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International Review of Leave Policies
and Related Research 2010

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International Review of Leave Policies and Related Research 2010

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OF LONDON

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Employment Market Analysis and Research (EMAR) is a multi-disciplinary team of economists, social researchers and statisticians based in the Employment Relations Directorate of the Department for Business, Innovation and Skills.

Our role is to provide the evidence base for good policy-making in employment relations, labour market and equality and discrimination at work. We do this through:

- conducting periodic socio-economic benchmark surveys
- commissioning external research reports
- conducting in-house research and analysis
- assessing the regulatory impact of new employment laws
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About this publication

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Executive summary

Section One: Introduction

This is the sixth annual review of the international network on leave policy and research, which has members and associates from 29 countries, mostly in Europe. The network covers policies for parents and others with care responsibilities, including for adult relatives, as well as policies available to the whole population such as life course career breaks and time credits. Among the purposes of this network are: the exchange of information about policies, both in individual countries and by international organisations, and research on leave policies; the provision of a forum for the cross-national discussion of issues and trends in policy and research; and providing a source of regularly updated information on policies and research.

Amongst other activities, the network organises an annual seminar, the last one being held in Prague in September 2009, and produces an annual review of leave policies and research. The review is based on country notes, from 29 countries in the current review, 20 of which are EU member states and one, Croatia, which is in the process of negotiating accession; other countries include Australia, Canada, Iceland, Norway, South Africa, the Russian Federation and the USA. These notes provide information on current leave policies in the countries represented in the network, recent developments in policy, information on take-up, and a listing of recent publications and ongoing research.

The main types of leave covered by the review, including Maternity, Paternity and Parental leaves, are defined. However, the distinction between these types of leave is beginning to blur in some countries, for example by part of Maternity leave being transferable to the father and by the emergence of a single, generic Parental leave entitlement available equally to women and men.

Section Two: Country notes on leave policy and research

The main part of this section, and the review, consists of country notes on 29 countries: Australia, Austria, Belgium, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovenia, South Africa, Spain, Sweden, United Kingdom, and the United States. The individual country notes are preceded by an overview of leave policies in these countries, including three comparative tables. This overview concludes with a number of policy questions, proposed as a contribution to ongoing debate and development of leave and related policies.

What types of leave are available?

Maternity leave

Twenty-three of the 29 countries have a statutory and designated Maternity leave entitlement, paid for all or most of the leave period and most covered by earnings-related payments (between 60 and 100 per cent). Of the six countries that do not have a statutory, designated and paid Maternity leave entitlement, two – Australia and the USA – make no provision for paid leave for women at the time of pregnancy and childbirth, though both have the possibility of unpaid leave and Australia is introducing a paid leave in 2011. The other four countries without designated Maternity Leave – Iceland, New Zealand, Norway and Sweden – provide paid leave that women may take, but which is designated ‘Parental leave’ rather than Maternity leave.

Two approaches to leave policy are increasingly apparent. The more 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 second, more recently emerging approach is to move away from a ‘Maternity leave’ only for women: either towards a birth-related leave part of which can be taken by women or men; or towards dropping a birth-related leave altogether in favour of a generic ‘Parental leave’, usually with periods designated for ‘mothers only’ and ‘fathers only’.

Paternity leave

As *Parental* leave in some countries includes a period of time 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. If Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers and is in addition to Parental leave, 16 countries under review have this leave. With five exceptions, this leave varies from two to ten days and is usually paid on the same basis as Maternity leave.

Parental leave

All EU member states must provide Parental leave. Outside the EU, all but one country included in the notes provides Parental leave; the exception is the United States (which has a generic and unpaid ‘family and medical’ leave, which does not apply to all employees). In six countries, parents can take additional ‘childcare’ leave after Parental leave finishes.

Parental leave varies on four main dimensions: length; whether it is an individual or family entitlement; payment; and flexibility. Parental leave is a family entitlement in 12 countries, to be divided between parents as they choose; an individual entitlement in another ten countries; and mixed (part family, part individual entitlement) in three countries. A majority of

countries (19) provide some element of payment. However, in ten cases payment is rather low, being flat rate or means tested or paid for only part of the leave period, or a combination of these; the remaining nine countries pay an earnings-related benefit pitched at more than half of normal earnings. Flexibility includes the possibility: to use all or part of leave when parents choose until their child reaches a certain age; to take leave in one continuous or several shorter blocks; to take leave on a full-time or part-time basis; of additional leave in the case of multiple births or, in a few cases, other circumstances.

Other employment-related measures

Generally, adoptive parents have similar leave entitlements to other parents. 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. Among the 20 EU member states reviewed, 12 specify an entitlement to leave of ten days or more per year to care for sick children, though the age range of children covered varies; with two exceptions, leave is paid at a high level of income replacement. Leave is shorter or unspecified and unpaid in the other member states. Of the non-EU countries, Croatia, Norway and the Russian Federation have an entitlement to paid leave specifically to care for a sick child. New Zealand employees have five days sick leave for themselves or their dependants; South African workers are entitled to three days 'family responsibility leave' per year, but this covers a range of circumstances, not only caring for a sick child; while in Australia, all employees have an industrial right to use up to five days of personal or sick leave per year to care for a sick family member.

Fourteen of the 29 countries in this review offer additional leave entitlements, covering a wider range of family members than young children and/or situations of serious illness. Ten countries permit women to reduce their working hours to enable breastfeeding. Four provide parents with a legal right to request flexible working hours from their employers.

How much leave is available?

Broadly, countries divide into those where the total available post-natal leave entitlement, including Maternity leave, Paternity leave, Parental leave and childcare leave, comes to around nine to 15 months; and those where leave can run for up to three years or even longer. The total amount of *statutory* post-natal leave entitlement available in the 29 countries reviewed ranges from none to 72 months, with a median length of 24 months, while total *paid* leave ranges from none to 38 months, with a median length of around 13 months. Applying the two-thirds earnings standard for leave payment, adopted by the European Commission, reduces the median length of total leave entitlement to just over four

months, with five countries offering nothing and only five countries, plus the province of Québec in Canada, offering more than 12 months. On the basis of this indicator, countries can be divided into three groups:

- a. Countries providing post-natal earnings-related leave (at two-thirds or more replacement rate) of nine months or over:** the five Nordic countries, four countries from Central and Eastern Europe (Croatia, Estonia, Hungary and Slovenia), Germany, Greece and the Canadian province of Québec. In all of these cases, except Greece, the earnings-related leave includes some period of Parental leave.
- b. Countries providing four to six months of post-natal earnings-related leave:** includes a number of Continental Western European countries. Ireland comes here, although the effect of a ceiling on the earnings-related benefit is a maximum payment of only €270 a week, showing the need to take account of levels of ceilings in assessing the generosity of national schemes. In all of these cases, the high earnings-related leave is confined to Maternity leave.
- c. Countries providing less than four months of post-natal earnings-related leave:** includes five of the six mainly English-speaking countries (Australia, Canada, New Zealand, United Kingdom, United States), plus Austria, Czech Republic, Luxembourg, Netherlands, the Russian Federation and South Africa. Québec, which now has responsibility for its own leave policy, is on a par with group (a) 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 criterion; it also has a rather low ceiling.

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. Seven countries provide no father-only leave, four less than one month, nine one to five months, and nine six months or more, with a median length of three months. Length of leave paid at two-thirds of earnings is much lower; only the three Scandinavian countries plus Iceland offer more than two months.

Changes in policy since the 2009 review

Of the countries included in the 2009 review, 15 have introduced policy changes since the last review or have announced changes to be implemented in 2010 or 2011; this does not include any up-ratings in benefit levels. Policy changes have included some reduction in entitlement in five countries. Mostly, though, changes have involved some improvement in policies, with the most common being improved leave for fathers and greater flexibility in use of entitlements.

Take-up of leave

Information on take-up of leave entitlements has many gaps, making systematic cross-national comparisons impossible. As a general rule, there is no statistical information on take-up of unpaid leave and limited information on paid leave.

Paid Maternity leave appears to be extensively and fully used by mothers who are eligible (in a few cases, it is even obligatory to take this leave). Paid Parental leave is also widely used. Where Parental leave is unpaid, there are usually no regular statistics on use but take-up by both mothers and fathers is thought to be low: irrespective of gender, few parents take leave schemes that are completely unpaid. Where leave is a family entitlement, fathers' use is low, leaving mothers taking most or all. However, where Parental leave has an individual entitlement element that is relatively well paid, fathers' use is higher. There is also evidence that fathers' use of leave does respond to targeted policy changes.

Information on take-up among different socio-economic or ethnic groups within countries is even patchier. Where it exists, it points towards women being less likely to take Parental leave, or to take it for shorter periods, if they are: self-employed; work in the private sector; higher educated; and/or higher earning. Fathers are more likely to take leave or to take it for longer periods if: their partners have higher education and/or earnings; or if fathers work in female-dominated occupations or the public sector.

Research and publications on leave and other employment-related policies since 2009 review

Country notes finish with an overview of publications on leave since the 2009 review; and brief outlines of ongoing research on leave. One hundred and fourteen publications are listed (many available in English and increasingly downloadable), with a brief description of each. It is noticeable that the number of publications varies considerably between countries, implying different levels of policy interest and/or the presence of researchers with an interest in work/life issues. Thirty-four research projects are reported, plus the EC-funded European Family Platform (see Hungary and Portugal). For ten countries, no ongoing research is reported, while in two more the reported research is confined to a doctoral study.

Section 1: Introduction

1.1 The international network on leave policies and research

This is the sixth annual review of the international network on leave policy and research¹. The network was established at a seminar held in Brussels in October 2004, organised by the Flemish government's Centrum voor Bevolkings- en Gezinsstudie (CBGS – Population and Family Study Centre) and the Thomas Coram Research Unit (TCRU) at the Institute of Education University of London. This seminar was attended by researchers from a dozen countries, and built on earlier collaborative cross-national work in which the network coordinators – Fred Deven (then at CBGS) and Peter Moss (from TCRU) – had both been involved. This collaboration began with the European Commission Childcare Network, an expert group that between 1986 and 1996 undertook studies on a range of issues related to the reconciliation of employment and family responsibilities, including leave policies. When the EC Network ended in 1996, collaboration continued, first with an international seminar convened in Brussels in 1999 that led to an edited book *Parental Leave: Progress or Pitfall?*; and then with a special issue of the journal *Community, Work and Family* (2002, Vol.5, No.3) on the theme of leave arrangements for parents.

Among the purposes of the network on leave policies and research are:

- exchanging information about policies, both in individual countries and by international organisations, and research on leave policies;
- providing a forum for the cross-national discussion of issues and trends in policy and research; and
- providing a source of regularly updated information on policies and research.

A fuller description of the remit of the network can be found in Annex 1.

¹ Previous reviews are downloadable at: <http://www.berr.gov.uk/files/file31948.pdf> (2006); <http://www.berr.gov.uk/files/file40677.pdf> (2007); <http://www.berr.gov.uk/files/file47247.pdf> (2008); <http://www.berr.gov.uk/files/file52778.pdf> (2009).

The network covers policies for parents and others with care responsibilities, including for adult relatives, as well as policies available to the whole population such as life course career breaks and time credits. But the network has so far given priority to leave policies focused on the care of children. These include Maternity, Paternity and Parental leave, leave to care for sick children and parental entitlements to work reduced hours.

Today, the network has members and associates from 29 countries (see Annex 2), and undertakes a range of activities, including:

- A major **annual seminar**, the latest being held at Charles University, Prague, in the Czech Republic, in October 2009;
- An **annual international review** on leave policies and related research, based on contributions from its members;
- **Other publications** by network members and associates including: a special issue of *Community, Work and Family* (2007, Vol.10, No.4) edited by three network members; a review of leave policies by the network coordinators in *Marriage and Family Review* (2006, Vol.39, No.3); and an edited book *The Politics of Parental Leave: Children, Parenting, Gender and the Labour Market*, edited and authored by network members, published in Summer 2009 by Policy Press (Bristol);
- A **website** (<http://www.leavenetwork.org/>), where the programmes and presentations from all seminars can be found.

1.2 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, 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 parents the 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 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 discernable, 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, in effect, a variant of Parental leave (for example, currently in Croatia, Czech Republic, Poland, Portugal and Spain, and proposed for the UK).

1.3 The current review

Unlike in previous years, this year's review does not include papers from the network's annual seminar, in this case the 2009 seminar held in Prague. However, Powerpoint presentations from that and earlier seminars are accessible at the network's website (<http://www.leavenetwork.org/>). The focus of this review is, therefore, leave policies in 29 countries, with detailed country notes on each country preceded by an introduction, which offers an overview of the main features and developments in the participating countries. Both are situated in Section Two.

The country notes are prepared by network members and associates (for details see Annex 2), each following a common format with four parts. The first part contains ***details of leave and related policies as at the end of April 2010***; proposed changes to be introduced after this date are discussed in the next part. Details are provided of policy for four main types of leave – Maternity, Paternity, Parental and care for sick dependants (covering biological and adoptive parents) – as well as for flexible working (i.e. are parents entitled to work reduced hours or otherwise adapt their work to meet their needs?). This coverage includes what is termed 'childcare leave' or 'career breaks'; the latter, not common, is leave available for a wider range of reasons than the provision of care.

For each type of leave, information is provided on length, payment and funding, flexibility in use, any regional or local variations, eligibility and variations in leave due to child or family reasons (for example, due to multiple births). Payments made to parents taking leave are expressed in national currencies; where the currency is not the Euro, it is also expressed in Euros using the exchange rate on 7 July 2010.

The focus is on statutory entitlements, although collective agreements or individual employer policies may supplement these basic entitlements for certain groups and the extent of this supplementation varies from country to country. In a few countries (e.g. Canada, Spain), provincial or regional authorities may provide supplements or other variations to national policy.

The government department responsible for leave is given in this first part of each country note. Where a government locates leave policy is significant since different departments have different perspectives, rationalities and objectives. It may also have implications for the degree of coherence between leave and other policy areas. In most countries, leave policy is located either within departments concerned with employment matters and/or the regulation of business; or within departments concerned with social and/or family affairs. One exception is Ireland where responsibility is with the Department of Justice, Equality and Law Reform.

Two departments may be involved, one responsible for leave policy, the other for benefit payments. For example, in the United Kingdom, the Department for Business, Innovation and Skills has the brief for Maternity, Paternity and Parental leave and the right to request flexible working; while the Department for Work and Pensions is responsible for maternity and paternity pay (Parental leave is unpaid). In these cases, the country note refers only to the department responsible for leave policy.

The next two parts of each country note cover: **changes in policy since the 2009 review and proposals for future change** currently under discussion; and information on **take-up of various forms of leave**. The concluding part provides information on selected **publications about leave policy since the 2009 review** and **ongoing research projects**. Readers interested in changes in earlier leave policy developments and publications are referred to earlier reviews.

Country notes are prepared by national experts, mainly members of the network on leave policy and research, and edited by the coordinators of the network in collaboration with the original authors. The selection of countries included in this section, therefore, reflects the availability of experts prepared to contribute the required information. For information on other countries, see the Council of Europe (Drew, 2005; Wall et al., 2009) and OECD (2008, Table PF7.1)².

This year the number of countries covered has increased to 29, with the addition since the 2009 review of Croatia and Luxembourg.

- Australia
- Austria
- Belgium
- Canada
- Croatia
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Luxembourg
- The Netherlands
- New Zealand
- Norway
- Poland
- Portugal
- Russian Federation
- Slovenia
- South Africa
- Spain
- Sweden
- United Kingdom
- United States

Most of these countries (20) are member states of the European Union (EU), while Croatia is in the process of negotiating accession. This

² Drew, E. (2005) *Parental leave in Council of Europe member states*. Strasbourg: Council of Europe (Equality Division, Directorate-General of Human Rights). Available at: [http://www.coe.int/t/dghl/standardsetting/equality/03themes/women-decisionmaking/CDEG\(2004\)14final_en.pdf](http://www.coe.int/t/dghl/standardsetting/equality/03themes/women-decisionmaking/CDEG(2004)14final_en.pdf)

OECD (2008) *OECD Family Database*. Available at: www.oecd.org/els/social/family/database

Wall, K., Pappámikail, L., Leditão, M. and Marinho, S. (2009) *Questionnaire on family policy; comparative analysis report*. Strasbourg: Council of Europe.

affiliation is significant in considering leave policy since the EU sets minimum standards for Maternity and Parental leave and leave for urgent family reasons (through Council Directive 92/85/EEC of 19 October 1992 on measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding; and Directive 2010/18/EU on Parental leave adopted on 8 March 2010, to be implemented by member states by March 2012). For the remaining eight countries, policy is purely a national competence. These include two Nordic countries that are not EU member states (Iceland and Norway); Australia; Canada; New Zealand; the Russian Federation; South Africa; and the United States.

Table 1.1 shows which countries included in the country notes are federal states, which may be significant if regional or state governments can vary national policy. The table also summarises key demographic, economic and social information for each country. **Population** varies from under two million (Estonia, Iceland, Luxembourg, Slovenia) to over 100 million (Russian Federation and the USA). The **fertility rate** in South Africa is 2.6; and Iceland, Ireland, New Zealand and the USA are around replacement level of 2.1. Fertility rates are particularly low (below 1.5) in the Russian Federation, most Central and Eastern European countries (including Austria), Germany, Greece, Italy, Portugal and Spain.

National income (expressed as per capita GDP) is highest, at over US\$40,000 (€31,610), in four English-speaking countries (Australia, Canada, Ireland and the USA), two Nordic countries (Iceland and Norway) and Luxembourg - though as these figures are for 2007, before the financial crash, national income for Iceland and Ireland may have dropped substantially subsequently. The Gini coefficient is an indicator of **income inequality**. South Africa has by far the highest level, followed by four English-speaking countries (Australia, New Zealand, the United Kingdom and the USA), Italy, Portugal and the Russian Federation; lowest levels are in Poland, Denmark, Norway and Sweden.

The final areas covered in Table 1.1 concern **gender equality**, showing each country's global ranking on two indexes, one for development, the other for empowerment. Six countries are ranked in the top ten for both indices: Australia, Netherlands and four of the five Nordic countries (the exception is Denmark). Five countries fail to make the top 30 on both indices: Czech Republic, Croatia, Hungary, Poland and the Russian Federation.

Two more specific indicators of gender equality are also included. First, women's earned income as a percentage of men's, where five countries have a ratio of over 70 per cent: Australia, Denmark, Finland, Hungary and Norway. While seven countries have a ratio under 60 per cent: Austria, Czech Republic, Greece, Italy, Luxembourg, Poland and Spain. Second, women's representation in Parliament, where a wide range of countries have over a third of seats taken by women: Belgium, Denmark, Finland, Iceland, Netherlands, New Zealand, Norway, South Africa, Spain and

Sweden. Eight countries have low representation by women, occupying less than a fifth of seats: Czech Republic, Greece, Hungary, Ireland, Poland, Russian Federation, Slovenia and the USA.

Table 1.1: basic information on countries included in review

	Population, Millions (2007)	Total fertility rate (2005-10)	GDP per capita (PPP US\$) / Gini Index (2007)	Gender Equality Rank (2007) Development Index (GDI)	Empowerment Index (GEM)
Australia(FED)	20.9	1.8	34,923 / 35.2	1 (70%)	7 (30%)
Austria(FED)	8.3	1.4	37,370 / 29.1	23 (40%)	20 (27%)
Belgium(FED)	10.5	1.8	34,935 / 33.0	11 (64%)	6 (36%)
Canada(FED)	32.9	1.6	35,812 / 32.6	4 (65%)	12 (25%)
Croatia	4.4	1.4	16,027 / 29.0	43 (67%)	44 (21%)
Czech Republic	10.3	1.4	24,144 / 25.8	31 (57%)	31 (16%)
Denmark	5.6	1.8	36,130 / 24.7	12 (74%)	4 (38%)
Estonia	1.6	1.6	20,361 / 34.9	36 (65%)	30 (21%)
Finland	5.3	1.8	34,526 / 26.9	8 (73%)	3 (42%)
France	61.7	1.9	33,674 / 32.7	6 (61%)	17 (20%)
Germany(FED)	82.3	1.3	34,401 / 28.3	20 (59%)	9 (31%)
Greece	11.1	1.4	28,517 / 34.3	21 (51%)	28 (15%)
Hungary	10.0	1.4	18,755 / 30.0	37 (75%)	52 (11%)
Iceland	0.3	2.1	35,742 / NI	3 (63%)	8 (33%)
Ireland	4.4	2.0	44,613 / 34.3	10 (56%)	22 (15%)
Italy	59.3	1.4	30,353 / 36.0	15 (49%)	21 (20%)
Luxembourg	0.4	1.7	79,485 / 30.8	16 (57%)	NI (23%)
Netherlands	16.5	1.7	38,694 / 30.9	7 (67%)	5 (39%)
New Zealand	4.2	2.0	27,336 / 36.2	18 (69%)	10 (34%)
Norway	4.7	1.9	53,433 / 25.8	2 (77%)	2 (36%)
Poland	37.5	1.3	15,987 / 25.8	39 (59%)	38 (18%)
Portugal	10.6	1.4	22,765 / 38.5	28 (60%)	19 (28%)
Russian Fed.(FED)	141.9	1.4	14,690 / 37.5	59 (64%)	60 (11%)
Slovenia	2.0	1.4	26,753 / 31.2	24 (61%)	34 (10%)
South Africa	49.2	2.6	11,391 / 57.8	109 (60%)	26 (34%)
Spain	44.1	1.4	31,560 / 34.7	9 (52%)	11 (34%)
Sweden	9.2	1.9	36,712 / 25.0	5 (67%)	1 (47%)
United Kingdom	60.9	1.8	35,130 / 36.0	17 (67%)	15 (20%)
USA(FED)	308.7	2.1	45,592 / 40.8	19 (62%)	18 (17%)

Source: United Nations Development Programme (2009) *Human Development Report 2009*. Basingstoke: Palgrave Macmillan. Available at: http://hdr.undp.org/en/media/HDR_2009_EN_Complete.pdf.

Key:

GDI=Gender Development Index. A composite index measuring average achievement in the three basic dimensions captured in the human development index – a long and healthy life, knowledge and a decent standard of living – adjusted to account for inequalities between men and women. Figure in brackets=earned income, ratio of estimated female to male; derived on the basis of the ratio of the female non-agricultural wage to the male non-agricultural wage, the female and male shares of the economically active population, total female and male population and total GDP.

GEM=Gender Empowerment Measure. A composite index measuring gender inequality in three basic dimensions of empowerment – economic participation and decision-making, political participation, and decision-making and power over economic resources. Figure in brackets=seats in Parliament held by women.

Section Two: Country notes on leave policies and research

2.1 Country notes 2010: overview

Peter Moss and Fred Deven

1. What types of leave are available

Table 2.1 summarises what statutory entitlements exist for leave in each of the 29 countries included in the country notes in Section Two, as well as the degree to which statutory leave is accompanied by payment.

a. Maternity leave

Twenty-three countries have a statutory and designated Maternity leave entitlement, all paid and most covered by earnings-related payments (between 60 and 100 per cent) – 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 period of leave, before and after birth, is mostly between 14 and 20 weeks. However, a number of countries have substantially longer periods of leave, notably the Czech Republic (28 weeks), Ireland (42 weeks), Greece (43 weeks, private sector) and the UK (52 weeks). However, in the last three of these countries, a substantial period of this extended leave is either unpaid or paid at a low flat rate.

There is not much flexibility in Maternity leave, and taking leave is obligatory in some countries (e.g. Germany and Italy). 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. Belgian mothers may take two weeks of Maternity leave as ‘free days’, spread over a period of time. Portuguese mothers may also choose between two periods of leave, one shorter but paid at 100 per cent of earnings, the other longer but paid at 80 per cent.

The Czech Republic, Croatia, Poland, Portugal and Spain, however, have introduced another dimension of flexibility: mothers may transfer part of the leave period to fathers as a matter of course, i.e. without exceptional circumstances such as serious illness applying. The UK has plans to introduce a similar scheme. Maternity leave can be transferred to fathers in some other countries, but only in certain extreme circumstances (such as death or severe illness).

Of the six countries that do not have a statutory, designated and paid Maternity leave entitlement, two – Australia and the USA – make no

provision for paid leave for women at the time of pregnancy and childbirth, though both have the possibility of unpaid leave and Australia is introducing a paid leave in 2011. The new Australian leave will, like the existing paid New Zealand scheme, be designated 'Parental leave', and therefore available for fathers to take in part or all. Similarly, the other three countries without designated Maternity Leave – Iceland, Norway and Sweden – provide paid leave that women may take, but which is designated 'Parental leave' rather than Maternity leave.

We can, therefore, see two approaches to leave policy emerging. The first, and more 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. Other leave available to women, mainly Parental leave, is additional and available equally to women and men. So under this approach, women are entitled to more leave overall than men.

The second, more recently emerging approach is to move away from the idea of a 'Maternity leave', either towards a birth-related leave for women, but which can be transferred, at least in part, to fathers; or towards dropping Maternity leave altogether in favour of a generic 'Parental leave', usually with periods designated for 'mothers only' and 'fathers only'. Thus 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.

b. Paternity leave

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. However, as *Parental* leave in a number of countries includes a period of time that only fathers can take (sometimes referred to as a 'father's quota'), here again the distinction between Paternity leave and father-only Parental leave can be unclear and confusing. A comparison of Iceland, Norway and Sweden provides an example of this complexity. Iceland, as noted above, 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'). 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. Sweden

also has Paternity leave (ten days) and a fathers' quota (60 days) as part of Parental leave.

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers and is in addition to Parental leave, e.g. it is the ten days leave for men in Sweden, not the 60 days. On this basis, 16 countries under review have Paternity leave. With five exceptions, leave varies from two to ten days and is usually paid on the same basis as Maternity leave. The exceptions are: Québec (but not the rest of Canada), which offers three to five weeks of leave, depending on the level of benefit taken; Finland, which provides 18 days of Paternity leave with a further 12 'bonus' days for fathers who take the last two weeks of Parental leave; Portugal with 20 days, ten days of which are obligatory (the first country to introduce such a measure); Slovenia, with 90 days of Paternity leave; and Spain, with a recently introduced 15 days.

Italy allows fathers 12 weeks post-natal 'optional leave', mainly in circumstances where the father is the sole or main carer (e.g. if the mother is dead or severely incapacitated). It is unclear whether this should be considered Paternity leave or a variant of schemes where Maternity leave can be transferred to fathers in certain conditions.

c. Parental and childcare leave

These two types of leave are considered together here, though treated separately in the country notes. All EU member states must provide at least three months Parental leave per parent, to increase to four months by 2012 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."

Seven of the non-EU countries in this overview also provide Parental leave. The exception is the United States, which as already noted only has a generic and unpaid leave – 'family and medical leave' – that is not applicable to private employers with less than 50 employees.

Childcare leave can usually be taken immediately after Parental leave, creating a continuous 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 only six countries. In four cases childcare leave is unpaid, in contrast to a paid Parental leave: two weeks per year per parent until a child is 14 in Estonia; three months per year per parent in Iceland until a child is eight years; a year in Norway; and two to three years in Portugal. Parents with three or more children in Hungary

can take leave until their youngest child is eight years old, with a flat-rate benefit. 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).

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 post-natal leave available – including Maternity, Parental and Childcare – comes to around nine to 15 months; and those where continuous leave can run for up to three years or more. The former includes Australia, Belgium, Canada, Croatia, Denmark, Greece, Iceland, Ireland, Italy, Luxembourg, New Zealand, Slovenia and the UK; the latter includes the Czech Republic, Estonia, Finland, France, Germany, Hungary, Norway, Poland, Portugal, Russia and Spain. Sweden falls in between: paid leave is expressed in days (to emphasise that it can be taken very flexibly), roughly equivalent to 18 months if taken continuously, while each parent is also entitled to take unpaid leave until a child is 18 months. So, too, does Austria, with leave lasting until a child's second birthday (Table 2.2).

Parental leave is a *family entitlement* in 13 countries, to be divided between parents as they choose (Australia, Austria, Canada, Denmark, Estonia, Finland, France, Germany, Hungary, New Zealand, Poland, Russia and Spain); an individual entitlement in eleven countries (Belgium, Croatia, Czech Republic, Greece, Ireland, Italy, Luxembourg, Portugal, Slovenia, the Netherlands and the United Kingdom); and mixed (part family, part individual entitlement) in three countries (Iceland, Norway and Sweden). It should be noted, however, that countries where leave is an individual entitlements vary in whether unused entitlements can be transferred to a partner (e.g. in Croatia and Slovenia) or whether entitlements, if not used, are forgone.

A majority of countries (22) provide some element of *payment*. Payment policy varies considerably. In 13 cases (Austria, Belgium, Canada, Croatia, Czech Republic, Estonia, France, Italy, Luxembourg, Netherlands, Poland, Portugal and Russia) payment is flat-rate or set at a low earnings-related rate, means-tested or paid for only part of the leave period, or a combination of these. Nine countries pay an earnings-related benefit of more than two-thirds of normal earnings; however, all impose a ceiling on benefit payments. In six cases – notably Austria, the Czech Republic, Estonia, France, Germany and Poland – parents on leave receive a general 'childrearing' benefit that is paid to *all* parents with young children, not just those taking leave.

Denmark, Norway and Slovenia pay full earnings, but only up to a maximum ceiling, while most or all of the leave period is paid at 80 per

cent of earnings or higher in Iceland and Sweden (again up to a maximum 'ceiling' amount). Hungary, too, is relatively generous, paying a benefit of 70 per cent of earnings to parents on leave until a child's second birthday, then a lower flat-rate payment until the child is three years old.

Flexibility takes a number of forms, including:

- the possibility to use all or part of leave when parents choose until their child reaches a certain age;
- the possibility of taking leave in one continuous block or several shorter blocks;
- 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);
- the option to take longer periods of leave with lower benefits or shorter periods with higher benefits;
- additional leave in the case of multiple births or, in a few cases, other circumstances;
- the possibility to transfer leave entitlements to carers who are not parents.

Table 2.3 summarises the types of flexibility available in each country. Part-time usage and being able to choose when to take leave until a child reaches a certain age are the most common options.

Just as the UK has by far the longest period of Maternity leave, so it also has a unique approach to Parental leave. Eligible employees are entitled to three months unpaid leave: but this entitlement can only be taken in portions of four weeks per year (rather than in one continuous block, as in all other countries, many of which also allow leave to be taken in shorter blocks of time). However, employers are encouraged to go beyond the minimum provisions of the regulations, where it is possible to do so.

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. Another approach is to offer extra leave – a 'bonus' – to fathers who take some Parental leave. Fathers in Finland can take 24 'bonus' days, in addition to their 18 days of Paternity leave, if they take the last two weeks of Parental leave; the 24 bonus days plus the two Parental leave weeks are called 'father's month' in the legislation (even though the total period is more than a month). Sweden has recently introduced a 'gender equality bonus' that provides an economic incentive for families to divide Parental leave more equally. While as part of a radical overhaul of German policy, if the father takes at least two months of leave the overall length of benefit payment is extended to 14 months. Portugal offers a bonus to families where the father shares part of the Maternity leave.

d. Career breaks

These provide a break from employment not necessarily tied to childbearing and childcare. A statutory entitlement is found in only one country, Belgium, with one year's 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. For further information, see the articles about Belgium in the 2009 review.

e. Other employment-related measures

Generally, adoptive parents have similar leave entitlements to other parents. 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. Among EU member states reviewed here, 12 (Austria, Belgium, Czech Republic, Estonia, Germany, Hungary, Italy, the Netherlands, Poland, Portugal, Slovenia and Sweden) specify an entitlement to leave of ten days or more per year to care for sick children, though the age range of children covered varies; for all of these countries, except Belgium and Italy, leave is paid 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 without limit for a child under three years in Italy but five days a year per parent for a child aged three to eight years. Leave is shorter or unspecified and unpaid in the other member states.

Of the non-EU countries, Croatia, Norway and the Russian Federation have an entitlement to paid leave specifically to care for a sick child. New Zealand employees have five days sick leave for themselves or their dependants; South African workers are entitled to three days 'family responsibility leave' per year, but this covers a range of circumstances, not only caring for a sick child; while in Australia, all employees have an industrial right to use up to five days of personal or sick leave per year to care for a sick family member.

Fourteen of the 29 countries in this review offer additional leave entitlements, covering a wider range of family members than children and/or situations of serious illness. For example, most provinces and territories in Canada have compassionate care leave provisions that allow 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 eight weeks unpaid within a 26-week period, but benefits of up to six weeks can be claimed through Employment Insurance for this leave. While in Portugal, in addition to up to 30 days per year of leave that can be taken to care for sick children under the age of ten years, paid at 65 per cent of the minimum wage, 15 days unpaid leave per year can be taken to care for a spouse, older child or co-resident elderly relative, increased by one day for every second and subsequent child (see Table 2.1).

Ten countries (Croatia, Estonia, Hungary, Ireland, Italy, Norway, Portugal, Russia, Slovenia and Spain) permit women to reduce their working hours to enable breastfeeding. Women reducing their hours for this reason are entitled to earnings compensation. This is not usually the case in the ten countries (Austria, Estonia, Finland, Greece, Hungary, Iceland, Norway, Slovenia, Spain, Sweden and the Netherlands) that give parents the right to work part-time hours when they have a younger child, though sometimes subject to employer agreement; for example, all Dutch employees have the right to work part time, but employers may turn down an employee's request under specified conditions (see Table 2.3).

Greece provides an example of a country that provides both payment and a substantial degree of flexibility in how reduced hours may be taken. Parents are entitled to work fewer hours per day, with full earnings replacement. But these reduced hours may also be taken as a period of full-time leave, up to three and three-quarter months in the private sector and nine months in the public sector.

Finally, in Australia, Italy, 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 them if there is a clear business case for doing so.

2. How much leave is available?

Table 2.2 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 of months of leave paid at two-thirds or more of earnings – an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission, 2009: Table 18.M3). However, as Tables 2.1. and 2.2 show clearly, most countries apply a ceiling to the amount of earnings-related payments made to leave-taking parents, which reduces the proportion of parents who actually receive a full earnings-related proportion of their earnings.

Total leave ranges from none to 72 months, with a median length of 24 months, while total paid leave ranges from none to 38 months, with a median length of around 13 months. Applying the two-thirds earnings standard the median length reduces to just over four months, with five countries offering nothing and only five countries, plus the province of Québec in Canada, offering more than 12 months.

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

- a. Countries providing earnings-related post-natal leave (at two-thirds or more replacement rate) of nine months or over:** the five Nordic countries, four countries from Central and Eastern Europe (Croatia, Estonia, Hungary and Slovenia), Germany plus Greece (private sector) and the Canadian province of Québec. In all of these cases, the earnings-related leave includes a period of Parental leave.

- b. Countries providing four to six months of earnings-related post-natal leave, in all cases confined to Maternity leave:** includes a number of Continental Western European countries. Ireland comes here, although the effect of a ceiling on the earnings-related benefit is that the maximum payment is only €270 a week, showing the need to take account of levels of ceilings in assessing the generosity of national schemes.
- c. Countries providing less than four months of earnings-related post-natal leave:** includes five of the six mainly English-speaking countries (Australia, Canada, New Zealand, United Kingdom, United States), plus Austria, Czech Republic, Luxembourg, Netherlands, the Russian Federation and South Africa. 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.

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. Table 2.2 shows the total period of 'fathers-only' leave provided by each country, as well as the period of 'fathers-only' leave paid at two-thirds or more of earnings (though the qualification about ceilings on payments needs again to be borne in mind). Eleven countries provide less than one month of father-only leave, while nine offer six months or more, with a median length of three months. Length of leave paid at two-thirds of earnings is much lower, only the three Scandinavian countries plus Iceland offering more than two months.

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; 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.

3. Changes in leave policy since the 2009 review

Of the countries included in the 2009 review, half (15), have introduced policy changes since the last review or have announced changes to be implemented in 2010 or 2011; this does not include any up-ratings in benefit levels. Policy changes have included some reduction in entitlement (implemented or announced) in six countries: Belgium, Czech Republic, Estonia, Germany, Hungary and Iceland. Mostly, though, changes have involved some improvement in policies, with the most common being improved leave for fathers and greater flexibility in use of entitlements.

Australia: unpaid Parental leave has been doubled and a right to request flexible working introduced if parents have a child under school age. From January 2011, paid Parental leave of 18 weeks will be introduced for the main carer.

Austria: two childcare benefit options have been added to the existing options to increase flexibility available to parents.

Belgium: Parental leave can be taken until a child's twelfth birthday (previously until the sixth birthday). More stringent eligibility conditions have been introduced for the time credit scheme. Following the new EU Directive, Parental leave will be extended from three to four months per parent by the end of 2011.

Canada: from January 2011, benefit payments will be extended to self-employed workers taking Maternity and Parental leave.

Czech Republic: fathers may take Maternity Leave from the seventh week and parents can alternate leave to care for a sick child. Maternity leave benefit has been cut through a reduction in the proportion of earnings paid and a proposal to introduce Paternity leave has been suspended.

Estonia: payment for leave to care for a sick child has been reduced.

Finland: the number of 'bonus days' given to fathers who take at least two weeks Parental leave has been doubled from 12 to 24.

Germany: two cuts were announced in June 2010, to be introduced later in the year. The proportion of earnings to be paid on net incomes above €1240 a month will be cut from 67 to 65 per cent; and the €300 a month minimum benefit for the long-term unemployed will be cut completely.

Hungary: eligibility for insurance-based leaves (Maternity leave and GYED) has been made more stringent, and payment for parents taking GYES has been reduced from three to two years.

Iceland: payment to parents taking leave has been reduced by lowering the maximum earnings ceiling above which benefits are not paid, and

reducing the payments from 80 to 75 per cent of earnings over ISK200,000 per month. Parents can now take leave until a child is 36 months old, instead of 18 months.

Netherlands: a Bill to make Parental leave more flexible will be presented to Parliament by May 2010.

Norway: the father's quota in Parental leave has been increased from six to ten weeks, and fathers' eligibility for leave has been made less dependent on the mother's employment.

Poland: Maternity leave has been extended (with further extensions scheduled for 2012 and 2014). Paternity leave has been introduced, and will be further extended in 2012.

Spain: Paternity leave to be extended from two to four weeks from January 2011.

United Kingdom: the right to request flexible working has been extended to parents of children up to 16 years of age. Legislation has been passed enabling fathers to take up to six months of Maternity leave, to be introduced in 2011.

Croatia, a new entry to the review, introduced major changes in January 2009, in part to harmonise policy with EU legislation as part of the accession process.

4. Take-up of leave

Rostgaard (2005³) notes that "only in the Nordic countries are there regular, consistent statistical accounts of the use of leave, according to gender, and occasionally also according to occupation and education of the parent ... [while in] most other countries, however, data on take-up of Parental leave is irregular and inconsistent." This continues to be confirmed by the information provided in country notes on take-up of leave, which is full of gaps, making systematic cross-national comparisons impossible. Mostly, there is no information on take-up of unpaid leave and limited information on paid leave, except for occasional survey data. The situation has remained unchanged since the network was established.

There is the further question of what proportion of parents are eligible for leave, where again there is no consistent and comparable information. Eligibility conditions vary between countries and types of leave, making cross-national comparisons even more difficult. Ineligibility may be related to self-employment, temporary contracts, other conditions related to prior

³ Rostgaard, T. (2005) 'Diversity and Parental leave', in: F. Deven and P. Moss (eds.) *Leave Policies and Research: Reviews and Country Notes* (CBGS-Werkdocument 2005/3). Brussels: Centrum voor Bevolkings- en Gezinsstudie.

employment history or the exemption of smaller employers from leave policies. The absence of good comparative data on eligibility and take-up not only makes cross-national comparisons impossible: it also makes it impossible to compare the situation of different socio-economic groups within and across countries, for example access and use of leave by different income, social class and ethnic groups and by workers with different employment statuses; and to make proper evaluations of different leave policies. Only broad generalisations are possible.

Generally speaking, paid *Maternity leave* appears to be extensively and fully used by mothers who are eligible (in a few cases, it is even obligatory to take this leave). However, in the UK, where there is an entitlement to paid 'Ordinary Maternity leave' followed by unpaid 'Additional Maternity leave', most women return to work well before the end of the unpaid entitlement.

EIRO (2004⁴) conclude that "the available figures show a relatively significant take-up rate [for *Paternity leave*]." This conclusion is borne out in the country notes: two-thirds or more of fathers are reported to take paid Paternity leave in Denmark, Finland, France, Sweden, the Netherlands and the United Kingdom.

Where *Parental leave* is unpaid, as in Ireland, Portugal, Spain and the United Kingdom, there are no regular statistics on use but take-up is thought to be low by both mothers and fathers (i.e. irrespective of gender, few parents take leave schemes that are completely unpaid) (see also EIRO, 2004). A 2005 survey in the UK, for example, found that only 11 per cent of mothers had taken some Parental leave within 17 months of their child's birth, two-thirds of whom had taken a week or less. Unpaid Parental leave tends to be used where entitlements to other forms of leave have been exhausted.

Where leave is a family entitlement only, fathers' use is low (i.e. where leave can be shared between parents, fathers take only a small proportion). For example, less than 1 per cent of recipients are fathers in the Czech Republic; and the proportion of fathers taking Parental leave is 2 per cent in Finland and Poland, and 3 per cent in Austria. However, where Parental leave has both an individual entitlement element *and* is relatively well paid, fathers' use is higher – though not equal with use by mothers. This can be seen in the four Nordic countries in this study, where Parental leave meets these two conditions:

- **Denmark:** survey data show that among parents of children born in 2005, 24 per cent of fathers took Parental leave and 94 per cent of mothers. On average, mothers took 28 weeks of leave, and fathers eight weeks.

