilier travail et vie de famille. Version abrégée de l'étude comparative de l'OCDE portant sur la Nouvelle-Zélande, le Portugal et la Suisse : aspects suisses* (Vol. 1f). Berne: Secrétariat d'Etat à l'économie. [Babies and Bosses – Reconciling Work and Family Life. Summary version of the OECD comparative study on New Zealand, Portugal and Switzerland: Swiss aspects (Vol. 1f)].

²³ Art. 60a of the Bundespersonalverordnung (BPV) [Federal Personnel Ordination (FPO), SR 172.220.111.3.

²⁴ With HarmoS, pre-primary or elementary programmes are included in obligatory schooling. See EDK. (2015). *Bilan 2015. Harmonisation des éléments visés par l'art. 62, al. 4, Cst. dans le domaine de la scolarité obligatoire*. Bern: Swiss Conference of Cantonal Ministers of Education: https://edudoc.ch/static/web/arbeiten/harmos/bilanz2015_bericht_f.pdf

²⁵ According to OECD data, for 2014 the rate was 38 per cent in Switzerland for children 0-2 and 34.4 per cent for OECD-28. Available at: http://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.xlsx

A Parliamentary Initiative in favour of Adoption Leave was accepted in 2015. The Committee for Social Security and Health of the National Council is drafting the law and will submit it for vote to Parliament. A two-year deadline extension for this vote was granted in June 2017. Adoptive parents (mothers and fathers) of children under four years will be granted 84 days of leave to share between them, paid at 80 per cent of salary and financed through the Loss of Earnings Compensation Act (as for Maternity leave).

Parental and Paternity leaves continue to be the object of propositions and discussions in the Parliament, yet without any consensus among political actors. Several parliamentary interventions submitted in June 2015 requested the Federal Council to produce scientific reports about the current offer and demand for Parental and Paternity leaves in Switzerland and their potential direct and indirect economic effects. These proposals were rejected by a majority of the National Council in June 2017.

In September 2017 a Parliamentary Initiative, which had been submitted by a Green Liberal MP, in favour of a 28 week Parental Leave was rejected in the National Council by 124 votes to 65. The proposal aimed to replace the current Maternity leave by a Parental Leave; it would have included, in addition to 14 weeks of maternity allowances for mothers, 14 weeks of paternity allowances for fathers.

Paternity leave has been very topical in civil society: a popular initiative in favour of Paternity leave was launched in May 2016. A committee composed of national umbrella associations representing unions, as well as men, women and family associations launched an initiative entitled 'For a reasonable Paternity leave – to benefit the whole family'. The initiative requests to modify the Constitution in order that the Confederation receives the mandate to institute a Paternity insurance of four weeks minimum. Paternity leave would be paid at 80 per cent of previous earnings and financed the same way as Maternity insurance. In July 2017, after a little over one year of campaign, the requested number of 100,000 signatures necessary for a national vote to take place had been collected (the Federal Chancellery counted 107,075 valid signatures). In the coming years, the proposed constitutional amendment will be submitted to Parliament, before being submitted to national vote. In October 2017 the Federal Council recommended to reject the initiative, arguing that this law would jeopardize the competitiveness of the Swiss economy, compromise companies' organization and that priority should be given to developing early childhood care and education services.

4. Take-up of leave

a. Maternity leave

Approximately 70 per cent of women giving birth meet the eligibility criteria for maternity allowances and benefit from them. It is estimated that the majority of recipients take up the maximum length of paid leave (98 days)²⁶. The number of recipients has been increasing since Maternity leave was introduced, probably

²⁶ Sottas, G., Millioud, P. (2008) 'Allocations pour pertes de gain en cas de maternité - premier aperçu'. [Loss of Earning Compensation Allowances for maternity – First overview] *Sécurité sociale*, vol. 5: 304-307. The available administrative data provide information for calendar years. For this reason, the average length of leave is under-estimated because some recipients receive part of their allowances in one year and the rest in another.

because of an increase both in births and female employment. In 2005, 31,110 mothers (this figure is for six months only, since the law came into force on 1 July) benefited from allowances; rising to 57,920 in 2006; 64,090 in 2008; 71,610 in 2010; 77,630 in 2014, 79,640 in 2015 and 81,440 in 2016²⁷. Maternity benefit expenditure increased by 5.7 per cent between 2015 and 2016; for a total of CHF847 [€728.72] million in 2016.

In 2016, the average amount of the daily indemnities granted to mothers was CHF123 [€105.82] per day, well below the ceiling of CHF196 [€168.83]. According to Sottas and Millioud, in 2006, 80 per cent of leave recipients were married, 15 per cent single and five per cent divorced. The majority of recipients were employees (83 per cent); 14 per cent were self-employed and three per cent inactive (eligible because they previously received unemployment, health or disability benefits).

Employed women tend to take a longer Maternity leave than the legal minimum of 14 paid weeks following childbirth. A recent survey conducted with 335 employed women who had had a child in the last five years, revealed that over 60 per cent of them had taken leave that exceeded 14 weeks. But for only half of them, this additional leave was paid by the employer, while for 37 per cent of the sample this leave was unpaid²⁸.

b. Paternity leave

There is no explicit statutory leave entitlement in private law. On a federal level, according to the Human Resource Centre of the Confederation, since the introduction of Paternity leave of ten days, there has been a 100 per cent take-up of Paternity leave²⁹.

c. Parental leave and Parental benefit

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

There is growing research on Maternity, Parental or Paternity leave, especially in relation to leave entitlements which are available in public administrations and for

²⁷ In 2015, the Swiss Statistical Office has changed its way of counting recipients for Loss of Earnings Compensation allowances. The figures reported in previous Country Notes to 2015 edition, are therefore different. A yearly evolution is available at this link:
<https://www.bsv.admin.ch/bsv/fr/home/assurances-sociales/eo-msv/statistik.html>

²⁸ Aeppli, D. C. (2012) *Wirkungsanalyse. Mutterschaftentschädigung [Analysis of effects. Maternity benefits]*. 95. Available at:

http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,lnp6l0NTU042l2Z6ln1acy4Zn4Z2qZpnO2YUq2Z6gpJCEdIB2hGym162epYbg2c_JjKbNoKSn6A--

²⁹ Swiss Federal Council (Fn 9), p. 14, footnote 45.

common practices and/or needs in the private sector. However, there is a lack of representative statistics on private company policies³⁰ and on the proportion of working men and women who can benefit from such policies and who take advantage of them.

b. Selected recent publications

Baumgarten, D. and Borter, A. (2017) *Vaterschaftsurlaub Schweiz. MenCare Schweiz-Report Vol. 2. [Paternity Leave Switzerland. MenCare Switzerland – Report Vol.2]* Burgdorf/Zürich: Schweizerisches Institut für Männer- und Geschlechterfragen SIMG.

This report in German focuses on Paternity Leave in Switzerland. It was published by the Swiss national program MenCare Switzerland (part of the global MenCare initiative), which aims to promote gender equal and violent-free fatherhood. The report describes the Swiss leave context, highlighting the current lack of federal statutory leaves for fathers (Paternity or Parental leave) and the exception in represents in international comparison. It reviews data on public opinion toward leave policies in Switzerland and literature on the effects of leave uptake by men on the gender division of paid and unpaid work. It advocates for the adoption of a non-transferable Paternity Leave, a Parental Leave with reserved quotas for men and an increase of affordable and quality early childhood care and education services in Switzerland.

Horvath, L. K., Grether, T. and Wiese, B. S. (2017) 'Fathers' Realizations of Parental Leave Plans: Leadership Responsibility as Help or Hindrance?', *Sex Roles*, Vol.79, 163-175.

The study investigates how fathers realized their Parental leave plans with consideration of fathers' leadership responsibility as a potential hindrance. A sample of 147 men from Germany, Austria and Switzerland (33 per cent with leadership responsibility) participated in a longitudinal questionnaire study (first measurement before childbirth). Results show that men who expected a loss of qualifications planned shorter leaves. Planned leave length was positively correlated with the actual leave taken. Although leadership responsibility did not predict leave plans in the first place, it had an impact on the realization of leave plans: fathers without leadership responsibility were more likely to realize their leaves than were fathers with leadership responsibility. Remarkably, men with leadership responsibility shortened their leaves as often as extended it. The research highlights the importance of organizational support for men in their Parental leave planning and realization.

Müller, M., Lanfranconi, L., Fuchs, G. and Rabhi-Sidler, S. (2017) *Equal Rights and Parenthood in Switzerland*. Available at: http://gleichstellen.ch/src/media/gleichstellen-ch-Hintergrundinfos-Elternschaft_Englisch.pdf

This brief provides a short overview of the legal context of parenthood in Swiss workplaces. It reviews constitutional and legal protection tools against gender-specific discrimination in the workplace, reviews the gender gap in the labour market participation among mothers and fathers, reviews the leave scheme in international comparison, and describes the role of companies in providing family-friendly measures. This brief is part of an e-learning website for companies, to support them promoting gender equality in work life. See: <http://gleichstellen.ch/en>

Valarino, I. (2017) 'Will fathers in Switzerland soon have access to leave? Insights into the gender equality potential of leave policies', *LIVES Impact*, 4/2017.

³⁰ The previously mentioned platform was discontinued 1 January 2017.

This policy brief was published by the Swiss National Centre of Competence in Research LIVES – Overcoming vulnerability: Life course perspectives (NCCR LIVES). It presents the lack of access to federal statutory leaves for fathers in Switzerland and discusses how this policy context contributes to the gender unequal division of work at the transition to parenthood in Switzerland. It summarizes research results on the potential of leave policies and their uptake by men for more gender equality and highlights the modalities of leave policies which promote men's use of leave. Finally, it assesses the potential for gender equality of the Paternity Leave policy proposal launched in 2016, through a popular initiative in favor of a four-week paid Leave for fathers, paid at 80 per cent of previous earnings.

Valarino, I., Duvander, A.-Z., Haas, L. and Neyer, G. (2018). 'Exploring Leave Policy Preferences: A Comparison of Austria, Sweden, Switzerland, and the United States', *Social Politics: International Studies in Gender, State & Society*, Vol.25, No.1: 118-147.

This study analyses preferences regarding leave length, gender division of leave, and leave financing in four countries with different welfare-state and leave regimes. Embedded in a gender perspective, institutional, self-interest, and ideational theoretical approaches are used to explore the factors shaping individuals' preferences (ISSP 2012 data). Findings show dramatic cross-country differences, suggesting the institutional dimension is most strongly related to leave policy preferences. Self-interest and values concerning gender relations and state responsibility are also important correlates. The study identifies mismatches between leave preferences, entitlements, and uptake, with implications for policy reform and the gendered division of parenting.

Wetzstein, S. (2018) 'Lohnfortzahlungspflichten des Arbeitgebers nach Niederkunft einer Mitarbeiterin' ['Employers duty to pay the salary after an employee has given birth'], *Aktuelle Juristische Praxis (AJP)*, Vol.3/2018: 316 -326

In principle, if an employee meets the legal requirements of the maternity compensation, after having given birth the mother will receive the maternity compensation paid through public insurance in lieu of her salary. While the employee receives the maternity compensation, the employer is, in principle, freed from the obligation to pay the employee the salary. However, there are cases where mothers receive no maternity compensation. This article examines inter alia the employer's obligation to pay the salary where there is no maternity compensation, the employers potential duty to compensate mothers with a high income for the difference between the capped maternity compensation and the mother's last salary as well as the possibility for a brief right of fathers to continued payment after the birth of their child. Case law and the legal authorities are summarised and planned legislative measures are pointed out.

c. Ongoing research

Vaterschafts- und Elternurlaub, eine rechtsvergleichende Studie [Paternity and Parental Leave, a comparative law study] (2015–). Rahel Aina Nedi, University of Zurich.

In Switzerland, Maternity leave enjoys statutory recognition. On the other hand, for employees working under private law contract, there is no statutory Paternity or gender neutral Parental leave recognition. Nonetheless, both Paternity and Parental leave are hot topics in current politics. Against this background, the current legal system in Switzerland is examined in this thesis. Furthermore, leave legislations in Germany, Sweden and the United Kingdom are compared with the aim of suggesting a possible model for Swiss legislation. Contact Rahel Nedi at aina.nedi@gmail.com

State, Family or Market Responsibility? A Comprehensive Study of Attitudes Toward Care Policies (2017-2018). Isabel Valarino, Guest researcher at the Autonomous University of Madrid, International Labour Organisation, and University of Lausanne. Funded by the Swiss National Science Foundation (Project n° P300P1_171457).

The research comprises three studies that analyze care policy attitudes and their social determinants. The first study analyses attitudes toward leave entitlements for parents and their social determinants in 27 OECD countries and focuses on preferences regarding the length of paid leave, the division of leave between the mother and the father and the financing source of leave expenses. Another study analyses attitudes toward care responsibility for children and the elderly. Different patterns of preferences are identified regarding the care provision and payment for these two populations. The last study will analyze qualitatively individual attitude-formation by focusing on Paternity leave implementation in Switzerland, a measure that does not exist but is high on the political agenda. Contact Isabel Valarino at Isabel.Valarino@unil.ch

United Kingdom¹

Margaret O'Brien (University College London) and **Alison Koslowski** (University of Edinburgh)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (responsibility of the Department for Business, Innovation and Skills)²

Length of leave (before and after birth)

- Fifty-two (52) weeks. A woman can start to take her leave from 11 weeks before the beginning of the week the baby is due. It is obligatory to take leave during the two weeks after childbirth.

Payment and funding

- Ninety (90) per cent of woman's average earnings for six weeks with no ceiling and a flat-rate payment of either GBP145.18 [€164.80]³ or 90 per cent of average gross weekly earnings (whichever is lower) for the next 33 weeks. The remaining 13 weeks are unpaid.
- This payment is administered by employers. Medium and large employers can claim back 92 per cent from the Exchequer and small employers can claim back 103 per cent. This is done through reductions to the amount of National Insurance Contributions paid by employers to HM Revenue & Customs.

Flexibility in use

- The mother can opt to start her leave at any point from 11 weeks before the beginning of the week the baby is due until the baby is born.
- Mothers can choose to return to employment from two weeks after childbirth (or four, if they work in a factory).

¹ Please cite as: O'Brien, M., and Koslowski, A. (2018) 'United Kingdom country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

² See <https://www.gov.uk/maternity-pay-leave>

³ Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

- Up to ten 'Keep In Touch' with work days can be spent working for the employer during the period of statutory Maternity leave, without it affecting Maternity leave or pay.

Eligibility (e.g. related to employment or family circumstances)

- Women must have an 'employee' employment status not a 'worker', self-employed or contractor employment status⁴. Under UK employment law women who have a 'worker', 'exclusively self-employed' or 'contractor' employment status are not eligible to receive Maternity leave or pay. Family rights to leave are contingent on employment status.
- All women employees are eligible for 26 weeks 'Ordinary Maternity Leave' plus a further 26 weeks of 'Additional Maternity Leave' (AML).
- Women employees who have worked for their employer continuously for 26 weeks, up to the 15th week before the week the baby is due, and who meet a minimum earnings threshold, are eligible for 'Statutory Maternity Pay' (SMP) as described above.
- Reasons for ineligibility for SMP include: being exclusively self-employed, not satisfying the continuous employment rule, or having a still born baby before the 24th week of pregnancy (DWP, 2015).
- Women who are not eligible for SMP may be eligible for a Maternity Allowance (MA) of 39 weeks at the flat rate of GBP145.18 [€164.80] or 90 per cent of average gross weekly earnings (whichever is the lowest). Women who have recently left work, changed jobs, or are self-employed may be eligible for this payment. To qualify, they must have worked for 26 weeks out of the 66 preceding the expected week of childbirth and have earned at least GBP30 [€34.05] per week on 13 of these weeks. Self-employed women must complete a national insurance claim Class2 NICs through Tax Self-Assessment (DWP, 2015).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- Employed mothers have the right to transfer all Maternity leave to the father, except for the two weeks of obligatory leave, i.e. up to 50 weeks. This period of leave is termed Shared Parental Leave (SPL)⁵ and replaces a similarly designed instrument, which was called Additional Paternity Leave (APL), under which mothers could only transfer leave to partners after 20 weeks. Unlike APL, there is no requirement for a woman to return to employment before the father can begin taking SPL. Instead, the mother must commit to a return to employment date in the future, when she will end her Maternity leave⁶.
- SPL can only be taken in one week (seven day) blocks of time. It cannot be taken in a day mode or on a flexible part-time basis, although parents can take alternating weeks and there is provision for parents to take leave together.
- Each parent can alter leave arrangements up to three times (in continuous or discontinuous blocks) before the end of week 52 (unpaid from week 40).
- Employers are only legally obliged to agree to continuous block arrangements.