⁴ European Industrial Relations Observatory (EIRO) (2004) *Family-related leave and industrial relations*. Available at:

<http://www.eurofound.europa.eu/eiro/2004/03/study/TN0403101S.htm>

- **Iceland:** in 2007, 88.5 per cent of fathers took a period of leave (Paternity and/or parents' joint rights) for every 100 mothers taking some leave, and fathers took about a third of all days of leave taken by parents (an average of 101 days leave compared to 181 for mothers).
- **Norway:** 89 per cent of fathers in 2003 took some Parental leave, although only 15 per cent took more than the one-month father's quota.
- **Sweden:** 90 per cent of fathers of children born in 1998 have taken Parental leave, mainly when their children were 13 to 15 months of age. In 1987, fathers took about 7 per cent of total Parental leave days that year; by 2009, it had increased to 22.3 per cent. Fathers also take a third of leave to care for sick children.

In all four cases, mothers continue to take more leave than fathers. The difference is greatest in Denmark (where fathers took only 6 per cent of all days of paid leave in 2005), followed by Norway (9 per cent). In Sweden, fathers take about a fifth of all days (21 per cent), with the greatest share of paid leave taken by men in Iceland (33 per cent), with its 3+3+3 leave scheme (Eydal and Gislason, 2008: Table 7⁵).

These figures can be viewed from different perspectives – as reflecting how care continues to be strongly gendered or as reflecting a gradual shift towards men taking more responsibility for care. The most significant changes in fathers' behaviour seem to be taking place in Iceland and Sweden, where leave-taking has begun to move beyond a month.

It is also striking that fathers' use of leave does respond to policy changes, as a number of countries clearly show:

Germany: the 2007 reform of leave, which had the explicit aim to raise leave take-up by fathers, has had an immediate impact, the number of fathers taking leave rising from 3.3 per cent in 2006 to 18.6 per cent in 2009.

Iceland: with the extension of father-only leave from 2001, the average number of days of leave taken by men in Iceland has more than doubled (up from an average of 39 in 2001 to 101 in 2007).

Norway: the proportion of men taking some leave has increased from 4 per cent to 89 per cent since the introduction of the one-month father's quota. After the extension of the father's quota to six weeks in 2006, 70 per cent of eligible fathers took more than five weeks in 2007 and increasing numbers take six weeks.

⁵ Eydal, G.B. and Gislason, I.V. (2008) 'Paid Parental leave in Iceland – history and context', in: G.B. Eydal and I.V. Gislason (eds.) *Equal Rights to Earn and Care – Parental Leave in Iceland*. Reykjavik: Félagsvísindastofnun Háskóla Íslands, pp.15-44.

Portugal: the five-day Paternity leave (introduced in 1999 and made obligatory in 2004) was used in 2000 by 11 per cent of fathers, increasing to 27 per cent in 2002 and to 36 per cent in 2003. Since then, the proportion of fathers who take this leave has increased by about 2 per cent per year, to 45 per cent in 2007 and 2008 (take-up is underestimated as these statistics exclude employees with special social protections regimes, e.g. civil servants, bank workers). The same trends may be observed for the 15 additional Paternity leave days, also introduced in 1999; the proportion of fathers taking these days has risen from 4 per cent in 2001 to 37 per cent in 2008.

Québec: in 2006, 56 per cent of fathers in Québec took a period of Paternity and/or Parental leave; since the introduction that year of the new Parental leave scheme, this has risen to 82 per cent in 2008. This compares with 12 per cent of fathers taking leave in the rest of Canada, where there is no paid Paternity leave and a less generous Parental leave scheme.

Sweden: the proportion of leave days taken by men in Sweden doubled between 1997 and 2004, with the introduction and then the extension of a father's quota, though the doubling to two months had a less dramatic effect than the initial introduction of a quota.

It is noticeable from these examples that the pace of change varies between countries. This may reflect a number of mediating factors, for example the design of policy (e.g. level of payment, flexibility of use) and possibly also the socio-cultural climate (e.g. levels of awareness about gender equality, extent of support for change in gender roles).

All these examples are of paid leave. The importance of payment can also be seen in Catalonia, where there has been a strong take-up by public employees of a scheme that enables parents to reduce their working hours when they have a child under one year without loss of earnings. Nearly a quarter of parents using this option are fathers.

As noted earlier, there is little information on take-up among different socio-economic or ethnic groups within countries. Where it exists, it points towards women being *less likely* to take Parental leave, or to take it for shorter periods, if they are: self-employed; work in the private sector; higher educated; and/or higher earning. Fathers are *more likely* to take leave or to take it for longer periods if: their partners have higher education and/or earnings; if they work in female-dominated occupations or the public sector.

Finally, there is also only very limited information on the use of flexible working options. German data suggest that more flexible leave options (e.g. to take a higher benefit over a shorter leave period and to work part time while on leave) are used by only a minority, with parents in former East Germany being more likely to take a higher benefit for a shorter period, reflecting a greater propensity among women in this part of

Germany to work when they have young children. Recent survey data from the UK show that almost a quarter of employees with dependant children under six years have asked to work flexibly, rising to 36 per cent amongst women with a child under six years; most (81 per cent) requests were partly or fully accepted by employers. The Netherlands introduced a similar, though broader, right to request more flexible hours in 2000. An evaluation after two and a half years found that 26 per cent of employees had wanted to work less (27 per cent for men, 24 per cent for women), the main reasons given by both men and women being to have more time for family or household duties (34 per cent) or to pursue hobbies and other private activities (30 per cent). Approximately half (53 per cent) of the employees who wished to reduce their working hours asked their employers; more than half (54 per cent) had their request fully granted, with a further 10 per cent partially agreed. In short, the legislation had contributed to about 9 per cent of workers reducing their hours.

To summarise on take-up:

- Unpaid or low-paid leave of whatever kind has low take-up;
- Leave specifically for fathers (e.g. Paternity leave, fathers' quotas in Parental leave) is well used if paid at or near income replacement level;
- Fathers take only a small portion of Parental leave that is a family entitlement;
- Leave is used differentially not only by women and men, but by parents with different education, income and employment both individually and in relation to their partners – the impact of leave policies, therefore, is not uniform.

5. Research and publications on leave and other employment-related policies since 2009 review

Country notes finish with an overview of publications on leave since the 2009 review, and brief outlines of ongoing research. One hundred and fourteen publications are listed (many available in English and downloadable), with a brief description of each. The number of publications varies considerably between countries, implying different levels of policy interest and/or of researchers with an interest in work/life issues. Thirty-four research projects are reported, plus the EC-funded European Family Platform (see Hungary and Portugal). For ten countries, no ongoing research is reported, while in two more the reported research is confined to a doctoral study.

6. Policy questions

Our overview of the 2010 country notes raises a number of policy questions, and we conclude by sharing a number of them as a contribution to ongoing debate and development of leave and related policies:

- Is there a continuing case for Maternity leave, with a health and welfare rationale? If so, how long should this 'mother only' leave be? Should part of it be transferable from mothers to fathers and, if so, how does this affect the health and welfare rationale?
- Should policy recognise and support breastfeeding? If so, how?
- Should gender-specific Maternity and Paternity leave be replaced by Parental leave, including mother and father quotas? If so, should this make any allowance for the biological difference between women and men at and around childbirth and early parenthood? Should women have more leave?
- Take-up data point to the effectiveness of paid Parental leave with mother and father quotas (i.e. individual, non-transferable periods). How should this leave be designed? For example, should it combine a mother quota, father quota and a family entitlement to be divided between parents as they choose? If so, what proportion of leave should be allocated to each component? Or should it be divided between the mother and father, with no 'family' component?
- How can leave policies be designed to take account of individual, family and employment diversity? What other elements of flexibility, for example in how leave can be used, should be included?
- Should there be a statutory entitlement to leave to care for sick children? Should this be extended to other family members? How long should this leave be and how can it take account of children and adults with serious illnesses or other health problems?
- Looking ahead, is there a need to enlarge leave policies from a focus on the care of young children to a wider life-course focus, such as a 'time credit' system? How should this be taken forward?
- What are the requirements for an adequate statistical basis to enable national and cross-national evaluation of leave policies? How should this statistical information be collected?
- Should individual countries and international organisations, including the EU, set targets for take-up of Parental leave, including the proportion of leave taken by fathers?
- Which department in government should be responsible for leave and other work/life policies? How can other departmental interests be

represented in policy development? How can children's interests be determined and represented, alongside the interests of parents, employers and trades unions?

Table 2.1: Provision of statutory leave entitlements in selected countries

	Maternity leave	Paternity leave	Parental leave	Leave for sick children
Australia	✗	✗	●	●●● 10+
Austria	●●●	✗	●●* F	●●● 10+
Belgium	●●●	●●●	●●	●
Canada [fn] Québec	●●● ●●●	✗ ●●●	●●(●) F ●●(●) F	● + ● +
Croatia	●●● TR	✗	●●(●) I+TR	●●● 20-40+
Czech Rep.	●(●) TR	✗	●●* FN	●(●) 9>
Denmark	●●(●)	●●(●)	●●(●) F	●
Estonia	●●●	●	●●* F	●●●14>
Finland	●●●	●●●	●●(●) F	✗ FN
France	●●●	●●●	●●* FN	● +
Germany	●●●	✗	●●(●*) F	●●●25+
Greece a.private sector b.public sector	●● ●●●	●●● ✗	● ●	● + ✗
Hungary	●●●	●●●	●●(●)* F	●●● 14-UNLTD
Iceland	✗ FN	✗ FN	●●(●) F & I	✗
Ireland	●●	✗	●	●●● 3+
Italy	●●● TR	✗	●●	●
Luxembourg	●●(●)	✗	●●	●●● 2
Netherlands	●●(●)	●●●	●●	●●● 10+
New Zealand	✗ FN	●	●(●) F	●●● 5+
Norway	✗ FN	●	●●(●) F & I	●●●10-15
Poland	●●● TR	✗	●● F	●●● 14+
Portugal	●●● TR	●●●	●●	●●● 15-30F+
Russian Fed.	●●(●)	✗	●● F	●●● 45-60
Slovenia	●●●	●●	●●(●) F	●●● 7-15>+
South Africa	●● FN	✗	✗	●●● 3-5
Spain	●●(●)	●●(●)	●	●●● 2-4+
Sweden	✗ FN	●●●	●●(●) F & I	●●●120F
UK	●●	●●	●	●
USA	✗ FN	✗	✗	✗

Key:

Maternity, Paternity, Parental leave and leave for sick children columns: ✗ – no statutory entitlement; in the case of Maternity leave, this includes countries that provide no additional leave to women in recognition of pregnancy and childbirth. ● – 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 *or* earnings-related at less than 66 per cent of earnings *or* not universal *or* for less than the full period of leave; ●●● – statutory entitlement, paid for all or part of duration to all parents at more than 66 per cent of earnings. Where a ceiling to payment exists, the second or third bullet point is bracketed, e.g. ●●(●).

Maternity leave column: TR=part of Maternity leave may be transferred to the father.

Parental leave column: * indicates the payment is made to all parents with a young child whether or not they are taking leave. F=family entitlement; I=individual entitlement; F & I=some period of family entitlement and some period of individual entitlement.

Leave for sick children column: Number indicates number of days of paid leave per year per employee (or per family where F added); two sets of numbers (e.g. '15-30') indicates leave varies according to age or numbers of children; number followed by >

indicates maximum number of days leave available per episode of illness, but further leave available if more episodes of illness. Number followed by + indicates additional leave entitlements covering a wider range of family members than young children and/or situations of serious illness.

Country footnotes (FN):

Australia: each parent is entitled to 12 months unpaid Parental leave, but an employer can refuse a request for a second 12 months of leave 'on reasonable business grounds'.

Canada: there are differences in length of leave between provinces and territories; three provinces allow three to five days of unpaid leave to care for members of immediate family.

Czech Republic: Parental leave may be taken until child is three years, but benefit is paid until child is four. Parents can take a maximum of nine days leave for any one illness of a child, but can take leave on as many occasions as are necessary.

Finland: total post-natal leave includes period of low paid Childcare ('Home care') leave. All employees have access to leave to care for a sick child, with length and payment determined by collective agreements.

France: Parental leave payment to parents with one child only made until six months after the end of Maternity leave.

Germany: Parental leave payment up to maximum of 28 months; remainder of three year leave period unpaid.

Greece: a = private sector employees; b = public sector employees. Women employees in both sectors can consolidate an entitlement to work reduced hours into a full-time leave of up to 3¼ months in the private sector and 9 months in the public sector. This extra leave option is not included in the total post-natal leave shown in the Table, which shows leave available to two parent family where both parents work in same sector.

Hungary: for insured parents, leave is paid at 70 per cent of earnings until child's third birthday, then at flat-rate; only mother is entitled to use in child's first year. Either of the parents in a family with three or more children may take leave during the period between the third and the eighth birthday of the youngest child (*Gyermeknevelési támogatás – GYET*). Benefit payment as for GYES.

Iceland: the law does not distinguish separate Maternity, Paternity and Parental leave, referring only to 'birth leave', part of which is for mothers, part for fathers and part for the parents to divide as they choose. Total post-natal leave includes period of unpaid leave after Parental leave.

Italy: Parental leave is six months per parent, but total leave per family cannot exceed ten months.

New Zealand: 'Parental leave' is used as a generic term to cover all forms of leave for new parents; the period of leave immediately after birth, usually taken by the mother, is not termed 'Maternity leave' but 'paid Parental leave', and can be transferred to a spouse or partner.

Norway: there is no separate Maternity leave; part of Parental leave is reserved for women before and after birth.

Portugal: 'Maternity leave' has been replaced by 'initial Parental leave'. Total post-natal leave includes period of unpaid leave after Parental leave.

South Africa: payment to eligible employees from the Unemployment Insurance Fund on a sliding scale ranging from 31 to 59 per cent. Fathers may take up to three days paid 'family responsibility leave' when their children are born.

Sweden: there is no separate Maternity leave; part of the 480 days of paid Parental leave is reserved for women. Each parent is entitled to take Parental leave until a child is 18 months; but the 480 days of paid leave can be taken until a child is eight years.

United States: 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.

Table 2.2: Length of post-natal leave for families and for ‘fathers only’

	Period of post-natal leave available to two parent family (months)			Period of ‘father-only’ leave (months)	
	Total	Total paid	Total paid at 66%+ of earnings	Total (paid+ unpaid)	Total paid at 66%+ of earnings
Australia ^{FN}	24	0	0	12	0
Austria	24	24	2	0	0
Belgium ^{FN}	33.5	33.5	3.5	15.5	0.5
Canada	12	12	0	0	0
Québec	18	18	14.5*	1	1
Croatia ^{FN}	36+2	12+2	12 *	3	3 *
Czech Rep.	72	36	0	36	0
Denmark ^{FN}	11	11	11 *	8	8 *
Estonia	36.5	36.5	18 *	0.5	0
Finland	37+1	37+1	11+1 *	0.5+1	0.5+1*
France ^{FN}	72	36	3.5 *	36.5	0.5 *
Germany ^{FN}	36	12+2	12+2 *	0	0
Greece ^{FN}					
a.private sector	19	12	6	3.5	(2 days)
b.public sector	60	12	12	24	0
Hungary	36	24	24 *	(1 week)	(1 week)
Iceland	15	9	9 *	6	3 *
Ireland	16	6	6 *	3	0
Italy	13.5	13.5	3.5	6	0
Luxembourg	14	14	2 *	6	0
Netherlands ^{FN}	14.5	14.5	2.5 *	6	0
New Zealand	12.5	3.5	3.5 *	0.5	0
Norway	37	13	12.5 *	3	2.5 *
Poland	36	36	5	0	0
Portugal ^{FN}	12+25	12+1	6+1	4	1
Russian Fed.	36	18	2.5 *	0	0
Slovenia	14	11.5	11.5 *	3	0.5 *
South Africa	4	4	0	0	0
Spain ^{FN}	72	5.5	5.5 *	0.5	0.5 *
Sweden ^{FN}	36	16.5	13.5 *	2.5	2.5 *
UK	18.5	9.5	1.5	3.5	0
USA	0	0	0	0	0

Key:

The Table indicates the maximum number of months of leave available after the birth of a child. It does not include Maternity leave that must be taken before birth; where leave can be taken either before or after birth, all leave is counted as being after birth. Where parents have options (e.g. longer leave but a lower benefit), the longest leave option is included.

*: ceiling on earnings-related payment.

Country footnotes (FN):

Australia: the second 12 months of leave is subject to employer agreement.

Belgium: in addition to Parental leave, men and women employees are entitled to at least one year of time credit or career break, paid at a low flat rate, and which may be taken for any reason including the care of a child.

Croatia: two months 'bonus' if father uses three months of Parental leave.

Denmark: each parent is entitled to 32 weeks paid Parental leave, but the total leave taken cannot exceed 32 weeks per family.

Finland: fathers taking the last two weeks of Parental leave get a four weeks 'bonus'.

France: both parents are entitled to take Parental leave until child is three years. A flat-rate benefit is paid per family until child's third birthday if more than one child; if only one child, benefit is paid for only six months.

Germany: two months bonus if father uses at least two months of Parental leave.

Greece: family entitlement based on both parents working in same sector. Includes possibility of consolidating right to working reduced hours as a shorter period of full-time leave (see Table 3.4).

Netherlands: payment for Parental leave in form of tax reduction.

Portugal: 30 days bonus if both parents share Maternity leave; two years unpaid leave if paid parental leave fully used.

Spain: both parents are entitled to take unpaid Parental leave until child is three years. Period of paid leave includes possibility of women consolidating right to working reduced hours as a shorter period of full-time leave.

Sweden: each parent is entitled to take Parental leave until a child is 18 months; but the 480 days of paid leave can be taken until a child is eight years.

Table 2.3: Statutory entitlements for taking parental leave flexibly or for flexible working

	Reduced hours		Parental leave options	Right to request flexible work
	Breast-feeding	Other		
Australia	✗	✗	✗	● until CSA
Austria	✗	● to 7 years	3, 5	✗
Belgium	✗	✗	1,2	✗
Canada	✗	✗		✗
Québec	✗	✗	3, 5	✗
Croatia	●●●	● health/disability	1,2,5,6	✗
Czech Rep.	✗	✗	1, 3, 4	✗
Denmark	✗	✗	1,3,5	✗
Estonia ^{FN}	●●●	✗	2, 4	✗
Finland	✗	●● to 8 years	1, 2, 6	✗
France	✗	●● health/disability	1	✗
Germany	✗	✗	1, 3,5, 6	✗
Greece ^{FN}				
a.private sector	✗	●●● to 2½ years	2, 5, 6	✗
b.public sector	✗	●●● to 4 years	5	✗
Hungary ^{FN}	●●●	●●● to 8 years	4, 6	✗
Iceland ^{FN}	✗	✗	2, 5, 6	✗
Ireland	●●●	✗	5, 6	✗
Italy	●●●	✗	5, 6	● until CSA
Netherlands	●all employees entitled to work part time if employer agrees and has ten or more employees		6	✗
New Zealand	✗	✗		● any carer
Norway	●●●	● to 10 years	1,3,6	✗
Poland	✗	✗	2,5	✗
Portugal	●●●	✗	1,3,5	✗
Russian Fed.	●●●	✗	1,4	✗
Slovenia	●●●	● to 3+disability	1,,4,5,6	✗
South Africa	✗	✗	No leave	✗
Spain	●●●	●	2	✗
Sweden	✗	● to 8 years	1,2,5,6	✗
UK	✗	✗	5	● any carer
USA	✗	✗	No leave	✗

Key:

✗ – no statutory entitlement; ● – statutory entitlement but unpaid; ●● – statutory entitlement, paid but *either* at low flat-rate *or* earnings-related at less than 50 per cent of earnings *or* not universal *or* for less than the full period of leave; ●●● – statutory entitlement, paid to all parents at more than 66 per cent of earnings (in most cases up to a maximum ceiling).

CSA = compulsory school age.

Parental leave flexible options: refers to options that are not subject to employers' agreement.

1 – leave can be taken full time or part time; 2 – leave can be taken in one block or several blocks of time; 3 – leave can be taken for a shorter period with higher benefit payment or for longer period with lower benefit payment; 4 – leave can be transferred to non-parent; 5 – leave can be taken at any time until a child reaches a certain age; 6 – other, mainly additional leave in case of multiple births.

Right to request flexible work: employer is not required to grant request.

Country footnotes (FN):

Estonia: an employee with a child under 14 years is entitled to take two weeks unpaid leave per year.

Greece: right to work reduced hours can be taken as a shorter period of full-time leave; this full-time option is included in calculation of leave available to families in Table 3.3.

Hungary: an employee *with three or more children* may take leave or work reduced hours until a child is eight years old, receiving a flat-rate payment.

Iceland: an employee may take 13 weeks unpaid leave until a child is eight years old.

2.2 Australia

Michael Alexander, Gillian Whitehouse and Deborah Brennan

NB. Australia is a federal state

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 employees in federal and state jurisdictions have traditionally been detailed in awards, which are usually occupational or industry based prescriptive documents determined by industrial tribunals. Since the mid-1990s, industrial relations legislation has facilitated the spread of enterprise-level collective agreements, which often use the relevant award as a benchmark of minimum standards, but may specify additional employment conditions.

A new system of labour regulation has recently been established under the Fair Work Act 2009, which put in place new employment regulations, the bulk of which came into effect on 1 January 2010. These contain a set of ten national employment standards, some of which refer to parental leave and flexible working arrangements (see below). While additional employment entitlements may still be included in enterprise-level collective agreements, the new national employment standards prescribe the minimum set of entitlements that must be adhered to in awards.

The entitlements in relation to the birth or adoption of a child under Australian labour regulation are written in gender-neutral terms and are generally referred to as Parental leave, rather than Maternity or Paternity leave.

a. Maternity leave

There is no statutory entitlement to Maternity leave as such. However, see 1c for unpaid Parental leave entitlement, which provides possibilities for post-natal leave for women as well as up to six weeks leave prior to the expected birth of the child. The federal government proposes to introduce a paid Parental leave scheme from the beginning of 2011, see part 2.

Despite the lack of a statutory scheme, many employees currently have access to paid Maternity leave through industrial awards, workplace agreements, company policies, or legislation covering public sector employees. In a national survey conducted in November 2009, 49 per cent of female employees indicated they had access to paid Maternity leave in their main job (ABS Forms of Employment survey, November 2009, Cat No 6359.0, Table 9), although another quarter of employees indicated they were unsure or did not know if they had access to this entitlement.

Organisational data indicate that the prevalence of paid Maternity leave has been increasing over recent years, with 51 per cent of large organisations (with 100 or more employees) surveyed by the Equal Opportunity for Women in the Workplace Agency (EOWA) in 2008 providing paid Maternity leave, compared with 36 per cent in 2003 (*Equal Opportunity for Women in the Workplace Survey 2008 on Paid Parental leave, Sex-Based Harassment Initiatives and the Gender Pay Gap*, available through EOWA website, <http://www.eowa.gov.au/>). The conditions attached to paid leave granted by these organisations (duration, level of income replacement and eligibility) vary significantly across employers as discussed below. Levels of access and eligibility periods may also vary within organisations, for example between permanent and non-permanent staff (EOWA, 2009⁶).

b. Paternity leave

As for Maternity leave, i.e. no general entitlement to paid leave but unpaid Parental leave entitlement provides possibilities for three weeks post-natal leave for men immediately following the birth of the child, as well as the possibility for men to share the unpaid Parental leave entitlement (see 1c below).

Some company policies and industrial agreements provide a period of paid leave for fathers. In response to a national survey in 2009, 42 per cent of male employees indicated they had access to paid Paternity leave in their main job (ABS Forms of Employment survey, November 2009, Cat No 6359.0, Table 9), although a substantial proportion of male employees were unsure. Organisational data indicate that the prevalence of paid Paternity leave has been increasing over recent years: 32 per cent of large organisations responding to an earlier 2005 EOWA survey provided paid Paternity leave, compared with 15 per cent in 2001. The amount of paid leave that is granted varies significantly across employers (see later comments) and, as for paid Maternity leave, organisational policies may not deliver the same entitlement to all employees within the organisation.

c. Parental leave

Length of leave

- Twelve months per parent. Following the first 12-month period of unpaid leave, a parent can request to take up to another 12 months (of their own or of their partner's unused leave period). In effect, each family is entitled to 12 months leave for the primary carer (parents can share this role), which can be extended by another 12 months using the entitlement of the other parent; this second 12 months is subject to employer agreement.

⁶ EOWA (2009) *Equal Opportunity for Women in the Workplace Survey 2008 on Paid Parental leave, Sex-Based Harassment Initiatives and the Gender Pay Gap*. Available at: <http://www.eowa.gov.au/>).

- Parental leave can be taken sequentially with other types of paid leave, such as paid Maternity/Parental leave if it is available to the employee through their employment conditions. 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 is still two years.

Payment and funding

- None for statutory provisions under the Fair Work Act 2009.
- Where paid leave is offered (for example, under company policies, industrial agreements or legislative provisions for public sector employees) duration of leave varies, with the most common provisions for paid Maternity leave being six or 12 weeks and for paid Paternity leave one or two weeks. Payment is typically at the employee's normal pay rate, although in some cases there are provisions to double the duration by taking the leave at half pay.

Flexibility in use

- Only one parent is entitled to access unpaid Parental leave at any particular point in time. The exception allowing some flexibility is immediately following the birth (or adoption) of the child, when parents may take concurrent unpaid leave for up to three weeks.

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

- Employees in permanent positions (full- or part-time) are eligible for these entitlements provided they have 12 months continuous service with the same employer by the expected date of delivery.
- Casual employees are also eligible for the above entitlements provided that they have been engaged by a particular employer for a sequence of periods of employment during a period of at least 12 months and, but for the birth or adoption of a child, would have a reasonable expectation of continuing engagement.
- Parental leave is not available to self-employed workers. According to *The Parental Leave in Australia Survey (2005)*, 11 per cent of mothers in employment prior to the birth of their child were self-employed, while the comparable figure for fathers was 20 per cent.
- An employer can refuse the request for a second 12-month period of leave on 'reasonable business grounds'. Any agreement for an additional period of leave beyond the first 12 months will reduce the spouse or de facto partner's entitlement by an equivalent amount.

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 Maternity leave may be taken in cases of pregnancy-related illness or miscarriage within 28 weeks of the expected date of delivery. Any leave taken in these circumstances must be subtracted from the total entitlement to Parental leave.

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

- Paid Parental leave, usually specified as Maternity or Paternity leave, is available in some awards or workplace agreements and/or company policies. In these situations conditions might be attached, such as a requirement to return to work before receiving some or all of the payment or a guarantee to return for at least a period equivalent to the leave taken. Such conditions do not appear to be common. For example, among respondents to the 2005 *Parental Leave in Australia Survey* who had taken some paid Maternity leave, around 5 per cent reported that some or all of their pay was delayed until their return to work.

d. Statutory childcare leave or career breaks

No statutory entitlement.

e. Other statutory employment-related measures

Adoption leave and pay

- The same statutory rights apply as to Parental leave when a child under five years old is adopted.

Time off for the care of dependants

- All employees have access to a period of paid personal/carer's leave equivalent to one twenty-sixth of their nominal annual hours (ten days leave for a regular full-time employee). In addition, employees can access up to two days unpaid carer's leave for each 'permissible occasion' provided paid personal leave has not been exhausted. 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.

Flexible work arrangements

- Some parents covered by State provisions have a right to request part-time work upon returning to work from Parental leave until their child reaches school age.

2. Changes in policy since 2009 review (including proposals currently under discussion)

A new system of labour regulation, entitled the *Fair Work Act 2009*, was passed by the Australian Parliament in April 2009. The new employment regulations, the bulk of which came into effect on 1 January 2010, contain a set of ten national (minimum) employment standards, including:

Parental leave entitlement: an extension of the maximum period of unpaid Parental leave from 12 to 24 months (i.e. 12 months per parent, replacing 12 months per family), though any time beyond the first 12 months is conditional on employer agreement.

Requests for flexible working arrangements: this new national employment standard is based on arrangements that are similar to those operating in the United Kingdom, providing a right for parents who have responsibility for the care of a child under school age (or a child under 18 with a disability) to request a change in work arrangements to assist the employee to care for the child. An employer can accede to the request, offer an alternative set of arrangements, or refuse the request on reasonable business grounds. Both 'flexible working arrangements' and 'reasonable business grounds' are deliberately not defined to avoid limiting the options available or applying to the parties, although general information and assistance will be provided to facilitate agreement. The request is ultimately not enforceable by any third-party body.

In addition, on 12 May 2009 (Mothers' Day), as part of its 2009-2010 budget announcements, the Government announced its intention to introduce a Paid Parental Leave Scheme to commence on 1 January 2011. The main features of the scheme are:

- Tax-payer funded paid Parental leave of 18 weeks duration at the federal minimum wage (currently AU\$543.78 (€375) per week, or 50.3 per cent of full-time average ordinary time female earnings as at November 2009).
- Where possible, the benefit would be paid by employers, with the government pre-paying employers for the cost.
- To be eligible for the paid Parental leave scheme, the primary carer (usually the mother) must be in paid work and have: been engaged in work continuously for at least 10 of the 13 months prior to the expected birth or adoption of the child; and undertaken at least 330 hours of paid work in the 10-month period.
- The benefit would be restricted to those earning less than AU\$150,000 (€103,320) per year or 3.9 times average female annual earnings (or 2.7 times average female full-time earnings).
- The benefit can be taken in conjunction with other forms of paid leave to which the employee may be eligible (recreational leave, long service leave, employer-funded Parental leave) but must be taken before the employee returns to work.
- Any unused portion of the leave benefit can be transferred to another primary caregiver (usually the father) in the event that they also meet the eligibility criteria.
- Where employees are covered by an existing industrial award or enterprise agreement that includes paid 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.
- Those mothers not working (or not working for a sufficient period or hours) prior to the birth of a child would still be eligible for the existing baby bonus of AU\$5,185 (€3,570) – paid in 13 equal fortnightly instalments, and have access to family tax benefit B (primarily payable to single income families). These benefits of the social security system would no longer be available to those claiming the paid Parental leave benefit.

Legislation to bring this policy into effect is expected to be introduced into the Australian Parliament in the 2010 budget session (May-June).

The implementation of this scheme follows an earlier public inquiry into the social costs and benefits of providing paid Maternity, Paternity and Parental leave in

Australia, conducted by the Productivity Commission. The government has implemented all but two key recommendations of the Commission's final report: Paternity leave of two weeks payable primarily to fathers (or other caregiver in other circumstances) within the first 12 months of the birth of the child; and employers to pay superannuation contributions (at the statutory amount) for the period of the Parental leave benefit. The government has committed to reviewing the operation of the scheme by the end of 2014, including the appropriateness of introducing these two recommendations.

The Leader of the Opposition in the Australian Parliament announced (on International Women's Day 2010) an intention to introduce an even more generous paid leave scheme from 2013 should the opposition parties win government at the next federal election (due before March 2011). The proposal is for 26 weeks paid Maternity leave at full replacement salary, paid for through a levy of 1.7 per cent on large businesses.

3. Take-up of leave

Until recently, Australia has had limited data on who has access to various types of leave, and even less information on who is accessing their entitlements and in what manner. This situation has now been addressed with the release in 2006 of figures on the availability and take-up of different leave arrangements around the birth of a child, based on two surveys:

- *The Parental Leave in Australia Survey*, conducted as part of Wave 1.5 of the Australian government-funded *Growing Up in Australia – the Longitudinal Study of Australian Children*, collected information from parents with a child born between March 2003 and February 2004, focusing in particular on employment and leave arrangements prior to and following the child's birth⁷.
- A supplementary labour force survey collected information on employment and leave from mothers of children under two years of age (ABS, 2005⁸). There are plans to repeat this survey in November 2011, 11 months after the introduction of the proposed paid Parental leave scheme.

a. Maternity leave

Data from *The Parental Leave in Australia Survey* show that 37 per cent of mothers who worked as employees in the 12 months prior to the birth of their child used some paid Maternity leave following the birth (sometime between March 2003-February 2004), although very few leave-takers (around 4 per cent) used paid Maternity leave only. Close to 60 per cent of mothers working as employees in the lead up to the birth used some unpaid Maternity/Parental leave, with around one-quarter of leave-takers relying solely on this form of leave. Most of those who took leave combined paid and unpaid forms, often combining unpaid Maternity leave with other forms of leave such as paid annual leave. The overall average duration of leave taken by mothers who worked as employees prior to the birth was 40 weeks. Of the total Maternity leave taken by this group, around 27 per cent was paid. A small proportion of this paid Maternity leave was

⁷ This study is managed by the Australian Institute of Family Studies; see <http://www.aifs.gov.au/growingup/>, and for an overview of the survey findings, see <http://www.uq.edu.au/polsis/parental-leave>.

⁸ Australian Bureau for Statistics (2005) *Pregnancy and Employment Transitions*, Cat. No. 4193.0).

taken at less than full-time pay: 18 per cent of mothers taking some paid Maternity leave took their leave at a different pay rate, commonly at half pay in order to double the leave time available. If all forms of leave are taken into consideration (that is, including 'non-maternity' forms of leave), around 29 per cent of the total leave taken was paid leave.

b. Paternity leave

Use of Paternity leave was considerably lower than use of Maternity leave. Around one-quarter of fathers of young children who worked as employees in the 12 months prior to the birth of their child used some *paid* Paternity leave, but less than 10 per cent used any *unpaid* Paternity/Parental leave. Fathers relied very heavily on the use of non-parental forms of leave, the most prevalent being paid annual leave. Fathers were much less likely than mothers to combine different forms of leave, and their overall average duration of leave across all leave types was two weeks. Of the total leave taken by fathers working as employees, around 88 per cent was paid.

c. Parental leave

Among respondents to the *Parental Leave in Australia Survey*, around 80 per cent of employees met the basic eligibility criterion for access to Parental leave. Overall, 68 per cent of mothers of children born between March 2003 and February 2004, who worked as employees in the 12 months prior to their child's birth, used some leave designated as 'Parental' or 'Maternity' leave; while the corresponding figure for fathers was 30 per cent. For fathers in particular, usage of Parental leave thus falls well below access and eligibility.

d. Other employment-related measures

According to the Household, Income and Labour Dynamics in Australia (HILDA) survey, access to carer's leave currently stands at 72 per cent of employed persons (those without access are mainly self-employed and casual workers). In terms of usage, the *Parental Leave in Australia Survey* suggested that around 13 per cent of mothers who returned to work as employees after the birth of their child reported using some carer's (or 'family' or 'special') leave. In addition, around 16 per cent of this group reported using some of their own sick leave to care for their child (*The Parental Leave in Australia Survey*). Overall, around 24 per cent used at least one of these forms of leave. Among fathers working as employees after the birth of the child: 21 per cent used some of their own sick leave to help care for their child; 15 per cent used some carer's (or 'family' or 'special') leave; and around 30 per cent used at least one of these forms of leave. As discussed earlier, entitlements to carer's and sick leave are now combined in the personal leave entitlement under Australia's current legislation.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

The highlight for publications in 2009 for Australia was the Productivity Commission's final report into paid Parental leave in Australia and the Government's announcement of a new paid Parental leave scheme to operate from the beginning of 2011 based primarily on the Commission's

recommendations. The Institute for Social Science Research (University of Queensland) has recently been commissioned by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs to undertake an evaluation of the new scheme, with the evaluation due to commence in July 2010 and be completed by December 2013.

b. Selected publications since 2009 review

Productivity Commission (2009) *Paid Parental Leave: Support for Parents with Newborn Children*. Available at:

<http://www.pc.gov.au/projects/inquiry/parentalsupport/report>.

Final report on the inquiry into paid Maternity, Paternity and Parental leave in Australia, and the basis for the government's new scheme.

Brennan, D. (2009) 'Australia: the difficult birth of paid maternity leave', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies*, Bristol: The Policy Press, pp.15-32.

This chapter explores the history and politics of Maternity and Parental leave in Australia, emphasising the distinctive features of the Australian approach to social protection and industrial relations that prevailed throughout the first three-quarters of the twentieth century. It focuses on the politics of paid leave, examining the ways in which political parties, women's groups, trade unions and employer groups have framed the issue of financial support for new mothers (and, more recently, fathers).

Baxter, J. (2009) 'Mothers' timing of return to work by leave use and pre-birth job characteristics', *Journal of Family Studies*, Vol.15, 2: 153-166.

This paper explores the timing of mothers' return to work using data from the 2005 Parental Leave in Australia Survey (PLAS), which was nested in Wave 1.5 of the Longitudinal Study of Australian Children (LSAC). The analyses explore differences in timing of return to work, within 18 months after a birth, according to mothers' use of leave and employment before the birth of their child. Having worked before the birth was a strong predictor of timing of return after the birth. For those who were employed, those who used no leave had a relatively slow return to work, while among those who used leave, whether leave was paid, unpaid or a combination of paid and unpaid did not result in large differences in the likelihood of a mother returning to work by 18 months after the birth. Women who used only paid leave had a slightly higher rate of return to work than those who used unpaid leave, either on its own or in combination with paid leave.

Baird, M., Frino, B. and Williamson, S. (2009) 'Paid Maternity and Paternity leave and the emergence of 'equality bargaining' in Australia: an analysis of enterprise agreements, 2003-2007', *Australian Bulletin of Labour*, Vol.35, 4: 671-691.

Using current enterprise agreement data, this paper evaluates outcomes for paid Maternity and Paternity leave in Australia and considers the presence of 'equality bargaining' in Australia. The incidence of paid Maternity leave clauses in bargaining agreements is higher than in previous years and is higher still than for paid Paternity leave, although neither is widespread. It finds a new bargaining norm for paid Maternity leave of 14 weeks, distinct sectoral patterns in paid Maternity and Paternity leave clauses and the possible emergence of an equality bargaining agenda.

Hosking, A., Whitehouse, G. and Baxter, J. (forthcoming) 'Duration of leave and resident fathers' involvement in infant care in Australia', *Journal of Marriage and Family*.

This paper examines the extent to which Australian fathers' use of leave around the time of the birth of a child is associated with the time they spend with their child at age 4-19 months. It draws on data from the Longitudinal Study of Australian Children and is the first comprehensive investigation into this issue in Australia. Infants' time with their fathers at age 4-19 months was not statistically related to fathers' use of leave around the birth. A significant association was found between fathers' use of leave and sole father care of an infant on weekends, however this was not evident for weekdays. The analysis suggests that fathers' leave-taking was not a major influence on fathers' subsequent involvement in infant care in the Australian context at this time.

c. Ongoing research

The Australian Work and Life Index (AWALI) (2007-ongoing). Pocock, B. Centre for Work + Life (University of South Australia).

AWALI is a national survey of work–life outcomes amongst working Australians. It commenced in 2007 and is being repeated annually by the [Centre for Work + Life](#) at the University of South Australia in partnership with the South Australia and Western Australia governments. AWALI serves as a benchmarking tool to compare and contrast work–life outcomes across various groups defined by geographic location, employment characteristics (e.g. occupation, work hours, industry, job quality) and social demographics (e.g. gender, age, parenthood, income). It also serves as a powerful analysis tool to examine the protective and risk factors related to work–life conflict, and the social, community and health outcomes affected by the state of the work–life relationship.

A regional perspective on work, life and community balance in Victoria. Centre for Applied Social Research (RMIT University).

Little attention has been paid to how employment conditions such as working-time and leave arrangements in different industries and regional locations might impact on employee work and family balance, and to how local infrastructure, such as operating hours for childcare and public transport, might also support or frustrate better work and family balance. This research is interested in how the implementation of employment regulation is shaped by the regional and industry location of workplaces. The research aims to: investigate how regional and industry differences in employment conditions are associated with the capacity to balance work and family, and work and community life; analyse the particular impact of changing employment regulation on working-time arrangements and work–family–community balance outcomes in a range of specific regional and industry contexts; and identify the ways in which social policy at the local, state and federal levels can better support working Australians to balance work, family and community responsibility and participation.

Industrial relations, gender equity and work/family balance: assessing the impact of changing law and practice in Queensland. G. Whitehouse, J. Baxter, and C. Broers (University of Queensland and Queensland Government Department of Industrial Relations).

This project is designed to assess the impact of changing industrial relations law and practice on gender equity and work/family balance in Queensland. It seeks enhanced understanding of the complex relationships between industrial relations frameworks, business adaptations and outcomes for employees focusing in particular on the way these relationships vary across sectors and regions. An innovative research design will track a panel of workplaces and their employees over three years, complementing aggregate statistics with in-depth longitudinal evidence.

2.3 Austria

Christiane Rille-Pfeiffer

NB. Austria is a federal state

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

a. Maternity leave (*Mutterschutz*) (responsibility of Federal Ministry of Economy, Family and Youth)

Length of leave (before and after birth)

- Sixteen weeks, eight weeks before the birth and eight weeks after the birth.

Payment and funding

- One hundred 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 €7.91 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 €25.95 a day. Eligible unemployed women or women receiving Childcare benefit are entitled to 180 per cent of previous unemployment benefit.
- Funded partly (70 per cent) from *Familienlastenausgleichsfond* (FLAF – Family Burdens Equalisation Fund), financed by contributions by employers based on their salary bill and from general taxes, and partly (30 per cent) from public health insurance.

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 freelance 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 Economy, Family and Youth)

There is no statutory entitlement to Paternity leave, though collective agreements may provide a few days off for fathers immediately after the birth of a child, during which time fathers receive full earnings replacement.

c. Parental leave (*Elternkarenz*) (responsibility of Federal Ministry of Economy, Family and Youth)

Length of leave (before and after birth)

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

Payment and funding

- A Childcare benefit is available to all families who meet the eligibility conditions, whether or not parents take Parental leave (see part 2). Parents can choose between four flat-rate options and one income-related option:
 - €436 a month for 30 months **or** for 36 months if both parents apply for the payment;
 - €624 a month for 20 months **or** 24 months;
 - €800 a month for 15 months **or** 18 months,
 - €1,000 a month for 12 months **or** 14 months for those earning less than €1,000 income a month;
 - 80 per cent of the last net income for 12 months **or** 14 months for those earning between €1,000 and €2,000 a month.
- Childcare benefit is funded from the FLAF; see 1a for more details.

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 three months). Both parents cannot take leave at the same time except for one month the first time they alternate leave. In that case Parental leave ends one month earlier (i.e. one month before the child's second birthday).
- 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).

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.

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)

- None.

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

- None.

d. Childcare leave or career breaks

- Employees have the possibility to take between six and 12 months time off for private reasons (e.g. further education, family reasons). It is based on a mutual agreement between employer and employee and is unpaid; it is not, therefore, a statutory entitlement. The leave period is unpaid, though if leave is taken for educational reasons, then 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

- Employees are entitled to take two weeks leave a year to care for sick children and one week of leave for other dependants/family members needing care, with full earnings replacement.
- Employees may take at maximum six months family hospice leave for the purpose of nursing terminally ill family members or very seriously ill children. If the leave is taken for ill children, it can be extended to nine months. This leave is unpaid, but low-income families may claim subsidies, if such care leave causes financial distress.

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. There are no given limits concerning the extent of the part-time work. The new 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. As in the past 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 during the period of part-time work.

2. Changes in policy since 2009 review (including proposals currently under discussion)

After eight years experience with the Childcare benefit, introduced in 2002 and modified in 2008, the existing Childcare benefit scheme has been made more flexible. Since January 2010, two new options have been added to the existing three (see 1c for all five options): for those without earnings or less than €1,000 income a month, there is another flat-rate version with €1,000 a month for 12 months (or 14 months if both parents apply for the payment); for those having between €1,000 and €2,000 income a month there is an income-related version with 80 per cent of the last net income for 12 or 14 months. In fact those two models are not optional but depend on the former income situation. Providing a rather short period of leave, the two new models should encourage mothers to re-enter the labour market earlier and thus reduce the negative effects of long-term labour market absence for women; while the income-related version in particular should increase the participation of fathers in leave-taking. The current limit of additional earnings (from 2010 on, not including income from letting and leasing, or capital assets) of €16,200 a year remains in place, but parents with a higher former income can earn up to 60 per cent of that income. This individual supplementary earnings limit is made available in all flat-rate options. For recipients of the income-related Childcare benefit, supplementary earnings up to € 5,800 a year are possible.

Though these modifications of the Childcare benefit are widely accepted, the political debates continue. The system is criticised for its complexity, making it hard to manage for recipients as well as in administrative terms. Another debate concerns financing and the high costs of the new system.

Increasing the participation of fathers in the care of children is one of the major goals of the new regulation, and has been an issue for some time. Previous attempts to increase the percentage of fathers taking up Parental leave have proved to be rather ineffective. In this context it is important to distinguish between fathers taking Parental leave and fathers receiving Childcare benefit. Whereas the percentage of fathers taking Parental leave remains very low, the number of fathers receiving Childcare benefit has continuously increased, because this payment is available not only for employees but for all parents irrespective of their occupational status. Moreover, the only requirement for receiving Childcare benefit is to observe the limit on additional earnings. Hence, it can be questioned whether the increasing number of fathers taking Childcare benefit corresponds to the real participation of fathers in childcare.

Nevertheless there is broad agreement on the need to encourage fathers to participate in childcare, and the government is currently discussing the

introduction of one month of obligatory Paternity leave. The new State Secretary in the Federal Ministry of Economy, Family and Youth pushed this initiative and Paternity leave became part of the government agreement in 2008. The political parties basically agreed to focus on fathers but made this initiative conditional on funding being available. There are several ideas about how to frame the so-called 'Papa-Monat', although the main principles are agreed: a period of four to six weeks with a minimum payment of €800 or alternatively an earnings-related payment. To date, though, nothing has happened.

Over the last few years the availability of institutional childcare – especially for children under 3 years – is an important issue for politicians as well as for scientists. Due to the new option to choose a shorter period of Childcare benefit the question of childcare for children under 3 years is receiving additional attention. Childcare in Austria is highly decentralised, being a matter for the provinces, some of which have recently decided to extend childcare services – for children aged 3 to 6 years as well as for younger children.

Starting with the school year 2009/2010 there is an obligatory year in kindergarten for five-year-old children, a measure seen as improving and extending preschool education and the relatively poor language skills of children coming from foreign families when they enter the school system.

3. 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. 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). Since the introduction of the Childcare benefit in 2002, statistics are only available on fathers taking this benefit, which has slightly risen from 1.9 per cent in January 2002 to 4.7 per cent in December 2009. It is too soon to evaluate the impact of the Childcare benefit options. However the Ministry of Economy, Family and Youth has announced that the aim is to reach 20 per cent take-up of fathers in the two new options.

Data for December 2009 from the Ministry of Economy, Family and Youth gives some indication of parental use of the previous three Childcare benefit options); 75 per cent of mothers opted for the long model (30+6 months), 20 per cent for the second model (20+4) and 5 per cent for the short model (15+3). Fathers drawing Childcare benefit choose the shorter option more often than women, as the payment is higher than for the longer options.

d. Other employment-related measures

Contrary to the government's expectations, the take-up of the family hospice leave has been very low: 1,159 people took this leave from July 2002 until the end of 2004 (no current information available). There is no information available on take-up of care leave for sick children as well as for other dependants.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Research on Maternity leave is rare because the entitlement is so well established and widely accepted. Parental leave was introduced for the first time in 1957 as an unpaid leave of six months for employed mothers only. During the last decades it was modified several times and analysed in numerous research studies, mainly the impact of taking up Parental leave on women's employment and their occupational careers, especially on re-entry into the labour market, and the take-up of leave by fathers. 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. The introduction of the Childcare benefit not only marked a fundamental change in Austrian leave policies but – as mentioned before – has also had substantial negative effects on research on take-up of leave due to a lack of data. There is almost no research on this issue, which also seems to correspond to a decreasing amount of research on re-entry into the labour market.

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 as 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 publications since 2009 review

Auer, M. and Welte, H. (2009) 'Work-family reconciliation policies without equal opportunities? The case of Austria', *Community, Work and Family*, Vol.12, 4: 389-407.

This paper explores the main public work-family policies in Austria (Parental leave in connection with the Childcare benefit, parents' entitlement to part-time work, the extension of the childcare infrastructure) from the perspective of social justice, referring to concepts of gender equality, recognition, and choice.

Lalive, R. and Zweimüller, J. (2009) 'How does parental leave affect fertility and return to work? Evidence from two natural experiments', *Quarterly Journal of Economics*, Vol.124, 3: 1363-1402.

This paper examines the effects of changes in the duration of paid Parental leave on mothers' higher-order fertility and post-birth labour market careers. The focus is a major reform increasing the duration of Parental leave from one year to two years for any child born on or after 1 July 1990.

Schimmerl, S. (2009) *Welche Aspekte spielen bei der Entscheidung zur Berufstätigkeit von Müttern mit dem ersten Kind im Alter zwischen null und drei Jahren eine Rolle?* [Which aspects are relevant for the decision of mothers with a first child aged 0 to 3 years to have a job].

Master's thesis (including a qualitative survey) about aspects that allow mothers of children under three years old to pursue employment; referring to different theoretical perspectives on the compatibility of work and family and to family- and socio-political arrangements in Austria.

c. Ongoing research

Evaluation of the childcare benefit (2008-2011). Austrian Institute for Family Studies (OIF) for the Federal Ministry of Economics, Family and Youth (BMWFJ). Ongoing research to evaluate the modification of the Childcare benefit from 2008 up to 2011. The main issues are: take-up of the three different models and reasons for using different models; and the impact of Childcare benefit on the reconciliation of family and work, on women's occupational careers and on male participation in caring for children. A first report based on a quantitative study with mothers and fathers has been submitted to the Ministry. Contact: christiane.rillepfeiffer@oif.ac.at.

2.4 Belgium

NB. Belgium is a federal state

Laura Merla and Fred Deven

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 and Social Affairs)

Length of leave (before and after birth)

- Fifteen weeks for employees. A woman can start to take her leave six weeks before her baby is due; one week before and nine weeks after delivery are obligatory.

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 €88.77 per day. Public sector: statutory civil servants receive full salary; contractual civil servants, as for private sector.
- 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.
- Up to two weeks of postnatal 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.

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

- All women employees 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. eight 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 to take the full six weeks of pre-natal leave, can take an extra week of post-natal leave, i.e. their Maternity leave is extended to 16 weeks.

- 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 income.

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

Length of leave

- Ten days; three days are obligatory.

Payment and funding

- One hundred per cent of earnings for three days paid by the employer, 82 per cent of earnings for the remaining period paid by Health Insurance (ceiling of €97.06 per day).
- Funded as Maternity leave.

Flexibility in use

- Fathers can take these two weeks during the first four months following the birth of their child which spreads their paternity leave over a somewhat longer period.

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

- All male employees. 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)

- Three months per parent per child, which can be taken up to the child's twelfth birthday. Leave is an individual entitlement.

Payment and funding

- €653.22 per month net of taxes (€726.85 before taxes).
- Funded as Maternity leave.

Flexibility in use

- Leave may be taken full time, half-time over six months or one day a week over 15 months. For half-time leave, the total duration of six months can be split into blocks of time, minimum two months. For one-fifth leave, the total duration of 15 months can still be split into blocks, minimum five months instead of three. In addition, there is a new possibility to combine different forms of leave according to the following rule: one month at full time + two months at half-time + five months at one-fifth.

Regional or local variations in leave policy

- The Flemish Community pays an additional benefit during the first year (approximately €160 per month for a full-time break).

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 to the employee. 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 parents

- As the leave is per child, each parent of twins for example gets 26 weeks.
- Parents of disabled children can take leave until their child's eighth birthday.
- The benefit is higher for lone parents who reduce their employment by a fifth (approximately €165 instead of €123 per month in all the 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 similar scheme – 'career breaks' – applies in the public sector). Payment varies according to age, civil status and years of employment (e.g. it is higher for those aged 51 years or older, for those employed for five years or more). The maximum for a full-time break is approximately €592 per month. The bonus for residents of the Flemish Community also applies to this type of leave. All eligible workers have a basic right to one paid year of this type of leave. This period can be extended up to five years by collective agreement

negotiated at sectoral or company level. Users who extend their leave to care for a child younger than eight years, to care for a seriously ill family member or for a handicapped child, will continue to receive a payment during the full length of their leave. For each company, there is a 5 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 a guarantee in principle to return to the workplace following a career break or time credit period. Payments to time credit users comes from the Belgian social security system, which is financed by contributions from employers and employees. For more details, see articles in Section 1 of the 2009 review.

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 (or eighth birthday in the public sector).

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, an employee can take full-time leave ranging from one to 12 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 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

- None.

2. Changes in policy since 2009 review (including proposals currently under discussion)

Since April 2009, parents who work in the private sector can take Parental leave until their child's twelfth birthday; previously, it was the sixth birthday. This measure is also applicable to the public sector since April 2010.

Following the federal government's decision to save €40 million in the time credit system in 2010, since March 2010 employees willing to take a full or part-time time credit must have been working for their employers for at least two years

(instead of one year). This is not applicable for workers who request a time credit immediately after taking Parental leave. In this case they must have worked for their employer at least 12 months over the last 15 months. In all cases, the minimum age for receiving increased payments changed from 50 to 51.

By the end of November 2011, the total duration of full-time Parental leave will be extended to four months per parent instead of three months. According to the Minister of Employment, this measure will cost approximately €5 million per year.

3. Take-up of leave

a. Maternity leave

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

Data on the take-up of the recently extended Paternity leave remain preliminary. Following the extension to ten days, a large majority of men used the extended Paternity leave; in 2006, it was taken by 55,499 fathers, compared with 17,045 in 2002 (Belgian Senate). About 5 per cent of fathers continue to use only the three days of leave that was the previous entitlement.

c. Parental leave

There is no information on what proportion of employees are not eligible for Parental leave. The profile of users remains predominantly female although the proportion of fathers among all leave-takers is slowly growing; from 2006 to mid-2009, the total number of users increased by 34 per cent. During this period, the number of male users increased by 66 per cent. In mid-2009, the share of fathers reached 24 per cent.

Between August 2008 and August 2009 the number of male users increased by 40 per cent while the number of female users increased by 16.4 per cent. This increase is mainly due to the change in Parental leave allowing parents to take leave until their child's twelfth birthday. It could also reflect an employer's strategy to reduce their salary costs and limit the impact of the economic crisis by encouraging fathers to take Parental leave.

d. Other employment-related measures

Between 2007 and 2008, the number of time credit users rose by 22 per cent, due to increased use of a reduced hours options (reducing working time by a half or a fifth). In 2008, only 12 per cent of all users in the public sector opted for a full-time career break and only 6 per cent of users in the private sector opted for a full-time time credit leave. People aged 50 and over represent the majority of users, accounting for 58 per cent of expenditure, mostly using the scheme to adapt their working time by taking part-time leave. This age group are predominantly male, suggesting that men tend to use the time credit system as a form of flexible early retirement. By contrast, women tend to use it more to

balance paid work and (child)care; in 2008, almost 30 per cent of expenditure was for women and men aged 25 to 40 years, mostly for care purposes.

Between 2008 and 2009 the number of users of part-time leave continued to rise (+13 per cent) while the number of users of full-time leave decreased (-16 per cent). In 2008, users of time credit represented 2.5 per cent of the workforce – 3.6 per cent of women in the workforce and 1.7 per cent of men in the workforce.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

There is no research on statutory leave entitlements, and only limited official information on take-up. Research has been focused on how parents have managed to take time off work or work more flexibly without recourse to legal entitlements, including the contribution of workplace policies and practices. There have been a number of publications documenting the use of these entitlements based on administrative records showing an overall increase in use, mostly by women to maintain continuous employment when having children.

b. Selected publications since 2009 review

Meulders, D. (ed.) (2008) 'Parenthood and Employment/Parentalité et Emploi', *Brussels Economic Review*, Vol.51, 2-3.

Papers from this special issue were presented at an international conference on Parenthood and Employment that took place in Belgium in 2008, in the context of Dulbea's research project 'Public Policies towards Employment of Parents and Social Inclusion'. Contributions discuss the impact of young children on mother's and father's employment and analyse the influence of public policies on the continuity and quality of parents' employment and on time allocation within households in various European and other countries.

Fusulier, B., Laloy, D. and Sanchez, E. (2009) 'Etre au service et articuler travail/famille. De la double disponibilité pratique et subjective chez les professionnels de la relation', *Informations Sociales*, 154: 22-30.

This paper questions the capacity of nurses, social workers and police officers to practically and subjectively distance themselves from family life at work.

Fusulier, B. and Marquet, J. (2009) 'Pour une lecture "rubikcubique" de l'investissement paternel', in: C. Nicole-Drancourt (ed.) *Conciliation travail-famille: attention travaux*. Paris: L'Harmattan -Logiques sociales, pp. 171-180.

This chapter is an attempt to further develop Devreux's (1985) tri-dimensional model for the study of parenthood by including three additional levels of analysis: the macro-, the meso- and the micro-social levels. This 'rubik's cubic' vision underlines how the engagement of men and women in fatherhood and motherhood is largely determined by their concrete and symbolical position in the gendered division of paid and domestic work.

Maron, L. (2009) 'Les inégalités hommes-femmes dans l'utilisation du temps en Belgique', *Brussels Economic Review*, Vol.53, 1: 129-156.

Based on data from the 2005 Belgian Time Budget Survey, this paper aims to measure gender inequalities in terms of time allocation and to study the link

between income poverty and time poverty. Results show that women have a higher risk of time poverty than men because of the 'double shift', and that these inequalities are influenced by socio-economic characteristics such as age, marital status, number of children or level of education. Time and income poverty are distinct and do not necessarily affect the same group of persons.

c. Ongoing research

The paternity leave issue for Belgian workers (2009-2010). Institute for the Equality of Women and Men.

Based on a survey of 1,200 men who became fathers in 2008, this study analyses men's experience of Paternity leave. It aims at increasing knowledge of employees' use of Paternity leave, at identifying problems experienced when taking this leave, identifying the characteristics of employees who encounter problems and of the employers for whom they work, and formulating policy proposals to improve the current legislation on Paternity leave. Contact: egalite.hommesfemmes@iefh.belgique.be

2.5 Canada

Andrea Doucet, Diane-Gabrielle Tremblay and Donna Lero

NB. Canada is a federal state

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 through the Employment Insurance (EI) programme, funded by the Department of Human Resources and Social Development Canada. The ten provinces and three territories (referred to below as 'jurisdictions') deliver the programme and thereby modify some of the details. These variations are minimal. Labour laws also fall under provincial jurisdictions resulting in different leave entitlements. Payment of maternity and parental leave is the same under the federal programme; based on a complex formula that takes economic region and low-income into account.

In January 2006 the province of Québec launched a separate Maternity, Paternity and Parental leave benefit programme, called the Québec Parental Insurance Plan (QPIP). Details of the programme are given below under 'regional or local variations in leave policy'.

a. Maternity leave (*congé de maternité*) (responsibility of the Department of Human Resources and Social Development Canada)

Length of leave (before and after birth)

- Fifteen to 18 weeks depending on the jurisdiction. Leave may normally not start earlier than 11 to 17 weeks before the expected date of birth, depending on the jurisdiction. The total leave is not affected by when a

woman starts her leave, except in some cases where an extension may be granted if the actual date of delivery is later than the estimated date.

Payment and funding

- Fifteen weeks at 55 per cent of average insured earnings up to an earnings ceiling of CAN\$43,200 (€32,620) (i.e. a benefit payment ceiling of CAN\$457 (€345) per week). Low-income families can qualify for a higher benefit rate. There is no payment for the first two weeks which is treated as a 'waiting period'; this means that payment is made for 15 weeks out of 17 weeks leave.
- Funded from the federal EI fund, which is financed by contributions from employers and employees.

Flexibility in use

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so, but for the two months after birth no paid work is allowed for reasons of health protection.

Regional or local variations in leave policy

- Length of leave and entitlement vary across provinces and territories.
- **Quebec** offers benefits of 70 per cent of average weekly income up to an earnings ceiling of \$62,500 per year (€47,195) for 18 weeks of Maternity leave; there is also no two-week waiting period. 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.
- These benefits are financed by contributions from employers and employees. In addition to contributions to the federal Employment Insurance scheme, there is a supplement; employees contribute 0.484 per cent of earnings, employers 0.677 per cent, and self-employed workers 0.86 per cent, all up to a maximum insurable income of CAN\$62,500.

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

- Eligibility for job-protected leave varies between jurisdictions and is also different from the eligibility for payment of benefits. Except in British Columbia, Québec and New Brunswick, an employee must have been employed by the same employer for a certain amount of time, varying from 13 weeks to 12 months. All but one jurisdiction, Saskatchewan, require this employment to be continual. Eligibility requirements for benefits under the federal programme are 600 hours of continuous employment in the last 52 weeks. Until recently, most self-employed women were not eligible for benefit since they typically work under business or service contracts and are, therefore, not considered to have insurable employment. Moreover, many part-time workers do not have enough hours to qualify. However, as described below (see part 2), the recent introduction of Bill C-56 extends EI special benefits to the self-employed on a voluntary 'opt-in' basis.

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 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.

Additional note (e.g. if leave payments are often 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.

b. Paternity leave (*congé de paternité*) (in Québec, responsibility of Ministère de l'Emploi et solidarité sociale)

Length of leave (before and after birth)

- No statutory leave, except Québec (see 'regional or local variations').

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 income or for five weeks at 70 per cent up to an earnings ceiling of CAN\$62,500 (€47,195) per year. Funding as for Maternity leave.
- Fathers in Québec (including self-employed workers) are eligible if they have earned at least CAN\$2,000 (approximately €1,510) in the 52 preceding weeks

c. Parental leave (*congé parental*) (responsibility of the Department of Human Resources and Social Development Canada)

Length of leave (before and after birth)

- Thirty-seven weeks in most jurisdictions for one parent or shared between two parents but not exceeding a combined maximum of 35 weeks. Leave is an entitlement per family. 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 and the maximum number of weeks of leave that are allowed – including post-natal Maternity leave and Parental leave – for one person in almost all jurisdictions is 52.

Payment and funding

- Up to 35 weeks per family at the same rate as Maternity leave (55 per cent of average insured earnings up to an earnings ceiling of \$43,200 (€32,620), i.e. a benefit payment ceiling of CAN \$457 (€345) per week).
- Funding as for Maternity leave.
- Low-income families (less than CAN\$25,921 (€19,575) per annum) are eligible for a family supplement. In **Québec**, this supplement averaged

CANS\$34.23 (€26) per family and 7.2 per cent of families using Parental leave received this supplement.

Flexibility in use

- Benefit payments can be claimed by one parent or shared. They must be taken within 52 weeks of the birth. While on leave, a parent may earn CAN\$50 (€38) a week or 25 per cent of the benefit, whichever is the higher (or, if the applicant lives in one of 23 economic regions, up to CAN\$75 (€57) or 40 per cent of the weekly benefit).

Regional or local variations in leave policy

- Provincial and territorial policies vary in the length of leave, flexibility of use, eligibility, etc. In some jurisdictions the amount of Parental leave depends on whether Maternity/pregnancy leave was taken – the maximum number of weeks that are allowed for one person in almost all jurisdictions is 52, although British Columbia allows for an extension of Maternity leave that is not calculated into the 52 weeks. In three jurisdictions aggregate Parental leave cannot exceed the maximum of the allowed leave (i.e. no more than 37 weeks combined). In all other jurisdictions each parent may take the full Parental leave that is allowed (i.e., 37 weeks each parent). Some jurisdictions require that leave is completed within 52 weeks.
- **Québec** 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 CAN\$62,500 (€47,195) 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. Funding as for Maternity leave.

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

- Eligibility for leave varies between jurisdictions and is also different from the eligibility for payment benefits. With the exceptions of British Columbia, Québec and New Brunswick, an employee must have been employed by the same employer for between 13 weeks and 12 months. All but one jurisdiction require this employment to be continual. Some types of employees and employment are excluded: the specific details vary from jurisdiction to jurisdiction, but students, agricultural workers, workers in small businesses and workers in government employment creation programmes are often excluded.
- To be eligible for payment benefits, a parent must have worked for 600 hours in the last 52 weeks or since their last Employment Insurance claim. Most self-employed workers are not eligible. Self-employed workers in Québec are eligible for 25 or 32 weeks if they have earned at least CAN\$2,000 (€1,510) in the 52 preceding weeks.
- **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 CAN\$2,000. 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 CAN\$2,000 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 hospitalised 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).

Additional note (e.g. if leave payments are often 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, 2004).
- In **Alberta** if both parents work for the same employer, the employer is not obliged to grant leave to both employees at the same time.

d. Childcare leave or career breaks

- None at national or provincial levels. In some collective agreements in the **Québec** public service, for example education, 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 of labour law or regulation.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents except in four jurisdictions. 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) which can be added to Parental leave, though in Saskatchewan only the primary caregiver is eligible for the adoption leave. In **Québec**, adoption leave 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**, parents are allowed ten days by the *Loi sur les normes du travail*.
- Nine jurisdictions have compassionate care leave provisions which allow 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 eight weeks unpaid within a 26 week period. Benefits of up to six weeks can be claimed through Employment Insurance for this leave; to qualify for benefits you must have worked 600 hours in the last 52 weeks and your weekly earnings must decrease by 40 per cent. This leave, *inter alia*, allows parents to take time off to care for a sick child even after 52 months have passed since the birth or if leave periods have been exhausted.

Flexible working

- In the federal and Québec jurisdictions, a pregnant woman or nursing mother may 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.

2. Changes in policy since 2009 review (including proposals currently under discussion)

On 3 November 2009 the Government of Canada introduced Bill C-56 which proposed to extend EI special benefits to the self-employed on a voluntary, ‘opt-in’ basis. The legislation, which was passed in January 2010, allows the self-employed to claim, starting January 2011, federal EI special benefits: Maternity leave (up to 15 weeks of benefits), Parental leave (35 weeks), sickness (15 weeks) and compassionate care (6 weeks). Unlike the Canada Pension Plan, where the self-employed pay both employee and employer contributions, under this system the self-employed are only expected to contribute the employee portion of the cost, which would be around CAN\$750 (€565) for 2010. A further requirement is that the self-employed person will have earned at least CAN\$6,000 (€4,530) in net income in the previous year. Once the self-employed person opts into the programme and receives an EI benefit, he or she cannot opt out again. Coverage of the self-employed in Québec has already been in place for several years.

3. Take-up of leave

Because the information available combines Maternity and Parental leave and benefits, the part below has been organised under two headings: ‘mothers’ and ‘fathers’.

a. Mothers

Three-quarters (76.5 per cent) of mothers in 2006 had insurable income. Most (83.5 per cent) of this group received maternity or parental benefits from the federal EI programme or the QPIP. A substantial minority (23.5 per cent) were without insurable employment and therefore not eligible for Maternity or Parental

leave, including mothers who were self-employed (except for Québec), students, paid workers who did not qualify, and those not previously employed⁹.

b. Fathers

The federal EI programme provides for Parental leave benefits that can be shared by the father and the mother. But data from Statistics Canada Employment Insurance Coverage survey indicate that this measure has not been enough to increase fathers' participation significantly since mothers still took an average of 11 months off in 2004 and only 9 per cent of eligible fathers outside **Québec** took part of the leave, increasing to 12 per cent in 2008.

In **Québec**, take-up was higher in 2004, with 22 per cent of fathers using some leave. The new Parental leave scheme, introduced in 2006, has had an impact on fathers' participation: in 2006, 56 per cent of fathers in Québec took a period of Paternity and/or Parental leave, rising in 2008 to 82 per cent. Taking account of all forms of leave, the proportion of fathers absent from work for birth or adoption has increased from 67 to 80 per cent in Québec from 2005 to 2006, and from 45 per cent to 55 per cent across the whole of Canada.

In 2008, the average time fathers on leave took off work was nine weeks. The average period in **Québec** was seven weeks, with 73 per cent of fathers taking up only the reserved three to five weeks of Paternity leave; in the rest of Canada, where fewer fathers took leave, the average was 13 weeks. Two-thirds (67 per cent) of Canadian men return to work less than one month after birth or adoption, compared to only 2 per cent of women; 17 per cent of fathers take one to five months of leave; and 10 per cent take six to 11 months compared to 12 and 33 per cent of women. Just over half of all mothers (51.5 per cent) take 12 months or more of leave, compared to only 4 per cent of fathers (Doucet et al., 2009; McKay et al., in press).

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Parental leave policy has been directly studied by Statistics Canada. The annual Employment Insurance Coverage Survey monitors uptake of parental leave across the country. Changes were made in 2006 to reflect the change in jurisdiction of parental benefits in Québec and to separate parental benefits for mothers and parental benefits for fathers. Mothers are asked about parental benefits including the reasons for their spouse taking or not taking Parental leave. Fathers are not included in this part of the survey.

Most Canadian research providing information on leave policies is embedded in more general research on work–family balance, the links between Parental leave and maternal health and fathers and their work–family balance. There is a growing body of literature that examines issues of work-family balance in Canada and how workplace practices and cultures might better 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 a large

⁹ Statistics Canada, 2006 Employment Insurance Coverage Survey, as reported in *The Daily*, 3 October 2007.

national study conducting research into the lives of diverse groups of Canadian fathers (*Supporting Fathering Involvement*, see part 4c). Some recent research in Québec addresses the use of Paternity leave and the impact of Parental leave on careers and organizations.

b. Selected publications since 2009 review

Barrère-Maurisson, M.-A. and Tremblay, D.-G. (2009) *Concilier travail et famille. Le rôle des acteurs. Québec-France*. Québec: Presses de l'université du Québec.

This book looks at the role of various actors in work–family balance (employers, unions, municipalities, associations, etc.) and presents a comparative view on the governance of work–family issues in Québec and France.

Doucet, A. (2009) 'Dad and baby in the first year: gendered embodiment', *The Annals of the American Academy of Political and Social Sciences*, Vol.624, 1: 78-98.

This article compares Parental leave proposals in the USA with those already implemented in Canada and argues that it may be useful to consider the difference between short-term gender differences in the commitment to Parental leave time and longer term issues of gender equality.

Doucet, A., McKay, L. and Tremblay, D.-G. (2009) 'Canada and Québec: two policies, one country', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies: Children, Parenting, Gender and the Labour Market*. Bristol: Policy Press, pp. 33-50.

This chapter explains why there are two Parental leave policies in one country and compares the two regimes in terms of accessibility and equality.

Tremblay, D.-G. (2009) 'Quebec's policies for work-family balance: a model for Canada?', in: M. Cohen and J. Pulkingham (eds.) *Public Policy for Women: The State, Income Security and Labour Market Issues*. Toronto: University of Toronto Press, pp.271-290.

This chapter presents Québec policies for work–family balance, including parental leave.

Tremblay, D.-G. (2009) 'Paid Parental leave: an employee right or still an ideal? The situation in Québec and in Canada', *Employee Responsibilities and Rights Journal*, Vol.21, 3. Available at:

<http://springerlink.com/content/1x7155250u42w210/fulltext.pdf>

This article presents Parental leave in Québec and the rest of Canada, examines how they have developed, and addresses the perceived career impacts of the actual take-up of this leave.

Tremblay, D.-G., di Loreto, M. and Genin, E. (forthcoming 2010) 'Les congés parentaux/familiaux et l'articulation emploi-famille; un droit ou un privilège?', in: I. Barth and C. Falcoz (eds.) *La diversité : question pour les sciences sociale*. Strasbourg: Editor France.

This chapter examines the career impact of Parental leave in the police sector.

Tremblay, D.G. and Larivière, M. (2009) 'La conciliation emploi-famille dans le secteur de la santé au Québec: le soutien organisationnel fait-il défaut aux infirmières?', in: *Genre et diversité en gestion*. Paris: AGRH, pp.101-118.

This chapter looks at Parental leave and other working time arrangements in the health (nursing) sector in Québec.

Tremblay, D.-G. and Genin, É. (2009) *Parental leave in the police sector: A positive perception...confronted with reality*. Available at:
www.telug.uqam.ca/chaireecosavoir

This report looks at Parental leave and other working time arrangements in the police sector in Québec.

Marshall, K. (2010) 'Employer top-ups', *Perspectives on Labour and Income (Statistics Canada catalogue no. 75-001-XPE)*, 22, 1 (Spring): 43-50.

This article examines the extent of employer 'tops-up' (i.e. payments made in addition to state benefits), which enable many Canadians to maintain a reasonable standard of living while on leave.

McKay, L., Marshall, K. and Doucet, A. (in press, 2011) 'Fathers and Parental Leave in Canada: policies, practices and potential', in: J. Ball and K. Daly (eds.) *Engaging Fathers in Social Change: Lessons from Canada*, Vancouver: UBC Press.

This chapter combines the first qualitative study on Parental leave in Canada with expert knowledge from Statistics Canada.

c. Ongoing research

Work-life balance over the life course (2009-2014). Coordinated by Diane-Gabrielle Tremblay at UQAM-Téluq, funded by the Community-University Research Alliance (CURA) programme of the Social Sciences and Humanities Research Council of Canada and the renewed (2009-2016) Canada Research Chair on the Socio-organizational Challenges of the Knowledge Economy (www.telug.quebec.ca/chaireecosavoir).

A multi-site project encompassing university and community research alliances across Canada as well as in France and Belgium, this project addresses the challenges of work-life articulation over the life course (parental leave, working time arrangements, pre-retirement, etc.) and compares the situation in Québec, Canada, France, Belgium, Sweden and Finland. The project began with analysis of the Workplace and Employment Survey (WES) from Statistics Canada; it continues in 2010 with analysis of 2005 WES data according to gender and availability of work-life measures. Contact: Diane-Gabrielle Tremblay: dgtrembl@telug.uqam.ca; website: www.telug.uqam.ca/aruc-cura

Organizational and professional mediations in the take up of leaves and other work-family balance measures; a comparison between Belgium and Québec. Diane-Gabrielle Tremblay and Bernard Fusulier, funded by the newly renewed (2009-2016) Canada Research Chair on the Socio-organizational Challenges of the Knowledge Economy (<http://www.telug.quebec.ca/chaireecosavoir/>) and CURA on work-life articulation over the life-course (<http://benhur.telug.quebec.ca/SPIP/aruc/spip.php?article1>). Communications and articles are starting to be produced on three professional groups (police, social work and nursing) to determine to what extent the organizational context and the attitudes of peers in various professions can impact on the use of various types of leaves, mainly Parental leave. We also address the issue of the use of Paternity leave and the impact of Parental leave on careers and organisations in these three sectors. Contact: Diane-Gabrielle Tremblay: dgtrembl@telug.uqam.ca

2.6 Croatia

Ivana Dobrotić

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

a. Maternity leave (*rodiljni dopust*); maternity exemption from work (*rodiljna pošteda od rada*); maternity care for the child (*rodiljna briga o novorođenom djetetu*) (responsibility of the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity)

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 to take 28 days before the expected date of delivery and 42 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 earnings, with no ceiling on payments.
- A parent who does not meet the condition of at least 12 months of continual insurance receives 50 per cent of the 'budgetary base rate' of HRK3,326 per month (€460).
- *Maternity exemption from work/maternity care for the child*: 50 per cent of the budgetary base rate per month
- Funded from general taxation.

Flexibility in use

- *Maternity leave*: 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; this part-time leave can continue until nine months after birth.
- 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.
- *Maternity exemption from work/maternity care for the child*: from the forty-third day, the mother can terminate the use of maternity exemption from work/maternity care for the child, in which case the father of the child (if he has the same labour law status as the

mother) 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.
- *Maternity care for the child*: parents outside the labour system, due for example to retirement, incapacity or studying.

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 (€590) 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 Family, Veterans' Affairs and Intergenerational Solidarity)

Length of leave

- *Parental leave/parental exemption from work*: three months (90 days) per parent per child for the first and second born child; 30 months (900 days) for twins, the third and every subsequent child. An extra two months can be taken if the father uses his three-month entitlement. Leave is an individual entitlement, but can be transferred from one parent to the other.
- *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, with a ceiling of 80 per cent of the budgetary base rate for the first six months; 50 per cent of the budgetary base rate after the first six months or if parents do not fulfil the condition of at least 12 months of continual insurance period.
- *Parental exemption from work/parental care for the child*: 50 per cent of the budgetary base rate.
- Funded from general taxation.

Flexibility in use

- *Parental leave*:
 - Leave is a personal right of both parents but one parent can transfer their entitlement to the other, if both parents agree and with written consent.
 - Parents can use their entitlement at the same time or consecutively.
 - 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 50 per cent of the compensation for full-time leave).
 - 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, if the other parent has been continuously working for at least three months and if both parents share the same labour law status.

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

- *Parental leave*: all employed and self-employed persons.
- *Parental 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.
- *Parental care for the child*: parents outside the labour system, due for example to retirement, incapacity or studying.

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

- Longer leave for multiple births and third or subsequent births (see 'length of leave').
- 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.

e. Other employment-related measures

Adoption leave and pay

- In the case of employed/self-employed adoptive parents:
 - One adoptive parent can exercise the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of: a) six months for adopted child under three years of age; b) five months for adopted child aged three to five years; c) four months for adopted child aged five to 18 years. 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 parent of a child under three years of age has the right to Parental leave and all other rights of employed/self-employed parents. If the adopted child is over three years of age, the right to Parental leave until the child turns eight years of age is shortened by 30 days for every year the adopted child is older than three years.
 - Payment as for Maternity/Parental leave.
- In the case of other adoptive parents:
 - One adoptive parent can exercise the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of: a) 12 months for adopted child up to three years of age, b) nine months for an adopted child aged three to five years, c) six months for adopted child aged five to eight years, d) four months for adopted child aged eight to 18 years. 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.
 - 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 at 50 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: under three years – up to 40 working days for each illness at 100 per cent of earnings; three to seven years – up to 40 working days for each illness, at 70 per cent of average earnings; older child and co-resident spouse – up to 20 working days for a child and up to 15 working days for an adult for each illness at 70 per cent of average earnings. Leave can be extended on the basis of medical committee decision. All payments subject to a ceiling of HRK4,257 per month (€590).
- A worker has the right to seven days fully paid leave for important personal needs, including those related to marriage, childbirth, or the serious illness of a member of the immediate family.

Flexible working

- 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 to be paid by the employer.
- 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 50 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 at least the child finishes regular education. Payment during this period is: a) during leave – 65 per cent of the budgetary base rate if beneficiary has 12 months of continual insurance period, otherwise 50 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, otherwise 50 per cent of the budgetary base rate.

2. Changes in policy since 2009¹⁰ (including proposals currently under discussion)

The July 2008 Act on maternity and parental benefits (Official Gazette, no. 85/08, 110/08) was approved and came into effect in January 2009. The changes it introduced attempt to regulate the system of family leave and benefits with one single act as well as to harmonise Croatian legislation with *acquis communautaire* (as part of the process of application to join the EU). The most significant changes are related to equalisation of employed and self-employed parents' rights, flexibilisation of leave and the extension of beneficiaries entitled to adoption leave. More specific changes include:

- Equalisation of the rights of employed and self-employed parents. Under the former legislation, self-employed parents were not entitled to the same rights as employed parents.
- Change in terminology: a difference between Maternity and Parental leave has been introduced. Under former legislation, the whole leave period was called Maternity leave.
- Compulsory Maternity leave for the mother has been shortened, with leave from the forty-third day after birth made available to the child's mother or father and on a full-time or part-time basis. Under former legislation, the leave could only be taken full time and the father could use it before the child was six months of age only in exceptional circumstances.
- Parental leave can be exercised until the child turns eight years of age; it is a personal right of both parents and can be used in equal shares; and it can be used in a more flexible way. Under former legislation, the leave was the mother's right, which the father could only use with the mother's agreement; and there was no flexibility in its use.
- Employers were given opportunity to postpone Parental leave for 30 days;
- Leave for employed pregnant women or a mother breastfeeding the child is available to *all* companies. Under the former legislation, larger companies were excluded. Responsibility for paying mothers taking this leave has been transferred to employers and the payment rate increased.
- Adoptive parents have the same rights as biological parents, regardless of employment status, and can take leave until the child turns 18 years. Under the previous legislation, they were not able to use adoptive leave if they were self-employed and could only take leave until a child was 12 years.

3. Take-up of leave

a. Maternity leave

¹⁰ Croatia was not included in the 2009 review. Policy changes are from January 2009.

There is no systematic information on what proportion of women took the former Maternity leave (until the child reached 12 months). But as the first six months was obligatory, it is likely that all insured women took this period. The latest available data show that the average yearly number of employed/self-employed persons using Maternity leave in 2008 was 36,218 up to the child's first year and 5,997 up to the child's third year (Maternity leave under the former legislation could be taken up to three years in the case of multiple births or third or higher order births). Additionally, 6,330 unemployed mothers took Maternity leave up to the child's third year.

Maternity leave was used mainly by mothers. Under the former legislation, fathers could take Maternity leave after the child was six months. In 2008, only 1.7 per cent of fathers took Maternity leave up to their child's first birthday, while 2.2 per cent used Maternity leave up to their child's third birthday. As the legislation was not very flexible, only 0.1 per cent of persons taking Maternity leave did so on a part-time basis.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Croatian legislation did not recognize the term Parental leave prior to 2009. There are no data on take-up since the new legislation was introduced.

4. Research and publications on leave and other employment-related policies since 2009

a. General overview

Studies have addressed a range of issues including those related to family policy and especially the system of family benefits, and the consequences for fertility and family life of the reconciliation of work and family life and different gender issues.

b. Selected publications since 2009

Dobrotić, I. and Laklija, M. (2009) 'Korelati sukoba obiteljskih i radnih obveza u Hrvatskoj' ['Correlates of conflicts between family and work obligations in Croatia'], *Revija za socijalnu politiku*, Vol.15, 3: 503-507. The paper examines the perception of the conflict between family and work obligations among a sample of 2,983 employed persons in Croatia, and the factors (socio-demographic, work characteristics and family characteristics) influencing the impact of the family role on the work role and vice versa. The most important predictors of conflict were work characteristics, primarily working hours, experience of work and

perceptions of job security. Among family characteristics, care for elderly/infirm persons proved to be the most important factor contributing to increased work–family conflict. While more frequent undertaking of family chores contributes to more conflict between family and work obligations for men, more frequent participation in the care for the children contributes to more conflict for women.

Galić, B. and Nikodem K. (2009) 'Percepcija rodni jednakosti i šansi pri zapošljavanju u hrvatskom društvu. Pogled nezaposlenih žena' ['Perception of gender equality and employment opportunities in Croatian society: the perspective of unemployed women'], *Revija za socijalnu politiku*, Vol.16, 3: 253-270.

The paper presents research results that show certain elements of gender discrimination in the Croatian labour market, analysing some important issues of gender equality and equal employment opportunities for women. Gender discrimination towards women during hiring and later employment persists, preventing many unemployed women having equal access to employment, and without resolving their already threatened existential conditions. Among other issues, many women applying for jobs have been asked about their plans regarding children and other aspects related to their private life.

c. Ongoing research

Indicators of Social Cohesion and Development of the Croatian Social Model (2007-2012). Coordinated by S. Zrinščak, Faculty of Law, Department of Social Work, University of Zagreb, funded by the Ministry of Science, Education and Sports.

The aim of the project is to understand intensive and comprehensive changes taking place in the different social policy systems in Croatia, especially in the context of deep transformation after the fall of socialism. Among the areas of interest is the field of family policy, especially the impact of an ageing population, changing family structures and different policy pressures on different policy measures. There is also the question of what are the consequences of policy measures for different family forms, i.e. does family policy take into account pluralisation as a major trend and how does it reconcile the need for demographic growth with the real lives of different families.

2.7 Czech Republic

Jirina Kocourková

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)

- Twenty-eight weeks: six to eight weeks before the birth and 20-22 weeks following birth.

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

- Sixty per cent of daily earnings up to a maximum payment of CZK23,490 (€920) per month.
- Payment is financed from sickness insurance contributions by employers and employees.

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.

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 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 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 born dead, the mother is granted 14 weeks of Maternity leave.

b. Paternity leave

No statutory entitlement.

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 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. Parents can choose between three Parental benefit options: a long option after maternity benefit or from the birth of the child (if the parent is not entitled to maternity benefit) at the basic rate (CZK7,600 (€300) per month) until the child is 21 months old and at the reduced rate (CZK3,800 (€150) per month) until the child is 48 months old); a mid-range option only available to parents who are entitled to maternity benefit at the basic rate (CZK7,600 per month) until the child is 36 months old); and a short option only available to parents who are entitled to maternity benefit of at least CZK380 (€15) per calendar day at the increased rate (CZK11,400 (€445) per month) until the child is 24 months old.
- 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

- Parents can work, full time or part time, while receiving parental benefit. Accordingly, parental benefit can be considered as a kind of care benefit.
- 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.
- Parents can place a child under three years in a childcare facility for up to five days a month without losing parental benefit; they can also have a three year old in kindergarten for up to four hours each day without losing benefit.