⁴ See <https://www.gov.uk/employment-status>

⁵ See <https://www.gov.uk/shared-parental-leave-and-pay>

⁶ The total period that both parents can be on the shared leave together would be 6 months, although the policy does not stipulate that parents can both be on leave at the same time.

- Statutory Shared Parental Pay is available for eligible employees meeting prescribed qualifying requirements, although income replacement levels will not be any greater than the current Maternity leave provision and does not include the period of 90 per cent of earnings as with Statutory Maternity Pay, i.e. partners taking statutory Shared Parental Leave will be paid at the lesser of 90 per cent of earnings, or the flat rate of GBP145.18 [€164.80] during the first 37 weeks. The remaining 13 weeks of the first year are unpaid.
- In order to qualify for SPL, an individual will need to meet a length of service qualifying criterion (current 26 weeks service with the same employer by the 15th week before the expected week of childbirth), have a partner who meets an economic activity test (have worked for 26 weeks out of the 66 weeks before the expected week of childbirth and have earned at least GBP£396 [€449.52] in total in 13 of the 66 weeks) and be working for the same employer when they want to take leave. Permission is not required from employers. If an employee meets the continuous employment test and the other parent or partner meets an economic activity test, the employee is entitled to SPL.
- Entitlements for adopters and intended parents in surrogacy cases are more closely aligned with the rights available to birth parents, e.g. no qualifying period for leave; enhanced pay to 90 per cent of earnings for the first six weeks; and time off to attend introductory appointments. Intended parents in surrogacy and ‘foster to adopt’ arrangements will also qualify for adoption leave and pay.
- Married couples (including same sex couples), civil partners, joint adopters, the child’s other parent, and partners living with the parent and the child – who share responsibility for the child – are all eligible for Shared Parental Leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Some employers make additional provisions that go beyond the statutory minimum. For example, in 2013, 13 per cent of workplaces paid occupational maternity pay, a slight decrease since 2007⁷. Additional contributions are more common in large establishments, public administration and defence, the public sector and those with a union presence.

b. Paternity leave (responsibility of the Department for Business, Innovation and Skills)⁸

Length of leave

- One or two weeks⁹ (a week is the same amount of days that you normally work in a week).

Payment and funding

⁷ Department for Business, Innovation and Skills (2014) *The Fourth Work-Life Balance (BIS Research Paper No184)*. London: Department for Business, Innovation and Skills. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398557/bis-14-1027-fourth-work-life-balance-employer-survey-2013.pdf

⁸ See <https://www.gov.uk/paternity-pay-leave>

⁹ Stipulated as such by the government, except if father works normally two or three days per week, he would get four or six days leave, and if father works seven days, he would get 14 days. Available here: <https://www.gov.uk/paternity-pay-leave/leave>

- Flat-rate payment of GBP145.18 [€164.80] a week, or 90 per cent of average weekly earnings, if that is less.
- Funded as for Maternity leave, with employers able to claim back some or all of the payments from the HM Revenue and Customs.

Flexibility in use

- Leave cannot start until the baby is born and must finish within 56 days of the baby's birth or within eight weeks of the due date, if the baby is born prematurely.
- The leave must be taken in one go.

Eligibility (e.g. related to employment or family circumstances)

- Men must have an 'employee' employment status not a 'worker', 'self-employed' or 'contractor' employment status. Under UK employment law men who have a 'worker', 'exclusively self-employed' or 'contractor' employment status are not eligible to receive Paternity leave or pay. Family rights to leave are contingent on employment status.
- Employees must meet three conditions: they are the biological father of the child or also the child's adopter or the mother's husband, partner or civil partner; they expect to have responsibility for the child's upbringing; they have worked continuously for their employer for at least 26 weeks by the end of the 'qualifying week' (the 15th week before the baby is due) and remain employed at the time of the child's birth.
- Men must be earning at least GBP116 [€131.68] a week (before tax) – the earnings threshold.
- Reasons for ineligibility for SPP are the same as for employees claiming SMP but there is no Paternity Allowance (equivalent to Maternity Allowance, MA), for those men who are not eligible for SPP.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the father

- In the case of premature births, the period in which leave can be taken is extended until eight weeks after the child was due (that is the requirement to finish Paternity leave within 56 days of the baby's birth is not applicable).
- The same amount of leave is given for multiple births.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Some employers go beyond the statutory minimum. In 2007, a study found that an increased number of employers with five or more employees (27 per cent up from 18 per cent) offered a longer period of Paternity leave than the statutory minimum. However, an uplift in extra Paternity leave pay did not appear to happen in the same period, reducing slightly to 17 per cent from 19 per cent of employers⁴. Additional contributions are more common in large establishments, the public sector and those with a union presence. Employment sector differences were not significant, except that employers in the hotel and restaurant, and the health and social work industries were least likely to offer Paternity leave pay enhancements.

c. Parental leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Eighteen (18) weeks per parent per child, where each parent can take 18 weeks parental leave, for each child, but not more than four weeks per child in any one calendar year.
- Leave is an individual, non-transferable entitlement.
- Only four weeks of leave may be taken in any one calendar year for each child, unless an employer agrees otherwise (i.e. the 18 weeks cannot be taken in one continuous period of time)¹⁰.

Payment

- None.

Flexibility in use

- Leave may be taken in blocks or in multiples of one week, up to and for no more than four weeks per year unless the employer agrees otherwise.
- Leave may be taken up to the child's 18th birthday.

Eligibility (e.g. related to employment or family circumstances)

- All employees who have completed one year's continuous employment with their present employer and who have, or expect to have, parental responsibility for a child.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parent

- As the leave is per child, each parent of twins is entitled to 36 weeks.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- The statutory scheme is referred to as a 'fall-back scheme' since the intention is that 'wherever possible employers and employees should make their own agreements about how Parental leave will work in a particular workplace'¹¹.
- Employers may postpone granting leave for up to six months in situations where leave-taking would cause significant disruption to the business.

d. Childcare leave or career breaks

No statutory entitlement.

¹⁰ See <https://www.gov.uk/parental-leave>

¹¹ BIS 2014 Ibid.

e. Other employment-related measures

Adoption leave and pay

- Providing they meet the eligibility criteria, an adoptive parent (or one of the parents in a joint adoption) is eligible for 52 weeks of adoption leave paid at a flat-rate payment of GBP145.18 [€164.80] a week, or 90 per cent of average weekly earnings if this is less, for the first 39 weeks; the final 13 weeks' are unpaid. There is also a right to paid Paternity leave for an adopter not taking adoption leave (if they meet the eligibility criteria).

Time off for the care of dependants

- Employees may take 'a reasonable amount of time off work to deal with unexpected or sudden emergencies affecting a dependant and to make necessary longer-term arrangements'¹². The legislation does not define what is 'reasonable', 'since this will vary with the differing circumstances of an emergency'¹³. Emergencies are specified as including 'if a dependant falls ill or has been injured or assaulted' or 'to deal with an unexpected disruption or breakdown of care arrangements' or 'to deal with an unexpected incident involving the employee's child during school hours'. There is no entitlement to payment.

Flexible working: the right to request and the duty to consider

- All employees have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours or work flexitime). Employees need to have worked for their employer continuously for 26 weeks before applying. Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so ... [and must give] a written explanation explaining why'¹⁴.

Specific provision for (breast-)feeding

- None.

Antenatal appointments and care

- Pregnant employees are permitted paid time off for antenatal care. Fathers are permitted time off to attend two antenatal appointments, but it does not have to be paid time off. Potential adopters are allowed time off to attend two adoption appointments.

¹² Department of Trade and Industry, *Frequently asked questions about time off for dependents*. Available at:

<http://webarchive.nationalarchives.gov.uk/+http://www.dti.gov.uk/employment/balancing-work-family-responsible/time-off/index.html>

¹³ Ibid

¹⁴ Department of Trade and Industry, *Frequently asked questions about time off for dependents*. Available at:

<http://webarchive.nationalarchives.gov.uk/20070603164510/http://www.dti.gov.uk/employment/workandfamilies/flexible-working/faq/page21615.html>

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in the UK is 20 months but most of this is unpaid or low paid; leave paid at a high rate is only available for six weeks of Maternity leave. Leave provision is the same across the UK as it is part of national government's responsibility for employment policy but early childhood education and care policy is devolved to England, Scotland, Wales and Northern Ireland and so more heterogeneous. Each have distinct education systems, including early childhood education and care.