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

- There are no special requirements; however, each parent has to ask for formal approval of 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 parents

- In the case of disabled children, a parent is entitled to parental allowance at the basic rate of CZK7,600 (€ 300) until the child is seven years of 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 CZK777 (€30) 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

2. Changes in policy since 2009 review (including proposals currently under discussion)

An amendment to the Sickness Insurance Act, implemented in January 2009, includes two changes related to the parental care of a child. First, a child's father is now able to take Maternity leave instead of the mother from the seventh week after the child's birth. Second, parents can now alternate with each other during the course of taking leave to care for a sick child. This 'care benefit' can be received for a period of nine days in total, but there is no limit as regards how many times parents can use this provision during a year.

In 2008, the government agreed to adopt a new package of family policies including introduction of one-week paid Paternity leave. Legislative procedures were expected to be completed during 2009, with the new policy coming into effect in January 2010. However, the unanticipated fall of the Czech government has suspended this procedure.

In 2009, as part of budget reductions adopted by the Czech provisional government, Maternity leave benefit was cut by roughly 20 per cent, through reductions in the proportion of earnings paid (from 70 to 60 per cent) and in the maximum benefit payable (from CZK28,890 (€1,130) to CZK23,490 (€920) per month). These reductions came into effect from 1 January 2010.

3. 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, there were 0.77 per cent men among recipients of this benefit. Since then, there has been a slight increase, but only to 0.99 per cent in 2003 and 1.4 per cent in 2006.

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.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Recently research has been undertaken in particular 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 publications since 2009 review

Hašková, H., Maříková, H., Uhde, Z. (2009) 'Leaves, allowances, and facilities: Childcare past and present', in: H. Hašková and Z. Uhde (eds.), *Women and Social Citizenship in Czech Society: Continuity and Change*, Prague: Institute of Sociology AS CR, pp. 77-134.

The chapter focuses on three dimensions of childcare that since the Second World War have influenced gender relations and the everyday practice of citizenship in Czech society – childcare leave, allowances, and services. The post-1989 trend towards privatisation of care seems opposed to the ideology of care under the communist regime that supported public childcare. However, it is argued that the reasons for this trend are rooted in the communist past. Current development of childcare in Czech society strengthens undervaluation of care and reproduces class and gender inequality in social citizenship.

Kocourková, J. (2009) 'Czech Republic: normative or choice-oriented system?' in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: Policy Press, pp. 51-68.

The chapter has two parts. The first is historically organised and reflects changes on the Czech political scene from 1993 to 2008, with developments in the leave system systematically presented. The second part is devoted to discussion of cross-cutting issues related to leave policy: work, fertility and gender.

Kuchařová, V. (2009) 'Work-life balance: Societal and private influences', *Czech Sociological Review*, Vol.45, 6: 1283-1310.

This article contributes to discussion about the possibilities for supporting work–life balance. It has two objectives. The first is to assess the dependence of work–life balance on economic conditions and the character of the given welfare/family regime. The second is to evaluate how much work-life balance is influenced by private life and by external determinants and how much by external, i.e. structural and institutional factors. The analysis is based on a comparison of the situation in the Czech Republic with selected other countries. Success at achieving a work–life balance is examined both from a subjective perspective and in relation to the three basic social goals it is intended to facilitate: women's employment, people's reproductive plans, and gender equality.

Saxonberg, S. and Sirovátka, T. (2009) 'Czech family policy: Refamilization in the face of contradictory public attitude', *Journal of Societal & Social Policy*, Vol.7, 3: 95-106.

In the paper the shift of family-related policies (benefits, childcare services and labour market policies) in the Czech Republic after 1989, from the state socialist model toward refamilialisation, is analysed. The authors demonstrate that the policies negatively influence the possibilities for parents, and especially mothers, to balance work and family life. They concentrate on why the government implemented such policies, despite their negative consequences.

c. Ongoing research

None reported.

2.8 Denmark

Tine Rostgaard

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 weeks: four weeks before the birth and 14 weeks following birth.

Payment and funding

- Full earnings up to a ceiling of DKK752 (€100) per working day before taxes for full-time employees, or DKK3,760 (€505) weekly.
- Employees either receive a daily cash benefit under the sickness benefit scheme, which is the basic system available for all employees; or they receive full coverage of their former earnings from their employer if covered by a labour market agreement which gives this entitlement (see ‘additional note’ for proportion receiving full earnings replacement).
- Sickness benefit scheme funded by state from general taxation, except for first eight weeks when municipalities bear half of the cost.
- To help employers finance these costs, different leave 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. From 2006, private employers also have to be members of a leave fund. In the largest private leave fund, DA-Barsel, private employers pay in DKK786 (€105) per year for each full-time employee and receive reimbursement of up to DKK142 (€20) per hour for up to 26 weeks; this means that female employees with a salary below DKK20,000 (€2,685) per month will

be able to receive full earnings for up to 26 weeks, without cost to the employer. The additional cost of compensation for employees with higher salaries than DKK20,000 monthly has to be born by the employer. An overview in 2008 showed that many employers fail to claim reimbursement from the fund, most likely because they forget it.

Flexibility in use

- None.

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

- Eligibility for an employee is based on a period of work of at least 120 hours in 13 weeks preceding the paid leave. Workers with temporary contracts are excluded only if they are not eligible for unemployment benefit.
- Eligibility for self-employed workers (including helping a spouse) based on professional activity on a certain scale for at least six months within the last 12-month period, of which one month immediately precedes the paid leave.
- People are eligible 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.
- Unemployed people are entitled to benefits from unemployment insurance or similar benefits (activation measures).
- Students are entitled to an extra 12 months educational benefit instead of the Maternity leave benefit.
- 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)

- All public sector employees, through collective agreements, receive full earnings in 24 of the 52-week leave period (including Maternity, Paternity and Parental leave). Some private sector employers also pay full earnings for part or all of this period. Survey data show that 63 per cent of mothers receive such additional income during the Maternity leave, and as many as 73 per cent of those who were in

¹¹). (See more information on additional rights under Paternity and Parental leave.)

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

Length of leave

- Two weeks, to be taken during the first 14 weeks after birth.

Payment and funding

- Payment and funding as for Maternity leave.

Eligibility

- Anyone in a recognised partnership, including same-sex partnerships.

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

- All public sector employees, through collective agreements, receive full earnings during the leave. In a recent survey, 85 per cent of all fathers received full wages during Paternity leave (Olsen, 2008).

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

Length of leave

- Thirty-two weeks, until the child is 48 weeks. Each parent is entitled to 32 weeks but the total leave period cannot exceed more than 32 weeks per family.

Payment and funding

- Payment and funding as for Maternity leave.

Flexibility in use

- Between eight and 13 weeks can be taken later; any further period must be agreed with the employer. This entitlement is per family.
- Parents can prolong the 32 weeks leave to 40 weeks (for all) or 46 weeks (only employees). The benefit level is reduced over the

¹¹ Olsen, B.M (2008) *Evaluering af den fleksible barselsorlov. Orlovsreglerne set fra forældres, kommuners og arbejdspladsers perspektiv [Evaluation of the flexible leave. Leave rights from the perspective of parents, municipalities and employers]*. SFI 07: 29. Available at:
http://www.sfi.dk/graphics/SFI/Pdf/Rapporter/2007/0729_Fleksibel%20Barselorlov.pdf

extended leave period, so that the total benefit paid equals 32 weeks at the full rate of benefit.

- 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.

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)

- Labour market agreements often give the right to ten weeks of full pay during Parental leave (Olsen, 2008).
- From 2007, the industrial sector (representing 7,000 employers nationwide including production, service, knowledge and IT) has introduced a paid father's quota. Previously women had been awarded the right to 14 weeks with payment (in addition to the basic benefit payment) after giving birth. Now the family has been awarded nine extra weeks with this additional payment, making 23 weeks of additional payments. Three weeks are for the father, three weeks for the mother and three for the parents to share. The weeks for the mother and the father respectively are quotas and are lost if not used.
- As part of the labour market negotiations in Spring 2008, a new Parental leave model has been introduced for employees working in the state sector. If both parents work in the state sector they now have a right to leave with full payment for 6+6+6 weeks after Maternity leave, in all 14 weeks of Maternity leave and 18 weeks of Parental leave, both with full payment, a total of 32 weeks. Six weeks is earmarked for the mother, six weeks for the father and six weeks can be shared. The six weeks for the father replaces his two weeks of Paternity leave with full earnings, so in all he now has an individual right to six weeks with full pay.
- In a survey on parents of children born in 2005, 55 per cent of fathers reported that they received full wages during their whole time on Parental leave, and 9 per cent of mothers. This difference is due to mothers taking longer leave periods, going beyond the weeks where they might be entitled to full earnings; for a large part of their leave period, therefore, they receive only basic benefit payments (Olsen, 2008) as outlined under Maternity leave.

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, with the exception that two of the 48 weeks must be taken by both parents together.

Time off for the care of dependants

- All employees are eligible for a care benefit (*Plejevederlag*) if they care for a terminally ill relative or close friend at home.

Flexible working

- None

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. Take-up of leave

a. Maternity leave

Nearly all mothers take Maternity leave. In a survey conducted among parents of children born in 2005, 99 per cent of mothers had taken Maternity leave. Mothers on average used all the 14 weeks to which they were entitled, and 95 per cent reported that they experienced no problems with the workplace when they wanted to take leave. A few mothers reported that they were made redundant or experienced bullying from colleagues, and several mentioned that the employer found it difficult to find a replacement (Olsen, 2008).

b. Paternity leave

Most (89 per cent) of fathers in the survey made use of the two weeks of Paternity leave, and 95 per cent reported that they had experienced no problems with the workplace when they asked for leave (Olsen, 2008).

c. Parental leave

Survey data show that among parents of children born in 2005, 24 per cent of fathers took Parental leave and 94 per cent of mothers. On average, mothers took 28 weeks of leave, and fathers eight weeks. Twenty-three per cent of fathers started their leave before the Maternity leave expired, i.e. parents were on leave at the same time. Two-thirds (68

per cent) of two-parent families took all the 32 weeks of Parental leave to which they were entitled. Among single parents, 73 per cent took 32 weeks; as Olsen notes, this is interesting because single parents in the Nordic countries tend to take shorter leave periods, often due to the loss of income (Olsen, 2008).

Among the men, public employees account for two-thirds (67 per cent) of Parental leave-takers even though they only make up 48 per cent of those entitled to Parental leave. This may be because they receive full earnings during leave or because they are working in more gender-mixed workplaces. Among those men who do not take leave, 88 per cent are employed in the private sector (Olsen, 2008) and this suggests that they have more difficulties taking leave and/or poorer rights.

The take-up of leave is related to the educational level of both men and women. In those families where the woman takes the greatest part of the leave, the mother tends to have a low educational level and the father is unskilled, or the reverse; in these families, women typically take 99 per cent of total Parental leave weeks. Self-employed workers, both men and women, tend in general to take fewer weeks of leave. This is confirmed in register data from Statistics Denmark, looking into couples who became parents in 2006. The higher the educational level of the father, the more Parental leave he takes; engineers, lawyers and teachers on average take 42 days of Parental leave, whereas occupational groups such as office clerks, employees in the service sector, and agricultural and horticulture workers on average use only 24 days. Fathers with middle educational level – such as IT workers, chemists, photographers, nurses and police officers – take on average 29 days (Statistics Denmark, 2008¹²).

Overall, therefore, what seems to be important when men and women negotiate on who should take leave is wages, educational level, workplace culture and age and these seem to be common factors for both the public and private sectors.

According to survey data, there seems to be agreement on the division of leave between men and women; 98 per cent of women and 98 per cent of men stated that they and their partner agreed on how to divide the leave period. They also seem to agree on what is important to consider when dividing leave between parents; among the considerations that affect the division of leave weeks, couples mentioned: their work/educational situation (men 45 per cent, women 30 per cent), their finances (39/28 per cent), the child (32/25 per cent), desire to reconcile work and family life (28/27 per cent), equality between parents (22/8 per cent), and day care of the child (11/5 per cent) (Olsen, 2008).

¹² Statistics Denmark (2008) *Fædre med højere jobs holer længere barselorlov*. Available at: <http://www.dst.dk/OmDS/BagTal/Arkiv/2008-04-28-Faedre-med-hoejere-jobs-holder-laengere-barselorlov.aspx>

A third (34 per cent) of women and 6 per cent of men make use of the right to flexible leave, postponing the leave until later, or extending the leave by reducing the payment, or working part time.

The survey also revealed that 27 per cent of men and 42 per cent of women reported a lack of information on leave rights and that 37 per cent of men and 23 per cent of women were in favour of the re-introduction of quotas in Parental leave. Olsen interprets this lower support among women as related to the fact that a father's quota would require women to give up a number of weeks currently available to them. The higher support among fathers is related to a wish for more back-up when they discuss leave-taking with their employer or with colleagues (Olsen, 2008).

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Although there are quite extensive statistics on the use of leave, Danish research into the take-up of leave and the reconciliation of work and family life is only limited. Most statistics also use the parent rather than the child as the unit of analysis. Little is therefore known about how children are cared for in their early months in regards to the length of leave, parental work hours and how parents combine the leave.

b. Selected publications from 2009 review

Würtz, A. (2008) *Child Outcomes: Parental Time Investments and School Characteristics*, PhD Thesis no. 2008:3, Aarhus School of Business, University of Aarhus, Department of Economics.

This dissertation investigates the effect on the child's educational attainment and health when a parent takes leave and compares educational outcome for primary school children whose parents have taken short or long leave periods (14 v. 20 weeks of leave). Nineteen thousand children born in 1984 are included in the study, which uses register data and data from the OECD PISA study. The finding is that there is no effect on educational attainment but a small positive health effect for the children when parents take long leave. The study also shows that there is no relationship between the length of leave and the mother's waged income, work experience and risk of being unemployed in the following years.

Bloksgaard, L. (2009) *Arbejdsliv, forældreskab og køn – forhandlinger af løn og barsel i tre moderne virksomheder (Work life, parenthood and gender – negotiations about wage and leave in three modern copanies)*. PhD dissertation, University of Aalborg.

This dissertation investigates the significance of gender at the workplace, based on observations and interviews in three large private companies. It finds that the assumptions and norms associated with parenthood and work commitment are still highly gendered, and this results in men and

women being treated differently. In general, managers and male employees are open towards men taking up leave, but masculinity is often associated with work life, not family life. As a consequence, men must negotiate about the right to take leave to a higher degree than women. In addition, supplementary leave benefits provided by employers clearly have a positive impact on men's take-up of leave.

Rasmussen, A.W. (2010) 'Increasing the length of parents' birth-related leave: The effect on children's long-term educational outcomes', *Labour Economics*, Vol.17, 1: 91-100.

Article based on the dissertation by Würtz summarized above (same author).

c. Ongoing research

Parental leave, care policies and gender equalities in the Nordic countries (ends 2010). I. Gislason, B. Brandt, A.-Z. Duvander, G. Eydal, J. Lammi-Taskula and T. Rostgaard. Funded by the Nordic Council., Study on childcare policies in the five Nordic countries, due to report in 2010.

2.9 Estonia

Katre Pall and Marre Karu

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 days: 30-70 days can be taken before birth of a child. If less than 30 days leave is taken before the expected birth, leave is shortened accordingly.

Payment and funding

- Hundred per cent of average earnings (calculated on employment in the previous calendar year, with no ceiling on payments. The minimum wage, EEK4,350 (€280) per month, is paid to mothers who did not work during the previous calendar year but have worked prior to the birth of a child.
- Funded from social insurance contributions.

Flexibility in use

- None except for when leave can be started before birth; taking leave is obligatory.

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 at least three months. Self-employed people qualify for maternity benefit on the same conditions as workers.

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, to be taken during two months before the expected birth of a child or two months after the birth of a child.

Payment and funding

- No payment.

Flexibility in use

- Can be taken during two months before or two months after the birth of a child.

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

- All public servants and other employed fathers with permanent or temporary employment contracts.

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 (*lapsehoolduspuhkus* – literally ‘childcare leave’) (responsibility of Ministry of Social Affairs)

Length of leave

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

Payment and funding

- There are two types of benefit payable, neither of which is specifically linked to Parental leave but available to all families who meet the eligibility conditions.
- Parental benefit (*vanemahüvitis*) is paid at 100 per cent of 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 EEK35,316 (€2,260) per month, equivalent to three times average earnings. The minimum benefit paid to working parents is the minimum wage, EEK4,350 (€280) per month. For parents who are not on leave and not working, parental benefit is paid from the birth of the child at a flat rate of EEK3,450 (€220) per month until the child reaches 18 months of age.
- Childcare benefit (*lapsehooldustasu*) is a flat-rate payment of EKK600 (€40) 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 benefit are funded from general taxation.

Flexibility in use

- Parental leave may be used in one part or in several parts at any time until a child is three years of age.
- When a parent takes up employment after the birth of a child, the parental benefit is reduced.

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

- Fathers are eligible for parental benefit when their child has reached 70 days 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 the mother

- The actual caregiver of a child 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.

d. Childcare leave or career breaks

- An employee with a child under 14 years of age can take two weeks of unpaid leave per year.

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. 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

- 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 episode of illness.
- Parents with a handicapped child may take one day of leave per month with full earnings replacement.
- Parents with a handicapped child or child under 14 years may take ten days unpaid leave.
- 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 of EEK66 (€5) per day).

- All payments funded from general taxation.

Flexible working

- Breastfeeding mothers with a child under 18 months can take a half an hour breastfeeding break every three hours. In case of two or more children under 1.5 years the break is at least one hour. 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. Changes in policy since 2009 review (including proposals currently under discussion)

Since July 2009 the compensation level of benefit to care for a sick child was reduced from 100 per cent to 80 per cent.

3. Take-up of leave

- **Maternity leave**

As Maternity leave is obligatory, 100 per cent of employed women take up leave.

- **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.

- **Parental leave**

No official statistics about take-up of leave are collected. According to research, over 80 per cent of women take some Parental leave. Men account for about 6 per cent of the recipients of parental benefit.

- **Other employment-related measures**

In 2007, 19 per cent of people who received benefit for caring for a sick child were men. This proportion has steadily risen by about 1 per cent every year.

4. Research and publications on leave and other employment-related policies since 2009 review

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 since 2009 review

Ainsaar, M. and Soo, K. (2009) *Kohalike omavalitsuste toetus lastega peredele 2008 ja laste päevahoid 2008-2009 Eestis. [The support of municipalities to families with children in 2008 and childcare services in 2008-2009 in Estonia]*, Tartu: University of Tartu, Institute of Sociology and Social Policy & Bureau of the Minister of Population.

A yearly study providing an overview of the availability, costs, user fees and other aspects of childcare which are provided by municipalities. Benefits like school allowance and hobby education are also covered by the study.

Karu, M. (2009) *Töö- ja pereelu konflikt, töökorraldus ja tööandjate toetused töötajatele [Family and work conflict, working arrangements and the support of employers to employees]*, Tallinn: PRAXIS.

A study using data from European Social Survey 2009 gives an overview of the extent of family– work conflict, availability of flexible work and other family-friendly measures provided by employers.

Sotsiaalministeerium (2009) *Riiklike perepoliitiliste meetmete analüüs [Analysis of state family policy measures]*. Tallinn: Ministry of Social Affairs.

Analysis of Estonian family policy measures and their impact on employment, health, education, housing, etc. in different stages of family life (from cohabitation until retirement age).

Trumm A. (2009) *Perede rahaline toetamine Euroopa Liidus 2007 [Family benefits in European Union 2007]*. Tartu: TÜ Sotsioloogia ja sotsiaalpoliitika instituut.

A comparison of all kinds of benefits supporting families in European countries, including Parental leave benefits, leave arrangements, taxation measures, etc.

c. Ongoing research

None reported.

2.10 Finland

Minna Salmi and Johanna Lammi-Taskula

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

a. Maternity leave (*äitiysvapaa/moderskapsledighet*¹³) (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 working days (i.e. for all types of leave, one calendar week consists of six working days): between 30 and 50 days can be taken before the 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 up to a ceiling of €50,606, with a lower percentage for higher earnings; after this initial period of leave, benefit is paid at 70 per cent of earnings up to €32,892, again with a lower percentage for higher earnings. Half of all mothers with an employment contract receive full pay during the first three months of the Maternity leave. During this period the daily benefit is paid to the employer. Mothers not employed and those whose annual earnings are less than €1,263 before the birth get a minimum flat-rate allowance of €22.04 a working day (€551/month).
- Earnings-based benefits are funded by the sickness insurance scheme, financed by contributions from employers (73 per cent of the total cost) and employees (27 per cent). In 2010, employers pay 2.23 per cent of their total salary bill and employees 0.93 per cent of their taxable earnings; these percentages are subject to change in the state budget. The minimum flat-rate allowances are funded from state taxation.

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 Member State, at

¹³ Names of the different types of leave are given in Finnish and Swedish. Finland is a bilingual country with a Swedish-speaking minority.

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.

b. Paternity leave (*isyysvapaa/faderskapsledighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave

- Eighteen working days, plus a further 24 'bonus' days (=four weeks) for fathers who take the last two weeks of Parental leave. The bonus days + two Parental leave weeks are called 'father's month' in the legislation since 2007 (even though the period now adds up to six weeks).

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

- Earnings-related benefit, with payment equal to 70 per cent of annual earnings up to €32,892, with a lower percentage for higher earnings. Minimum allowance as for Maternity leave.
- Funding as for Maternity leave.

Flexibility in use

- The one to 18 days can be taken in four segments, the 24 bonus days in one segment. The 'father's month', including the bonus days, can be taken within 180 days (six months) from the end of the Parental 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.

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 (*vanhempainvapaa/föräldraledighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave

- One hundred and fifty-eight working days. This entitlement is per family.

Payment and funding

- Earnings-related benefit. During the first 30 days of leave, the payment is equal to 75 per cent of annual earnings up to €50,606, with a lower percentage for higher earnings. After this initial period of leave, the payment is 70 per cent of earnings up to €32,892, with a lower percentage for higher earnings. Minimum allowance as for Maternity leave.
- Funding 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, but only if both parents take part-time leave and only with the employer's agreement. Benefit payment is half of the benefit for full-time leave.
- The 'father's month' can be taken within six months from the end of the Parental leave period provided that the child has been taken care of at home by the mother or the father until the start of the 'father's month'.

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 mother

- In the 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.

d. Childcare leave or career breaks

- Childcare leave, referred to as 'Home care leave' (*hoitovapaa/vårdledighet*) 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 receives a home care allowance consisting of a basic payment of €314.28 a month, with an additional €94.09 for every other child under three years and €60.46 for every other pre-school child over three years and a means-tested supplement (up to €168 a month). The average home care allowance per family in 2008 was €366 a month. Home care allowance is financed from municipal taxation. Some local authorities, especially in the Helsinki area, pay a municipal supplement to the home care allowance; in 2008, these supplements averaged €227 a month per family.

e. Other employment-related measures

Adoption leave and pay

- 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 own children. An adoptive parent for a child older than 12 months who 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.

Time off for the care of dependants

- Between two and four days at a time for parents of children under ten years when the child falls ill (temporary childcare leave, *tilapäinen hoitovapaa/tillfällig vårdledighet*), the length being regulated by collective agreements. 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 often at full earnings. Parents with joint custody who do not live with the child are entitled to the leave.

Flexible working

- 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 before the child's third birthday or during the child's first and second year at school are entitled to a partial home care allowance of €70 a month.

2. Changes in policy since 2009 review (including proposals currently under discussion)

There have been three changes in the leave schemes. The minimum allowance for Maternity, Paternity and Parental leave was raised from €15.20 to €22.04 per working day and the basic payment of home care allowance was raised by €20 a month. The partial care allowance was raised by €20 (to €90 per month), and entrepreneurs are now entitled to partial childcare leave. The 'father's month', has been lengthened by two weeks in 2010; so if the father takes the two last Parental leave weeks he now gets four 'bonus weeks'.

A committee was appointed by the Ministry of Social Affairs and Health in September 2009 to "review the possibility for a more thorough reform of the Parental leave schemes". The aims of the reform are: to support parenthood and the well-being of children; to encourage fathers to take more Parental leave; to improve the compensation of employers' costs related to parenthood and to increase the portion to be financed by the state; to promote more equal sharing of costs between employers in female and male dominated branches; and to improve possibilities to reconcile family life and paid employment.

3. 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. Approximately 1.5 per cent of mothers entitled to Maternity leave have been employed during the leave period in 2006 to 2008.

b. Paternity leave

Today, the great majority of fathers take Paternity leave. In 2008, 49,163 men did so; in the same year there were 59,500 births. The proportion of fathers taking Paternity leave has been increasing – from 46 per cent in 1993 and 63 per cent in 2000 to 73 per cent in 2008. In 2008, the average length of the leave taken was 15 working days. But only 8,932 fathers, i.e. about 15 per cent of all fathers, took the bonus Paternity leave period (i.e. they had also taken the last two weeks of the preceding Parental leave).

Paternity leave is today taken by fathers irrespective of their socio-economic background, or that of their spouses (Salmi, Lammi-Taskula and Närvi, 2009). Fathers who take only Paternity leave tend to take slightly longer periods after the bonus leave was introduced in 2003 (Hämäläinen and Takala, 2007). Two-thirds of fathers take the whole three weeks Paternity leave; men who are more likely to take the whole leave include fathers of first-born children, students and entrepreneurs. Length of Paternity leave does not any more correlate with the father's age, education or income level or socio-economic status. (Salmi, Lammi-Taskula and Närvi, 2009.)

c. Parental leave

The 158 days of Parental leave is mostly taken by mothers. Almost all mothers take Parental leave whereas only 2 to 3 per cent of fathers have taken leave over the years it has been 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 4 per cent of mothers work to some extent during the leave period.

The arrangement, since 2003, under which there are bonus days of Paternity leave for fathers who take the last two weeks of Parental leave has increased the number of men taking Parental leave from 1,700 men in 2002 to 5,700 in 2005 and 10,386 in 2008. At the same time, the average length of leave taken by fathers has fallen; from 64 working days in 2002 to 37 in 2003 and only 23 in 2008. Two-fifths of fathers taking leave use a month or less, while a fifth use at least five months. The most common length of leave taken by fathers is 42 days, which means that men take all days earmarked for fathers – but no more.

Approximately 15 per cent of fathers take the father's month. The number of fathers taking longer Parental leave has not risen (Hämäläinen and Takala, 2007). The father's month has become more popular lately. In 2007, 6,000 men took their father's month, but in 2008, already 8,932 men did so. However, the role of the father's month in equalising parental responsibilities is called into question as, in a clear majority of families, the mother stays at home during the father's month (Salmi, Lammi-Taskula and Närvi 2009).

Men with high education, employed in the public sector in middle-sized or big organisations, and whose partners also have high education, are more likely to take the father's month – but the leave periods they take are

shorter than those taken by men with less education (Hämäläinen and Takala, 2007). Overall, Parental leave is shared more often in families where both spouses have a high level of education and middle-sized or good income. Sharing is also more common among men over 30 years of age, and working in the public sector. The socio-economic status of the father, size of his workplace or number of children does not correlate with sharing of Parental leave. Taking all factors into account, a father's take-up of Parental leave is most probable if he is over 30 years and does not consider himself to be the main provider of the family (Salmi, Lammi-Taskula and Närvi, 2009¹⁴).

Unlike Paternity leave, the length of Parental leave taken by men is connected to their level of education and socio-economic position. Men with a high level of education, in skilled jobs or in superior positions take shorter periods of leave than men with a lower level of education and in blue-collar or less skilled white-collar positions. The position of men's spouses also plays a role: longer Parental leave is more rarely taken by men with a spouse in a blue-collar job; while fathers' take-up of Parental leave is most common in families where the mother has university education and/or high income (Lammi-Taskula, 2003). Both bonus leave and longer Parental leave are more often taken by men if twins or triplets are born (Hämäläinen and Takala, 2007).

In 2003, the first year that the part-time option for taking Parental leave was available, 37 parents received the partial parental allowance, rising to 84 in 2004 and 117 in 2007. This means that about 0.1 per cent of families with a new-born child used the new arrangement in its first five years and use did not increase. In 2008, only 98 parents took this option, while in 2009 their number was 113 (information from the statistics unit of Social Insurance Institution).

d. Childcare leave or career breaks

Almost all families (84 per cent) take advantage of the Home care allowance at least for some time after Parental leave. Since 2006 statistics are available for use by women and men, showing that Home care leave is used almost entirely by women. In 98 per cent of all families where one of the parents has taken care of the child supported by home care allowance, it was the mother. Earlier the share of fathers who take this leave was, based on individual studies, assessed to be 2 to 3 per cent (Lammi-Taskula, 2003).

Recently, taking advantage of home care allowance has been less popular: in the third quarter of 2007, the allowance was paid for 65,000 children under three years old, but in 2008 the figure was only 63,800 (www.kela.fi/statistics). This means that Home care allowance was paid to 87 per cent of families whose Parental leave ended in 2005, dropping to

¹⁴ Salmi, M., Lammi-Taskula, J. and Närvi, J. (2009) *Perhevapaat ja työelämän tasa-arvo [Family leaves and gender equality in working life]*. Helsinki: Ministry of Employment and the Economy.

84 per cent for 2006. Partial care leave and support for private childcare increased up to 2008; in 2008, partial home care allowance was paid for slightly fewer children (3,328) than in 2007 (3,386), while the private childcare allowance was used slightly more often in 2008 (4,393) than in 2007 (4,320). All these developments suggest that mothers stayed at home with their child for shorter periods than earlier and were able to choose part-time work and partial care leave during the economic upswing. The current crisis may change the picture again: mothers may decide it is not possible to request part-time work during insecure times.

Statistics also enable an assessment of take-up periods of home care allowance. In families paid home care allowance at some point before their child turns three years¹⁵, periods taken have divided evenly during the past five years: 26-27 per cent take less than seven months, 21-25 per cent between seven and 12 months, 27-29 per cent between 13 and 24 months, and 19-26 per cent longer than 24 months (the maximum length being 26-27 months). The proportion for the longest periods has declined from 2003 to 2008 from 25 to 19 per cent. The (few) male home care allowance recipients take less of the shortest and longest periods than their female counterparts, but they also have more 13-24 month periods (31-33 per cent) (calculations based on Statistical Yearbooks of the Social Insurance Institution 2004-2008).

Only 10 per cent of mothers giving birth in 2004 returned to employment or studies right after Parental leave: on average mothers stayed at home until their child was 24 months old. Just less than half (46 per cent) of mothers were employed when the child was two years old, also just less than half of them were at home on care leave, on home care allowance without a job waiting for them, or already on Maternity or Parental leave with another baby. Some women at home were officially unemployed or combined home care of children with studying or part-time work (Salmi, Lammi-Taskula and Närvi, 2009¹⁶).

Earlier only a small number of families – 2,100 in 2003 – took advantage of partial Home care 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; however, of these, only about 3,300 families had a child under three years. Partial care leave is mostly (94 per cent) used by mothers and is most usually taken (41 per cent) for not longer than six months; a third of the users take it for 6 to 12 months and a quarter for more than 12 months. Partial care leave is taken more often by women with high education level and high socio-economic status, less often by young mothers – maybe because they do not have permanent employment (ibid.).

¹⁵ These statistics exclude all 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.

The results of recent research confirm earlier findings that the length of women's leave periods depends on how easy it is to find employment. The leave schemes also seem to create two categories of women: women with higher levels of education and better employment prospects have more options, being able to choose between a shorter or a longer family leave period, maybe also between a period of part-time work and working full time; 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 supported by the home care allowance. The home care allowance, therefore, seems to have become an income source for unemployed women; rather than functioning as an alternative to the use of childcare services, as intended, it also serves as an alternative to unemployment (Lammi-Taskula, 2004¹⁷; Salmi, Lammi-Taskula and Närvi, 2009).

e. Other employment-related measures

There is no information available on the take-up of temporary childcare leave.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Research on statutory leave entitlements and on take-up is done on 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 and Home care leave and its connections with women's labour market participation, as well as on men's take-up of family leave. Recent research has compared leave schemes and their take-up and consequences in the Nordic countries and also widened the focus to workplace attitudes and practices in connection with leave take-up. In addition, decision-making between parents and men's and women's reasons for leave-taking have been studied, as well as the consequences of leave-taking to the economic position of families. Recently, register-based data have been used to study longitudinally the consequences of women's leave-taking for their career and wage development. Another recent study has focused on the everyday situation of parents in families and at work as well as on experiences of family leave in work organisations and organizational practices to support leave-takers; it also followed the take-up of new forms of Paternity and Parental leave and interest in part-time leave arrangements.

b. Selected publications since 2009 review

¹⁷ Lammi-Taskula, J. (2004) 'Äidit työmarkkinoilla – kahden kerroksen väkeä?' ['Women in the labour market – people on two stories?'], *Yhteiskuntapolitiikka*, Vol.69, No.2: 202-206.

Haataja, A. (2009) *Vanhempainrahaa saaneet äidit. Taustatietoa vuonna 2006 äitiys- ja vanhempainrahaa saaneiden äitien demografisista ja toimeentuloon liittyvistä tekijöistä [Mothers receiving parental benefit. Background information of demographic and socio-economic features of mothers who have received maternity and parental benefit in 2006]*.

Helsinki: Kela (Social Insurance Institution) Available at:

<http://helda.helsinki.fi/handle/10138/15907>.

The study is based on register-based data on the total population of 16–64 year olds and as such broadens the information given by regular statistics on mothers taking Parental leave. The study shows that 27 per cent of mothers who receive leave benefit are primigravida. The mother on leave has two children on average and is 30 years old; 15 per cent of mothers were less than 25 years old and 5 per cent were older than 40. Just under 5 per cent of the recipients are immigrant mothers; their age structure and number of children do not significantly differ from those of originally Finnish mothers. The parental benefit was paid at the minimum level for 22 per cent of the mothers; for single mothers twice as often as for mothers in a pair relationship. For 9 per cent of mothers the benefit was related to an earlier unemployment benefit. Single mothers had twice as often been unemployed before the leave as mothers who lived with a spouse.

Lammi-Taskula, J. and Takala, P. (2009) 'Negotiating tripartite compromises', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: Policy Press, pp. 87-102.

This chapter examines the role of labour market partners in the development of leave policy in Finland.

Lammi-Taskula, J., Salmi, M. and Parrukoski, S. (2009) *Työ, perhe ja tasa-arvo [Work, family and gender equality]*. Helsinki: Ministry of Social Affairs and Health.

The study reviews from a gender equality perspective the recent governments' objectives and measures for the reconciliation of work and family life in gender equality policy, family policy and working life policy over the last 10 to 15 years. In the light of research and statistics, the priorities and effectiveness of the policies are evaluated in relation to the challenges brought about by societal changes. The report also looks at what kinds of questions have not yet been raised on the political agenda.

The analysis shows that objectives related to the reconciliation of work and family life have been incorporated in several policy documents, but the topic has not been defined, and in practice the theme has been understood narrowly to relate only to the early phase of family life with young children. Even in that phase, the policy of reconciliation has chiefly concentrated on family leave. Certain themes and objectives are repeated in the policy documents year after year, such as encouraging fathers to share parental leave, flexible leave options, compensation to employers of leave costs, and part-time leave. The issues missing are needs related to different family phases, the diversity of families, immigrant families and entrepreneur families as well as the importance of workplace practices.

The contradictions found in the policy measures relate to issues of employment rate and birth-rate, shared parenthood vs. single parents, father's role as a responsible carer vs. mother's assistant, part-time leave as a solution or a problem, and the class issue of leave as a support to livelihood or a poverty trap. The report makes recommendations for developing the policy of work–family reconciliation.

c. Ongoing research

The consequences of work insecurity on work–family relations and well-being (2008-2011). Johanna Närvi, Minna Salmi and Johanna Lammi-Taskula, THL; Minna Nikunen, Hanna Sutela, Jouko Nätti and Päivi Korvajärvi, University of Tampere; Anna-Maija Lehto, Statistics Finland. The project studies the prevalence and characteristics of different forms of insecure work and the consequences of work insecurity for work–family relations and well-being. The main question is how changing working life promotes or prevents women's and men's opportunities to act in the two life spheres and their chances to combine them. Both quantitative and qualitative data will be used, including interviews with parents of young children about the consequences of leave taking to employment opportunities and position in the labour market. Contact minna.salmi@thl.fi.

Women's return to employment after family leave (2008-2010). Riitta Luoto and Aino Luotonen, UKK Institute; Kaisa Kauppinen, Finnish Institute of Occupational Health. The project focuses on various factors affecting the timing of mothers' return to employment from family leave, such as personal motivation and orientation to work and career; family-friendly practices at workplace; personal well-being and work ability; expected challenges of the work–family balance. It includes a qualitative part based on focus groups of women on parental leave and a survey of mothers of one-year-old children. Contact riitta.luoto@uta.fi.

2.11 France

Jeanne Fagnani and Danielle Boyer

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 weeks: at least three weeks before the birth, the remainder can be taken before or after.

Payment and funding

- Hundred per cent of earnings, up to a ceiling of €2,885 a month.
- Funded from health insurance, financed by contributions from employees and employers.

Flexibility in use

- Two weeks can be taken before or after birth.

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

- All employees and self-employed workers.

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 12 weeks after birth.
- Mothers having a third or higher order child receive 24 weeks of leave.

b. Paternity leave (*Congé de paternité*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave

- Two weeks.

Payment and funding

- Payment and funding as for Maternity leave.

Flexibility in use

- 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.
- None.

c. Parental leave (*Congé parental*)

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.

Payment and funding

- A childcare benefit - *Complément de libre choix d'activité* (CLCA – Childrearing benefit paid by the social security scheme, National Family Allowance Fund) – is available to all families who meet the eligibility condition whether or not they take Parental leave: a flat-rate payment of €553 per month. However, for parents with only one child it is only paid until six months after the end of the Maternity leave; in other families it is paid until the child reaches three years of age). If the parent works part time, then the benefit is reduced.
- Another benefit – *Complément optionnel de libre choix d'activité* (COLCA) – is available to large families (with at least three children): a flat-rate payment of €790 per month, paid on condition that one parent stops working completely. However the duration is only for one year. Large families can choose between COLCA and CLCA.
- Both CLCA and COLCA are paid by the CNAF (*Caisse nationale des allocations familiales*), the French family allowance fund, financed by contributions from employers and the state.

Flexibility in use

- Parents taking leave may work between 16 and 32 hours per week.
- If parents work part time, the CLCA payment is reduced. If both parents work part time, they can each receive CLCA but the total cannot exceed one full CLCA payment. For the higher allowance paid for large families (COLCA), one parent must stop work completely.

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 CLCA 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.

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.
- 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. Eligible expenses can include training programmes for employees on Parental leave and supplements paid to employees taking various forms of leave.

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 (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*: 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 within a period of three years). The level of the allowance depends on the duration of work in the enterprise and on the family structure (in couples, if one parent stops work completely, the amount is €41.17 per day and €48.92 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.

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. Take-up of leave

a. Maternity leave

Although it is not obligatory, almost all mothers take up Maternity leave, although the length of leave taken varies, with women in higher status employment taking less leave.

b. Paternity leave

Around two-thirds of eligible fathers took leave in 2003 (Berger *et al.*, 2006¹⁸), which is the most recent data available.

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 CLCA, and it is not possible to find out how many recipients of CLCA are also on Parental leave.

Changes in the former APE since July 1994, which extended eligibility to parents with two children and introduced the option of part-time work from the beginning of the payment period, contributed to a dramatic increase in the number of recipients, reaching 581,000 in 2005 compared to 275,000

¹⁸ Berger, E., Chauffaut, D., Olm, C. and Simon, M-O. (2006) 'Les bénéficiaires du complément de libre choix d'activité (CLCA) : une diversité de profils', *Etudes et Résultats, DREES*, No. 510.

in 1995. The economic activity rate of mothers with two children, the youngest aged less than three years, decreased from 69 per cent in 1994 to 53 per cent in 1998. It has been estimated that between 1994 and 1997 about 110,000 working mothers with two children left the labour market to take advantage of APE. The incentive for low paid mothers to stop working is strong because of savings on childcare costs and other expenses. Research has also shown that mothers living in rural areas and small towns, where public childcare provision is scarce, claim APE more frequently.

Research provides evidence that women make up 98-99 per cent of parents taking leave. It also suggests that mothers who were in employment just before taking Maternity leave are more likely to claim APE/CLCA *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. This hypothesis received support from research conducted among mothers with three children who were receiving CLCA.

Mothers are more likely to claim Parental leave and CLCA 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 APE is the deterioration in working conditions in recent years. From this perspective, taking Parental leave with CLCA 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 CLCA are mostly blue-collar workers or employees with a stable job beforehand. Compared to fathers who do not take APE, 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.

The number of parents receiving CLCA has remained stable since 2007 and reached 545,600 by the end of December 2009. Additionally, the proportion of the CLCA paid to parents who choose to work part-time during the leave has gone up (but this amount remains lower than the amount paid to those who stop working completely). This financial incentive has proven its efficiency and has sharply increased the number of recipients working part time while receiving the benefit.

The number of recipients for COLCA remains very low: 2,170 in December 2009.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Only a few studies recently have addressed this issue. In the context of high unemployment and increased casualisation of the labour market, leave policy and the wider issue of reconciling paid work and family life have been relegated to a secondary position on the policy agenda. Public opinion is more concerned with the pension and education systems and with the impact of the economic crisis on their professional situation.

b. Selected publications since 2009 review

Ananian, S. and Robert-Bobée, I. (2009) 'Modes de garde et d'accueil des enfants de moins de 6 ans en France en 2007', *Etudes et Résultats*, n° 678. Paris : Direction de la recherche, des études, de l'évaluation et des statistiques (DREES). Available at : <http://www.sante-sports.gouv.fr/IMG/pdf/er678.pdf>.

This paper examines childcare arrangements for children under compulsory school age.

c. Ongoing research

None reported.