In September 2017, for England and parts of Wales access to universal free childcare was expanded to 30-hours (1,140 hours per year) for 3 to 4-year-olds from a previous level of 15 hours (ten hours a week during term-time in Wales). A similar expansion will occur in Scotland by 2020, which currently has 600 hours per year. Policy discussions are underway but have stalled for Northern Ireland, which has the lowest UK ECEC levels of two and a half hours of free childcare every day during term-time. Two-year olds whose parents pass a means test or qualify through their benefit or legal status also have a similar entitlement. So, there is a gap of between four and 16 months between the end of leave and a universal ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and the same entitlement. Levels of attendance at formal services for children under three are average and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

In February 2018, the UK government launched a campaign, *Share the Joy*, to encourage more parents to take up the offer of Shared Parental Leave in their child's first year¹⁵. However, there continues to be national debate about the effectiveness of this campaign given inherent design problems embedded within SPL.¹⁶

In March 2018, the House of Commons all-party Women and Equalities Committee published a report *Fathers and the Workplace* following the national consultation in 2017.¹⁷ One of its recommendations included consideration of a new 'use-it-or-lose-it' three months benefit, available to fathers and second parents in their baby's first year - if taken forward this measure would represent a paradigm shift in UK leave policy:

We recommend that, as part of its review of shared parental leave in 2018, the Government undertake an analysis of the costs and benefits of an alternative policy of 12 weeks paternal leave and pay to replace shared parental leave (p. 37).

Over the year concerns have grown about inequalities in eligibility to Maternity and Paternity leave in light of the growth of insecure and self-employment in the UK

¹⁵ See <https://sharedparentalleave.campaign.gov.uk/> and <https://www.gov.uk/government/news/new-share-the-joy-campaign-promotes-shared-parental-leave-rights-for-parents>

¹⁶ See for example, <https://www.theguardian.com/commentisfree/2018/feb/15/men-share-parental-leave-entitlement-women-equality-fathers>

¹⁷ <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/358/358.pdf>

following the Taylor Review of Modern Working Practices (2017). Recommendations to increase access are included in the *Fathers and the Workplace* report:

Fathers who are employees should be eligible for two weeks' paternity leave as a day-one right, similar to maternity leave. Fathers who are agency workers should be eligible for paternity pay with the same eligibility requirements as agency worker mothers have for maternity pay. Self-employed fathers should be eligible for a Paternity Allowance, similar to Maternity Allowance (p. 36).

In terms of ECEC, the roll out of 30 hours free childcare September 2017 and other measures to improve ECEC have been problematic. In March 2018, a cross-party Treasury Committee published an unanimously agreed Report on Childcare¹⁸, in which it makes a series of recommendations to the Government. These include: remove age restrictions on childcare support for parents in training to improve productivity; keep childcare voucher scheme open until winners and losers of discontinuing it are known; pay a higher hourly rate to local authorities for 30-hours free childcare scheme; improve awareness of Tax-Free Childcare scheme and quality of website.

4. Take-up of leave

The UK Government does not routinely collect data for take-up of leaves. This section relies on the most recent publicly available national data: the Maternity and Paternity Rights and Women Returners Survey 2009/10¹⁹. This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provides a detailed, statistically representative, updated picture of Maternity and Paternity leave, Statutory Maternity and Paternity Pay (SMP and SPP), Occupational Maternity and Paternity Pay (OMP and OPP) and Maternity Allowance (MA). It assesses the impact of changes brought about as a result of the Work and Families Act 2006, and examines mothers' return to work decisions alongside the availability of family friendly employment practices. Telephone interviews took place with 2,031 mothers and 1,253 fathers who had worked in the 12 months prior to the birth of their child, 12 to 18 months after the birth. A further source is the UK government's Fourth Work-life Balance (WLB4) Employee Survey (2012)²⁰, which was carried out in early 2011, though this survey was not as focused on early parenthood as the Maternity and Paternity Rights and Women Returners Survey. The Millennium Cohort Study and Growing up in Scotland surveys also provide some indication of leave take-up. These studies conduct interviews with parents of representative cohorts of children born in a given time period.

Early government estimates from the Department for Business, Energy and Industrial Strategy using HM Revenue & Customs data reports of employer claims are showing a very low take-up of SPL by fathers and co-parents (of between two and eight per cent of eligible parents). Other sources, using a freedom of information request, suggest a take-up of one per cent of eligible parents²¹. In addition, there is public

¹⁸ From <https://publications.parliament.uk/pa/cm201719/cmselect/cmtreasy/757/75702.htm>

¹⁹ Chanfreau, J., Gowland, S., Lancaster, Z., Poole, E., Tipping, S. and Toomse, M. (2011) *Maternity and Paternity Rights and Women Returners Survey 2009/2010* (Department of Work and Pensions Research Report No 777). Available at: <https://www.gov.uk/government/publications/maternity-and-paternity-rights-and-women-returners-survey-200910-rr777>

²⁰ See http://www.esds.ac.uk/doc/7112/mrdoc/pdf/7112_employee_survey.pdf

²¹ See Sarah Gordon, Financial Times, September 17, 2017 accessed at

discussion about discrimination against fathers, with respect to their lack of access to occupational Maternity leave enhancements.

a. Maternity leave

According to the 2009/2010 survey, the mean length of Maternity leave taken by women increased from 32 weeks in 2006 to 39 weeks in 2008; that is by approximately two months in the space of two years. The Work and Families Act's (2006) policy goal of lengthening utilization of paid Statutory Maternity leave (SMP) and Maternity Allowance (MA) from 26 weeks to 39 weeks was successful. However, results show that the remaining period of unpaid leave (i.e. weeks 40 to 52) was less attractive to mothers: just under half (45 per cent) made use of this leave. Duration of maternity pay and length of Maternity leave taken are positively associated, particularly for economically disadvantaged women. Those taking the shortest 'paid' leaves (up to 39 weeks of Maternity leave) were low-earners, part-time workers and the self-employed; while those taking the longest leave were: high earners and those in full-time employment.

The Maternity and Paternity Rights and Women Returners Survey 2009/2010 did not collect systematic data on the exact timing of women's return to work but by 12-18 months after childbirth, three out of four (77 per cent) mothers had returned to employment. As in previous surveys, mothers' decision to return to work was mainly motivated by economic considerations. The factors with the strongest association with returning to work included: employer size and sector, duration of pre-birth job, type of maternity pay received, family structure and mothers' educational levels.

Most mothers who had worked before childbirth had received some type of maternity pay: 42 per cent of mothers received Statutory Maternity Pay (SMP) only; 32 per cent received SMP and Occupational Maternity Pay (OMP), the most generous pay package; four per cent received OMP only; 11 per cent received Maternity Allowance only; and 11 per cent of mothers received no maternity pay. The last group, who received no maternity pay, had the least advantageous employment conditions²².

b. Paternity leave

The 2009/2010 UK-wide survey showed that 91 per cent of fathers took time off around the time of their baby's birth. Of those taking time off, 49 per cent took statutory Paternity leave only, 25 per cent statutory leave plus other paid leave, 18 per cent other paid leave only and five per cent unpaid leave. Those taking statutory Paternity leave were most likely to take the statutory two weeks (50 per cent); 34 per cent took less than two weeks and 16 per cent more than two weeks. The odds of taking Paternity leave were significantly higher for men working in the public sector and where there were family friendly arrangements available in the workplace. Analysis of Scottish cohort data (Growing up in Scotland) for 2011 found that 78 per cent of fathers took some type of leave soon after the birth of their child and that this

<https://www.ft.com/content/2c4e539c-9a0d-11e7-a652-cde3f882dd7b>;

<https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/maternityandpaternityleave>

²² These updated findings are in line with the earlier survey by Smeaton, S. and Marsh, A. (2006) *Maternity and Paternity Rights and Benefits: Survey of Parents 2005 (Employment Relations Research Series, No.50)*. London: Department of Trade and Industry. Available at: <http://www.berr.gov.uk/files/file27446.pdf>

was more likely to be Paternity leave than annual leave²³. The information is reported by mothers and so might not be directly comparable with other studies. Some employers 'topped up' statutory Paternity leave payment: 39 per cent of fathers received full pay for less than two weeks, 33 per cent for two weeks and nine per cent for more than two weeks. Large private and public sector organisations were most likely to give full payment for longer periods of Paternity leave. Small and medium size private sector employers were most likely to pay the minimum statutory rate.

c. Parental leave

Provision and take-up of statutory Parental leave data are not systematically reported in the 2009/2010 survey. Instead paid and unpaid informal Parental leave is reported on as a form of family-friendly arrangement. Findings show that in their first post-birth job five per cent of mothers used 'fully paid' Parental leave, one per cent 'partly paid' Parental leave and five per cent unpaid Parental leave. For employed fathers, 17 per cent used 'fully paid' Parental leave, six per cent 'partly paid' Parental leave and seven per cent unpaid Parental leave. Although the data are not comparable with the 2006 survey they do suggest a rise in uptake of Parental leave by mothers and fathers in the post-natal period.

Findings from the Fourth Work-life Balance (WLB4) Employee Survey (2012) show that only 11 per cent of parents with a child under six years had reported taking Parental leave. Employers were asked whether they were aware of the increase in the amount of unpaid Parental leave that parents can take from 13 weeks to 18 weeks, which came into force in March 2013 under the Parental Leave Directive (2010/2018/EU). A third of employers (33 per cent) – covering 57 per cent of the workforce in establishments with five or more employees – were aware of the increase in unpaid Parental leave. It is noted that fieldwork for the survey took place from May to September 2013, clearly quite soon after the changes came into effect.

Across all employers surveyed, around one in seven (14 per cent) had at least one employee that had taken unpaid Parental leave to look after their children in the previous 12 months. This incidence of unpaid Parental leave is unchanged from WLB3 in 2006 (also 14 per cent). Take-up of Parental leave was less common than that of Maternity or Paternity leave and has remained unchanged since WLB3.

d. Other employment-related measures

Information on take-up of other employment-related entitlements, such as use of flexible working, is taken from survey evidence since there is no requirement for employers to report on this. Results from WLB4 show that 79 per cent of employees stated that they were aware of the right to request flexible working, a significant increase from the baseline period in 2006 where only 42 per cent of employees stated that they were aware of its introduction²⁴. At both time periods, the awareness

²³ Scottish Government, (2015) *Fathers in the Early Years: how do they balance their work and family life?*, Scottish Government Publication; Koslowski, A. and Kadar-Satat, G. (2018) 'Fathers at work: explaining the gaps between entitlement to leave policies and uptake', *Community, Work & Family*, DOI: 10.1080/13668803.2018.1428174

²⁴ Hooker, H., Neathy, F., Casebourne, J. and Munro, M. (2006) *The Third Work-Life Balance Employees Survey: Executive Summary*, *Employment Relations Research Series No.58*. London: DTI.

of the right to request flexible working was lower in those employed in routine and manual occupations.

In 2011, 22 per cent of employees reported requesting a change to working arrangements in the last two years (most commonly, women, parents and those with caring responsibilities). From employees' perspectives, requests were not accepted in 13 per cent of cases. For a further eight per cent, the outcome was uncertain. Although the methodology was different, this refusal rate is higher than that reported by employers in an earlier survey (40 per cent of employers report receiving requests in the previous 12 months, with only nine per cent of these requests refused²⁵).

Between WLB2 and WLB3, the reported levels of take-up had grown as flexible working was becoming more established. In 2013, flexible working was more widely established and mature with at least one form of flexibility available in nearly all organisations. Since WLB3 in 2007, there have not been great increases in employers reporting either take-up or availability of flexible working, except for the take-up of working reduced hours for a limited period. In this survey, flexible working was more likely to be available and taken up in larger organisations, in the public sector, in establishments where there was a higher proportion of female workers, and establishments where there was a union presence. These employers were also more likely to offer more forms of flexibility.

Overall, 40 per cent of employers offering any flexible working practices had received at least one request to work flexibly in the last 12 months, the same proportion as reported in WLB3 (most common in female dominated sectors). Most employers (75 per cent) who had received requests to change working patterns in the last 12 months, reported that the proportion they had been able to accept had stayed the same over the last 12 months, 19 per cent reported an increase and three per cent a decrease. These are similar proportions to those reported by employers in WLB3. As in WLB3, most establishments (91 per cent) had accepted all requests with only nine per cent turning any down and the majority of these only turning down one request. The major reason was that most establishments (65 per cent) had not received any requests for flexible working from men in the last 12 months. It is noted that just over half (56 per cent) of employers who had turned down requests for flexible working in the past 12 months stated that at least three-quarters of the flexible working requests rejected were made by men. As reported in the WLB3 employee survey, male employees are therefore less likely to make a request and more likely to be turned down when they do. According to the Fourth Work-life Balance (WLB4) Employee Survey (2012), 30 per cent of employees with an ill child had worked flexibly – most commonly reported for those employees in the private sector and in professional/managerial occupations.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

²⁵ Hayward, B. Fong, B. & Thornton, A. (2007) The Third Work-Life Balance Employer Survey: Main Findings. Department for Business, Enterprise and Regulatory Reform, Employment Relations Research Series, 86. London: BERR.

a. General overview

There is limited research on these statutory entitlements, and also only limited official information on take-up, with none on unpaid leave entitlements. The longest established entitlement is Maternity leave and pay (introduced in 1976) and there have been a number of studies over time looking at the use of this entitlement and showing how this has increased as more women use leave to maintain continuous employment when having children. In the absence of official contemporaneous records, annual surveys and UK cohort studies are providing useful sources of information on patterns of take-up.

b. Selected recent publications

Burgess, A. and Davies, J., (2017) *Cash or carry? Fathers combining work and care in the UK. First report in the Contemporary Fathers in the UK series*. Marlborough: Fatherhood Institute. Available at: <http://www.fatherhoodinstitute.org/2017/contemporary-fathers-in-the-uk/>

A wide-ranging review of research evidence into fathers, work and care in the United Kingdom with recommendations for policy change. It examines how contemporary British fathers manage such reconciliation, and the contexts (cultural, legislative, institutional, social and familial) framing their behaviour. Almost all the findings are drawn from studies of two-parent families. They note that research evidence on fathers who parent their children alone or for part of the time is rare.

Kaufman, G. (2017) 'Barriers to equality: why British fathers do not use parental leave', *Community, Work and Family*. Available at: DOI.10.1080/13668803.2017.1307806

This study investigates reasons for non-use of APL. They find four main reasons: financial costs, gendered expectations, perceived workplace resistance, and policy restrictions. First, most fathers emphasized the role of finances in their leave decisions, sometimes taking annual leave for their second week because statutory pay was not enough. Second, both mothers and fathers largely assumed that mothers would take longer Maternity leave due to gender differences in earnings and a greater emphasis on maternal over paternal bonding. Third, fathers felt that their workplaces would not be fully supportive of longer leave. Fourth, APL provides low pay and little flexibility. Gender plays a prominent role in each of the four themes. Based on their findings, SPL is unlikely to be effective.

O'Brien, M., Connolly, S., Cook, R., Aldrich, M. and Speight, S. (2017) *Inequalities in Access to Paid Maternity & Paternity leave & Flexible Working*. Modern Fatherhood Report. London: Modern fatherhood Project. Available at: <http://www.modernfatherhood.org/publications/inequalities-in-parental-leave-full-report/>

This report examines the eligibility of those in employment to take advantage of statutory leave and flexible working support using nationally representative data from the UK Labour Force Survey (2017) and Understanding Society (2016). The analysis found that significant minorities of men and women are not eligible for paid Maternity or Paternity leave most commonly because they are self-employed or had not worked for their current employer for long enough. The report recommends that rules on eligibility for leave and flexible working need to keep up with new forms of employment.

Chung, H. (2018) 'Women's work penalty' in the access to flexible working arrangements across Europe', *European Journal of Industrial Relations* Available at: <https://doi.org/10.1177/0959680117752829>.

This paper examines male and female workers' access to schedule control across 27 European countries using the European Working Conditions Survey of 2010. It finds that men are less likely to have access to schedule control in male-dominated sectors/jobs, but for both men and women, especially for the latter, female-dominated jobs/sectors provided the least access. The author argues that a 'women's work penalty' found in female dominated sectors varies across European countries.

Chung, H. and Van der Horst, M. (2018) 'Women's employment patterns after childbirth and the perceived access to and use of flexitime and teleworking', *Human Relations* 71:47-72. Available at: <http://dx.doi.org/10.1177/0018726717713828>

This paper investigates whether flexitime and teleworking can help UK women stay employed and maintain their working hours after childbirth. Using the dataset Understanding Society (2009–2014), a large household panel survey, mothers using flexitime and with access to teleworking were found to be less likely to reduce their working hours after childbirth.

Koslowski, A and Kadar-Satat, G. (2018) 'Fathers at work: explaining the gaps between entitlement to leave policies and uptake', *Community, Work & Family*. Available at: DOI: 10.1080/13668803.2018.1428174

In a Scottish nationally representative sample, including non-eligible fathers, it was found that around 78 per cent of fathers took some weeks of leave immediately after the birth of their child, in 2011. Through an employer's audit and in-depth qualitative interviews with fathers, the role of extra-statutory benefits was found to be significant both financially and normatively. Authors argue that the risks of perpetuating socio-economic and class differences in families are high if dependence on extra-statutory entitlements continues.