2.12 Germany

Daniel Erler

NB. Germany is a federal state

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

a. Maternity leave (*Mutterschutz*) (responsibility of the Ministry for Family, Senior Citizens, Women and Youth)

Length of leave (before and after birth)

- Fourteen weeks: six weeks before the birth and eight weeks following the birth. It is obligatory to take the eight weeks leave after birth.

Payment and funding

- Hundred per cent of earnings, with no ceiling on payments.
- Maternity leave benefits (*Mutterschaftsgeld*) are usually paid by the mother's health insurance (€13 per day) and the mother's employer, who covers the difference between the money provided by the health insurance and the mother's previous earnings. Hence employers bear most of Maternity leave benefit costs.
- For the unemployed or people without health insurance the state provides maternity leave benefits.
- Self-employed women have no maternity leave benefit rights.

Flexibility in use

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so. But for the two months after birth no paid work is allowed for reasons of health protection.

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

- All women employees, including those employed part time, even if working below the statutory social insurance threshold.
- 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 mother

- In the case of multiple or premature births, the length of leave increases to 12 weeks after birth.
- In certain circumstances (e.g. death or chronic illness of the parent), other relatives living with the newborn child may receive the benefit.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*Elternzeit*) (responsibility of the Ministry for Family, Senior Citizens, Women and Youth)

Length of leave

- Until three years after childbirth. This is a family entitlement.

Payment

- Parents on parental leave receive an income-related 'Childrearing Benefit' (*Elterngeld*¹⁹) for a period of 12 months, at a replacement rate of 67 per cent of a parent's average earnings during the 12 months preceding childbirth. While no means test applies, there is a ceiling of €1,800 per month on the benefit payment and the minimum payment is €300, even for parents without prior income; this minimum payment is, therefore, available to all families whether or not parents are on Parental leave. A parent with average earnings below €1,000 per month receives a low income benefit increase: for every €2 their monthly earnings are below €1,000, their childrearing benefit increases by 0.1 per cent.
- Both parents are equally entitled to the childrearing benefit but if the father takes at least two months of leave the overall length of benefit payment is extended to 14 months²⁰. Moreover, if another child is born within 24 months the childrearing benefit is increased by 10 percent.
- *Elterngeld* is funded by the federal government, through general taxation.

Flexibility in use

¹⁹The term was originally *Erziehungsgeld*, but was changed to *Elterngeld* in 2007 – parents' money – with the intention to make clear the shared parental responsibility of bringing up children, including that of fathers.

²⁰The benefits paid during the two months of obligatory Maternity leave following childbirth are included in the 12 (+2) childrearing benefit period, effectively reducing the actual benefit period available to both parents to 10 (+2) months.

- Instead of 12 (+2) months the childrearing benefit may be spread over 24 (+4) months, but the monthly benefit level is reduced so that the overall payment remains the same.
- Parents receiving a childrearing benefit may work up to 30 hours a week. However, if the company they work in has less than 15 employees they need their employer's consent. Income from part-time work is taken into account for the calculation of benefit entitlements.
- The final year of Parental leave may be taken up to a child's eighth birthday with the employer's agreement.
- 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. But four states (*Länder*) pay a means-tested childrearing benefit extended to the third year of Parental leave ranging from €200 to €350 per month and child.

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

- Parental leave: all parents gainfully employed at date of birth.
- Childrearing benefit: all parents if not employed for more than 30 hours a week.

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 case of multiple births the Childrearing benefit is increased by €300 per month for each additional child.
- 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

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

- In case of sickness of a child (below 12 years of age) parents may take up to ten days of leave, receiving 80 per cent of earnings from their health insurer with no ceiling. The maximum annual leave period that may be taken per family is 25 days.
- Since 1 July 2008 relatives of care-dependent persons are entitled to 10 days of short-term leave in case of an unexpected illness of a care-dependent relative as well as six months of long-term care leave. Both entitlements are unpaid.

Flexible working

- None.

2. Changes in policy since 2009 review (including proposals currently under discussion)

In 2009, the Parental leave law of 2007 was slightly modified enabling grandparents to take leave to care for their grandchildren, if their parents are younger than 18 years or if they are still in education or vocational training.

Recently, the new Family Minister, Kristina Schröder, has launched a proposal to allow employees to reduce their working time by 50 per cent for a period of two years, if they need to care for a dependent relative. During this period employees would be paid 75 per cent of their income, which they would repay by receiving 75 per cent of their earnings for the same period they worked part time, after returning to full-time employment. Although her initiative has not yet been transformed into a legislative proposal, it has nevertheless received harsh criticism. The Social Democrats and parties further on the political left have accused the Minister of wanting to entrench the traditional German family care model and its related gender effects. Employer organisations have warned of substantial additional costs and many policy experts have questioned the practicability of such a policy.

As part of larger package of austerity measures, two cuts in *Elterngeld* were announced in June 2010, to be introduced later in the year. The proportion of earnings to be paid on net incomes above €1,240 a month will be cut from 67 to 65 per cent; and the €300 a month minimum benefit for the long-term unemployed will be cut completely.

3. 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 Childrearing benefit

The 2007 Parental leave reform had the explicit aim to raise the take-up of leave by fathers and recently published data by the Federal Statistics Office show that the proportion of fathers taking leave has risen more than five-fold from 3.3 per cent in 2006 to 18.6 percent in 2009.

The new Parental leave law has, therefore, been successful in raising the utilisation of leave by fathers, although a large majority, i.e. 73 per cent, took no more than their individual two-month entitlement. The reform has also reduced the number of people taking more than one year of paid leave, a declared goal of the new law. In fact, just 10 per cent of parents made use of the option to prolong their paid leave to two years at 33.5 per cent of prior income.

Somewhat less clear is whether the switch from a flat-rate to an earnings replacement benefit has improved the economic situation of average leave-takers. The statistics show that almost half of all recipients merely received the minimum sum of €300 and among this group a substantial part would have probably been better off with the former leave entitlement, which guaranteed them €300 for two years instead of one. An additional 22.3 per cent of recipients benefited from the low income component of the new *Elterngeld*. In other words, for more than two-thirds of parents, the introduction of an earnings replacement benefit has had little or no positive impact from a financial point of view. For more details on the impact of recent leave reforms see the article 'German leave reforms: acknowledging diversity?' in the 2009 review.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Whereas the Parental leave changes in 2001 and 2004 increased the flexibility of leave entitlements for both parents, they also reduced the number of parents eligible for benefit and in many cases the benefit level. Various research revealed that the combination of means testing, relatively modest benefit levels and comparatively long leave periods entailed significant 'employment penalties' for mothers and offered little incentives for fathers to get involved in childrearing. Increasingly research

has been making use of longitudinal data like the German Socio-Economic Panel (GSOEP) and has been combining sociological and economic theories for an analysis of the effects of Parental leave legislation on household and individual behaviour. Indeed, the 2007 Parental leave reform may be partly seen as a reaction of polic- makers to problems identified by empirical Parental leave studies.

b. Selected publications since 2009 review

BMFSFJ (German Ministry for Family, Senior Citizens, Women and Youth) (2009) *Evaluationsbericht Bundeselterngeld- und Elternzeitgesetz 2009* [Evaluation report of the German parental leave benefit], Berlin. Available at: <http://www.bmfsfj.de>.

Part of the continuous evaluation programme of German Parental leave policies, this report assesses the impact of recent leave reforms and their interrelation with other policy dimensions, e.g. childcare and tax benefits. It concludes by identifying a number of policy initiatives that could further improve the ability to reconcile work and family life.

Boll, C. (2009) *Einkommenseffekte von Erwerbsunterbrechungen – mit besonderer Berücksichtigung möglicher Elterngeldeinflüsse auf das Unterbrechungsmuster* [Income effects of employment interruptions], *Report for the German Ministry for Family, Senior Citizens, Women and Youth*. Hamburg: Hamburgisches WeltWirtschaftsinstitut (HWWI). Available at: [http:// www.hwwi.org](http://www.hwwi.org).

Using GSOEP data, this study shows that leave breaks and, to a lesser extent part-time employment, entail substantial opportunity costs especially regarding future career prospects and pension entitlements.

Destatis (Statistisches Bundesamt) (2010) *Öffentliche Sozialleistungen Statistik zum Elterngeld. Gemeldete beendete Leistungsbezüge - 2009*, Wiesbaden: Destatis. Available at: <http://www.destatis.de>.

Official statistics on the utilisation of Parental leave entitlements in 2009. Includes time series data.

Erlar, D. (2009) 'Germany: taking a Nordic turn?', in: S. Kameran and P. Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: Policy Press, pp. 119-134.

This chapter examines how and why Germany made a 'paradigmatic policy shift' in its leave policy.

Gerlach, I., Schneider, H. and Juncke, D. (2009) 'Elternzeit und -geld als familienpolitische Instrumente: Entwicklung, Zielsetzung und empirische Befunde aus deutschen Unternehmen' ['Parental leave and parental pay as family policy instruments: development, goals and empirical results from German companies'], *Sozialer Fortschritt*, Vol.58, 12: 273-282. Drawing on relevant theories, this article shows that both employers and employees have a specific interest in Parental leave that is as short as possible and a return to the same company. On the basis of empirical data

(n = 1,001) it is shown that the recruiter's level of information and the firm's 'family awareness' as well as the qualification level of employees have statistically significant positive effects on the period of Parental leave and on return rates.

Kluge, J. and Tamm, M. (2009) 'Now daddy's changing diapers and mommy's making her career: evaluating a generous parental leave regulation using a natural experiment', *IZA Discussion Paper No. 4500*. Bonn: Institute for the Study of Labour. Available at: <http://ftp.iza.org/dp4500.pdf>.

Comparing survey data from parents whose child was born in the last quarter 2006 (control group), i.e. before the *Elterngeld* reform, and parents whose child was born in the first Quarter 2007, Kluge and Tamm show that the reform has effectively encouraged mothers to return to the labour market earlier while also stabilising household income.

Tamm, M. (2009) 'The impact of a large parental leave benefit reform on the timing of birth around the day of implementation', *Ruhr Economic Papers No.98*. Essen: Rheinisch-Westfälisches Institut. Available at: http://repec.rwi-essen.de/files/REP_09_098.pdf

With the introduction of the *Elterngeld* on 1 January 2007, parents of children born after this date suddenly received – on average – substantially more transfer payments than parents with children born beforehand. This paper shows that the incentives created by using a cut-off date led more than 1,000 parents to postpone the delivery of their children from December 2006 to January 2007

Vogt, A. and Pull, K. (2009) 'Warum Väter ihre Erwerbstätigkeit (nicht) unterbrechen. Mikroökonomische versus in der Persönlichkeit des Vaters begründete Determinanten der Inanspruchnahme von Elternzeit durch Väter' ['Why fathers (don't) take Parental leave. Microeconomic vs. personality based determinants'], *Zeitschrift für Personalforschung*, Vol.24, 1: 48-68.

Based on online survey data of working fathers in Germany (n=1,290) econometric analysis reveals that a father's decision to take Parental leave is more strongly influenced by economic determinants than by the father's personality. The father's perception of gender roles is also significant.

c. Ongoing research

As part of an ongoing EU commitment for ex-post impact assessments, the federal Family Ministry has commissioned the Rheinisch-Westfälisches Institut für Wirtschaftsforschung [*North Rhine-Westphalian Institute of Economic Research*] to conduct a permanent evaluation of the effects of the new Childrearing benefit. Results are published on a regular basis (see BMFSFJ, 2009).

2.13 Greece

Evi Hatzivarnava Kazassi

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 laws and the National General Collective Labour Agreements signed between the Federation of Greek Industries and the General Confederation of Labour, which set the minimum requirements for all the private sector²¹; (ii) leave arrangements **for public sector employees** that are covered by basic laws and the Code for Civil Servants.

i. Private sector (responsibility of the Department of Labour and Social Security)

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.
- Special leave: six months, granted after 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, with no ceiling in payment.
- Special leave: minimum daily wage agreed in the National General Collective Labour Agreement, as well as social insurance coverage.
- Basic leave: funded by the Social Security Fund and the Manpower Employment Organisation, which are financed by employer and employee contributions. Special leave: funded by the Manpower Employment Organisation.

Flexibility in use

²¹ Collective Labour Agreements 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. Such Agreements usually have improved provisions with regard to the National General Collective Labour Agreement.

- 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 are needed.
- Special leave: those insured in IKA-ETAM (the largest Social Insurance Fund).

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 days paid leave at the time of the child's birth, funded by the employer²².

c. Parental leave (Γονική Άδεια Ανατροφής)

Length of leave

- Three and a half months per child for each parent. Leave is an individual entitlement.

Payment

- None.

Flexibility in use

- Leave may be taken up to the time the child turns three and a half years.
- Leave may be taken in one or several blocks of time subject to agreement with the employer.

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

²² This and other periods of leave funded by the employer are considered to be part of normal working time.

- All employees who have completed one year's continuous employment with their present employer.
- For an employee to be entitled, his/her spouse must work outside the home.

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.
- Lone parents who have responsibility for a child are entitled to a Parental leave up to six months.
- 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)

- Leave is granted for up to 8 per cent of the total number of employees in each enterprise in each year.

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 adoptive parents 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 days per year per parent of unpaid leave if the parent has one child, up to eight days if he/she has two children and up to 14 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 days paid leave per year for both parents 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 need regular transfusion or haemodialysis: up to ten days per year paid leave, funded by the employer.
- Leave for widows/ers or unmarried parents caring for children: in addition to other leave, six days per year paid leave. If the parent has three or more children the leave is eight 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 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 accordingly with no ceiling in 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, Decentralisation and E-Government)

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. For every child after the third, the length of post-natal leave is extended by two.

Payment and funding

- Hundred per cent of earnings, with no ceiling in payment.
- 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.

b. Paternity leave

No statutory entitlement.

c. Parental leave (Άδεια χωρίς αποδοχές)

Length of leave

- Up to two years. Leave is an individual entitlement.

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.

Flexibility in use

- Leave may be taken at any time up to the time the child turns six years.

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).
- In cases of separation, divorce, widowhood or birth without marriage, only the parent that cares for the child is entitled to 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

- There is no variation in the length of leave in the case of twins or triplets.
- 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).

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 ορ 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. The leave is paid by the employer and funded through general taxation, and is granted after 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. A husband is not entitled to this leave if his wife is not working. For a parent who is unmarried, widowed, divorced or has a severely disabled child, the leave is extended by one month. For more details, see 1iie– ‘flexible working’.

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 sickness: none.
- Leave for visiting children’s school: up to four days of paid leave for one child, up to five 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.
- 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: up to 22 days per year paid leave.

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. A husband is not entitled flexible working if his wife is not working.
 - 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.
 - 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. Changes in policy since 2009 review (including proposals currently under discussion)

During 2009, many issues have developed out of the implementation of the Law 3655/3.4.08 which instituted ‘a special leave for the protection of maternity’, equal to six paid months. The leave is granted after the basic Maternity leave and before the beginning of the use of flexible working (reduced hours of daily work). During the duration of the special leave, the Manpower Employment Organisation pays the mother with a monthly sum that equals the minimum daily wage agreed in the National General Collective Labour Agreement. Since its introduction, the office of the Citizens’ Ombudsman has received many complaints from groups of working mothers excluded from the leave on various grounds. In response, the Citizen’s Ombudsman has suggested the expansion of the leave to certain categories of working mothers.

For the National General Collective Agreement of 2010-2011, in the private sector, the General Confederation of Labour of Greece had proposed the following:

- The extension of Maternity leave by three weeks, that is from 17 to 20 weeks, with eight weeks to be taken before birth, nine weeks after birth and three weeks to be decided by the mother; these last three weeks could be taken by the father if not used by the mother. In the case of multiple births, four extra weeks for each child should be added after birth.
- The extension of the provision of nine weeks of post-natal Maternity leave, to which biological parents are entitled, to adoptive mothers. Starting date of this leave would be the date that the adoptive mother takes responsibility of the care of the child.
- The prohibition of dismissal of a parent during the time of flexible working (reduced hours or childcare leave) or the newly established special leave for the protection of maternity.
- The extension of Paternity leave from two to five days. Three of the five days should be taken just after birth and the rest during the period

of confinement. Adoptive fathers should be entitled to the same leave with the adoption time as the starting point for the provision of the leave.

- The extension of Parental leave from three and a half to four months, as well as the extension of the period during which leave can be taken from three and a half to eight years. Parental leave should be paid and the cost equally shared by the employer and the Manpower Employment Organisation. Lone parents should have eight months of leave instead of the six months they have today.
- The extension of leave for widows/ers or unmarried parents (see 1ie) to divorced and separated parents with responsibility for the care of a child.
- The clarification that the leave for visiting children's school (four days per year) is per child.

Some of these proposals are not new, being raised in the past but not adopted. During the writing of this report the negotiations for the National General Collective Labour Agreement 2010-2011 were in progress. However, there is much concern about the possibility for instituting more positive measures for parents in a situation of acute economic crisis.

3. Take-up of leave

There is no information on take-up of the various types of leave. However, it is feared that due to economic crisis and high unemployment, take-up rates would be negatively affected in the private sector.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

There is little research focus on leave policies as such, partly due to the fact that such policies are a recent development. Most available research has focused on reconciliation of work and family responsibilities and the issues it raises, including flexible working arrangements, childcare and leave policies. Most of the work done has been within the context of EU-funded projects.

b. Selected publications since 2009 review

Koukouli-Spiliotopoulou, S. (2009) 'Retirement and reconciliation between Family and work', *Review of the Law of Social Security*, 11/610: 753-785 (in Greek).

c. Ongoing research

Family protection: labour and insurance provisions of employees of the public sector in the member states of the EU – comparative analysis (in

progress). Institute of Labour of the General Confederation of Labour of Greece.

This study is funded by the Women's Secretariat of the Superior Confederation of Civil Servants.

Reconciliation of work and family: study for the identification of the needs of parents in Athens (in progress). L. Alipranti and E. Tsanira, National Centre for Social Research, Athens.

This study is focused on working parents, with typical or atypical work schedules, who have their children in the kindergartens of the Athens municipality.

2.14 Hungary

Marta Korintus

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

Note on terminology: the Hungarian names for two of the Parental leaves discussed in 1c – GYES and GYED – include the word *gondozas*, that is ‘care’. By contrast, GYET - available after the child is older than three (see 1d) - includes the word *nevelés*, that is ‘upbringing’. The Hungarian names for these three leaves (1c and 1d) literally refer only to the payment element, although in practice they cover leave and payment (e.g. GYES is *gyermekgondozasi segely*, literally ‘childcare allowance’).

a. Maternity leave (*szulesi szabadsag*) (responsibility of the Ministry of Social Affairs and Labour)

Length of leave (before and after birth)

- Twenty-four weeks: up to four weeks before birth. However only mothers are entitled to take one type of Parental leave until the child’s first birthday (see 1c).

Payment (terhessegi-gyermekagyi segely) and funding

- Seventy per cent of average daily earnings, 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 amount of the official daily minimum wage. In this case, payment is made by the Treasury, not the National Health Insurance Fund.
- Funded from the National Health Insurance Fund, which is financed by contributions from employers and employees.

Flexibility in use

- The start date can be between four weeks before birth and the birth itself.

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

- All women are entitled to 24 weeks unpaid maternity leave.
- Women employees and self-employed women with at least 365 days of previous employment within two years of the birth of a child are entitled to benefit payment for the period of 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

- None.

b. Paternity leave²³

Length of leave

- Five days, to be taken during the first two months of the child's life.

Payment and funding

- Hundred per cent of father's average daily wage, with no ceiling on payments.
- Funded from the National Health Insurance Fund, which is financed by contributions from employers and employees.

Flexibility in use

- None except for when leave can be started after birth.

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.

- None.

c. Parental leave (responsibility of the Ministry of Social Affairs and Labour)

There are two types of leave and benefit: (1) for non-insured parents, *Gyermekgondozasi sagely*, GYES; (2) for insured parents, *Gyermekgondozasi dij*, GYED. Both are family entitlements except for GYED up to the child's first birthday, which is an entitlement only for mothers.

Length of leave

- **GYES:**

²³ 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.

- a. Until the child's third birthday for parents not insured.
- b. From the end of GYED (child's second birthday) until the child's third birthday, for insured parents.
- **GYED:** from the end of the Maternity leave period until the child's second birthday, for insured parents.

Payment and funding

- **GYES:** until the child's second birthday, a flat-rate benefit equal to the amount of the minimum old-age pension, HUF28,500 (€100) per month. Twice this amount in case of multiple births, regardless of their number. Funded by the Treasury from general taxation.
- **GYED:** benefit of 70 per cent of earnings, up to a ceiling of 70 per cent of twice the minimum daily wage (HUF 102,900 (€360) per month. Funded from the National Health Insurance Fund, which is financed by contributions from employers and employees.

Flexibility in use

- A parent taking **GYES** cannot work until the child's first birthday, but can then work unlimited hours while still receiving the full benefit until the child's third birthday.

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

- **GYES:** all parents.
- **GYED:** either of the parents living with the child is eligible as long as she/he has been employed at least for 365 days within the two years before the birth of the child; however, only one parent can actually take 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 parents

- **GYES:** parents of a child who cannot be admitted to a childcare centre due to illness can take leave until the child's eighth birthday; parents of a child with a long-term illness or disability can take leave until the child's tenth birthday (longer in discretionary cases); parents of twins are eligible until the children begin elementary school and the benefit payment is doubled
- **GYED:** 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 four hours daily, or without limitation if the work is done in the home, after the child becomes older than three years of age.

d. Childcare leave or career breaks

Either of the parents in a family with three or more children may take leave during the period between the second and eighth birthday of the youngest child (*Gyermeknevelési támogatás, GYET*). Benefit payment as for GYES. The person taking up GYET can work less than four hours daily, or without limitation if the work is done in the home. GYES and GYED are intended to promote childbirth

and support reconciliation of work and childrearing; GYET is considered an acknowledgement of parenthood as paid work.

e. Other employment-related measures

Adoption leave and pay

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

Time off for the care of dependants

- There is an entitlement to leave, 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 benefit is paid at 70 per cent of earnings.

Flexible working

- Mothers are entitled to two 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. Changes in policy since 2009 review (including proposals currently under discussion)

From 1 May 2010, the eligibility for payments for insurance-based leaves (Maternity leave and GYED) has changed to 365 days of employment during the two years before giving birth. From 30 April 2010, payment for parents taking GYES has been reduced from three to two years; the length of leave is unchanged at three years, so parents can remain on leave between the second and third birthday of their child but without payment.

3. Take-up of leave

a. Maternity leave

There are only statistics on the number of women receiving benefit. The average monthly number in 2008 was 29,221. It is thought that almost all eligible women take leave.

b. Paternity leave

The total number of fathers taking leave during 2008 was 22,156, using 110,677 days.

c. Parental leave

There are only statistics on the number of recipients of benefit. The average monthly numbers in 2008 were: 167,021, or 69.5 recipients per thousand women of fertile age, for GYES; 94,514, or 39.3 recipients per thousand women of fertile age, for GYED; and 41,631, or 17.3 recipients per thousand of women of fertile age, for GYET. There is no information on what proportion of parents take leave or how long they take; it is thought, however, that the number of fathers taking leave is very small; over the years, the number of male recipients of benefit has been between 1,000 and 3,000. While there are no data available on the proportion of parents taking leave, an estimate can be made on the basis that about 11 per cent of children under three years were in childcare centres in 2008, so the remainder probably had a parent (predominantly mothers) taking up one of the Parental leave options.

It is thought that mothers with higher education and better paid jobs take shorter periods of leave, especially as the last year of GYES is paid at a flat rate and because of the implications for careers of prolonged absence from work. Some indication of leave-taking is provided by data on the age of children entering *bolcsode* (nurseries taking children under three years of age); most children enter between 18 months and two years of age.

d. Other employment-related measures

In 2008, the total number of sick leave days in Hungary was 32,855,000; 3.4 per cent of these were taken for sick children.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Work on issues concerning achieving work–life balance in families with children has been flourishing during 2009. The issues covered are comprehensive, ranging from demography to labour force participation, leave policies, cash benefits and childcare. The overall aim seems to be finding a good or acceptable solution to facilitating women’s return to work and expanding services for young children in a quite unfavourable economic, financial and societal situation created by the recent crisis.

b. Selected publications since 2009 review

Blaskó, Zs. (2009) ‘Családtámogatás, gyermeknevelés, munkavállalás’ [‘Family support, childrearing, employment’], *Demográfiai Portré 2009*: 41-51. Budapest: KSH Népeségtudományi Intézet.

The study gives an overall summary of the Hungarian family support system. Its main conclusions relate to the relative importance of cash benefits, the promotion of childcare at home by the mother, the difficulties for mothers to return to the labour market, and the low take-up of leave by fathers.

Blaskó, Zs., Cseres-Gergely, Zs., Reszkető, P., Scharle, Á., and Varadi, B. (2009) *Az 1-3 éves gyermekek napközbeni ellátásának bővítése: költségvetési ráfordítás és várható társadalmi hatások* [Expanding the childcare provision for 1-3 years old children: state financing and expected societal effects], Budapest: Budapest Institute. Available at: <http://www.budapestinstitute.eu/home/lang/en>

The study makes recommendations for reforming the legislation and funding for childcare services for children under the age of three years, taking into account the recent crisis. They cover coordination among ministries, policy monitoring and evaluation, and the implementation of coherent goals.

Fazekas, K. and Köllő, J. (eds.) (2009) *The Hungarian Labour Market – Review and Analysis 2009. [Munkaerőpiaci Tükör]*. Budapest: MTA Közgazdaságtudományi Intézet [Institute of Economics, Hungarian Academy of Sciences].

A new series of labour market yearbooks was launched with the goal of reviewing the main developments in the Hungarian labour market annually, and of giving an in-depth analysis of selected issues. The introductory chapter discusses trends and recent changes in employment, activity, and unemployment between 2007 and the first quarter of 2009. The first part of this year's In Focus presents a descriptive statistical overview of the labour market using the microdata of the European Labour Force Survey. The second part deals with a specific aspect of the labour market, namely vocational training. The authors present strong evidence that vocational training is an ailing part of the educational system in need of profound reforms. The third part of the book discusses the legal and institutional environment of the Hungarian labour market, while the closing chapter provides a comprehensive collection of statistical data.

Frey, M. (2009) 'Nők és férfiak a munkaerőpiacon – a Lisszaboni Növekedési és Foglalkoztatási Stratégia céljainak a tükrében' ['Women and men in the labour market – in the context of the Lisbon Strategy for Growth and Jobs'], in: I. Nagy and T. Pongrácz (eds.) *Szerepeváltások*. Budapest: TÁRKI and Szociális és Munkaügyi Minisztérium, pp. 27-51.

The chapter evaluates labour market trends from the perspective of the employment targets of the Lisbon Action Programmes for Growth and Jobs. It deals with the issue of gender mainstreaming and illustrates what has occurred in the Hungarian labour market between 2004 and 2007.

Hollós, M. and Bernardi, L. (2009) 'Gyermekvállalás bizonytalan időkben magyarországi fiatal fiatal párok beszámolója alapján' ['Childbearing in times of uncertainty: young couples' narratives from Hungary'], *Demográfia*, Vol.52, 1: 5-31.

Using a set of in-depth interviews from Budapest, the authors focus on reproductive decision-making under the conditions ushered in by the 'transition', i.e., uncertainty in the economic and the social sphere in which behavioural alternatives are unclear and behavioural outcomes are not always predictable. Their subjects' response to the uncertain conditions is considered one of the pathways through which demographic behaviour might be affected in the post-socialist context of institutional change.

Kapitány, B. and Spéder, Zs. (2009) 'A munkaerőpiac és a pénzügyi családtámogatási rendszer hatása a gyermekvállalási tervek megvalósulására' ['Influences of labour market conditions and child related monetary programmes on fertility intentions in Hungary'], in: I. Nagy and T. Pongrácz (eds.) *Szerepeváltások*. Budapest: TÁRKI and Szociális és Munkaügyi Minisztérium, pp. 79-94.

The chapter presents results from two waves of a Hungarian panel survey to give an overview of factors influencing the realisation of fertility intentions; and discusses the possible influences of labour market conditions and child-related benefit programmes.

Korintus, M. (2009) 'A gyermekgondozási szabadsággal kapcsolatos kérdések Magyarországon és az Európai Unió néhány államában' ['Childcare leave policies in Hungary and in some other EU countries'], in: I. Nagy and T. Pongrácz (eds) *Szerepváltozások*. Budapest: TÁRKI and Szociális és Munkaügyi Minisztérium, pp. 65-78.

The chapter provides a short overview of leave periods in EU countries, and compares the Czech, Hungarian and Slovenian systems as case studies to analyse the development and suitability of long leave periods.

Korintus, M. (2009) 'Úkoly a budoucnost služeb péče o děti v maďarsku' ['Challenges and way forward for children's services in Hungary'], *Demografie*, 4: 266-273.

The paper describes the present system of childcare leave and childcare services – as means of support for families with young children – then gives an overview of challenges and possible future scenarios. A discussion of family day care services highlights Hungary's experience of introducing and trying to scale up these services, which are thought to be especially suitable for rural areas where it is not cost-effective to maintain childcare centres.

Korintus, M. and Stropnik, N. (2009) 'Hungary and Slovenia: long leave or short', in: Sheila Kamerman and Peter Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: The Policy Press, pp.135-157.

This chapter compares the very different leave policies in these neighbouring countries, with a focus on the politics of policy development.

Scharle, Á. (ed.) (2009) *Manka goes to work: Public childcare in the Visegrad countries 1989-2009*. Available at:

<http://www.budapestinstitute.eu/archive/lang/en>

This e-book contains papers that describe and explain the evolution of childcare services or, more generally, family policy in the Visegrad countries: Czech Republic, Hungary, Poland and Slovakia. It has three aims: to assess the current situation in the region; to identify the limitations on increasing capacity in services; and to share lessons learnt from policy interventions during the past twenty years.

Szelewa, D. and Polakowski, M. (2009) 'Ki törődik a gyerekekkel? A gyermekgondozási rendszerek változó mintái Kelet-Közép Európában' ['Who cares? Changing patterns of childcare in Central and Eastern Europe'], *Esély*, Vol.20, 1: 3-27.

Translated version of an article first published in the *Journal of European Social Policy*, May 2008, vol.18. The article compares childcare provisions in the new EU member states, looking at two pillars of childcare policy: publicly provided childcare services and Parental leave provisions. It demonstrates cross-country variations in childcare policies within the region and systematizes the differences by identifying four clusters: explicit familialism, implicit familialism, female mobilising and comprehensive support types.

c. Ongoing research

European Family Platform (2009-2011), funded by the European Union's Seventh Framework Programme.

Covering all 27 member states, the Platform is a consortium of 12 organisations aiming to collectively increase the well-being of families across Europe. It aims to do this by encouraging dialogue between stakeholders, ultimately providing input into the EU's Socio-Economic and Humanities Research Agenda on Family

Research and Family Policies. The platform takes account of three relevant perspectives: the scientific community; European families, represented by members of civil society and important stakeholders such as family and children's rights associations; and policy-makers and social partners. It brings together leading European universities, EU policy-makers and representatives from the civil society to identify topics of relevance to families, such as work/life balance, gender equality, care provision, service provision to families and issues regarding immigration and social integration. In the short term, the Family Platform will compile and review the existing research into family life; identify gaps in the available research; and explore future trends for family models likely to take place in the EU in 2035. The project is coordinated by the Technische Universität in Dortmund, Germany; within the project, the Hungarian Demographic Research Institute is responsible for Family Management.

<http://www.familyplatform.eu/en/familyplatform>

2.15 Iceland

Thorgerdur Einarsdóttir and Gyda Margrét Pétursdóttir

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

Note on terminology: the term *faedingarorlof* (literally ‘birth leave’) is used in law to refer to paid Maternity, Paternity and Parental leave. But in common parlance, the term is mostly used to refer to women’s absence from the labour market due to birth and childcare. When the father takes his leave, it is usually referred to as *fedraorlof* (Paternity leave). So even if the law makes no distinction between different types of leave taken by mothers and fathers, a distinction is made in everyday usage.

Foreldraorlof refers to the unpaid leave included in 1d under the heading of ‘Childcare leave’, though it translates literally into ‘Parental leave’. The type of leave referred to in 1c under the heading of ‘Parental leave’ is translated into English by the Icelandic Ministry of Social Affairs and Social Security as ‘parents’ joint rights’.

a. Maternity leave (*faedingarorlof*) (responsibility of the Ministry of Social Affairs and Social Security)

Length of leave (before and after birth)

- Three months: one month may be taken before birth.

Payment and funding

- Eighty per cent of earnings for earnings lower than ISK200,000 (€1,260) per month. Seventy-five per cent of earnings over ISK200,000 up to a ceiling of ISK300,000 (€1,890) per month. The payment to a mother working shorter part-time hours, i.e. between 25 and 49 per cent of full-time hours, is at least ISK65,227 (€410) per month; and for a mother working longer hours, at least ISK91,200 (€ 575). As a frame of reference, the minimum wage in Iceland is ISK165,000 (€1,040)per month and maximum unemployment benefits is ISK149,523 (€945). Others (including students) receive a flat-rate payment.
- Funded by the Maternity/Paternity Leave Fund, financed by contributions from employers, employees and self-employed workers; 1.08 per cent of total insurance contributions goes to this Fund.

Flexibility in use

- d. The mother is obliged to take two weeks of leave following the birth. After that she can take leave on a part-time (50 per cent) basis and work part time. 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’).
- e. See 1c.

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

- All women who have been in the workforce during the preceding 12 months, ending six months prior to 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

- See 1c.
- Maternity leave can be extended by two months if the mother suffers any complications during or after the birth.

b. Paternity leave (*faedingarorlof*) (responsibility of the Ministry of Social Affairs and Social Security)

Length of leave

- Three months.

Payment and funding

- Same as for Maternity leave.

Flexibility in use

- Same as for Maternity leave, except for the obligatory two weeks that mothers must take after birth.

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

- All women who have been in the workforce during the preceding 12 months, ending six months prior to 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

- See 1c.

c. Parental leave (see note on terminology at the start of part 1) (responsibility of the Ministry of Social Affairs and Social Security)

Length of leave (before and after birth)

- Three months after birth.

Payment and funding

- Same as for Maternity leave.

Flexibility in use

- The total of nine months leave (covering Maternity, Paternity and joint rights) can be used until 36 months after the birth.
- Leave can be taken in one continuous period or as several blocks of time.

Regional or local variations in leave policy

- None.

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

- As 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 multiple births, the length of leave increases by three 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.
- Lesbian or homosexual couples can apply for leave.

d. Childcare leave or career breaks (*Foreldraorlof*)

- Each parent may take 13 weeks unpaid leave until the child is eight years old.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents (i.e. mothers) giving birth if the child is younger than eight years when adopted.

Time off for the care of dependants

- None.

Flexible working

- Employers are required by law 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. Changes in policy since 2009 review (including proposals currently under discussion)

In 2009, Parental leave was amended twice. In July the ceiling on payments was lowered from ISK400,000 (€2,520) to ISK350,000 (€2,205). Parents could also take leave until the child is 36 months old, when previously the leave had to be utilised before the child turned 18 months. This amendment was put in to compensate for the lower ceiling on payments. In December the ceiling was lowered again to ISK300,000 (€1,890). In addition, payments are now based on 80 per cent of earnings for earnings lower than ISK200,000 (€1,260) and 75 per cent of earnings over ISK200,000.

These changes are due to the economic crisis. The unemployment rate has risen steeply from about 1 per cent in 2008 to about 8 per cent in 2009.

3. Take-up of leave

a. Maternity leave

In 2007, 98.5 per cent of women applying for leave used the three months available. For more details see 3c.

b. Paternity leave

See 3c.

c. Parents' joint rights

In 2007, 88.5 per cent of fathers took a period of leave (paternity and/or parents' joint rights) for every 100 mothers taking some leave, and fathers took about a third of all days of leave taken by parents (an average of 101 days leave compared to 181 for mothers). Overall, 21.2 per cent of fathers took some of the parents' joint rights, and 16.4 per cent took less than their three months of designated Paternity leave; 93.1 per cent of mothers took some period of parents' joint rights.

In 2007, 37.1 per cent of men and 79.7 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

d. Other employment-related measures

Employers are not penalised if they do not make arrangements to enable men and women to balance family life and work, and there is no monitoring by the state of the implementation of this measure.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Research on leave and other employment-related policies is increasing in Iceland. Some studies include cross-national comparisons, which is reducing Iceland's previous knowledge gap in this area.

b. Selected publications since 2009 review

Einarsdóttir, T. and Pétursdóttir, G. M. (2009) 'Iceland: from reluctance to fast-track engineering', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: Policy Press, pp.159-174.

This chapter explores the politics behind the major leave reforms introduced in 2000.

Eydal, G. B. (2009) 'Equal legal rights to paid parental leave - the case of Iceland', paper presented at the *ESPANET [The network for European Social Policy analysis] conference*, Urbino, 17-19 September 2009. Available at: <http://www.thjodmalastofnun.hi.is/Paper%20G%20Eydal%20ESPA%20%20Sept%202009.pdf>

The paper discusses Icelandic care policies with a special emphasis on the Act on Maternity/Paternity leave and Parental leave from year 2000. It also presents results from surveys to examine if the Act's goals have been reached.

Pétursdóttir, G. M. (2009) 'Preserving the "right" pay balance within the aura of gender equality', in: H. S. Gudmundsson and S. B. Ómarsdóttir (eds.) *Rannsóknir í félagsvísindum X [Research in Social Sciences]*. Reykjavík:

Félagsvísindastofnun Háskóla Íslands, pp. 269-280.

This conference paper investigates how the gender pay gap affects couples' relations, division of domestic labour and childcare.

Pétursdóttir, G. M. (2009) *Within the Aura of Gender Equality: Icelandic work cultures, gender relations and family responsibility. A holistic approach*.

Unpublished PhD thesis, Department of Political Science, School of Social Sciences, University of Iceland.

The thesis expands the literature on reconciliation between work and family life in the modern-day labour market. Work cultures, gender relations and family responsibilities in three different sectors in the labour market are explored; private sphere issues such as division of domestic labour, childcare and leisure time activities among heterosexual, white, native born Icelanders, men and women with children, are also addressed. A gendered division of labour prevails in the different workplaces. The nature and organisation of women's work is such that they have less mobility than men and thus less flexibility despite shouldering the main burden of childcare and domestic duties. Men have more mobility and hence more flexibility, which they do not utilise due to gendered expectations, i.e. men as breadwinners or 'ideal workers'. The gendered division of labour and how women's work is ascribed lesser value in the public sphere affects gendered power relations in both the private sphere of the home and the public sphere of paid labour. Men and women reside within the socially desirable aura of gender equality by men's perception of equal sharing and women's projection of the freely choosing individual despite practical evidence indicating otherwise. Men's hegemonic status, in the workplace and at home, is thus ensured by women's compliance, which is based on their limited access to social and financial power in the public and private spheres. Available upon request, contact: gydap@hi.is.

c. Ongoing research

None reported.

2.16 Ireland

Eileen Drew

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

a. Maternity leave (responsibility of the Department of Justice, Equality and Law Reform)

Length of leave (before and after birth)

- Forty-two weeks: at least two weeks must be taken before birth.

Payment and funding

- Eighty per cent of earnings (calculated by dividing gross earnings in the relevant tax year by the number of weeks worked), subject to a minimum of €225.80 per week and up to a ceiling of €270 a week 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.
- Funded from the Social Insurance Fund, which is financed by contributions from employers and employees.

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 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.

- None.

b. Paternity leave

No statutory entitlement.

c. Parental leave (responsibility of the Department of Justice, Equality and Law Reform)

Length of leave

- Fourteen weeks per parent per child (i.e. an individual right).

Payment and funding

- None.

Flexibility in use

- Leave may be taken up to the child's eighth birthday.
- Increase in the maximum age of the eligible child to 16 years in the case of children with disabilities.
- Extension of the *force majeure* provisions to include persons in a relationship of domestic dependency, including same-sex partners;
- Leave may be taken in separate blocks of a minimum of six continuous weeks or more favourable terms subject to employer's agreement.
- Under the Civil Law (Miscellaneous Provisions) Act 2008 parents who are employed by the same employer may transfer all or part of their Parental leave entitlements to the other parent, subject to the employer's agreement.

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

- All employees who have completed one year's continuous employment with their present 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 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.
- Provision for statutory codes of practice on the manner in which Parental leave and *force majeure* leave might be taken and the manner in which an employer can terminate Parental leave.

• **Childcare leave or career breaks**

No statutory entitlement.

• **Other employment-related measures**

Adoption leave and pay

- Forty weeks leave for adopting mothers or sole male adopters, with 24 weeks paid; payment and eligibility as 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.
- Sixteen weeks unpaid adoptive leave.
- Section 9 of the Act makes provision for splitting the period of adoptive leave and/or additional adoptive leave in the event of the hospitalisation of the adopted child, subject to the agreement of the employer.
- Section 10 provides for situations where an employee returns to work having postponed leave under Section 9 and is subsequently absent from work due to sickness.

Time off for the care of dependants

- Three days paid leave 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 maximum of 65 weeks unpaid leave to provide full-time care for a dependant (e.g. a child with a severe disability), 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 can either adjust their working hours or, if breastfeeding facilities are provided at work, take breastfeeding breaks.