Moran, J. and Koslowski, A. (2018) Making use of work-family balance entitlements: How to support fathers with combining employment and caregiving, *Community, Work and Family*.

This article reflects on men's dual roles as fathers and employees in relation to formal and informal work policies and practices, with the aim of answering the question: How could fathers feel supported by their work environment to take a more active caregiving role in the lives of their children? Focus groups were conducted within a large public sector organisation in the UK to capture the individual and interactional experiences of fathers. Findings suggest that workplace culture, line manager relationships, the 'modelling' behaviour of peers and gendered leave practices all impact on how fathers feel about using work-family balance policies, and whether they are likely to use them.

c. Ongoing research

Choice, gender equality and love in early parenthood. Katherine Twamley, UCL Institute of Education – Social Science Research Unit. Funded by the British Academy, Leverhulme Early Career Fellowship.

This mixed method study examines love, choice and gender equality and their relations with one another through an empirical study of parent couples taking different Maternity and Paternity leave patterns. The first part is a survey on Parental leave decisions conducted with expectant parents recruited in antenatal clinics in England. The second part follows a subsample of the survey participants from pregnancy until 13 months after the birth of the child, using interviews and multi-

modal (multimedia) diary entries. See Katherine's blog: <https://bothsidesnowblogdotcom.wordpress.com/author/twamleyk/>

Making Room for Dad: Shared Parental Leave & Contemporary Fatherhood project (2015-2017). Dr Emma Banister, Manchester University, and Dr Ben Kerrane, Lancaster University. Funded by the British Academy / Leverhulme
The study aims to explore the experiences of a small group of men, as they become fathers for the first time. Available at: <http://www.research.mbs.ac.uk/makingroomfordad>

Uruguay¹

Karina Batthyány and **Valentina Perrotta** (Universidad de la República)

April 2018

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (public sector) (*Licencias por maternidad y por paternidad*) (responsibility of Instituto de Seguridad Social)

Length of leave (before and after birth)

- Thirteen (13) weeks: up to six weeks can be taken before the birth, one week of which must be taken at this time. Since 1 June 2017 civil servants of the Central Administration are entitled to 14 weeks of Maternity leave (as well as private sector workers).

Payment and funding

- One hundred (100) per cent of earnings with no ceiling on payments.
- Funded from general taxation.

Flexibility in use

- None, except for five weeks of leave that can be taken before or after birth.

Eligibility

- All female public-sector employees.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- In the case of multiple or premature births or disability, the leave is extended to 18 weeks.

¹ Please cite as: Batthyány, K. and Perrotta, V. (2018) 'Uruguay country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

**a. Maternity leave (private sector) (*Subsidio por maternidad*)
(Responsibility of Instituto de Seguridad Social)**

Length of leave (before and after birth)

- Fourteen (14) weeks: up to six weeks can be taken before the birth, and it is obligatory to take the full period.

Payment and funding

- One hundred (100) per cent of earnings with no ceiling on payments. For employees, this is based on average earnings in the six months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- Funded by the Social Security system, which is financed by contributions; for sickness and maternity benefits, three to six per cent of employee earnings and five per cent of payroll from employer, plus earmarked proceeds of certain taxes.

Flexibility in use

- If labour occurs before the expected date, the mother starts leave immediately and post-natal leave is extended to complete the 14 weeks, or eight weeks after the originally scheduled delivery date.

Eligibility

- All female employees.
- Self-employed workers who are covered by the Social Security system, with no more than one employee.
- Other self-employed workers who pay Social Security contributions.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- In the case of illness resulting from pregnancy or childbirth, the mother is entitled to an extension of pre- or post-natal leave.

**b. Paternity leave (public sector) (*Licencia por paternidad*)
(Responsibility of Instituto de Seguridad Social)**

Length of leave (before and after birth)

- Ten calendar days.

Payment and funding

- One hundred (100) per cent of earnings with no ceiling on payments.
- Funding as for Maternity leave.

Flexibility in use

- None.

Eligibility

- All male public sector employees.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- None.

b. Paternity leave (private sector) (*Inactividad Compensada por Paternidad*) (Responsibility of Instituto de Seguridad Social)

Length of leave (before and after birth)

- Ten calendar days (since January 2016). Employed workers are entitled to a leave of absence of thirteen days from the day of birth. The first three days are in the responsibility of the employer with regards to payment (Law 18.345), and the next ten are paid by the Social Security system (Law 19.161). In the case of self-employed workers, they are entitled to ten calendar days leave.

Payment and funding

- One hundred (100) per cent of earnings with no ceiling on payments. For employees, this is based on average earnings in the six months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- As for Maternity leave, funded by the Social Security system, which is financed by contributions; for sickness and maternity benefits, three to six per cent of employee earnings and five per cent of payroll from employer, plus earmarked proceeds of certain taxes.

Flexibility in use

- None.

Eligibility

- All male employees
- Self-employed workers who are covered by the Social Security system, with no more than one employee.
- Other self-employed workers who pay Social Security contributions.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- None.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other family employment-related measures

Adoption leave and pay

- For workers in the public sector, six consecutive weeks paid at full earnings, from the time the child is placed with the adoptive parents (including same sex couples). If both parents are working in the public sector, one parent can take this leave, while the other may take ten working days of leave. In the private sector, workers can take three days of paid leave.

Time off for the care of dependents

- No statutory entitlement.

Flexible working

- Workers in the private sector may work part-time from the end of Maternity leave until their child is six months old; this may be used interchangeably and alternately by mothers or fathers, with full earnings compensation ('parental care allowance').
- Mothers in the public sector may work part-time, but only if they are breastfeeding. This lasts according to the baby's needs, but usually continues until the baby is 12 months old.
- Since June 1, 2017 civil servants of the Central Administration can make use of a reduction in working hours, meeting a minimum of four hours a day, between six and twelve months of baby. It must be used by one of the parents.

Specific provision for (breast-)feeding

- None

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave is around three months, paid at a high earnings-related level. There is an entitlement to ECEC since children are four years old and attendance is obligatory. Through the first two years of life, ECEC provision is almost totally private as the supply of public care is scarce. Attendance in 2015 was 8.9 per cent for children under 12 months, 30.3 per cent for one to two-year-olds and 50.3 per cent for two to three-year-olds². Also, 67.9 per cent of children under 12

² Source: own elaboration based on the microdata of the Continuous Household Survey of the Statistics National Institute. Uruguay, 2015.

months attend between zero and five hours per week, which occurs with 51.2 per cent of children between one and two years. After two years, the weekly load increases, as 63.7 per cent attend between 11 and 20 hours per week. Levels of attendance at formal services for children under three (41.6 per cent) are around the average for the countries included in this review and for OECD countries; but well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2016 (including proposals currently under discussion)

Since 1 June 2017 civil servants of the Central Administration are entitled to 14 weeks of Maternity leave (as well as private sector workers); and mothers or fathers can make use of a reduction in working hours, with a minimum of four hours a day, when the baby is between six and 12 months old. Both measures were agreed in the labour agreement signed in December 2016 by the Confederation of Organizations of State Officials (COFE), the Ministry of Economy and Finance, and the Ministry of Labor and Social Security.

Take-up of leave

a. Maternity leave

Data on Maternity leave show a steady increase in the period 2011-2016, from 14,264 users in 2011 to 16,108 users in 2016. However, no significant impact is observed from the new law Nr.19161. Since 2013, there is a certain stability in the number of users of around 16,000; this means that when it comes to the first years of implementation, the new legislation has not involved a significantly important increase by comparison to previous years. The new law with the inclusion of new groups did not imply substantive variations in the use of Maternity leave, probably because the non-dependent mothers who can use this license represent a very small proportion. In any case it is interesting to inquire about the state's capacities to disseminate and guarantee the rights of these groups³.

b. Paternity leave

A substantive increase occurred in the case of Paternity leave, which rose from 8,799 in 2014 to 15,862 in 2016, showing an increase of 80 per cent. Undoubtedly, this increase represents a significant advance for male parents in the exercise of their right to care, at least during the first days of the baby's life⁴.

c. Parental leave

There is no statutory leave entitlement.

d. Childcare leave and career breaks

There is no statutory leave entitlement

³ Batthyány, K., Genta, N., Perrotta, V. (2018) "Uso de licencias parentales y roles de género en el cuidado". Departamento de Sociología, FCS-UDELAR, MTSS, SNIC, OIT, ONUMUJERES.

⁴ *Ibidem*

e. Other family-employment related measures

When considering the evolution in the use of care time, we observed that it increased in a specific, although in a less accelerated way than Paternity leave - it went from 6,258 users in 2014 to 9,525 in 2016, signifying an increase of 52 per cent⁵.

5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

None reported.

b. Selected recent publications

Batthyány, K., Genta, N., Perrotta, V. (2018) *Uso de licencias parentales y roles de género en el cuidado*. Departamento de Sociología, FCS-UDELAR, MTSS, SNIC, OIT, ONUMUJERES.

c. Ongoing research

The area of the Sociology of Gender of the Sociology Department (Social Sciences Faculty, University of the Republic) coordinated by Karina Batthyány developed a project whose aim was to evaluate the impact of various state measures on the gender division of labour, including the extension of Maternity and Paternity leaves and other care policies which have recently been implemented. Related to the development of the parental care allowance (the right to work part-time after Maternity leave), the project includes a representative survey of the potential users of these permits and was implemented in the second half of 2017. The aim of the survey was to describe the profile of users and analyse the effect of government interventions in the practices and representations of care. It inquired into the barriers perceived by users and non-users to make use of these leaves and care allowance, the views of women and men on legal changes, and variations in care practices and care work distribution among other dimensions.

The general objective of the project was to analyse the changes and continuities which exist between practices and representations of gender relationships, particularly in the distribution of domestic work and care, for men and women across three generations. Added to the aforementioned project, there is another qualitative research carried out in 2016, involving 49 interviews with (with 36 women and 13 men) of different socioeconomic levels. The project includes an analysis of the different child-care policy instruments which existed between 1955 and 2016 in Uruguay. Contact: Karina Batthyány at: karinabatthyany@cienciassociales.edu.uy

⁵ Ibid.

United States¹

Gayle Kaufman (Davidson College) and **Shirley Gatenio Gabel** (Fordham University)

April 2018

N.B. United States is a federal state

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on United States leave policy: There is no statutory right to any of the types of leave or other statutory measures covered in the other country notes in this review. The federal Family and Medical Leave Act (FMLA) provides leave for a variety of reasons including: childbirth or the care of a new-born child up to 12 months; for the placement and care of an adopted or foster child; for the care of a seriously ill child, spouse or parent; or for a serious health condition of the employee that makes him/her unable to work their regular schedule. The federal Department of Labour is responsible for FMLA. In addition, five states and one territory offer all or some employees the statutory right to partly compensated leaves for family reasons. These areas cover 23 per cent of the US population.

Length of leave (before and after birth)

- Federal FMLA: up to 12 weeks in a 12-month period. Leave is an individual entitlement (for those who are eligible – see below).

Payment and funding

- Federal FMLA: unpaid.

Flexibility in use

- Federal FMLA may be taken in one continuous period or divided into several blocks of time.

¹ Please cite as: Kaufman, G. and Gatenio Gabel, S. (2018) 'United States country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Regional or local variations in leave policy

- California was the first state to implement a comprehensive paid family leave (PFL) law in 2004, covering all private sector employees. Some public sector employees are covered and self-employed persons can opt in. PFL allows covered employees regardless of gender to take up to six weeks of a partially paid leave (55 per cent of earnings up to a maximum of US\$1,216 [€1,073.62]² a week in 2018) following childbirth, adoption or care of a seriously ill child, grandchild, parent, parent-in-law, grandparent, spouse or domestic partner. This is in addition to the State Disability Insurance (SDI) programme that provides up to six weeks of a partially paid leave at 55 per cent of earnings and may be taken by mothers during or after pregnancy. Additional weeks can be granted with proper physician certification in cases of difficult pregnancies. These benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase. The average weekly benefit for family care in December 2017 was US\$601 [€512.11]. Starting 1 January 2018, wage replacement increased to 60 or 70 per cent of wages, depending on income level. The seven-day waiting period was also removed.
- New Jersey implemented paid family leave in 2009. The legislation extends the state's existing TDI system (which previously provided paid Maternity leave) to provide workers with up to 12 weeks of benefits at 66 per cent of prior wages up to US\$637 [€542.79] a week in 2018 to cover leave to care for a new-born, adopted or foster child, or seriously ill family member. The measure is financed by employee payroll deductions. Average weekly benefit for family care in 2016 was US\$524 [€446.50]. It covers all private sector employers, and some public employees^{3 4}.
- Rhode Island's paid family leave law went into effect in 2014. The legislation extended the state's existing TDI programme to provide four weeks paid leave to care for a new-born child or a family member with a serious health condition. The programme is financed by employee payroll deductions and provides about 60 per cent of weekly pay, with a minimum of US\$94 [€80.10] per week and a maximum of US\$637 [€708.10] per week in 2018. It covers all private sector employers, and some public employees. In December 2017, the average weekly benefit was US\$524 [€461.84] for caregiving⁵.
- Beginning 1 January 2018, New York State's paid Family leave provides New Yorkers with job-protected, paid leave to care for a new child, care for a family member with a serious health condition or to help relieve family pressures when someone is called to active military service abroad. When fully phased-in, employees will be eligible for 12 weeks of paid family leave. Benefits began in 2018 at 50 per cent of an employee's average weekly wage, capped to 50 per cent of the state-wide average weekly wage or a maximum of US\$652.96 [€556.39] and when fully implemented in 2021 will provide 67 per cent of the state-wide average weekly wage. This program is funded entirely through a nominal payroll deduction costing 38 cents a week in year one and growing to 88 cents in year four. Employees are eligible to participate after having worked for their employer for six months. The state paid family leave program is in addition to the existing Temporary Disability Insurance (TDI) program that

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

³ http://lwd.dol.state.nj.us/labor/fli/worker/state/FL_SP_calculating_benefits.html

⁴ http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/FLI%20Summary%20Report%20for%202015.pdf

⁵ <http://www.dlt.ri.gov/lmi/pdf/tdi/1216.pdf>

provides up to six weeks for all women employees for childbirth, paid at 50 per cent of wages to a cap of US\$175 [€149.12] a week. This is managed through the TDI program, funded by employees and employers.

- Washington, which never implemented a paid family leave policy originally passed in 2007, passed new family leave legislation in summer 2017. Starting in 2020, the state will offer up to 12 weeks of paid leave for the birth or adoption of a child.
- Massachusetts passed a law in summer 2018 that will provide up to 12 weeks of job-protected leave to bond with a new child starting in 2021.
- District of Columbia passed the Universal Paid-Leave Amendment Act in December 2016, which provides eight weeks for Parental leave, six weeks for family care, and two weeks for own serious health condition. The Act covers all private sector employers covered by the D.C. Unemployment Compensation Act. Self-employed individuals can opt in. From 1 March 2019, covered employers will be required to contribute 0.62 per cent of the annual salary for each of its covered employees to the Universal Paid Leave Fund. Beginning in 2020, the paid leave program would pay out US\$242 [€206.21] million in benefits per year. The benefit is up to US\$1,000 [€851.40] per week. Beginning in 2021, the maximum of benefit will be increased annually to account for inflation^{6 7}.
- Hawaii provides up to four weeks of leave per year for childbirth, adoption or care of an employee's child or care of a seriously ill child or family member to either parent employed at least six months in companies with 100 or more employees. Compensation is available through the TDI program, funded by employees and employers, equivalent to 58 per cent of average weekly wages, up to a cap of US\$594 [€506.51] in 2017⁸.
- Puerto Rico's Working Mothers Act, enacted in 1942, provides an eight-week Maternity leave at 100 per cent of earnings that must begin one to four weeks prior to the expected delivery date. A female employee who adopts a minor five years old or less is entitled to the same leave benefits as a mother who gives birth.
- A new policy was instituted in Missouri in March 2017 based on an executive order from the governor, which allowed employees in the governor's office to receive Parental leave paid at 100 per cent of their wages following the birth or adoption of a child for whom the employee is a primary or secondary caregiver. Primary caregivers may take up to six weeks of leave with full pay and secondary caregivers are entitled to three weeks. Leave may not be transferred to another caregiver and must begin within 12 weeks following the birth or adoption of a child. Parental leave shall run concurrently with FMLA leave, if the employee is eligible. Over the year, other state offices have adopted this policy, so that most state employees are covered.
- Arkansas passed a law in 2017 to provide four weeks of paid Maternity leave to state agency workers. The new law guarantees full pay for state agency workers taking leave.