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. Take-up of leave

a. Maternity leave

A total of 50,451 women applied for maternity pay in 2008, the year in which the highest number of births was recorded in Ireland since 1896, with over 75,000 babies born; the difference between women applying and births is accounted for by women not eligible for Maternity leave. In 2009, the Irish Government paid out €327m to mothers on Maternity leave compared with €122.7m in 2004 (Department of Social and Family Affairs). This substantial increase is due to various reasons: more births, more women in the labour market and in-migration of women of childbearing age.

b. Paternity leave

No statutory entitlement.

c. Parental leave

There is no recent information on take-up. According to a survey in 2001 for the Department of Justice, Equality and Law Reform (MORI MRC, 2001) on the uptake of Parental leave and *force majeure* leave to care for dependants, almost 7 per cent of employees in the 655 organisations surveyed (517 in private and 138 in public sectors) were eligible for Parental leave during the course of 2001. In all, it was estimated that 20 per cent of these eligible employees had taken Parental leave. The survey showed that 84 per cent of Parental leave was taken by women. In a second study (Newmarket Consulting, 2001), involving case studies of 25 organisations in Ireland, 62 out of 71 employees interviewed had heard of Parental leave, though the level was higher in the public sector than in the private sector organisations. The largest barrier to take-up of Parental leave was financial, noted by 63 per cent of interviewees.

d. Other employment-related measures

There is no recent information on take-up. Nearly one-third of employers surveyed (29 per cent) in the Department of Justice survey (MORI MRC, 2001) had granted *force majeure* leave. The study by Newmarket Consulting (2001) noted that the duration of *force majeure* leave was considered by both employees and employers to be more restrictive than the previous informal system of compassionate leave.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Leave policies are a recent development and are, as yet, incomplete. While Maternity, Carer's and Parental leave are now statutory entitlements, there is no statutory Paternity leave nor any right to request flexible working – although the public sector has such arrangements. However the issue of statutory rights and duration of leave are currently under review. 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 carer's leave. More 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 2009 review

Lunn, P., Fahey, T. and Hannan, C. (2009) *Family Figures: Family Dynamics and Family Types in Ireland, 1986-2006*. Dublin: ESRI.

This study tracks changes in Irish families over the last 20 years. Noting the strain that having a first baby places on relationships, the authors argue the case for statutory Paternity leave. At present, not all fathers are entitled to Parental leave, which is unpaid and can in any case be postponed by employers. If the cost implications of introducing Paternity leave are a concern, they proffer a potential justification for introducing it for first-time fathers (or first children in a family) only.

Drew, E. and Humbert, A. L. (forthcoming, 2010) 'Gender, entrepreneurship and motivational factors in an Irish context', *International Journal of Gender and Entrepreneurship*, Vol.2, 2.

This paper examines the differences in women's and men's motivations for embarking on entrepreneurship, using ordinal regression modelling to test the influence of gender and other key variables. The results showed that while the motivations of men and women are very similar, men were more likely to become entrepreneurs in order to generate greater income while women were strongly influenced by the need to reconcile the demands of work and family. It was also noted that while fathers could rely more heavily on their partners to provide childcare, mothers relied upon a 'jigsaw' of caring arrangements for their children, including themselves.

c. Ongoing research

Who cares? attitudes to family-related leave in Irish organisations (2009-2010).
Eileen Drew and Anna Watters, Trinity College Dublin.

This is an exploratory study of experiences of, and attitudes towards, family-related leave in Ireland. It involves a literature review, an online survey of 1,067 participants and three focus group sessions in six public, private and voluntary sector organisations. The study indicates that there is demand for improved policies on family-related leave, notably: the introduction of statutory paid Paternity leave; payment for Parental leave and being able to take this leave until children are 12 years old; and an extended duration of Maternity leave. There is also support for the transferability of some part of paid/unpaid Maternity leave entitlement to fathers/partners. Contact: Eileen.Drew@tcd.ie.

2.17 Italy

Dino Giovannini

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

a. Maternity leave (*Congedo di Maternità*) (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 birth)

- Twenty weeks: at least four weeks before the birth.

Payment and funding

- Eighty per cent of earnings with no ceiling for salaried workers. For home helps, self-employed workers and agricultural temporary labourers, earning is 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 and of social policies, a higher ceiling, after considering income and contribution potential of the professional sector and compatibility with its financial.
- Funded by INPS (National Department for Social Welfare), financed by contributions from employers and employees. Workers may be paid direct by INPS or else by their employer, who is recompensed by INPS.

Flexibility

- For employees and workers enrolled in '*Gestione separata*'²⁴, 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 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.

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

²⁴ The 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.

- In the case of multiple or premature births, the length of leave increases by 12 weeks.

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

No statutory entitlement. However 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. 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 for mothers and six months for fathers. Fathers taking three months Paternity leave (see 1b) are entitled to one month of additional Parental leave. Leave is an individual entitlement, but the total amount of leave taken by two parents cannot exceed ten months (or 11 months if the father takes at least three months Paternity leave as set out in 1b).

Payment (during the length of Parental leave) and funding

- Thirty per cent of earnings when leave is taken for a child under three years; unpaid if taken when a child is three to eight years, unless annual earnings are under approximately 2.5 times the amount of minimum earnings (€14,891.50 in 2009), in which case parents are entitled to 30 per cent of earnings.
- Funded by INPS (National Department for Social Welfare). Workers may be paid direct by INPS or else by their employer, who is recompensed by INPS.

Flexibility in use

- Leave can be taken at any time until a child is eight years old. There are two options for taking this leave: a single leave period up to a maximum of six months; or shorter leave periods amounting to a maximum of six months.
- It is possible for each parent take leave at the same time.
- A lone parent is entitled to ten months leave.

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.
- 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.

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.
- The law on Parental leave is due to be revised according to financial legislation passed in 2008 (*Legge finanziaria 2008*) with the aim of increasing payment and flexibility. A review is currently underway.

d. Childcare leave or career breaks

- None.

e. Other employment-related measures

Adoption leave and pay

- For adoptive and foster parents the same regulations for Maternity 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. 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.
- Public or private employees are entitled to two years leave over the course of their entire working life in case of a serious need in their family, for example the disability of a child or other relative, even if not co-resident. This leave is paid. Fathers and mothers cannot take this leave at the same time.

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), 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'.

2. Changes in policy since 2009 review (including proposals currently under discussion)

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.

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.

3. Take-up of leave

a. Maternity leave

Maternity leave is compulsory for salaried workers.

b. Paternity leave

There is no information on the take-up of 'optional leave'.

c. Parental leave

There is no comprehensive information on the take-up of Parental leave. Data from INPS (National Department for Social Welfare) for 2005, 2006 and 2007 shows that about a quarter of employed mothers benefited from Parental leave

during the first three years of their child's life, and less than 10 per cent used it after the child's third year. Furthermore, only 4 per cent of eligible men benefited. Data from ISTAT (Istituto Nazionale di Statistica/ Italian National Institute of Statistics) contain an evaluation of the number of employees who used Parental leaves in 2005. The data (obtained through a special section of the Italian Labour Force Survey) show that on average 7.5 per cent of men and 24.2 per cent of women employees having at least one child aged less than eight years old used Parental leave in 2005.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Currently, no research is undertaken on leave or related areas.

b. Selected publications since 2009 review

Bavaro, V., Carabelli, U., Sforza, G. and Voza, R. (2009) *Tempo comune: conciliazione di vita e lavoro e armonizzazione dei tempi della città [Common time: life and work conciliation and city time harmony]*. Milano: Angeli.

This book presents the results of interdisciplinary research sponsored by POR (Programma Operativo Regionale/Regional Operating Programme) Puglia Region 2000-2006 and undertaken in the Puglia Region by the Dipartimento sui Rapporti di Lavoro e sulle Relazioni Industriali (Department of Relations at Work and Industrial Relations) of the University of Bari. The research focuses on conciliation between life and working time as a means of promoting female employment and underlines the importance of a general strategy, social and political, in which time is considered a common good inside an urban space, which is able to connect, instead of conflict, production and consumption time (*homo faber* and *homo emptor*).

Piazza M. (2009) (ed.) *Attacco alla maternità: donne, aziende, istituzioni. Portogruaro: [Attack on maternity: women, firms, institutions]*. Piazza M. (2009) (ed.) *Attacco alla maternità: donne, aziende, istituzioni*. Portogruaro: Nouva Dimensione

This book presents the results of research undertaken in Veneto Region into the reconciliation of employment and family life. It reports the great difficulty faced by women who are workers and mothers because of discrimination and bureaucratic and mental rigidity.

Riva, E. (2009) *Quel che resta della conciliazione: lavoro, famiglia, vita privata tra resistenze di genere e culture organizzative [What remains of conciliation: work, family, personal life between gender oppositions and organizational culture]*. Milano: Vita e Pensiero.

This book offers a deep analysis of the complexity of reconciling employment and family life, and offers interesting and applicable solutions. It argues that reconciliation brings into question the model of family life still dominant in the family, the labour market and the social protection system.

c. Ongoing research

None reported.

2.18 Luxembourg

Nevena Zhelyazkova and Marianne Loutsch

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

a. Maternity leave (*congé de maternité*) (responsibility of the Ministry of Social Security)

Length of leave

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

Payment and funding

- Hundred per cent of earnings up to a ceiling of €100 350 per year.
- Payments come from the National Health Fund (*Caisse Nationale de Santé*), funded by general taxation.

Flexibility in use

- None.

Eligibility

- All insured persons, including self-employed, who have belonged to a social security scheme for at least six months preceding the commencement 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 parents

- In the case of premature or multiple births or breastfeeding, the length of post-natal leave can be extended to 12 weeks. 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 eight 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 two days off in the case of birth or adoption of a child. The leave is paid by the employer and covers 100 per cent of earnings.

c. Parental leave (*congé parental*) (responsibility of the Ministry of Family Affairs and Integration)

Length of leave

- Six months per parent.

Payment and funding

- A flat-rate payment of €1,778 per month.
- Funded from general taxation.

Flexibility in use

- Parents may take 12 months leave on a half-time basis, subject to their employer's agreement, in which case the benefit paid is halved.
- Both parents cannot take leave at the same time. If both parents apply for the leave, the mother has priority. The first parent who takes the leave must take it following Maternity leave, except in the case of lone parents. The second period of leave may be taken by the other parent until the child is five years old.

Eligibility

- All employees are eligible if they have worked for at least one year with the same employer (for at least 20 hours per week), and if they take care of their child at home.

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.

- **Other employment-related measures**

Adoption leave and pay

- Adoption leave (*congé d'accueil*) is eight weeks, extended to 12 weeks for multiple adoptions, paid at 100 per cent of earnings 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

Time off for the care of dependants

- In the case of sickness of a child, parents with children younger than 15 years may take two days of leave per year per child (*congé pour raisons familiales*). Leave may be extended under certain circumstances; for example, in the case of a disabled child, to four days; and for a very serious and exceptional illness defined by law (such as cancer in its final state), up to 52 weeks in a reference period of 104 weeks.
- The leave is paid and it is funded by the National Health Fund (*La Caisse nationale de santé*).

Flexible working

- None.

2. Changes in policy since 2009²⁵ (including proposals currently under discussion)

None reported.

3. Take-up of leave

a. Maternity leave

No information is currently available.

b. Paternity leave

No statutory leave entitlement.

c. Parental leave

No information is currently available.

d. Other employment-related measures

There is no statutory leave entitlement.

4. Research and publications on leave and other employment-related policies since 2009

b. Selected publications since 2009

None reported.

c. Ongoing research

Career interruptions due to child-birth or care, family leave policies and consequences for women's career (2008-2011). Doctoral thesis by Nevena

²⁵Luxembourg was not included in the 2009 review; period covered is from January 2009.

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2.19 The Netherlands

Hanne Groenendijk and Saskia Keuzenkamp

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 weeks, six weeks before the birth and ten 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.)

Payment and funding

- Hundred per cent of earnings up to a ceiling equivalent to the maximum daily payment for sickness benefit (€186.65).
- 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 and six weeks after the actual date of delivery.

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

- All women employees.
- Self-employed women are entitled to a 16 weeks payment up to a maximum of 100 per cent of the statutory minimum wage (€1,407.60 a month before taxes).

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 (*kraamverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Two working days at the birth of a child.

Payment and funding

- Hundred per cent of earnings, with no ceiling on payments.
- Paid by the employer.

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

- None.

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

- See 1c.

c. Parental leave (*ouderschapsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Twenty-six times the number of working hours per week per parent per child, to be taken up to the child's eighth birthday. For example, a full-time job of 38 hours a week gives a leave entitlement of 988 hours (i.e. 26 weeks).

Payment and funding

- All parents taking Parental leave are entitled to a tax reduction of €704 a month (i.e. half the statutory minimum wage a month in case of full-time leave) or €4.07 an hour for each hour of leave.

Flexibility in use

- With the agreement of the employer, leave can be taken for more hours a week during a shorter period or for less hours a week over a longer period (e.g. on a half-time basis over 52 weeks).
- With the agreement of the employer, leave can be taken in two or three blocks of time.

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

- All employees who have completed one year's continuous employment with their present 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 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)

- Employers are permitted to deviate from the statutory entitlements by Collective Labour Agreement or (under certain conditions) by written agreement with the works council or staff representatives. In these cases, employees can be offered less than the statutory entitlement (for example, less payment, a shorter leave or no right at all) or more. For instance, in 7 per cent of the Collective Agreements made in 2007, Parental leave was partly paid, at between 25 per cent and 100 per cent of previous earnings. In the public sector, Parental leave is paid at between 70 to 75 per cent of previous earnings (including the tax reduction referred to in 'payment and funding' above).

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 taken during a period starting at two weeks prior to the placement of a child and up to 16 weeks after placement.
- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependents

- Short-term leave up to a maximum of ten days a year can be taken to care for a sick child living at home, or a sick partner or parent. The employer is required to pay 70 per cent of the employee's earnings. All employees are eligible, subject to three conditions: first, an 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 with a child, partner or parent with a life-threatening illness are entitled to unpaid leave of up to six times their working hours per week. The right is conditional: an employer can refuse the leave if the organisation's interests are seriously harmed. Employees who participate in the Life Course Savings Scheme can use their tax-supported savings to finance the period of unpaid leave.
- In addition, a 'reasonable amount of time' 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 Working Hours Adjustment Act, all employees who have completed one year's continuous employment with their present employer have the right to increase or decrease their working hours. The right to adjustment of working hours is, 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.

2. Changes in policy since 2009 review (including proposals currently under discussion)

In December 2008 the Minister of Social Affairs and Employment presented an exploration of the possibilities for modernising legislation on leave and working hours, i.e. the Work and Care Act and the Adjustment of Working Hours Act (see the 2009 review). Arguments for modernisation are that, in the view of employers, these Acts are too complex and not tailor-made enough for the differing needs of employees and employers. The Minister also signalled the continuing demand for extra leave, e.g. for premature babies, bereavement, volunteering, informal care, attending dying relatives and friends. Instead of expanding the existing system of leave, the Minister wants to discuss the possibilities of a different system that is less complex, more flexible and at the same time broadens the entitlement to leave (offering leave to more employees and/or for more situations). The exploration contained ideas to be discussed in Parliament and with the social partners.

In October 2009 the Minister of Social Affairs and Employment sent a follow-up letter to Parliament with the outcomes of the consultation and the government's response. More flexibility in working hours and the use of leave arrangements remains one of the main aims, instead of expanding the scope of leave arrangements. As far as leave arrangements are concerned, the Minister proposed several changes, for example: Parental leave regulations will be made more flexible, new employees will be eligible to take Parental leave, and it will become possible to take leave in as many blocks of time and for any number of hours as a parent wants. The Adjustment of Working Hours Act will likewise be changed in such a way that an employee can request a change of the contractual hours for any desired period (or periods), including the possibility of a combined request for a decrease of hours for one period and an increase for another period. Informal carers who take care of household members other than a child or partner will be entitled to the already existing (short-term and long-term) care leave arrangements. In case of hospitalisation of a newborn child, the Maternity leave will be extended to give an entitlement for at least ten weeks of leave from the moment that the child is discharged from the hospital.

The Minister announced in his letter that changes will be proposed in a new bill, and in the ensuing Parliamentary debate about this letter, in February 2010, a motion was accepted stating that the Minister needs to send a bill to Parliament on the flexibilisation of Parental leave regulations, before May 2010. Parliament

also decided that research needs to be done on how Parental leave can become more accessible to (especially male) employees with a low or middle income.

A bill (proposed by the Green Party) to extend the length of Paternity leave up to five days, to be paid for out of the unemployment funds, was rejected in Parliament in February 2010. A bill for extending adoption leave for two weeks in cases of international adoption (proposed by the party D66 in June 2007) is still on the agenda of Parliament.

3. 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. Paternity leave

An employee survey found that 90 per cent of men entitled to Paternity leave took up some sort of leave: 51 per cent had taken the statutory Paternity leave, but most had taken holidays or leave accrued in lieu of pay (Van Luijn and Keuzenkamp, 2004)²⁶.

b. Parental leave

In 2008, 116,000 female employees and 134,000 male employees (working 12 hours or more per week) were entitled to Parental leave. Of women eligible for Parental leave, 37 per cent took leave (of which 56 per cent had a paid leave), averaging 10 months and 11 hours a week. Of men entitled, 18 per cent took leave (of which 54 per cent had a paid leave) for an average of 13 months and 8 hours a week. During their period of leave, mothers worked on average 27 hours per week, fathers 37. The use of Parental leave has grown since 2001, but in 2007 and 2008 declined.

Figures from Statistics Netherlands show that the uptake of Parental leave is not only higher among women, but also among workers with middle and higher levels of education. The uptake of women with a higher level is 56 per cent whereas the uptake of women with a low level is 17 per cent; the figures for men are 25 per cent and 7 per cent respectively. In a comprehensive study on the position and participation of women from ethnic minorities in Dutch society (Keuzenkamp and Merens, 2006), attention is paid to the uptake of Parental leave by Turkish, Moroccan, Surinamese and Antillean working parents. Uptake is 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 are unfamiliarity with the entitlement and the fact that there was no need to use it (others took care of the children).

c. Other employment-related measures

²⁶ Van Luijn, H. and Keuzenkamp, S. (2004) *Werkt verlof? Het gebruik van regeling voor verlof en aanpassing van de arbeidsduur*. Den Haag: Sociaal en Cultureel Planbureau.

Short-term care leave and emergency leave

Recent research, carried out by Statistics Netherlands in 2007 on behalf of the Ministry of Social Affairs, found that 252,000 women and 211,000 men took care of a sick member of their family for a short period; 31 per cent of the women and 36 per cent of the men who undertook such care took some sort of leave. Mostly this was a holiday (9 per cent of the women and 13 per cent of the men), but also 9 per cent of the women and 9 per cent of men took up short-term care leave, while 4 and 3 per cent respectively took up emergency leave (Merens and Hermans, 2009²⁷).

The Netherlands Institute of Social Research (SCP) carried out a specific research project focussing on informal carers (Keuzenkamp and Dijkgraaf, 2009²⁸). One of the questions they looked into concerns the strategies that working informal carers used to enable them to combine work and care. Taking leave is a strategy that almost half of all carers use: 47 per cent has taken up some sort of leave in the year before the interview. However, most of the time this consists of using 'regular leave', such as holiday; only 19 per cent use one or more of the formal leave arrangements, with short-term care leave taken up most (7 per cent of all working informal carers use short-term care leave).

The study on ethnic minorities (Keuzenkamp and Merens, 2006²⁹) shows that there are no significant differences between women and men and between different ethnic groups in the uptake of short-term care leave (among working people who had a sick relative).

Long-term care leave

The research carried out by Statistics Netherlands, on behalf of the Ministry of Social Affairs found that in 2007, 240,000 women and 214,000 men took care of seriously ill relatives or friends on a regular basis and/or for a long period (more than two weeks). Sixteen per cent of the women and 18 per cent of the men took up some sort of leave. This was however not always the statutory arrangement: only 1 per cent of the women and 2 per cent of the men used long-term care leave, and 7 per cent of women and 6 per cent of the men used short-term care leave (Merens and Hermans, 2009).

The survey reported that 56 per cent of the employees who took care of seriously ill relatives or friends did not take up leave, although they felt a need for this (52 per cent of the women and 60 per cent of the men). Reasons included: it was not possible because of their work and (to a lesser extent) because of financial consequences; and a lack of information on the statutory leave arrangements (SZW, 2006).

²⁷ Merens, A. and Hermans, B. (eds) (2009) *Emancipatiemonitor 2008 [Emancipation Monitor 2008]*. Den Haag: Sociaal en Cultureel Planbureau / Centraal Bureau voor de Statistiek.

²⁸ Keuzenkamp, S. and Dijkgraaf, M. (2009) 'Participatie: strategieën van werkende mantelzorgers' ['Strategies of working informal carers to combine work and care'], in: A. de Boer, M. Broese van Groenou and J. Timmermans (eds) *Mantelzorg. Een overzicht van de steun van en aan mantelzorgers in 2007 [Informal care. An overview of the support given by and to informal carers in 2007]*. Den Haag: Sociaal en Cultureel Planbureau.

²⁹ Keuzenkamp, S. and Merens, A. (2006) *Sociale atlas van vrouwen uit etnische minderheden [The social atlas of women from ethnic minorities]*. Den Haag: Sociaal en Cultureel Planbureau.

The survey among working informal carers referred to above (Keuzenkamp and Dijkgraaf, 2009) found that only 1 per cent of working informal carers used long-term care leave in the year before the interview. However, it is likely that longer leave is used more often, since 5 per cent of the respondents said they had taken up 'unpaid leave' and a similar proportion 'special leave'.

The Working Hours Adjustment Act

As is well known, many workers in the Netherlands work part time. The Netherlands Institute of Social Research has recently published two reports on part-time work in the Netherlands (Portegijs and Keuzenkamp, 2008³⁰; Portegijs et al., 2009³¹). It is clear that part-time work is very popular (and for women even almost natural). Although the Working Hours Adjustment Act (WAA) is not irrelevant, it serves more to establish norms that are already in practice than to promote part-time work.

A recent qualitative study asked employers whether they see the WAA as important. Half of them do: especially those in care and education. They have difficulties in finding and keeping personnel and the WAA helps them to adjust working hours to the needs of the employees. The other half do not: adjustment of working hours in their view is possible without the WAA, and many criticise the WAA because they feel the advantage is too much on the employee's side. The employer can only refuse the request of the employee when the interests of the business are 'seriously harmed', but for the employers this condition is too narrow and too vague. They would like the WAA changed into a kind of directive with more possibilities of negotiation between employers and employees and of turning down the request (Bureau Bartels, 2008).

Employees who increased or decreased their working hours were asked what the WAA had meant in the process of adjusting their time. The WAA was not well known amongst the employees and their employers, but it often played an important role as a background norm.

Life Course Savings Scheme

The use of the Life Course Savings Scheme is still very low. Statistics Netherlands has published new estimates of the number of participants: about 230,000 in 2006 (the first year of the arrangement) and about 270,000 in 2007, that is 3.6 per cent of the employees (Statistics Netherlands, 9 March 2009³²).

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

³⁰ Portegijs, W. and Keuzenkamp, S. (eds) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk [Part-time working in the Netherlands]*. Den Haag: Sociaal en Cultureel Planbureau.

³¹ Portegijs, W. (ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken [A picture of part-time working]*. Den Haag: Sociaal en Cultureel Planbureau.

³² <http://www.cbs.nl/nl-NL/menu/themas/dossiers/levensloop/publicaties/artikelen/archief/2009/2009-levensloop-herziene-raming-art.htm>

Currently, there is no research being undertaken on leave or related areas in the Netherlands.

b. Selected publications since 2009 review

Plantenga, J. and Remery, C. (2009) 'The Netherlands: bridging labour and care', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: Policy Press, pp. 175-190.

This chapter examines the development of leave policies in the Netherlands, and how the interpretation of leave has changed from simply a labour market measure to a more complex measure intended also to facilitate parenthood and child well-being.

c. Ongoing research

Research study by the Netherlands Institute for Social Research (2010-2011), funded by the Ministry of Social Affairs.

This project will study changes in the need for and take-up of leave since 2006 with results to be published in Spring 2011.

2.20 New Zealand

Heather McDonald

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

Note on terminology: 'Parental leave' is used as a generic term to cover Maternity, Paternity and extended leave for new parents. For example, the first 14 weeks of paid leave after the birth, usually taken by the mother, is not termed 'Maternity leave' but 'paid Parental leave', and can be transferred to a spouse or partner.

a. Maternity leave (*paid Parental leave: see 'note on terminology'*) (responsibility of the Department of Labour with Inland Revenue as delivery agent for payment)

Length of leave (before and after birth)

- Fourteen weeks. A woman can start to take leave from six weeks before the expected date of delivery.

Payment and funding

- Hundred per cent of earnings, up to a ceiling of NZ\$429.74 (€240) per week before tax.
- Self-employed parents who make a loss or earn less than the equivalent of 10 hours pay at the highest rate of the minimum wage, receive a minimum rate of NZ\$127.50 (€72) before tax per week.
- Funded from general taxation.

Flexibility in use

- Maternity 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 Maternity 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 Maternity leave to start at any other time before the baby is due.
- The birth mother may transfer any or all of the payment for leave to an eligible spouse/partner (including de facto and same-sex partners).

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

- Expectant mothers who have worked for the same employer for an average of at least ten hours a week, and at least one hour in every week or 40 hours in every month, in the six or 12 months immediately before the expected date of delivery.

- Self-employed mothers who have been self-employed a minimum of ten hours a week in the six or 12 months immediately before the baby's expected due date 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

- Where an eligible mother has a child who is subsequently adopted, both the adoptive parent/s and the 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 Maternity leave, for reasons connected with the pregnancy (e.g. for ante-natal checks).
- Different eligibility rules apply for junior doctors and teachers in state schools where multiple employments may be a feature, or a requirement of training.

**b. Paternity leave (*paternity/partner leave*: see 'note on terminology')
(responsibility of the Department of Labour)**

Length of leave

- One or two weeks 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 who have worked for the same employer for an average of at least ten hours a week, and at least one hour in every week or 40 hours in every month, in the six months immediately before the baby's expected due date 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 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. Parental leave (*extended leave*: see 'note on terminology')
(responsibility of the Department of Labour)**

Length of leave

- Up to 52 weeks leave may be taken in the 12 months after birth, including any Maternity ('paid parental') leave taken; Paternity ('paternity/partner') leave is additional. Leave is a family entitlement.

Payment and funding

- None.

Flexibility in use

- Leave may be shared by both eligible parents. They can take their leave at the same time or consecutively.
- Extended leave is taken as continuous leave and can be started following Maternity, Paternity/partners leave or after a period of return to work; however the right to the leave ends when the child is one year old or one year after the parent has assumed the care of a child they intend to adopt.

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

- Extended leave is available to employees who have worked for the same employer for an average of ten hours a week, and at least one hour in every week or 40 hours in every month, in the 12 months immediately before the baby's expected due date or the date a parent assumes the care of a child under six years old they intend to adopt.
- Extended leave is not available to those with less than 12 months employment with the same 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 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.

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 or a dependant's illness.

Flexible working: the right to request and the duty to consider

- Employees who have the care of another person and have been employed by their employer for a minimum of six months have the right to request a variation to their hours of work, days of work or place of work. When making a request, the employee must explain how the variation will help them better care for the person concerned. 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 determination about their eligibility to apply for flexibility or where the employer has not complied with the statutorily described process for considering a request.

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. 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 child. Overall two-thirds of all women in paid work take-up a period of leave around the birth/adoption of a child.

a. Maternity leave

A 2005/06 evaluation of the experiences of mothers, fathers and employers using Parental leave found eight in ten women in paid work six months before their expected date of delivery were eligible to take Maternity leave; at the time of the survey, self-employed parents were not entitled to paid leave and the Department of Labour estimated their inclusion would still leave approximately 10 per cent of employed mothers ineligible for leave. Eighty-three per cent of eligible women took paid statutory leave, averaging three months of leave. Of the remaining one-third of women who do not take statutory leave, two-thirds took no leave at all (evenly divided between those who were eligible and ineligible) and one-third took other types of leave. Take-up of leave is affected by awareness of the

provisions available, decision-making about whether to exit or remain in the workforce, and how many children are already in the family.

Just over a fifth (22 per cent) of mothers took paid leave only. The remaining 78 per cent took paid leave in combination with one or more other types of leave, e.g. annual leave, sick leave. Where this leave was also paid, mothers typically used this leave before they began Maternity leave

b. Paternity leave

In 2005/06 most fathers – 82 per cent – were found to take some sort of leave around the birth of a child. Typically, however, fathers took paid leave such as annual leave (58 per cent) or other employer paid leave (21 per cent) rather than unpaid Paternity leave (4 per cent). Only 1 per cent of fathers reported taking statutory paid leave (which would have been transferred to them from the mother). Nearly half of fathers took less than a week of leave (46 per cent) and another 38 per cent had up to two weeks leave.

c. Parental leave

Over half of mothers surveyed in 2005/06 who took paid leave, also took some unpaid Parental ('extended') leave (57 per cent). On average they returned to work when their baby was six months old. A total of 3 per cent of fathers reported taking any Parental ('extended') leave.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Currently, there is no research being undertaken on leave or related areas in New Zealand.

b. Selected publications since 2009 review

Callister, P. and Galtry, J. (2009) 'Baby bonus or paid parental leave: which one is better?', *Social Policy Journal of New Zealand*, Issue 34. Available at: <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/journals-and-magazines/social-policy-journal/spj34/34-baby-bonus.html>.

This paper explores the advantages and disadvantages of paid Parental leave compared to a baby bonus. It argues that paid Parental leave has an element of middle-class capture, as those disqualified from receiving Parental leave payments are among the families most in need; on the other hand, a universal payment system – a 'baby bonus' – provides support to those most in need, including people on the margins of the labour force.

c. Ongoing research

None reported.

2.21 Norway

Berit Brandth and Elin Kvande

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. 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).

a. Maternity leave (*svangerskapspermisjon* and *fødselspermisjon* – see note on terminology) (responsibility of the Ministry of Children, Equality and Social Inclusion)

NB. There is no separate Maternity leave³³. 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).

Length of leave

- Nine weeks: three weeks before the birth and six weeks following birth.

Payment and funding

- Hundred or 80 per cent of earnings (see 1c).
- Funded from general taxation.

Flexibility in use

- None. If the baby is born before the estimated delivery date (e.g. so that the mother only used two of 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 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 NOK35,263 (€4,375).

³³ 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.

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.

b.Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- Two weeks after birth – ‘daddy days’ (+ ten weeks = father’s quota, see 1c).

Payment

- ‘Daddy days’ are unpaid by government; pay depends on individual or collective agreements.

Flexibility in use

- None.

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.

c.Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children, Equality and Social Inclusion)

Length of leave (before and after birth)

- Forty-six or 56 weeks depending on payment level (see ‘payment and funding’ below). Of these, nine weeks are for mothers (included in 1a above, under Maternity leave) and ten weeks are for fathers (*fedrekvoten* or ‘father’s quota’). The remaining 27 or 37 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 at 100 or 80 per cent of earnings, up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK437,286 a year, €54,230). If taken at 100 per cent of earnings, the length of leave is reduced by ten weeks.
- Non-employed women receive a flat payment of NOK35,263 (€4,375).

- Funded from general taxation.

Flexibility in use

- Family entitlement: it is possible to choose a longer period of leave (37 weeks) paid at 80 per cent of earnings, or a shorter (27 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 full benefit payment, this will prolong the period of parental money. If both parents choose to combine parental money with part-time work, for instance each working half-time, this will not result in a longer period. A written agreement from the employer is demanded in both cases.
- Father's quota: this period of leave (ten weeks) is not transferable to the mother, except in certain circumstances, e.g. if the father is ill or otherwise unable to care for the child or if the mother and father do not live together.
- The 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 period to use it and whether to split the quota or use it in one block. Splitting requires agreement with the employer.

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

- The 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 father's quota and the remaining parental money period are somewhat different:
- The father can use the 27/37 weeks of paid leave even if the mother is not eligible; but the mother is required to take up work (at least 75 per cent of full-time hours) or study on a full-time basis. For the father's quota, there is no requirement that mothers go back to work, but the mother must have been employed for six of the last ten months prior to 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

- Family entitlement: when more than one child is born, parental money 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.

d. Childcare leave or career breaks

- Each parent has the right to one year of unpaid leave after Parental leave.

- Parents with a child aged 12-36 months are entitled to receive a cash benefit ('cash-for-care' scheme) on condition they do not use a full-time place in a publicly funded childcare centre. The full benefit is NOK3,303 (€410) per child per month. Children who use centres on a part-time basis receive a reduced benefit (e.g. if parents use no place, they receive 100 per cent of the benefit; if they use a place for 17-24 hours a week they receive 40 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 as for parents having their own children, except for the nine weeks of Maternity leave. The whole period, with the exception of the father's quota, may be taken by either parent. In addition, parents adopting children from abroad receive a cash benefit of NOK35,263 (€4,375).

Time off for the care of dependants

- Each parent of a child under 12 years has a right to ten days leave when children are sick, 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.

Flexible working

- Breastfeeding mothers may reduce their working hours by one hour per day, with payment from the employer.
- Parents have a right to part-time work to care for children, until children are ten years old.

2. Changes in policy since 2009 review (including proposals currently under discussion)

From 1 July 2009 the father's quota was extended from six to ten weeks. A further change (taking effect with children born after July 2010) will make the eligibility rules for the father's quota less dependent on mother's employment. The use of the father's quota has been dependent on the mother's working hours, so that if a mother worked less than half-time, the father was not entitled to the father's quota. This will now be changed, and it is calculated that 1,500 more fathers will obtain eligibility as a result. But eligibility for fathers will remain dependent on both parents being employed six of the last ten months prior to birth and earning half the basic amount. Independent eligibility rules for fathers using the father's quota is a political aim with many political parties.

Parental leave for fathers is still a much debated issue; for instance, while the present government has an increased father's quota as a goal, groups within the Conservative Party want to do away with it. There has also been a very heated debate on breastfeeding versus expansion of the father's quota. A high-profile group of doctors have advocated reserving the Parental leave for mothers, whilst members of different political groups and parties are working for dividing the

Parental leave into three equal parts, one-third for mother, one-third for father and one-third to be shared.

The Christian Democratic Party has started a debate criticising the rules that make care/leave payment dependent on employment status (i.e. only parents on leave get payment), claiming that it leads to postponed births, reduced fertility, and that it is unjust that employed/eligible parents get money, while those not employed only get a small, one-time payment.

3. Take-up of leave

a. Maternity leave

Three out of four mothers have the right to parental money; the remainder do not meet eligibility conditions. These figures are based on data from public records (Danielsen and Lappegård, 2003).

b. Paternity leave

The take-up rate is approximately the same as for the father's quota (89 per cent), but this figure includes fathers taking time off work in various ways, including Paternity leave but also annual leave and other options.

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 (2003) show that 89 per cent of fathers take leave. Brandth and Kvande (2003) show the many aspects of fathers' use of the father's quota. After the extension of the father's quota to six weeks in 2006, figures based on public records in 2007 show that 70 per cent of eligible fathers take more than five weeks. More and more fathers take six weeks (Norwegian Labour and Welfare Administration).

Until 2005 the father's quota was four weeks; for this shorter period, the father's quota only constituted 7.7 per cent of the total leave time used. Most fathers do not take more than their quota: only 15 per cent of fathers take any part of Parental leave (i.e. in addition to the father's quota). Parental leave, therefore, is for the most part taken by mothers and has in practice become a Maternity leave. Father's use of the leave is 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 educational level, high income and work status, and full-time employment.

However, some characteristics of the father are also associated with use of leave. The higher the father's level of education, the more likely he is to use the father's quota and other parts of Parental leave. While the fathers least likely to use the quota are fathers with long working hours, in managerial positions or with a wife who works part time.

Moreover, father's sharing of the Parental leave also depends on his own relationship to work. Fathers must often negotiate with their employers when they want to take more leave than the father's quota, and the view that Parental leave is really Maternity leave is to be found among some employers. Fathers therefore may experience their jobs as a hindrance to taking more leave.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

The Norwegian Research Council has an ongoing programme on Work Life Research. As part of this programme, there are several projects that deal with care- and employment-related policies, which are listed below (see 4c).

b. Selected publications since 2009 review

Brandth, B. and Kvande, E. (2009) 'The making of the father's quota in Norway', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: The Policy Press, pp.191-206.

This chapter examines the introduction of the father's quota into Norwegian Parental leave in 1993, including how political parties in Norway managed to achieve political consensus on the issue.

Brandth, B. and Kvande, E. (2009) 'Gendered or gender neutral care policies for fathers?', *Annals of the American Academy of Political and Social Science*. Vol. 624, 1: 177-189.

This article analyzes how two different policy measures, the fathers' quota and the cash-for-care system, affect gender equality in childcare.

Fougner, E. (2009) *Fedres uttak av foreldrepenger etter fødsel. (Fathers' use of parental money.) Arbeid og velferd 1/2009*. Oslo: Arbeids- og velferdsdirektoratet. The latest statistical analyses of fathers' use of Parental leave.

Grambo, A-C. and Myklebø, S. (2009) *Moderne familier – tradisjonelle valg – en studie av mors og fars uttak av foreldrepermisjon* [Modern families – traditional choices – a study of mothers' and fathers' use of parental leave]. NAV-rapport 2/2009. Oslo: Arbeids- og velferdsdirektoratet.

This study is based on a questionnaire to all Norwegian couples who became parents in 2007. The main focus is on how parents share Parental leave between themselves.

Kvande, E. (2009) 'Work-life balance for fathers in globalized knowledge work: some insights from the Norwegian context', *Gender, Work and Organization*, Vol.16, 1: 58-72.

Using two case studies from law and computing companies, the article focuses on the organisation of work and on the organisation of time in globalised knowledge organisations, and what effect this has on the time practices of male employees who are fathers.

c. Ongoing research

Det nye arbeidslivet: Nye arbeidstidsordninger blant fedre og mødre og blant foreldrepar [The new work life: new working hours among fathers and mothers

and among couples]. Ragni Hege Kitterød and Randi Kjeldstad, Statistics Norway, Oslo.

The project studies how mothers and fathers with children living at home organize their time for employment and what consequences this might have for time pressure and division of work among couples. Contact: Ragni Hege Kitterød at ragni.hege.kitterod@ssb.no

Fleksible arbeidskulturer og foreldres tidskonflikter [Flexible work life cultures and parental time conflicts]. Elin Kvande and Berit Brandth, Department of Sociology and Political Science, NTNU (Norwegian University of Science and Technology), Trondheim)

Sub-projects include: Care policies in different time regimes (Birgitte Johannesen); Gender and care in a globalised work life (Hege Børve); Children's time negotiations with parents in different working cultures (Brita Bungum); and Time cultures and parental time conflicts (Berit Brandth and Elin Kvande). Contact: Berit Brandth at berit.brandth@svt.ntnu.no or Elin Kvande at elin.kvande@svt.ntnu.no

Kjønn, mestring og deltakelse i arbeidsliv og hjemmeliv. [Gender, coping and participation in work and home life]. Øystein G. Holter, Work Research Institute, Oslo.

The study focuses on how employees with care responsibilities solve the conflicts between working life and family life. What are the consequences for realisation of resources and competence in working life and for life quality and relations in private life? Contact: Øystein Gullvåg Holter at oeholter@online.no

Postindustriell arbeidstid - nye begreper, nye realiteter? [Post-industrial working hours – new concepts, new realities?]. Anne-Lise Ellingsæter, Institute for Social Research (ISF), Oslo.

The main question in this study is to what extent and in what ways the restructuring of work in the post-industrial economy leads to a change in the time structure of employment. How does such a restructuring influence practice, norms and the social meaning of work and family? Contact: Anne Lise Ellingsæter at anne.l.ellingsater@samfunnsforskning.no

Father involvement: The effect on earnings. Mari Rege and Ingeborg F. Solli, University of Stavanger.

This research finds that the father's quota has a significant negative effect on fathers' earnings when returning to work, and the effect persists as the child grows older. Furthermore, fathers spent significantly less time working and more time together with their child after the father's quota was implemented. Their findings provide convincing evidence that increased father involvement from an early age reduces gender differences in the labour market and at home.

2.22 Poland

Irena E. Kotowska and Piotr Michoń

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-two weeks, of which 14 weeks is obligatory: up to two weeks can be used before the expected date of birth. Two weeks are referred to as 'additional Maternity leave'.
- Eight weeks in the case of baby's death.

Payment and funding

- Hundred per cent of average earnings for 12 months before birth, with no ceiling on payments.
- Funded from the Social Insurance Fund, financed by contributions by employees and self-employed workers, with some additional finance from the State to cover pension contributions.

Flexibility in use

- The non-obligatory part of Maternity leave can be combined with part-time working, with payment proportional to the working time.
- After the obligatory period of 14 weeks leave, the remaining entitlement can be transferred to the father.

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

- Insured employees, 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, leave is extended to 34 weeks for twins, 36 weeks for triplets, 38 weeks for quadruplets and 40 weeks for quintuplets. Three weeks of this supplementary leave for multiple births is referred to as 'additional Maternity leave'.

b. Paternity leave

Length of leave

- One week.

Payment and funding

- Hundred per cent of average earnings for 12 months before birth, with no ceiling on payments.

Eligibility

- Insured employees, including all employees and self-employed men covered by social security insurance at the start of leave.

Flexibility in use

- It can be taken any time during 12 months after the birth of a child.

c. Parental leave (*urlop wychowawczy*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Thirty-six months. The entitlement is per family.

Payment and funding

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego* - supplement to family benefit due to taking care of child during Parental leave) of PLN400 (€100) per month is paid if monthly household income per capita does not exceed PLN504 (€125). The basic payment is for 24 months, but the period can be extended to 36 months where there is more than one child.
- Funded from general taxation.

Flexibility in use

- Leave can be taken until a child's fourth birthday.
- Parents can take leave in one continuous period or in up to four separate blocks.
- Parents can take leave together for up to three months.
- During the Parental leave period, parents may be employed and claim parental allowance, if working does not prevent them from caring for their children. A parent working while on leave can be employed by a different employer.

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

- 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

d. Childcare leave or career breaks

No statutory entitlement.

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.

2. Changes in policy since 2009 review (including proposals currently under discussion)

Regulations introduced in January 2010 provided 'additional Maternity leave' of two weeks (three weeks in case of multiple births). Maternity leave will be extended further in 2012 and 2014, to reach 26 weeks for a single birth and 39 to 45 weeks for multiple births. Paternity leave of one week was introduced in 2010, and this is due to increase to two weeks in 2012.

3. Take-up of leave

a. Maternity leave

There are no regular statistics on use of Maternity leave, though it is obligatory to take leave. Data on maternity allowances provided by the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) refer to the number of days paid and cannot be used to calculate the number of users since duration of leave depends on birth order. It is likely that, due to the increase in the number of births since 2004, the number of mothers on Maternity leave in Poland also increased, and the number of days of Maternity leave used in a year has risen: from 22,262 days in 2004 to 29,999 in 2007, 35,125 in 2008 and 39,608 in 2009. The possible explanations: the longer maternity leave and increase in number of births. Also

the average payment has risen, from PLN 42.49 (€10) a day in 2005 to PLN 46.72 in 2007 and 51.55 (€13) in 2008.

There is no information on the number of fathers who take a period of Maternity leave.

b. Paternity leave

Statutory leave entitlement was only introduced in 2010.

c. Parental leave

There are no regular and coherent government statistics on the use of Parental leave and parental allowances. Statistics show the number of parents taking leave declined from 336,000 in 1993 to 139,000 in 2000; a major reason for this fall was the rapid decline in fertility, the number of births dropping from 547,700 in 1990 to 378,300 in 2000. Another source shows that the number of persons returning to work from Parental leave and unpaid leave declined steadily from 49,000 in 2000 to 41,000 in 2002 and 35,000 in 2005.

Other statistics refer to the monthly average numbers receiving parental allowance: that number declined from 164,000 persons in 2000 to 63,000 in 2003. Reforms of family benefits implemented in 2004 increased the number to 140,000 in 2005 but it dropped to 130,668 in 2006, 126,178 in 2007 and 125,100 in 2008. Also the average sum of the supplement to the family benefit due to taking care of a child during childcare leave (childcare benefit) has been decreasing: from 403,56 in 2005 to 381,90 in 2008.

Summing up, the available official statistics do not show the incidence of Parental leave among parents entitled to take leave, the proportion of parents who receive parental allowance, or the average duration of leave; and despite the fact that fathers are entitled to Parental leave since 1996, no data about take-up are collected.

A more precise picture of take-up of Parental leave comes from analyses of data collected in the second quarter of 2005 using a module added to the Labour Force Survey (Kotowska and Baranowska, 2006; Matysiak, 2007³⁴). Amongst those entitled to take Parental leave, nearly 50 per cent of mothers but only 2.5 per cent of fathers took the leave. Due to the low benefit level and means testing, Parental leave was most used by low paid mothers and mothers with low levels of education; leave was taken by 37 per cent of mothers with university education, 54 per cent with secondary education, and 61 per cent with the lowest educational level. Women with higher qualifications (specialists and managers) were also more reluctant to take leave than women employed in the personal service sector or offices.

³⁴ 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; Matysiak, A. (2007) 'Organizacja czasu pracy i opieki' ['Work and care'], in: I.E. Kotowska, U. Sztanderska and I. Wóycicka (eds.) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne [Economic and educational activities and family]*. Scholar Publishing Company.

About 70 per cent of women who took Parental leave were entitled to parental allowance (i.e. their household income was low enough to be eligible). One in two women with tertiary education received parental allowance compared to 72 per cent of women with only secondary education and 81 per cent of women with the lowest level of education. Women living in villages were more likely to receive the allowance than their counterparts in towns (82 per cent and 64 per cent respectively).

A substantial majority of mothers took full-time leave (80 per cent) despite the right, since 2003, for part-time employment during the leave period. Similarly, most women on leave (almost 93 per cent) did not take advantage of the option to take leave in more than one block of time.

Among reasons for not taking Parental leave, mothers indicated financial reasons more often than fathers (30 per cent of mothers vs. 14 per cent of fathers). However, reasons related to employment seem to be more relevant than financial ones. Concerns about possible negative career impacts of taking Parental leave and preferences to stay in employment were raised by 37 per cent of mothers and 30 per cent of fathers. Urban residents were more concerned about these negative effects.

In discussion on take-up of Parental leave, the underdevelopment of institutional childcare services cannot be ignored. In 2005 only 2 per cent of children under three years of age attended crèches, and 41 per cent of children aged three to five years attended kindergartens. These figures are low compared to other EU Member States. In addition, no childcare subsidies are offered to families. The estimated cost of childcare to a minimum income earner ranges from 23 per cent of earnings to 82 per cent and for a person with an average monthly income from 8.5 per cent to 30 per cent. Childcare is therefore less affordable to single and/or minimum income families and/or for families with more than one child requiring childcare.

If one also takes into account the rather inflexible work arrangements and the limited provision of part-time work, it is clear there are strong incompatibilities between work and parenthood in Poland. The family policy can be labelled as an 'imposed home care' model: employed parents have mostly to rely on themselves and support of relatives to ensure childcare. In the 2005 survey, nearly 45 per cent of mothers of children below three years of age, who were not in work, state that difficulties in reconciling work and care for small children were the main reason for their decisions to stay out of the labour market. At the same time, nearly one-third of mothers could not find a job.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Recent years have brought a rising interest in leave policies and work–family arrangements both in research and public discourse. Studies of developments in family life and 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 studies on reconciling work and family life, gender issues and the role of employers are increasingly under consideration.

Another important development in research on family policy is an increasing use of sample surveys designed to study opinions on existing policy measures, the use of these measures and support for different policy options.

b. Selected publications since 2009 review

Michoń, P. (2008) 'Kij i marchewka, - uprawnienia ojców do korzystania z urlopów rodzinnych i ich wpływ na podział pracy w rodzinie' ['Stick and carrot – fathers' entitlements to family related leaves and their consequences for division of work in family'], in: C. Sadowska-Snarska (ed.) *Kierunki działań w Polsce na rzecz równowagi praca-życie-rodzina*, Białystok: Wydawnictwo Wyższej Szkoły Ekonomicznej w Białymstoku, pp.199-208.

The article discusses the problem of availability, evolution and use of family-related leave for fathers, with a special attention paid to the impact the leave has for division of work within a family.

Michoń, P. (2008) "Bleib doch zu Hause, Liebling!" Mütter, Arbeitsmarkt und staatliche Politik in Polen und dem Baltikum' ["Stay at home, Dear!" Mothers, labour market and state policy in Poland and Baltic States']. in: Ch. Klenner and S. Leiber (eds.) *Wohlfahrtsstaaten und Geschlechterverhältnisse in Mittel- und Osteuropa*, Wiesbaden: Verlag für Sozialwissenschaften, pp.163-192. (Available in English, 2010).

The chapter considers issues related to reconciling work and family obligations, and the possible ways policy can influence the link.

Piątek, K. and Karwacki, A. (ed.) (2008) *Partnerstwo, rodzina, równość, praca. Godzenie życia zawodowego i rodzinnego jako wyzwanie dla polityki społecznej*, [Partnership, family, equality, work. Reconciling work and family life as a challenge for social policy]. Toruń: Wydawnictwo Naukowe UMK.

The book presents the most fundamental ideas about work–life balance and its relations with social policy.

Kotowska, I.E. (ed.) (2009) *Strukturalne i kulturowe uwarunkowania aktywności zawodowej kobiet w Polsce* [Structural and cultural circumstances for women's labour market activity] Warszawa: Wydawnictwo Naukowe Scholar.

The book presents the results of the work of an interdisciplinary team of researchers from some leading universities and research institutes in Poland. The main subject is the relations between family responsibilities, employment of women, and state policy and social services in Poland. The analyses include cultural aspects of women's activity in the labour market.

Michoń, P. (ed.) (2010) *Work–Life Balance Policy in Czech Republic, Hungary, Poland and Slovakia 1989-2009: Twenty Years of Transformation*, Poznan: Dom Wydawniczy Harasimowicz. Available at: www.kpips.ue.poznan.pl.

The Visegrad countries (the Czech Rep., Hungary, Poland and Slovakia) are in the process of political, economic and social transition. In this context, the authors ask questions about work–life balance. The observed changes are of a similar nature: in all the countries, there is a decline in statutory welfare provision, a change in the welfare state's priorities, an alteration of the role employment plays for family welfare, a significant risk of unemployment, and a demand for education. However, although similar, the process of transformation in these

countries has been accompanied by different family policies, social attitudes, behaviour of women, etc.

c. Ongoing research

Programy Praca-Życie jako czynnik konkurencyjności firm i kształtowania społecznego środowiska pracy [Company's work-life balance policy as a factor for competitiveness and affecting work social environment] (2007-2009). Dorota Głogosz, IPISS (Institute of Labour and Social Issues).

Postawy i preferencje rodziców wobec różnych form opieki nad dzieckiem a ich zadowolenie z życia [Parents' childcare-related attitudes and preferences and their life satisfaction] (2008-2009). Piotr Michoń, Poznan University of Economics.

2.23 Portugal

Karin Wall and Mafalda Leitão

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’ has been replaced by the ‘Initial Parental Leave’; ‘Paternity leave’ and 15 days optional Parental leave for fathers has been replaced by ‘fathers-only Parental leave’ (20 days) and a ‘sharing bonus’.

a. Initial Parental leave (*licença parental inicial* – formerly ‘Maternity leave’, see note on terminology) (responsibility of the Ministry of Labour and Social Solidarity)

Length of leave (before and after birth)

- One hundred and twenty or 150 calendar days, depending on payment level (see ‘payment and funding’ below). It is obligatory for the mother to take 45 days (six weeks) following the birth; 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 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.
- Funded mainly by the Social Security system, financed by contributions to social security from employers and employees. Also from general taxation for cash benefits where there is no record of contributions or insufficient contributions, e.g. social parental benefit (see ‘eligibility’).

Flexibility in use

- Mothers have the option to take up to 30 days of Initial Parental leave before birth; 45 days immediately after birth are obligatory for mothers (‘mother’s-only Initial Parental leave’, *licença parental inicial exclusiva da mãe*).
- Mothers and fathers may divide the Initial Parental leave after the obligatory six weeks for mothers; the minimum period for gender sharing of leave (30 calendar days) may be taken as 30 consecutive days or two periods of 15 consecutive days.
- Therefore the Initial Parental leave may be taken in the following ways: 1) the mother (or the father, after the mother’s obligatory 45 days) 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 of sharing the leave (e.g. the father must take 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 of gender sharing of leave (e.g. the father must take at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or *vice versa*).

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

- All employees – female or male – with a record of six months (continuous or intermittent) of insurance contributions. Mothers and fathers 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 (€419.22 in 2010). The amount and duration of this benefit is €335 for 120 consecutive days and €268 for 150 consecutive days if parents do not meet the sharing criteria; if parents meet the sharing criteria, benefit is paid at €335 for 150 consecutive days and €276 for 180 consecutive days.
- Self-employed workers who contribute to social security and unemployed women/men receiving unemployment 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 leave period is extended by one month for every additional child.
- In case of death/mental illness/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/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 for 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.

b. 'Father's-only Parental leave' (*licença parental exclusiva do pai* – formerly 'Paternity leave', see note on terminology) (responsibility of the Ministry of Labour and Social Solidarity)

Length of leave

- Ten obligatory working days to be taken during the first month after birth. Plus an extra optional ten working days to be taken with the mother while she is on Initial Parental leave.

Payment and funding

- One hundred per cent of earnings with no ceiling.

Flexibility in use

- Five of those ten days must be taken consecutively immediately after birth.

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 ten working days as well as to the ten optional working days (daily payment corresponds to 80 per cent of 1/30 of IAS (IAS = €419.22 per month) .

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 ten 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 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 Labour and Social Solidarity)

Length of leave

- Three months per parent. The leave is an individual and non-transferable entitlement.

Payment and funding

- Twenty-five per cent of average earnings for three months for each parent, but only if taken immediately after the Initial Parental leave.

Flexibility in use

- The three months leave may be taken up to the child’s sixth birthday. It 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 and full-time up to a maximum of three months full-time per parent.

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

- As Initial 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

- 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 crônica – 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, with a maximum payment per month equivalent to two times the amount of IAS (see 1b).

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

- The three months unpaid parental leave 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 '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: all rights and guarantees are suspended but the worker's 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.

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 leave on the same conditions (length and payment) as for Initial Parental leave. 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.

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; plus 15 days per year to care for a sick child above age 12 (if older than age 18 the child must belong to same household). This is a family entitlement to be divided between parents as they choose. Paid at 65 per cent of earnings. Both entitlements are increased by one day for every

second and subsequent child. If the child under the age of 12 years 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). Workers in the public sector are entitled to nearly full payment (they lose one-sixth 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.

Flexible working

- Parents are entitled to two hours 'nursing' leave per day during the first year after birth, with no reduction of earnings (*dispensa para amamentação e aleitação* – leave to breastfeed or to feed). 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.
- If there is a handicapped or chronically ill child below one year of age, one of the parents (as long as the other is employed) may also apply for a five-hour reduction in the working week.
- 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 miss 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'.
- Also 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 part-time work after taking Additional Parental leave ('part-time work for an employee with family responsibilities'). Part-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. Part-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).

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported. Major changes reported in 2009 review were implemented in May 2009.

3. Take-up of leave

a. Maternity leave

Due to the introduction of the Social Maternity benefit in 2008 for mothers with no record or insufficient record of social contributions (see 1a for maternity benefit eligibility), the number of eligible mothers has increased covering about 78.7 per cent of mothers in 2008 (70 per cent in 2007). The total number of women on paid Maternity leave in 2008 (82,380), including women that claimed Maternity benefit (75,123) and women that claimed Social Maternity benefit (7,257), has increased substantially since 2007 (75,297) due to the number of women that became entitled to the new Social Maternity benefit.

The percentage of mothers taking the longer leave period introduced in 2005 (i.e. five months at 80 per cent of earnings instead of four months at 100 per cent) has been increasing since 2005. While in 2005, 21 per cent of mothers on Maternity leave decided to choose the 150 days leave period, in 2007 and 2008 34 and 41 per cent of women (eligible for maternity benefit) chose the longer option.

Parental sharing of the four or five months of Maternity leave has remained at extremely low levels, though it has increased slightly over the last four years. In 2003 only 351 fathers shared some of the leave, rising to 529 in 2007 and 582 in 2008. In practice, therefore, the four or five months of leave after childbirth still seem to be considered as 'Maternity' leave rather than as 'shared' leave.

Reliable data on take up of the Initial Parental leave, which came into effect in May 2009, will only be available at the end of 2010. However, preliminary estimates point to a high take-up rate of the sharing bonus by parents.

b. Paternity leave

Since 2002 there has been a steady increase in the take-up of Paternity leave. The five-day Paternity leave (introduced in 1999 and made obligatory in 2004) was used in 2000 by 11 per cent of fathers, increasing to 27 per cent in 2002 and to 36 per cent in 2003. Since then, the proportion of fathers who take the five days Paternity leave has increased about 2 per cent per year: 37 per cent in 2004, 39 per cent in 2005, 41 per cent in 2006, 45 per cent in 2007 and 2008. These percentages are based on the number of fathers who take leave in relation to the number of births; but in relation to the number of women eligible for Maternity leave, the proportion of fathers taking five days Paternity leave had increased to 62 per cent in 2008. It should be noted that take-up is underestimated as these statistics exclude employees with special social protection regimes, e.g. civil servants, bank workers.

The same trends may be observed for the 15 additional Paternity leave days (the optional 'Daddy days' introduced in 1999). In 2001 only 4 per cent of fathers chose to take the 15 days and this increased to 14 per cent in 2002 and to 24 per

cent in 2003. Since then take-up rates have been increasing slowly: to 28 per cent in 2004, 30 per cent in 2005, 33 per cent in 2006, 37 per cent in 2007 and 2008. If, again, we calculate take-up in relation to mothers eligible for leave, then the proportion increases to 51 per cent in 2008.

Reliable data on take-up of leave since May 2009 will only be available at the end of 2010. However, estimates point not only to increasing take-up of the 20 days Paternity leave but also to a high take-up by parents of the sharing bonus (meaning that fathers are taking up the 30 consecutive days or two periods of 15 consecutive days of leave while the mother returns to work).

c. Parental leave

There is no information on take-up of leave. But as leave has been unpaid, until recent changes, take-up is estimated to be very low.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Most research has been on the broad question of the reconciliation of work and family life rather than specifically on leave policy, though most studies include information on such policies.

b. Selected publications since 2009 review

Torres, A., et al. (2009) *Trabalho, família e bem-estar: da pesquisa às políticas públicas [Work, Family and Welfare, from research to public policies]*, Sinopse dos resultados para o Seminário do projecto *Workcare/Trabalhar e Cuidar na Europa*. Lisbon: CIES, ISCTE-IUL.

This report presents a first overview of some of the findings on the impact of social policies on work and care in Europe, the effects of the competing demands of work and care on fertility decisions, and the consequences of flexibility and working times on the organisation of work, care and welfare.

Wall, K. and Escobedo, A. (2009) 'Portugal and Spain: two pathways in southern Europe', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policie*. Bristol: Policy Press, pp. 207-226.

This chapter compares the development of leave policies in the two neighbouring countries of the Iberian peninsular, and considers the reasons for the substantial differences.

Wall, K., et al. (2009) *Council of Europe Family Policy Questionnaire – Comparative Analysis Report*, in *Family Policy in Council of Europe Member States*. Strasbourg: Council of Europe. Available at:

http://www.coe.int/t/dg3/familypolicy/Database/default_en.asp

This report presents an overview of family policies in 40 member states of the Council of Europe. It focuses in particular on Parental leave in these member states.

Wall, K. (2010) 'Os Homens e a Política de Família' ('Men and Family Policy in Portugal'), in: K. Wall et al. (eds.) *Vida Familiar no Masculino*. Lisbon: CITE. This chapter analyses public policies for fathers in Portugal over the last few decades.

Wall, K. (forthcoming, 2010) 'O Estado e as Famílias' [Families and the State in Portugal], in: A. N. de Almeida (ed.) *História da Vida Privada Portuguesa*. Lisbon: Círculo de Leitores. This chapter analyses developments in family policies in Portugal since the 1950s.

c. Ongoing research

European Family Platform (2009-2011), funded the European Union's Seventh Framework Programme.

Covering all 27 member states, the Platform is a consortium of 12 organisations aiming to collectively increase the well-being of families across Europe. It aims to do this by encouraging dialogue between stakeholders, ultimately providing input into the EU's Socio-Economic and Humanities Research Agenda on Family Research and Family Policies. The platform takes account of three relevant perspectives: the scientific community; European families, represented by members of civil society and important stakeholders such as family and children's rights associations; and policy-makers and social partners. It brings together leading European universities, EU policy-makers and representatives from the civil society to identify topics of relevance to families, such as work/life balance, gender equality, care provision, service provision to families and issues regarding immigration and social integration. In the short term, the Family Platform will compile and review the existing research into family life; identify gaps in the available research; and explore future trends for family models likely to take place in the EU in 2035. The project is coordinated by the Technische Universität in Dortmund, Germany; within the project, the ICS – Instituto for Social Sciences of the University of Lisbon (team coordinated by Karin Wall) – is the convenor of the Conference 'Research on Families and Families Policies – a Critical Review', Lisbon, 25-27 May 2010.

<http://www.familyplatform.eu/en/familyplatform>

2.24 Russian Federation

Zhanna Kravchenko

NB. The Russian Federation is a federal state

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

a. Maternity leave (отпуск по беременности и родам) (responsibility of Ministry of Healthcare and Social Development)

Length of leave (before and after birth)

- Seventy calendar days before and 70 calendar days after childbirth.

Payment and funding

- One hundred per cent of average earnings during 12 months before the beginning of the leave, up to a ceiling of RUB34,583 (€885) per month.
- Employed women with a work record of less than six months receive the minimum wage of RUB4,330 (€110) a month.
- Funded by the employer and Social Insurance Fund, which is largely financed from employers' contributions, supplemented by transfers from the federal budget and the Mandatory Health Insurance Fund.

Flexibility in use

- None.

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

- All insured women (including self-employed) and military personnel.

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 85 days before the birth, and to 110 days after.
- In the case of premature births, 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 Healthcare and Social Development)

Length of leave

- Until three years after childbirth. Leave is a family entitlement.

Payment and funding

- Forty per cent of average earnings until child is 18 months, up to a ceiling of RUB13,833 (€355) per month and with a minimum payment of RUB2,060 (€53). The minimum payment is increased to RUB4,120 (€105) for a parent on leave with a second child; to RUB6,180 (€160) for a parent taking leave for a first *and* second child; and to RUB8,240 (€210) for a parent taking leave for a second *and* third child. A maximum payment of RUB8,241 can be made to parents who become unemployed because their employer closes down while they are on leave. The payment is not taxable. The payment is adjusted for inflation twice a year.
- There is no payment if the leave is extended to 36 months.
- Funded by the Social Insurance Fund for insured workers, and from the state budget for those who are not insured, e.g. students, unemployed.

Flexibility in use

- Parents taking leave may work part time.

Regional or local variations in leave policy

- The 89 regional governments can determine the level of payment within the maximum and minimum levels set by the central government (currently between RUB2,060 (€53) and RUB13,833 (€355)); there are no official statistics about regional variations in practice.

Eligibility

- Any caregiver, regardless of the attachment to the labour market, including students and unemployed.

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 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 varies according to the previous employment record of the parent and the age of the child. For a child under the age of seven years, up to 60 days leave may be taken per year, with 45 days for older children. 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.

Flexible working

- Mothers 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.

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. Take-up of leave

a. Maternity leave

Since all mothers are eligible, it is assumed all mothers take leave.

b. Paternity leave

There is no statutory entitlement.

c. Parental leave

Data are scarce and come from social surveys rather than official statistics. The Max Plank Institute reports that the average length of leave taken by parents until their children were 18 months of age in 2004 was five to six months (Max-Plank-Gesellschaft, 2006³⁵), or roughly 30 per cent of the potential time. Russian data, obtained from a survey conducted in one of the Russian regions (Novgorodskaja oblast) in 2003, present a very different picture, suggesting an average length of leave of 15.5 months out of the available 18, and falling in length with each

³⁵ Max-Plank-Gesellschaft (2006) *The Contextual Database of the Generations and Gender Program*. Available at: <http://www.demogr.mpg.de>.

subsequent child (Arkhangel'skii et al., 2005³⁶). There is no information on the use of leave by fathers.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Research on Parental leave is rare; means-tested elements of family policy and childcare provision received the main attention. Analysis is usually done within the framework of feminist critique of labour legislation; actual practices of taking Parental leave and relationships with employers have not been in focus so far.

b. Selected publications since 2009 review

None reported.

c. Ongoing research

None reported.

³⁶ Arkhangel'skii, V. N., et al. (2005) *Demograficheskoe povedenie i ego determinatsiia: po rezultatam sotsiologo-demograficheskogo issledovaniia v Novgorodskoi oblasti* [Demographic behaviour and its factors: based on the results of a socio/demographic survey conducted in Novgorod oblast]. Moskva: TEIS.

2.25 Slovenia

Nada Stropnik

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

a. Maternity leave (*porodniški dopust*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave (before and after birth)

- One hundred and five calendar days (15 weeks): four weeks (28 days) before the birth and 11 weeks following birth.

Payment

- Hundred per cent of average earnings, based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave. If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage is taken into account for the missing period. There is no ceiling, and the minimum is 55 per cent of the minimum wage. Women 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 Maternity leave, receive 55 to 105 per cent of the minimum wage (approximately €404 to €771 per month), depending on the period they have been insured for in the last three years.
- Funded partly from Parental leave insurance that forms part of social security insurance; contributions to Parental leave insurance are 0.1 per cent of gross earnings for employees and the same for employers. In 2008, Parental leave insurance covered 11 per cent of leave costs (estimated); the remaining costs came from the state budget.

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)

- See 'payment' for insurance conditions for payment.

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 can be delegated to the father or another person (who nurses and cares for a child in accordance with the decision of the Centre for Social Work or the judgement or provisional order of the court) 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 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. The father is entitled to Maternity leave if he actually nurses and cares for the child.

b. Paternity leave (*očetovski dopust*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- Ninety calendar days (about 13 weeks). The first 15 days may only be taken as full-time leave during the child's first six months.

Payment and funding

- During the first 15 days of the Paternity leave, 100 per cent of average earnings based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave, up to a ceiling of 2.5 times the average wage in Slovenia (approximately €3,876 per month), with a minimum payment of 55 per cent of the minimum wage (approximately €404 a month). For the remaining 75 days the father is paid social security contributions based on the minimum wage (approximately €162 per month). For fathers 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 the leave, see 1a.
- Funding as for Maternity leave.

Flexibility in use

- Seventy-five calendar days may be taken as full-time leave up to the child's third birthday. If they are taken as individual days, the length of the leave is equal to 70 per cent of the eligible calendar days.

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 mother

- 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 having contact with the child; or the child lives with the mother or another person and the father does not nurse or care for the child.
- The father is not entitled to the first 15 days of Paternity leave if he uses Maternity leave.

c. Parental leave (*dopust za nego in varstvo otroka*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- Two hundred and sixty calendar days (about 37 weeks) per family.

Payment and funding

- As for the first 15 days of Paternity leave, i.e. 100 per cent of earnings based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave, up to a ceiling. 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.
- Funding as for Maternity leave.

Flexibility in use

- One parent is entitled to take leave. If the parents wish to share the leave, they have to agree in writing 30 days prior to the expiry of Maternity leave. If the parents cannot reach agreement on the use of Parental leave or their decision is not to the benefit of the child, the Centre for Social Work makes a decision on this matter taking into account what is in the best interests of the child.
- Parental leave may be taken as 520 days of a half-time leave combined with part-time work (half of the normal working hours per day). If Parental leave is taken half-time, the benefit paid is reduced accordingly.
- Up to 75 days may be taken at any time up to the child's eighth birthday, full-time or part-time leave or by individual days. In this last case, the length of the leave is equal to 70 per cent of the eligible calendar days.
- Both parents may use full-time Parental leave at the same time in the case of multiple births, birth of a child in need of special care, or if they already have at least two children below eight years of age or a child in need of special care.

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 pregnancy was shortened.
- In the case of multiple births, 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 suffering from physical or mental impairment.
- Leave is extended by 30 days if parents already have two children below eight years of age; by 60 days if they have three children; and by 90 days if they have four or more children of this age.
- Another person who nurses and cares for a child in accordance with the decision of the Centre for Social Work or the judgement or provisional order of the court is entitled to Parental leave, reduced by the number of days the mother and the father have already used.
- If the mother is a student 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 leave.

- A parent does not have the right to Parental leave if custody of the child is awarded to another parent and he or she does not care for the child.

d. Childcare leave or career breaks

No statutory entitlements.

e. Other employment-related measures

Adoption leave and pay

- One hundred and fifty calendar days (about 21 weeks) for a child aged one to four years; 120 days (about 17 weeks) for a child aged four to ten years. Payment and eligibility as for Parental leave.

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 average earnings over the preceding 12 months. 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.

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 contributions based on 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, with social security contributions paid based on the minimum wage for the hours not worked, until the younger child reaches the age of six years.
- Breastfeeding mothers who work full time have the right to a break during working time lasting not less than one hour a day. Payment is the same as for Parental leave.

Other

- A parent leaving the labour market in order to take care of four or more children is entitled to have social security contributions (based on the minimum wage) paid from the state budget until the youngest child reaches the age of ten years.

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. Take-up of leave

a. Maternity leave

All insured mothers take Maternity leave.

b. Paternity leave

About three-quarters of fathers took up to 15 days of Paternity leave in 2006-2008. Fifteen per cent of leave-takers took more than 15 days in 2008, and 19 per cent in 2009. Research suggests that most fathers do not take more than 15 days of Paternity leave because their earnings are not fully compensated during the rest of it. There are also obstacles on the employers' side.

c. Parental leave

All mothers take Parental leave. About 5.6 per cent of fathers took a part of this leave in 2008. Considering the full wage compensation while taking leave, the reasons for low participation of fathers 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 employees.

Paternity leave and fathers having the same entitlement to Parental leave as mothers do not significantly influence mothers to return earlier to work after their leave period. Since fathers usually take only part of the leave (if any at all), absence due to Parental leave continues to affect women's professional careers.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

In Slovenia, which had one of the lowest fertility rates in the world in the period 1995-2005, research on leave has been very important due to the possible positive effects of this policy on decisions to have more children. There are recent efforts to evaluate the impact on fathers' behaviour of introducing Paternity leave. Gender roles (fathers' take-up of Parental and Paternity leave, for instance) and equal opportunities on the labour market are of particular research interest.

b. Selected publications since 2009 review

Korintus, M. and Stropnik, N. (2009) 'Hungary and Slovenia: long leave or short?', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: Policy Press, pp. 135-157.

This chapter compares the very different leave policies in these neighbouring countries, with a focus on the politics of policy development.

Stropnik, N. and Kump, N. (2009) 'What kind of men take parental leave?' paper given at *XXVI International Population Conference*, Marrakech, Morocco, 27 September-2 October 2009. Draft available at:

<http://iussp2009.princeton.edu/download.aspx?submissionId=90842>.

Using the IPPAS database containing data for seven European countries, the determinants of men's take-up of Parental leave and the characteristics of women having partners who took Parental leave were investigated. The paper also makes use of the Slovenian database of fathers who were the Parental and Paternity leave beneficiaries from December 2005 to April 2009, to find out who were the men who took these two types of leave, both paid and unpaid.

c. Ongoing research

None reported.

2.26 South Africa

Lisa Dancaaster, Tamara Cohen and Marian Baird

NB. South Africa is a federal state

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

Note on leave information: leave entitlement in South Africa is primarily governed by one main statute that applies to the whole country, namely, the Basic Conditions of Employment Act (BCEA). Individual provinces (of which there are nine in South Africa) do not have authority to amend these provisions. By virtue of the authority given to the Minister of Labour in terms of the BCEA, a number of sectoral determinations have been made to cater for the unique circumstances in the following industries: forestry, farm workers, domestic workers, hospitality, children in performing arts, learners employed on a learnership agreement in terms of the Skills Development Act (75 of 1997), wholesale and retail, private security, contract cleaning, civil engineering, small business (less than ten employees) and the taxi sector. The majority of these agreements contain leave provisions identical to those in the BCEA. Only where these sectors provide for leave that is different from that stipulated in the BCEA is it noted here.

The leave provisions in the BCEA and Sectoral Determinations are minimum standards that can be improved upon through collective bargaining, 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 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 and 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 reached there.

a. Maternity leave (responsibility of the Department of Labour)

Length of leave (before and after birth)

- Four months. An employee may commence Maternity leave at any time from four weeks before the expected date of birth (or earlier if a medical practitioner certifies it necessary for her health or that of her unborn child) and may not work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- An employee's right to return to the same or comparable job after a pregnancy-related absence is protected in the unfair dismissal provisions of the Labour Relations Act.
- An employee who has a miscarriage during the third trimester of pregnancy or who bears a stillborn child is entitled to Maternity leave of six

weeks after this event, whether or not the employee had already commenced Maternity leave at the time of the miscarriage or stillbirth.

Payment and funding

- Statutory Maternity leave is unpaid in the BCEA. There is provision for maternity payment to eligible employees from the Unemployment Insurance Fund (UIF). This is for contributors only. The Unemployment Insurance Act and Unemployment Insurance Contributions Act apply to all employers and employees, but not to employees working less than 24 hours a month for an employer, learners, public servants, foreigners working on contract, employees who get a monthly state pension, and workers who only earn a commission. Payment for Maternity leave is on a sliding scale ranging from 31 per cent to 59 per cent of earnings depending on level of earnings. It is for a maximum period of 17.32 weeks and application must be made eight weeks before the birth of the child. Payment of maternity benefits does not reduce the amount of payment for other benefits that an employee is entitled to claim from the Fund (namely illness, unemployment and death benefits). Unemployment insurance benefits for Maternity leave are not subject to taxation.
- Compulsory contributions to the UIF are made by employers and employees on a monthly basis and each contribute 1 per cent of the employee's earnings, up to a maximum of ZAR12,478 (€1,300) per month. Most employees entitled to statutory Maternity leave are also entitled to receive maternity benefits from UIF. The main exception is employees in national and provincial government. However, public service employees are entitled to four months Maternity leave under the terms of a July 2007 Determination on leave in the public service; although this does not explicitly state that leave is fully paid, it can be assumed to be so by virtue of the fact that contract workers are entitled to fully paid Maternity leave in this Determination.
- If a contributor also receives cash benefits from another source (for example, from her employer), she will only receive a benefit from the UIF if she receives less than her normal monthly salary from that source. The amount she would then receive from the UIF will cover the shortfall between the amount received from the outside source and her normal salary.
- Contributors are entitled to claim six weeks of unemployment insurance benefits in the event of a miscarriage during the third trimester of pregnancy.

Flexibility in use

- An employee may commence Maternity leave: i) at any time from four weeks before the expected date of birth, unless otherwise agreed; or ii) 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.

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

- An employee is not eligible for statutory Maternity leave if working for less than 24 hours a month for her employer.

- Independent contractors and self-employed women 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.

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

- Employees in the public service may take an additional 184 calendar days of unpaid leave.
- A survey (Elsley, 2007³⁷) of 361 enterprise level agreements and 31 bargaining council agreements found that the duration of Maternity leave in collective agreements mirrors the four consecutive months stipulated in the BCEA and only about 7 per cent of agreements specifically provided for additional unpaid Maternity leave of about two months.
- About 5 per cent of the Bargaining Council Agreements and 3 per cent of enterprise level agreements provide on average between 25 per cent and 33 per cent of payment towards Maternity leave by employers (Benjamin, 2007).
- See also 'flexible working' (1e) for the Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child.

b. Paternity leave

No statutory entitlement. Fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave (see 1e).

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- There is no statutory leave for 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.

³⁷ Elsley, T. (2007) 'Outcomes of collective bargaining in South Africa', in: *Bargaining Indicators 2007: A Collective Bargaining Omnibus*, pp 79-98. Labour Research Service: Cape Town.

- Employees in the public service are entitled to leave of 45 working days when adopting a child under the age of two years by virtue of the July 2007 Determination regulating leave in the public service. Although this determination does not explicitly state that this leave is fully paid, it can be assumed to be so by virtue of the fact that 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 is entitled to family responsibility leave when the employee's child is born; 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, child, 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 in order to qualify for this leave.
- Employees in the public service are permitted to utilise three days family responsibility leave for the birth of a child of a spouse or life partner, or in the event of the sickness of a child, spouse or life partner. They are entitled to utilise up to five days leave per annual leave cycle for the death of a spouse, life partner, child or immediate family member. 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 by virtue of the fact that the Determination specifically permits a further 184 calendar days to be utilised as unpaid leave if an employee has exhausted their family responsibility leave, 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 Child 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 also 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. 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 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. It 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.

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. Take-up of leave

a. Maternity leave

There is no information on 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.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

There is a shortage of research examining statutory leave entitlements in South Africa, and no information on employee take-up of existing leave entitlements.

b. Selected publications since 2009 review

Cohen, T. and Dancaster, L. (2009) 'Family responsibility discrimination litigation – a non-starter?', *Stellenbosch Law Review*, Vol.20, 2: 221-240 .

This article examines the legislative framework (notably the Employment Equity Act) that prohibits family responsibility discrimination in South Africa and examines the possible reasons for the legislation's failure to advance the right to flexible working conditions. It notes the absence of litigation and contrasts the situation with litigation in Australia in terms of anti-discrimination legislation.

Cohen, T. and Dancaster, L. (2009) 'The rights of employees with family responsibilities to request flexible working arrangements – the failings of the Employment Equity Act', in: O. Dupper and C. Garbers (eds.). *Equality in the Workplace: Reflections from South Africa and Beyond*. Lansdowne: Juta.

This chapter considers the legislative framework that prohibits family responsibility discrimination in South Africa, the requirements for establishing a claim of unfair discrimination, and the possible reasons for the legislation's failure to advance employee requests for flexible working arrangements

Dancaster, L. and Cohen, T. (forthcoming 2010) 'Work-family integration: a comparative analysis of the legal right to request flexible working arrangement', *South African Journal of Labour Relations*, Vol. 34, 1.

The focus of this paper is on the legal right to request flexible working arrangements using examples of existing law in countries such as Germany, the Netherlands, the United Kingdom and New Zealand. No such right currently exists for South African employees. It is argued that there are a number of policy considerations, such as increased caregiving in the context of HIV/AIDS, that require greater state involvement in work-family policy, and in particular, it is argued that the legal right to request flexible working arrangements should be introduced in South Africa.

Lund, F. and Debbie B. (2009) *Paid care provision in South Africa: nurses, domestic workers and home-based care workers: South African Research Report Four for the UNRISD Political Economy of Paid and Unpaid Care Work Project*. Geneva: UNRISD. Available at:

[http://www.unrisd.org/unrisd/website/document.nsf/8b18431d756b708580256b6400399775/57355f8bebd70f8ac12575b0003c6274/\\$FILE/SouthAfricaRR4.pdf](http://www.unrisd.org/unrisd/website/document.nsf/8b18431d756b708580256b6400399775/57355f8bebd70f8ac12575b0003c6274/$FILE/SouthAfricaRR4.pdf).

This paper aims to capture the dynamics that take place between different non-household pillars of provision of care work – the state, the private sector, and community-based organised care. The focus is on the work that different groups of paid (and some unpaid) carers do, and the boundaries, some fixed and some changing, within and between these occupational groups.

c. Ongoing research

Organisational Characteristics as Determinants of Work-Family Arrangements in South African Organisations (2006-). Doctoral thesis by Lisa Dancaster, Health Economics and HIV/AIDS Research Division, University of KwaZulu Natal, Durban.

This PhD study, undertaken through the University of Sydney, aims to fill the existing gap in data on work-family arrangements in South African organisations by surveying a range of such arrangements in over 300 organisations listed on the South African stock exchange. Results of the survey can be found at <http://www.heard.org.za/news/work-family-arrangements-in-sa-organisations>

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2.27 Spain

Anna Escobedo

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 Immigration)

Length of leave (before and after birth)

- Sixteen weeks: six weeks must be taken following the birth, while the remaining ten weeks can be taken before or after birth. By consolidating an entitlement to reduced working hours, mothers can in practice extend Maternity leave by two to four weeks (see 1e *permiso de lactancia*, originally to support breastfeeding).

Payment and funding

- Hundred per cent of earnings up to a ceiling of €3,198 a month.
- A flat-rate benefit (€532.52 per month or €17.75 per day) is paid for 42 days to all employed women who do not meet eligibility requirements.
- Financed by social insurance contributions from employers and employees.

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.

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

- All employed women are entitled to Maternity leave, but conditions must be met to qualify for the earnings-related Maternity leave benefit (all employees can receive a flat-rate payment for 42 days after delivery): for example, the mother needs to be making social security contributions at the beginning of the leave; or be receiving unemployment contributory benefit; or 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 any previous period of social security contribution, and women between 21 and 26 only 90 days, in the last previous seven years, or 180 days during working life. This requirement is more flexible for women working part time. On the other hand self-employed mothers are exempted 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 foster), or birth (or adoption or foster) of a child with some disability, working mothers have the right to two extra weeks of leave per newborn child from the second onward, and the 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.
- Employed mothers have the right to transfer up to ten of their 16 paid weeks of Maternity leave to the father on condition that they take six weeks after giving birth, that their partner fulfils contributory requirements, and that the transfer does not endanger their health. Leave can be completely transferred or partly transferred, so both parents share part-time leave.
- The non-contributory benefit is extended from 42 to 57 days for lone mothers, large families, multiple births or disabilities.
- If the mother dies, the father can take the Maternity leave entitlements, independently of the mother's previous employment situation and entitlements.
- If the baby dies, Maternity leave is not reduced.

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

- Employees in the public sector in Catalonia can choose between extending Maternity leave 16 weeks or reducing working time by a third until the child is approximately 17 months old; either option is paid.

b. Paternity leave (*permiso de paternidad, permiso por nacimiento*) (responsibility of the Ministry of Labour and Immigration)

Length of leave (before and after birth)

- Fifteen days.

Payment and funding

- One hundred per cent of earnings, paid by the Social Security Fund with the same ceiling as for Maternity leave.
- Financed by social insurance contributions from employers and employees, except for the first two days that are paid by employers in the private sector or the self-employed.

Flexibility in use

- The first two days have to be used at the time of birth (*permiso por nacimiento* i.e. birth leave). Fathers whose need to travel in their work have two extra days, paid by the employer (this does not apply in the public sector).
- The 13 days of Paternity leave (*permiso de paternidad*) can be used during or immediately after the end of Maternity leave. This does not apply in the public sector, where the 15 days are considered as a whole, to be taken at birth time as general rule (except when the specific regional government (*Comunidades Autónomas*) or institution regulates differently).

- Fathers can use Paternity leave part time with employer agreement.

Regional or local variations in leave policy

- A number of regional governments have improved entitlements. For example, public sector workers in Catalonia receive five days at birth (as birth leave), and a month of Paternity leave that has to be taken at the end of Maternity leave.

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

- All employees fulfilling contributory requirements (i.e. at least 180 days in the previous seven years, or 360 days during working life).

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 from 15 to 20 days for large families or households with a disabled person.
- Two more days are paid 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, where this leave can be taken by the member of the couple who did not use the Maternity leave (or most of it).
- In the above-mentioned case of public employees in Catalonia, lone mothers 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 for their employees.

c. Parental leave (*Excedencia por cuidado de hijos*) (responsibility of the Ministry of Labour and Immigration)

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. Workers taking leave are credited with social security contributions, which affect pension accounts, health cover and new Maternity or Paternity leave entitlements, for the first two years in the private sector and for the whole period in the public sector.

Flexibility in use

- There are no limits to the number of periods of leave that can be taken until the child is three years, with no minimum period.

Regional or local variations in leave policy

- Since 2000, a number of regional governments have introduced flat-rate benefits. For example: in the Basque Country and Balearic Islands (€200 per month for mothers and €250 per month for fathers in 2008) and La Rioja (€250 per month); in Castilla-León (€527 per month in 2008, but restricted to families with an annual income below €30,000); in Navarre (when having a second child or a disabled child, €330 per month for one year, or until the child is three years in the case of large families); and in Castilla-La Mancha (employed women in the private sector can receive €600 per month up to €3,000 per year and men €900 per month up to €7,000 per year.)

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

- All employees, though 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)

- Social security contributions are credited for a longer period (for from 30 to 36 months) in families with more than three 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.
- See 'regional or local variations' for improved conditions offered by some regional governments for their employees.

d. Childcare leave or career breaks

- Unpaid career breaks are recognised in the labour and public employees' regulations (*excedencia voluntaria*). The only protection offered is to be able to claim 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 children with additional needs (e.g. disabilities, international adoptions).
- Public employees involved in an international adoption have the right to two months of paid leave, including basic payment without benefits, when the process requires that the adoptive parents stay in the country of origin of the future adoptive child.