Eligibility (e.g. related to employment or family circumstances)

- Federal FMLA: all employees working for a covered employer (see 'additional note' below) and who have worked for that employer for at least one year (even

⁶ <http://www.helioshr.com/2017/02/the-dc-universal-paid-leave-amendment-act-review/>

⁷ <http://www.nationalpartnership.org/research-library/work-family/paid-leave/state-paid-family-leave-laws.pdf>

⁸ <https://labor.hawaii.gov/dcd/files/2013/01/17Wbase.pdf>

if not for a continuous period) and for at least 1,250 hours over the preceding 12 months.

- Because of the qualifying conditions, only about 58 per cent of workers in private firms are eligible for federal FMLA, with lower coverage for low-wage workers, workers with young children, and working welfare recipients⁹.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- The majority of US workers lack access to paid family leave from any source. The 2011 American Time Use Survey provided detailed information on employees' access to paid family leave, through statutory provision in the states that provide paid leave, collective bargaining agreements or individual workplace policies. Twenty-eight per cent of employees indicated they had access to paid leave for childcare, while 43 per cent had access to leave to care for an ill family member. Only 13 per cent of workers in the United States have access to paid family leave through their employers¹⁰. Only 12 per cent of private sector employees do¹¹.
- Federal FMLA exempts private employers and non-profit organisations with less than 50 employees (all public sector employees are covered).

Flexible working

- None.

Specific provision for (breast-)feeding

- The Fair Labour Standards Act, amended by the Affordable Care Act in 2012, requires that an employer with 50 or more employees must provide its hourly workers: a reasonable break time for an employee to express breast milk for her nursing child up to one year after the child's birth; and a place, other than a bathroom, that is private and free from intrusion to be used by an employee to express breast milk.
- The Fifth Circuit of the federal Court of Appeals recently decided that discriminating against a female employee because she is lactating or seeking to express breast milk may constitute sex discrimination under the Pregnancy Discrimination Act and Title VII of the Civil Rights Act.

⁹ Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

¹⁰ Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

¹¹ U.S. Department of Labor (2015, June) DOL Fact Sheet – Family and Medical Leave

2. Relationship between leave policy and early childhood education and care policy

There is no statutory entitlement to leave or ECEC. Levels of attendance at formal ECEC services for children under three years are above average for the countries participating in this review and for OECD countries, but below average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2017 (including proposals currently under discussion)

5 February 2018 marked the 25th year anniversary of the Family and Medical Leave Act (FMLA). There have been no notable federal policy changes since 1993. President Trump has proposed including funding for paid family leave in the 2018 budget. However, it would be left to each state to establish a programme suitable for their particular workforce and economy. In President Trump's State of the Union speech in January 2018, he proposed that Parental leave could be budget-neutral if parents were allowed to draw funds from social security to pay for their Parental leave in return for postponing their collection of social security upon retirement.

As mentioned above, New York became the fourth state with paid family leave when it went into effect in January 2018, and Washington and Massachusetts passed paid family leave policies this past year that will go into effect in 2020 and 2021, respectively. Several U.S. cities have passed leave legislation, including San Francisco, Salt Lake City, Tampa, and Seattle.

4. Take-up of leave

A 2012 survey found that only 16 per cent of US workers eligible for the federal FMLA took leave for any covered reason. Of these, about half took it for their own illness; 21 per cent took it for reasons related to a new child; and the remainder took it to care for an ill family member (which could be a spouse or child)¹². Though the law provides *de facto* Parental leave entitlements, studies have found it has had generally small effects on mothers' likelihood of taking time off from work at childbirth^{13 14} and little or no effects on time off by new fathers^{9 10}. This suggests there are limits to the extent to which families are willing and able to use unpaid leave.

5. Research and publications on leave and other employment-related policies since 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

¹² Klerman, J. A., Daley, K., & Pozniak, A. (2013). *Family and Medical Leave in 2012: Technical report*. Washington, D.C.: Abt Associates.

¹³ Han, W.J. and Waldfogel, J. (2003) Parental leave: The impact of recent legislation on parents' leave-taking. *Demography*, vol.40 (1): 191-200.

¹⁴ Han, W.J., Ruhm, C., Waldfogel, J. (2009) Parental leave policies and parents' employment and leave-taking. *Journal of Policy Analysis and Management*, vol.26 (1): 29-54.

a. General overview

Since US government leave policy has historically been under-developed, there has been relatively little research conducted. As more states create their own programs, however, more research is likely to appear. The effects of Parental leave on parental and child health, employment and life choices by gender are being studied in the United States across several disciplines including health and medicine, business, economics and other social sciences.

b. Selected recent publications

Clark, C. and Gallagher, S. K. (2017) 'The influence of state maternity leave policies on US mothers' employment', *Community, Work & Family*, Vol.20, No.4: 459-478. Based on the Survey of Income and Program Participation, the authors find that mothers living in states with expanded family leave (beyond the 12 weeks provided by FMLA) are less likely to quit their jobs in the first three months after childbirth and spend more time in the labour force after childbirth than mothers in states without expanded family leave.

Lichtman-Sadot, S. and Bell, N. P. (2017) 'Child health in elementary school following California's paid family leave program', *Journal of Policy Analysis and Management*, Vol.36, No.4: 790-827.

Based on the Early Childhood Longitudinal Studies (ECLS), the authors assess the impact of California's paid family leave (PFL) program on the health outcomes of elementary school children. Findings suggest that children's health outcomes improved after the introduction of PFL. Specifically, they report lower incidence of ADHD, hearing problems, ear infections, and weight problems.

Petts, R. J. (2017) 'Parental leave use among disadvantaged fathers', *Journal of Family Issues*, Vol.38, No.8: 1157-1185.

Based on the Fragile Families and Child Wellbeing Study, the authors find that 59 per cent of disadvantaged mothers take short leaves of three months or less while only 12 per cent take more than six months following childbirth. Mothers who take only a short leave of one month or less are more likely to experience depression and parenting stress. On the other hand, mothers who take longer leaves are more likely to engage in developmental activities such as reading with their child.

Pragg, B., Knoester, C. (2017) 'Parental leave use among disadvantaged fathers', *Journal of Family Issues*, Vol.38, No.8: 1157-1185.

Based on the Fragile Families and Child Wellbeing Study, the authors find that most fathers take one week of leave or less. Factors associated with more leave taking are positive attitudes toward fatherhood and residence with the birth mother. More parental leave is related to higher paternal engagement when the child is one and five.

Zagorsky J. (2017) 'Divergent Trends in US Maternity and Paternity Leave, 1994-2015', *American Journal of Public Health*, Vol.107, No.3: 460-465.

A publicly available ecological long-term series was created for measuring parental leave from 1994 to 2015 by using the Current Population Survey. Maternity leave rates per 10,000 births showed no trend over 22 years. Paternity figures increased by a factor of three but started from a small base. No national impact on Maternity or Paternity leave after implementation of state laws that provided paid leave was observed.

Bartel, A. P., Rossin-Slater, M., Ruhm, C. J., Stearns and Waldfogel, J. (2018) 'Paid family leave, fathers' leave-taking, and leave-sharing in dual-earner households', *Journal of Policy Analysis and Management*, Vol.37, No.1: 10-37.

Using data from the American Community Survey between 2000 and 2013, the authors compare fathers' leave-taking before and after the passage of paid family leave (PFL) in California. The introduction of PFL increases the odds that new fathers take leave by 46 per cent. Under the program, fathers are more likely to take leave while the mother is working as well as jointly with their partner.

Goodman, J. M. (2018) 'Labouring until labour: The prevalence and correlates of antenatal Maternity leave in the United States', *Maternal and Child Health Journal*, Vol.22, No.2: 184-194.

Based on a national survey of women who gave birth in hospitals, the author finds that 37 per cent of employed mothers took no antenatal leave, working up to the week of their baby's due date. Mothers who live in states that provide paid family leave are 23 per cent more likely to take antenatal leave and stop working almost two weeks before women in states without paid family leave.

Itum, D. S., Oltmann, S. C., Choti, M. A. and Piper, H. G. (2018). 'Access to paid parental leave for academic surgeons', *Journal of Surgical Research*. Available at: <https://doi.org/10.1016/j.jss.2018.01.001>.

Based on analysis of institutional websites or information provided by human resource departments at top academic medical centres, the authors find that about half of top-ranked medical schools provide paid parental leave. Availability of paid parental leave is much more likely at private medical schools than public medical schools and more likely at the higher ranked schools.

c. Ongoing research

None reported.