Time off for the care of dependants

- Two days leave per worker (*permiso por enfermedad grave de un familiar*) to care for a seriously sick child or for other family reasons (serious illness, hospitalisation or death of a relative to a second degree of consanguinity or affinity), paid for by the employer. The entitlement is extended to four days if travelling is required for work (e.g. the workplace is in a different municipality). 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 worker may take up to two years of leave (*excedencia por cuidado de un familiar*) or working hours reduced 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, accident or old age. In such cases, the informal carer on leave may receive a payment, between €300 and €520.69 per month. The payment is claimed by the dependent relative, and depends on the relative's level of dependency. Workers taking leave are credited with social security contributions, which affect pension accounts, health cover and new leave entitlements, for the first year of full-time or part-time leave. Otherwise informal carers are credited the equivalent to €162.49 as social security and training contributions.
- 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 loss of earnings in the case of a very serious illness of 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.

Flexible working

- During the first nine months after the child's birth (12 months in the public sector), employed mothers are entitled to one hour of absence during the working day without loss of earnings, which is paid by the employers (*permiso de lactancia*, originally to support breastfeeding). This absence is paid for by the employer. The period can be divided into two half-hours or be replaced by a half-hour shortening of the normal working day; the public sector and many collective agreements allow the full hour shortening of the normal working day. If both parents are working, the mother can transfer this right to the father or partner. All employed mothers can consolidate this reduction in working time as full-time leave, thus in practice extending their Maternity leave between two to four weeks.

- 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 eighth year or to look after a disabled child (*reducción de jornada por guarda de un hijo*). 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, and new leave entitlements). Public employees can benefit from this working time reduction until the child is 12 years, and have guaranteed some working time flexibility to adapt, for example to school hours.
- A number of regional governments have introduced payments to parents reducing their working hours. For example: Basque Country, Navarre, La Rioja, Balearic Islands, Galicia and Castilla-La Mancha and Castilla-León provide flat-rate payments to support this measure proportional to the working time reduction; public employees in Catalonia, both fathers and mothers, can reduce their working hours by one third for one year without reducing their earnings, following the end of Maternity and Paternity leave, that is approximately until a child is 17 months old; similarly, they may 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 under six years or care for a disabled relative.

2. Changes in policy since 2009 review (including proposals currently under discussion)

A Paternity leave scheme paid by Social Security was introduced in 2007, in the framework of a Gender Equality Law (*Ley Orgánica 3/2007, para la Igualdad efectiva de mujeres y hombres*). It was the first time that fathers received an individualised entitlement paid by the social insurance system, the previous two days of birth leave for fathers being paid by employers. The 2007 legislation included a commitment to a four weeks Paternity leave by 2012; the law approved in October 2009 (*Ley 9/2009, de 6 de octubre, de ampliación de la duración del permiso de paternidad en los casos de nacimiento, adopción o acogida, BOE núm. 242*) implemented this commitment, and from 1 January 2011, Paternity leave is extended from two to four weeks.

Groups advocating for gender equality (mainly women's groups, with the support of trade unions and men's groups) have created, since 2005, a platform to promote Paternity leave, which has lobbied continuously for an extension of this leave. The platform now aims for a leave system with equal and non-transferable rights between men and women, encompassing family and sexual diversity (*Platform for Equal and Non-Transferable Parental Leave, PLENT*, www.equalandnontransferable.org; www.igualeseintransferibles.org). In March 2009, the platform launched a campaign to collect signatures for a petition to the European Parliament to promote the equal use of leave by mothers and fathers, by means of a Directive on Parental Leave establishing "non transferable leave, of the same length and with the same compulsory part (...and) adequate measures in order to arrive to this goal of effective equality of mothers' and fathers' leaves." Following this rationale and the belief that the mother-infant health arguments that support longer Maternity leave are debatable, the platform opposes initiatives for the extension of Maternity leave if not matched by extended Paternity leave. On 12 June 2009 the platform promoted a European Conference in Madrid 'For equality, equal and individual parental leave rights' to

support the extension of the Spanish platform to other European countries and to discuss EU policies on Parental leave.

3. Take-up of leave

a. Maternity leave

Maternity leave benefit covered 68 per cent of the 518,503 births in 2008 (author's calculations based on data provided by the Social Security Institute and the Spanish Statistical Institute). Coverage has been improving since 1995 (the first year for which the data are available) when it was 31 per cent. Increased coverage is due both to growing female employment and better coverage of atypical employment situations due to regulatory reforms. Fathers share some Maternity leave in around one-quarter of adoption cases (27.5 per cent in 2005), but less than 2 per cent of births (1.6 per cent in 2008)..

b. Paternity leave

Most fathers are eligible for Paternity leave according to the Labour Force Survey data. While payment for fathers taking Paternity leave was made only by employers, there was no information on take-up rates. But from March 2007, fathers receive two weeks payment from Social Security, also covering the self-employed; 54 per cent of fathers used the new measure in 2008 (author's own calculations), six percentage points more than in 2007. But a significant proportion of employed fathers are still reluctant to benefit from this measure, so that the number of men claiming Paternity leave benefits is only 80 per cent of the number of women receiving Maternity leave benefits.

c. Parental leave

In 2008, 37,771 people started some period of Parental leave. This corresponds to 7.3 per cent of the births in that year, an increase since 1995 (the first year for which the data are available) when it was 1.7 per cent. However, it represents only 2.5 per cent of children under three years old, a relevant age since leave can be taken until children reach three years. Fathers made up 4 per cent of users (2008 Statistical Book of the Ministry of Labour).

Between 1989 and 2005 it has been estimated that 96 per cent of users have been mothers, with a median duration of 184 days, and 4 per cent fathers with a median duration of 172 days; 36 per cent of fathers and 26 per cent of mothers used this unpaid Parental leave for less than three months. Eleven per cent of user mothers and 25 per cent of user fathers do not return to the same company, which means that in these cases the use of Parental leave is connected to a change of employment (Escobedo and Navarro, 2007³⁸).

³⁸ Escobedo, A and Navarro, L. (2007) *Perspectivas de desarrollo y evaluación de las políticas de licencias parentales y por motivos familiares en España y en la Unión Europea: Informe de resultados de la Muestra Continua de Vidas Laborales*. FIPROS. Ministerio de Trabajo. Available at: www.seg-social.es/prdi00/groups/public/documents/binario/097543.pdf

Qualitative research indicates that users are mainly women after their Maternity leave ends, in some cases taking leave for a short period until a childcare arrangement is available (for example if the Maternity leave ends in May and a place in a nursery is only available in September), but in other cases for a longer period. However, only 13 per cent of users took leave for more than one year in the period studied in this research, 1989 to 2005 (Flaquer and Escobedo, 2009).

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 use made of the fully paid working time reduction of one-third of usual working hours for parents of children under one year old, available for public employees in Catalonia. Furthermore, this measure has evolved between 2003 and 2006 towards an equal use between men and women.

Otherwise the use of unpaid working time reductions is limited. It has been estimated that 32 per cent of formally employed mothers having a first child in 2003 reduced their working time during some period in the following three years. Half of them resumed full-time work after seven months, while one-third (11 per cent) remained in part-time employment after three years, when only 2 per cent of the employed mothers were using the protected and reversible working time reduction and were on the same working contract they had at birth. This can be explained by the high rate of temporary employment in Spain and by the fact that employers have incentives when hiring a mother with a child under two years old (Escobedo et al., 2009).

Leave to care for dependent relatives has been available from 2001 onwards. It is estimated that between 2001 and 2005 about 9,000 employees used it (1,800 per year), of whom 82 per cent were women, with a median duration of 62 days, and 18 per cent men with a median duration of 55 days (Escobedo and Navarro, 2007). Since 2006 the number of users has grown, increasing to 5,664 in 2008, with 84.5 per cent women and 15.5 per cent men. These data published in the Statistical Yearbook of the Ministry of Labour do not provide details on duration, nor to what extent they are connected to the new benefit for informal carers introduced since the 2006 Spanish Law to support dependents. In April 2010, 49 per cent of all benefits provided under this law had been used for paying informal family carers (312,624), and Social Security had formalised 119,542 specific conventions with family carers, of which 6 per cent were men and one-third were 50 to 60 years old (SAAD Statistics); it is not known, however, how the remaining two-thirds of these benefits, devoted to family carers, are used.

Finally there are no data on the use of short leave taken in cases of acute illness/accident of children or relatives, nor on other types of career breaks. Employers have no obligation to keep records, and the government has no statistics as no payment is involved.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Leave arrangements have become a research topic in Spain, particularly the use of leave arrangements by mothers and fathers, and their impact on gender and

social equality, in the labour market and on fertility decisions. Since 2006, a research fund on Social Protection has supported research on leave arrangements. In addition, in 2006 the Ministry of Labour created a continuous database with a sample of 4 per cent of all social security contributors and including selected data on their work and social security affiliation life course (*Muestra Continua de Vidas Laborales, MCVL* [the Continuous Sample on Working Lives]), supplemented with tax and household data. It still provides limited information on leave arrangements; however, for the first time it does provide detailed information about unpaid Parental leave, leave to care for a relative, and working time reductions.

Otherwise, the few indicators published on a yearly basis since 1995 by the National Institute of Social Security provide little information (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 other information such as duration of leave, flexible use or characteristics of users). There is a clear data gap on the use and impacts of the various regional flat-rate benefits and full- or part-time additional schemes.

b. Selected publications since 2009 review

Escobedo, A., Navarro, L. and Flaquer, L. (2009) *Itinerarios Laborales de Madres y Padres en Hogares con Menores de 3 años. Análisis de Cambios y Discontinuidades a partir de la Muestra Continua de Vidas Laborales* [Employment paths and trajectories for mothers and fathers living in households with under 3s]. Madrid: Spanish Social Security FIPROS Research Fund.

Available at:

www.seg-social.es/stpri00/groups/public/documents/binario/119803.pdf

The report is based on a longitudinal analysis between 2002-2006 of the MCVL, using an event history approach, and focuses on households with a first child born in 2003. It characterises patterns of employment continuity and discontinuity, including the use of leave arrangements and work-time reduction for childcare purposes or the use of unemployment benefits. It also includes a comparative analysis of the European Labour Force Survey on the employment impact of parenthood according to gender, educational attainment, number and age of children.

Flaquer, L. and Escobedo, A. (2009) 'The metamorphosis of informal work in Spain: family solidarity, female immigration and development of social rights', in: B. Pfau-Effinger, L. Flaquer and P. Jensen (eds.) *Formal and Informal work: The Hidden Work Regime in Europe*. New York: Routledge, pp. 143-168.

Within the comparative framework of the book including six EU countries (Germany, Finland, Denmark, Poland, Spain and the UK), this chapter explains the structure and dynamics of informal work in Spain. It develops the case of family-based childcare and eldercare and their formalisation both as paid services and as care arrangements for family reasons. Parental and care leave arrangements are treated as semi-formal work embedded in the particular arrangement of work and welfare of each country.

Lapuerta, I., Baizán, P. and González, M.J. (2009) 'Tiempo para cuidar, tiempo para trabajar: análisis del uso y la duración de la licencia parental en España', in: V. Navarro (ed.) *La situación social en España*. V.III. Madrid: Biblioteca Nueva, pp.425-459.

This chapter analyses the extent to which individual characteristics, the workplace situation, and regional policies influence the use and duration of

Parental leave in Spain, based on the MCVL. The results suggest that the Spanish Parental leave scheme increases gender and social inequalities, as it reinforces gender role specialisation and supports the reconciliation of work and family life among workers with a good position in the labour market. An English version of research results will be published in 2010 as: Lapuerta, I., Baizán, P. and González, M.J. (forthcoming) 'Individual and Institutional Constraints: an analysis of Parental leave use and duration in Spain', *Population Research and Policy Review*.

Viqueira, C. (ed.) (2009) 'Mejoras convencionales en la regulación de la jornada de trabajo con motivo de la maternidad o paternidad de los trabajadores. Análisis de los convenios colectivos de empresa de ámbito nacional'. Madrid: Spanish Social Security FIPROS Research Fund. Available at: www.seq-social.es/prdi00/groups/public/documents/binario/129741.pdf
Final report of research by the University of Alicante analyzing developments in leave and working time arrangements for parents in a sample of 820 state-level company agreements and 146 sectoral collective agreements.

Wall, K. and Escobedo, A. (2009) 'Portugal and Spain: two pathways in southern Europe', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: Policy Press, pp. 207-226.

This chapter compares the development of leave policies in the two neighbouring countries of the Iberian peninsula, and considers the reasons for the substantial differences.

c. Ongoing research

Does the regional context matter in Spain? The effects of flat rate benefits on Parental leave use (2008-2010). Irene Lapuerta, Universidad Pública de Navarra. The limited take up of Parental leave in Spain has led some regions to provide flat-rate benefits with the objective of stimulating its use. The research analyses to what extent these regional policies explain the variation in Parental leave use in Spain. The research is based on a subsample of 94,493 individuals, who had a child between 1996 and 2006 and were eligible for Parental leave at childbirth. The results show that the amount of money offered by regions is more significant in accounting for take-up rates than other features in the design of policies, such as eligibility requirements or dates of payment. The results also confirm the negative effect of these regional policies on fathers' take-up, even in those regions that have implemented positive discrimination mechanisms to promote gender equality. Contact: irene.lapuerta@unavarra.es

Estado de Bienestar, políticas públicas e Igualdad de Género (2008-2010). Doctoral thesis by Carmen Castro at the Complutense University in Madrid. This doctoral research is about Welfare States and Gender Equality, with a focus on how the combination of leave policies, other work-family policies, labour market regulations and tax-benefit systems can help to identify welfare state patterns from a gender perspective. Contact: carmen@singenerodedudas.com

Fecundidad, empleo y licencias parentales: consecuencias diferenciales entre hombres mujeres. [Fertility, employment and leave arrangements: differences in consequences for men and women] (2010). Irene Lapuerta, Universidad Pública de Navarra, funded by FIPROS.

The research studies the different professional transitions that employees undertake around the birth of a child, that is from one year before birth until the

child is three years old, for example between activity and inactivity, use of leave arrangements, working time reductions, using the MCVL. Contact: irene.lapuerta@unavarra.es

The social use of parental leave (2009-2012). Gerardo Meil (coordinator), Cristina García, M^a Angeles Luque and Luis Ayuso, Department of Sociology and Department of Business Organizations of the Universidad Autónoma de Madrid and Universidad de Málaga, funded by the Spanish Ministry of Science and Innovation.

The research focuses on use of Parental leave; awareness of the existence and characteristics of the different Parental leave programmes; and decision-making processes in couples before applying for Parental leave. Consequences for family dynamics, professional careers, and quality of life will be analysed. The research is based on 20 in-depth interviews with both men and women who are taking Parental leave at the time of the interview, as well as people who took Parental leave in the past. The analysis of these in-depth interviews will be used to design a representative survey of 1,000 people of working age (25 to 54) living in Spain. Contact: gerardo.meil@uam.es

Lone fathers: fatherhoods in new forms of family life (France, Spain) (2009-2012). Coordinated by Agnès Martial (Centre Norbert Elias, CNRS) with the participation of French research institutions (Institut National d'Etudes Démographiques, Laboratoire Triangle) and the University of Barcelona (Xavier Roigé; Anna Escobedo), funded by CNRS.

In France and Spain, recent policies have sought to encourage men's involvement in fatherhood, promoting the norm of co-parenthood after divorce or separation; but one of the most problematic aspects of family transitions (increasing rates of divorce and separation, growing numbers of single-parent families and stepfamilies) is the decline of father-child relations. This research programme is based on quantitative and qualitative studies, and one workpackage within the overall project deals with leave arrangements and lone parenthood. To what extent do regulations or agreements cover lone motherhood or fatherhood in Spain and France? Is joint custody a stimulus for male use of leave arrangements? Is it associated with specific use patterns of leave or work-family arrangements? Contact: agnes.martial@univmed.fr

Corresponsabilidad antes y después del nacimiento del primer hijo en España [Co-responsibility before and after the birth of a first child in Spain] (2010-2012). Coordinated by Teresa Jurado, UNED, funded by the Spanish Ministry of Equality.

Spanish case study in the framework of an international research project, whose aim is to analyse how dual-earner couples share and negotiate unpaid family work, particularly the care of children. The cross-county comparison will facilitate the study of the influence of institutional contexts. The research will be based on a combination of quantitative and qualitative methods, including 30 qualitative interviews conducted in three Spanish cities before and after birth of a first child. Contact: tjurado@poli.uned.es

2.28 Sweden

Ann-Zofie Duvander, Linda Haas and Anders Chronholm

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

a. Maternity leave (*havandeskapspenning*) (responsibility of the Ministry of Social Affairs)

It is obligatory for women to take two weeks leave before or after delivery; they can decide whether or not to take part of the paid parental insurance benefit during this period of leave. Pregnant women can take indefinite leave paid at 80 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, she is eligible to take up to 50 days of leave during the last 60 days of pregnancy paid at 80 per cent of income. See footnote for Parental leave.

b. Paternity leave (*pappadagar Ledighet och ersättning i samband med barns födelse*) (responsibility of the Ministry of Social Affairs)

Length of leave

- Ten days (+ 60 days = father's quota, see 'Parental leave'). Designed to be used to attend delivery, care for other children while mother is in hospital, stay over in the hospital in a family room after childbirth and/or participate in childcare when the mother comes home.

Payment and funding

- Eighty per cent of earnings up to an earnings ceiling of SEK318,000 (€33,250) per year (see 'Parental leave' for reduction of payment to 77.6 per cent).
- Payments come from the Swedish Social Insurance Agency; employers and the self-employed make contributions for this purpose and the government meets any shortfall.

Flexibility in use

- 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, irrespective of time in employment.
- The benefit is gender neutral, being for 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 doubled for fathers of twins.

c. Parental leave (*föräldraförsäkring*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- Four hundred and eighty days of paid leave. Sixty days are reserved for the mother (*mammamånader* or a 'mother's quota') and 60 days reserved for the father (*pappamånader* or a 'father's quota'). Out of the remaining 360 days half are reserved for each parent; if days are transferred from one parent to another, the parent giving up his or her days must sign a consent form.
- In addition, each parent is entitled to unpaid leave until a child is 18 months.

Payment and funding

- For eligible parents (see below), 390 days at 80 per cent of earnings up to an earnings ceiling of SEK424,000 (€44,335) per year³⁹; the remaining 90 days at a flat-rate payment of SEK180 a day (€19). A special formula, introduced in January 2008 and applied to all parts of parental insurance, reduced earnings by 3 per cent before calculating the 80 per cent payment. Non-eligible parents receive SEK180 a day for 480 days.
- Funding as for Paternity leave.
- A 'gender equality bonus' (*jämställdhetsbonus*), in the form of a tax reduction, offers an economic incentive for families to divide Parental leave more equally between the mother and the father. The parent who has stayed at home the longest receives the bonus when she/he goes back to work if the other parent uses the Parental leave for more than his or her 60-day quota period. When the two reserved months are used by each parent, for each day of more 'equal' use (typically each day the father uses) a maximum of SEK100 (€10) will be gained in tax reduction; when parents share the leave equally the bonus is worth SEK13,500 (€1,410). Parents report to the authorities at the end of each financial year if they have shared Parental leave and, if they have done so, the bonus money is paid the following year along with any other tax reductions. The bonus, also available for parents who do not live together, is likely to encourage low (and medium) income fathers to take more Parental leave.

Flexibility in use

- The length of leave is counted in days (rather than weeks or months) to enhance flexibility of use.
- Paid and unpaid leave can be combined to enable parents to stay at home longer.

³⁹ The ceiling for Parental leave is higher than for Paternity leave to encourage use of Parental leave by fathers.

- Paid leave can be taken at any time until a child's eighth birthday or the end of the first school year.
- Parents can take paid leave 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 can take leave in one continuous period or as several blocks of time. An employee taking Parental leave has the right to stay away from work for a maximum of three periods each year.

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

- All parents are entitled to paid Parental leave, but paid leave at 80 per cent of earnings requires parents to have had an income of over SEK180 (€19) a day for 240 days before the expected date of delivery or adoption. A parent remains qualified to the same level of 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. This is commonly referred to as the 'speed premium'.

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 80 per cent of earnings and 90 days at a flat rate of SEK180 a day; for every further child, an additional 180 days at 80 per cent of earnings).
- If only one parent has custody of the child, he or she can use all the Parental leave days.

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

- Parental leave pay 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 10 per cent extra under the ceiling (i.e. workers receive 90 per cent of earnings) and up to 90 per cent above the ceiling (Lindquist and Wadensjö, 2005⁴⁰).

d. Childcare leave or career breaks

- In 2008, a municipal child-raising allowance (*vårdnadsbidrag*) was reinstated. Municipalities may provide a benefit of up to SEK3,000 (€315) per month for parents with a child aged one to three years who do *not* use publicly funded childcare services and for whose child 250 days of

⁴⁰ Lindquist, G. S. and 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

Parental leave are used. The allowance cannot be used simultaneously with Parental leave and is conditional on the other adult in the household (not necessarily the other parent) working or studying.

e. Other employment-related measures

Adoption leave and pay

- Cohabiting adoptive parents get five days each at the time of adoption; a single adoptive parent gets ten days, considered to be part of temporary (paid) Parental leave (*tillfällig föräldraledighet*) (see below). Adoptive parents may use the Parental leave up until the child is ten years old.

Time off for the care of dependants

- Temporary Parental leave (*tillfällig föräldrapenning*) is available at 120 days per child per year for children under the age of 12, and for children aged 12 to 15 with a doctor's certificate. This is paid at 80 per cent of earnings, up to an earnings ceiling of SEK318,000 (€33,250) per year; it is a family entitlement and it can be used to care for sick children. Sixty of these days also can be used to stay 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 'pappadagar' (see 1b) also come under this category of temporary Parental leave.

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.

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. Take-up of leave

a. Maternity leave

Between 1994 and 2004, around 25 per cent of pregnant women took pre-birth leave for an average of 38 days⁴¹.

b. Paternity leave

⁴¹ Statens offentliga utredningar [Official government reports] (2005) *Reformerad försäkring [Reformed social insurance]*, 2005:73.

In 2004, about 80 per cent of fathers took Paternity leave, for an average of 9.7 days out of the ten days available (ibid.). Only employed fathers are eligible, and no figures exist on the proportion of eligible fathers using this leave.

c. Parental leave and childrearing benefit

Almost all families use paid Parental leave in Sweden today. Although it is possible to use this benefit until a child reaches the age of eight years or the first school year is ended, the majority of parents take the main part of the leave before their child reaches the age of two (all children are entitled to a childcare place from 12 months of age).

Ninety per cent of fathers of children born in 1998 took Parental leave, mainly starting when their children were 13 to 15 months of age. Mothers, however, still take most Parental leave, although the proportion of total days used by men has been increasing. In 1987, fathers took about 7 per cent of total Parental leave days that year; by 2009, it had increased to 22.3 per cent. Fathers with more education take more Parental leave, as do fathers whose partners have higher levels of education and higher income. Fathers taking no leave are more likely to have been born outside Sweden but the foreign-born fathers who use leave use on average longer leave than Swedish-born fathers. Unemployed fathers generally take less leave than other fathers. Fathers who work in the public sector are more likely to take leave, perhaps because they more often get extra compensation as a result of collective bargaining. Fathers are more likely to take Parental leave for a first child⁴².

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; the second month had a less dramatic effect than the first (footnote 3). The introduction of the gender equality bonus has had no similar effects during its first 18 months⁴³.

d. Other employment-related measures

Mothers are more likely than fathers to work part-time hours; 50 per cent of employed mothers with two children with the youngest being one to two years old worked part time in 2005, compared to only 7 per cent of employed fathers⁴⁴. However, no official statistics are kept concerning whether parents working part time are using their entitlement to work reduced hours, or whether they were working in part-time jobs to begin with.

When temporary Parental leave is used to care for sick children, it is more often used by mothers (64.6 per cent of days taken in 2009) (footnote 42).

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

⁴² Försäkringskassan [Swedish Social Insurance Agency] (2009) *Försäkringskassans årsredovisning* [Annual report], 2009.

⁴³Försäkringskassan [Swedish Social Insurance Agency] (2010) *Jämställdhetsbonus – en effektutvärdering* [Gender equality bonus – an evaluation of effects] *Rapport Dnr 21019-2010*.

⁴⁴ Statistiska Centralbyrån (2007) *På tal om kvinnor och män* [Talking about women and men]. Available at: www.scb.se

The research conducted during the three decades of Swedish Parental leave has mainly focused on comparing mothers' and fathers' use of Parental leave, 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, has received increased attention. Currently evaluations of the gender equality bonus and home care allowance are ongoing.

b. Selected publications since 2009 review

Chronholm, A. (2009) 'Sweden: individualisation or choice in parental leave', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies*. Bristol: Policy Press, pp.227-241.

This chapter describes and analyses the development of Parental leave policy, in particular granting fathers as well as mothers non-transferable rights to paid Parental leave. The first 'daddy month' was enacted by a bourgeois government in 1995, the second by the Social Democrats. Over time, 'individualisation' of leave has become widely accepted and might be extended if the Social Democrats win the 2010 election.

Duvander, A. and Jans, A. (2009) 'Consequences of fathers' Parental leave use: evidence from Sweden', in: I. Söderling (ed.) *Finnish Yearbook of Population Research*. Helsinki: The Population Research Institute, pp.51-62.

Fathers' use of Parental leave use is often assumed to affect gender equality both at home and in the labour market, and improve father-child contact later in the child's life. In this study, using a survey carried out in 2003 with a sample of approximately 4,000 parents of children born in 1993 and 1999, the associations between fathers' Parental leave use and further adaption to family life and contact with children are investigated. The findings indicate that Parental leave use is associated with shorter working hours later in the child's life and more contact between separated fathers and their children.

Duvander, A., Lappegard, T. and Andersson, G. (2010) 'Family policy and fertility: fathers' and mothers' use of parental leave and continued childbearing in Norway and Sweden', *Journal of European Social Policy*, vol.20, 1:45-57.

This study examines the relationship between fathers' and mothers' use of Parental leave and continued childbearing among couples in Norway and Sweden. Fathers' Parental leave use is positively associated with continued childbearing in both countries, with a stronger association in Norway. The two-child family seems highly compatible with combining work and family life; but in families who choose to have more children, the mother often seems to have a weaker work orientation.

Evertsson, M. and Duvander, A. (2009) *Parental Leave - Possibility or Trap? Does family leave length affect Swedish women's labor market opportunities?*

SPaDE WP 2009:2, Stockholm: Sociology Department, Stockholm University. The study focuses on mothers' leave-taking behaviour in the period from 1974-2000 and estimates the relationship between family leave length and the transition rate to an upward occupational move upon return to work. The results indicate that women taking leave of 16 months or more were less likely to experience an upward occupational move once returned to work. Even after controlling for different lengths of Parental leave length, a negative effect of time out on subsequent career moves is found.

Haas, L. and Hwang, C.P. (2009) 'Is fatherhood becoming more visible at work? Trends in corporate support for fathers taking parental leave in Sweden', *Fathering*, Vol.7, 3: 303-321.

This study analyses trends in company support for fathers taking Parental leave, based on two large samples of profitable companies studied in 1993 and in 2006. Over time, companies have become more supportive of fathers taking leave, partly attributed to women's increased share of top management positions. However, most companies are still unsupportive and a class bias was more in evidence in 2006, with companies reporting that white-collar fathers receive more support than blue-collar fathers.

Thomas, J. and Hildingsson, I. (2009) 'Who's bathing the baby? The division of domestic labour in Sweden', *Journal of Family Studies*, Vol.15, 2:139-152.

This longitudinal study of almost 2,500 women who gave birth in 1999-2000 found that the key variable explaining how much childcare and housework were shared in families with small children was the woman's Parental leave status; women on Parental leave were less likely to share childcare and housework with their partners than women who had returned to work full-time. However, women on leave part-time were just as unlikely to share childcare and housework as women on leave full-time, suggesting that Swedish women's tendency to return to work part-time after childbirth may help to reproduce gender inequality in the family.

d. Ongoing research

None reported.

2.29 United Kingdom

Margaret O'Brien and Peter Moss

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

a. Maternity leave (responsibility of the Department for Business, Innovation and Skills⁴⁵)

Length of leave (before and after birth)

- Fifty-two weeks. A woman can start to take her leave from the beginning of the eleventh week before her baby is due.

Payment and funding

- Ninety per cent of woman's average earnings for six weeks with no ceiling + a flat-rate payment of £124.88 (€150) for 33 weeks. The remaining 13 weeks are unpaid.
- Financed by National Insurance Contributions (NICs) from employers and employees. It is paid by employers who can claim back an average of 93 per cent from HM Revenue & Customs (the taxation agency).

Flexibility in use

- The mother can opt to start her leave at any point from 11 weeks before the baby is due until the baby is born.
- Mothers can choose to return from two weeks after childbirth.
- Up to ten 'Keep In Touch' days can be worked without affecting Maternity leave or pay.

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

- All women employees are eligible for 26 weeks 'Ordinary Maternity leave' (OML) plus a further 26 weeks of 'Additional Maternity leave' (AML). Women employees and employed earners who have worked for their employer for 26 weeks, into the fifteenth week before the baby is due, and who meet a minimum earnings test, are eligible for 'Statutory Maternity Pay' (SMP) consisting of six weeks' payment at 90 per cent of average weekly earnings, with no ceiling, plus 33 weeks of flat-rate payment at £124.88 (€150) a week or 90 per cent of earnings, whichever is the lesser.
- Women who are not eligible for SMP (e.g. have recently left work, changed jobs, or are self-employed and have worked for 26 weeks out of the 66 preceding the expected week of childbirth) may be eligible for a Maternity Allowance of 39 weeks at the flat rate of £124.88.

⁴⁵ See page 12 for discussion of responsibility of Department for Work and Pensions for 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

- None.

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

- Many employers' provisions go beyond the statutory minimum. For example, in 2007, 53 per cent of workplaces with five or more employees offered extra-statutory Maternity leave and 16 per cent provided higher than the minimum Maternity pay (Hayward et al., 2007⁴⁶).

b. Paternity leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Two weeks.

Payment and funding

- Flat-rate payment of £124.88 (€150) a week.
- Funded as for Maternity leave. Fathers who are self-employed are requested to organise payment through self-paid NICs.

Flexibility in use

- It can be taken during the first eight weeks of the child's life.

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

- Male employees who meet three conditions: they are the biological father of the child or the mother's husband or partner; they expect to have responsibility for the child's upbringing; they have worked continuously for their employer for 26 weeks ending with the fifteenth week before the baby is due and remain employed at the time of the child's 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 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.

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

⁴⁶ Hayward, B., Fong, B. and Thornton, A. (2007) *The Third Work–Life Balance Employer Survey: Executive Summary (Employment Relations Research Series No.86)*. London: Department for Business (DBERR). Available at: <http://www.berr.gov.uk/files/file42645.pdf>.

- A minority of employers go beyond the statutory minimum; in 2007, 18 per cent of workplaces with five or more employees offered additional Paternity leave and 19 per cent additional Paternity pay (Hayward et al., 2007⁴⁷).

c. Parental leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Thirteen weeks per parent per child (i.e. an individual right), with a maximum of four weeks leave to be taken in any one calendar year.

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.
- Leave may be taken up to the child's fifth 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

- Parents of disabled children get 18 weeks leave, which may be taken until their child's eighteenth birthday. They may also take leave in shorter periods e.g. a day at a time if they wish.
- As the leave is per child, each parent of twins gets 26 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 'fallback 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'⁴⁸.
- Employers may postpone granting leave for up to six months where leave-taking would cause significant disruption to the business.

⁴⁷ Hayward, B., Fong, B. and Thornton, A. (2007) *The Third Work–Life Balance Employer Survey: Executive Summary (Employment Relations Research Series No.86)*. London: Department for Business (DBERR). Available at: <http://www.berr.gov.uk/files/file42645.pdf>

⁴⁸ Department of Trade and Industry, *Parental leave, summary guidance*. Available at: <http://webarchive.nationalarchives.gov.uk/+http://www.dti.gov.uk/employment/balancing-work-family-responsible/parental-leave/index.html>

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- One adoptive parent is eligible for 52 weeks' leave paid at a flat-rate payment of £124.88 (€150) a week for the first 39 weeks; the final 13 weeks' are unpaid. There is also a right to paid Paternity leave for the adopter not taking adoption leave.

Time off for the care of dependants

- Employees may take 'a reasonable amount of time off work to deal with unexpected or sudden emergencies and to make necessary longer term arrangements'.⁴⁹ The legislation does not define what is 'reasonable', 'since this will vary with the differing circumstances of an emergency' (ibid.). 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

- Employees (mothers and fathers) who have parental responsibility for a child aged 16 and under, a disabled child under 18 years or who care for an adult 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 for 26 weeks. 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'.⁵⁰

2. Changes in policy since 2009 review (including proposals currently under discussion)

From 6 April 2009, despite concerns about implementation in light of the economic downturn, following recommendations from the Walsh Review (2008)⁵¹, the right to request flexible working was extended to parents of older children (see above). The option of being able to work flexibly is popular with parents and less costly than leave. Although popular, the actual use of formal

⁴⁹ Department of Trade and Industry, *Frequently asked questions about time off for dependants*. Available at: <http://webarchive.nationalarchives.gov.uk/+/http://www.dti.gov.uk/employment/balancing-work-family-responsible/time-off/index.html>

⁵⁰ Department of Trade and Industry, *Frequently asked questions about time off for dependants*. Available at: <http://www.dti.gov.uk/employment/workandfamilies/flexible-working/faq/page21615.html>

⁵¹ Walsh Review (2008) *Right to Request Flexible Working: A Review of How to Extend the Right to Request Flexible Working to Parents of Older Children*. Available at: <http://www.berr.gov.uk/files/file46092.pdf>

flexibility has not been as high as anticipated, though this may be partly explained by requests being made and dealt with informally. Generally utilisation is greater for mothers than fathers although rates have risen for fathers in the post-natal period ⁵².

In the same month, April 2009, a national debate about Maternity, Paternity and Parental leave options was stimulated by the proposals from the Equality and Human Rights Commission Report (2009)⁵³ to radically overhaul leave provision. The report proposed a series of incremental changes over the next decade, building on but reconfiguring current UK provisions, with the goal of gender-neutral Parental leave by 2020. Increasing men's take up of leave, through ring-fenced 'daddy' months, and introducing more flexibility in leave were important components of the national debate and policy dialogue.

On 6 April 2010⁵⁴, legislation came into force to introduce Additional Paternity Leave (APL) and Additional Statutory Paternity Pay (ASPL) for parents of infants due on or after 3 April 2011. A national consultation on draft Paternity APL Regulations⁵⁵ reported in September 2009 providing further guidance on implementation and including a Partial Impact Assessment. A Government Response was published in January 2010⁵⁶.

The new right will allow fathers to take up to six months APL during the child's first year, if the mother returns to work before the end of her Maternity leave; in effect, it allows the transfer to fathers of part of Maternity leave. Under the new legislation APL cannot be claimed in the first twenty weeks after the child is born and must end no later than the child's first birthday. There is a minimum of two weeks and a maximum of 26 weeks APL, with no flexibility in use (as with Maternity leave). Leave will only be payable during the period that the mother would be entitled to statutory maternity pay (up to the 39 weeks) with any remaining APP being unpaid.

In the national general election (May 2010) the manifesto of each of the main political parties included reference to work–family reconciliation, with new ideas about leave policy measures. The Labour Party manifesto⁵⁷ promised to extend paid Paternity leave by two weeks to one month, described as a 'Father's Month'. and included a recommendation to work with employers to increase flexibility in its use, so that the extra two weeks could be taken flexibly by fathers over the first year of the infant's life. Flexibility to transfer the extra two weeks of Paternity leave to mothers was also suggested as a 'sharing option' of 'flexible paid leave', which implies a transferable Paternity leave design.

⁵² Biggart, L. and O'Brien, M. (2009) *Fathers' Working Hours: parental analysis of Third Work-Life Balance Employee Survey 2006 and Maternity and Paternity Rights and Benefits Survey of Parents 2005*. Employment Relations Research Series. Available at <http://www.berr.gov.uk/files/file53550.pdf>

⁵³ Equality and Human Rights Commission (2009) *Working Better Phase 1 Report: Meeting the changing needs of families, workers and employers in the 21st century*. Available at:

http://www.equalityhumanrights.com/uploaded_files/working_better_final_pdf_250309.pdf

⁵⁴ The Additional Paternity Leave Regulations 2010, section 80AA of the Employment Rights Act 1996.

⁵⁵ BERR (2009) *Choice for Families: Additional Paternity Leave and Pay: Consultation on Draft Regulations*. Available at: www.berr.gov.uk/files/file52940.pdf.

⁵⁶ Additional Paternity Leave and Pay Administration. www.berr.gov.uk/files/file44293.pdf

⁵⁷ *The Labour Party manifesto: A future Fair for all* (2010). Available at: labour.org.uk/manifesto

The Conservative Party manifesto⁵⁸ promised to explore options to extend flexible working requests to cover all parents with a child under 18 years. In addition it planned to introduce a new 'flexible parental leave' arrangement with the aim of greater parental sharing. The manifesto details indicated that any new flexibility would occur within a Maternity leave period and would be transferable in design.

An emphasis on flexibility and parental sharing of leave was also part of the Liberal Democrat Party manifesto⁵⁹ with a plan to extend shared Parental leave up to 18 months, subject to allowing economic circumstances. Their manifesto stressed the principle of parents organising leave sharing according to personal preference.

Following the election, the Programme for Government of the new Coalition (Conservative and Liberal Democrat) Government⁶⁰ set out a commitment to encourage shared parenting from the earliest stages of pregnancy, including the promotion of a system of flexible Parental leave.

3. Take-up of leave

a. Maternity leave

The most recent data, from the Maternity Rights 2007 Survey (La Valle et al., 2008⁶¹), show that 76 per cent of women who had worked at some point in the 12 months before giving birth had returned to employment between 12 and 18 months after giving birth. Highest rates of return were among women: whose employers had most family-friendly policies; received the most generous payments while on leave; were more highly qualified; and who had a partner. The median duration of leave taken was 26 weeks; 16 per cent took less than the statutory minimum entitlement of 26 weeks.

Most (88 per cent) mothers who worked in the year before childbirth received some form of maternity pay. The largest group of mothers (41 per cent) had received the most generous pay package, that is, SMP plus additional Occupational Maternity Pay provided by the employer; OMP was most commonly paid by large private and public sector organisations, unionised workplaces, those offering a range of work–life balance provisions and to mothers with the highest earnings and those who worked full time. Mothers who received no maternity pay (12 per cent) were those in the least advantageous employment condition – elementary occupations, with an hourly gross pay below £5 (€6) and

⁵⁸ *The Conservative Party manifesto: An Invitation to Join Government. Together We Can Build The Future (2010)*. Available at: www.conservatives.com.

⁵⁹ *The Liberal Democrat Party manifesto: Building a Fairer Britain, Change that works for you (2010)*. Available at: www.libdems.org.uk/

⁶⁰ <http://programmeforgovernment.hmg.gov.uk/files/2010/05/coalition-programme.pdf>

⁶¹ La Valle, I., Clery, E. and Huerta, M.C. (2008) *Maternity rights and mothers' employment decisions (Department for Work and Pensions Research Report No 496)*. London: Department for Work and Pensions. Available at: <http://www.dwp.gov.uk/asd/asd5/rports2007-2008/rrep496.pdf>.

working fewer than 15 hours a week. These updated findings are in line with the earlier survey by Smeaton and Marsh (2006⁶²).

b. Paternity leave

The most recent nationally representative information on Paternity leave activity is provided by the proxy data given by mothers in the Maternity Rights 2007 Survey (La Valle et al., 2008). This survey shows that 91 per cent of fathers took time off around the time of the baby's birth. The study did not distinguish between Paternity leave and other types of leave (e.g. annual leave).

Duration of leave taking varies with a majority (50 per cent) taking the statutory maximum of ten working days, 31 per cent taking less and 19 per cent more than ten days off (La Valle et al., 2008).

c. Parental leave

Parental leave is not used widely, at least in the first 17 months of a child's life; and, if used, it is only taken for short periods. In 2005, 11 per cent of mothers with a child aged 17 months had taken some unpaid Parental leave since the end of Maternity leave (up from 8 per cent in 2002); more than half took just one week of leave, 12 per cent two weeks and a further 18 per cent three weeks or more. Eight per cent of fathers (who described themselves as entitled) had taken some Parental leave within 17 months of their child's birth, three-quarters for less than a week (Smeaton and Marsh, 2006).

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 the latest Work-Life Balance Employee Survey (2006) indicate that 9 per cent of employees stated that they had caring responsibilities for adults, with women more likely to have caring responsibilities at 12 per cent compared to men at 9 per cent. Forty two per cent of employees stated that they were aware of the introduction of the right to request flexible working from 1 April 2007 (Hooker et al., 2006⁶³).

Results from the 2007 Work-Life Balance Employer survey show an across the board increase in the availability of flexible working arrangements – 95 per cent of workplaces had at least one provision, in contrast to 83 per cent in 2003 (Hayward et al., 2007). However, take-up had not increased at the same pace: 42 per cent of workplaces reported take-up of two or more flexible working practices, an increase from 36 per cent in 2003.

⁶² 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>.

⁶³ 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.

In terms of the right to request flexible working, 40 per cent of employers report receiving requests in the previous 12 months, with only 9 per cent of these requests refused. The most frequently requested flexibility was to work part-time or reduced working hours for a limited period and the most frequent reason for refusal was the potential for work disruption (Hayward et al., 2007).

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Most leave policies have been introduced relatively recently into the UK: Parental leave and time off for dependants in 1999; adoption and Paternity leave and the right to request flexible working in 2003. There is, therefore, 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 (in 1979, 1988, 1996, 2002 and 2005) 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 publications since 2009 review

O'Brien, M. (2009) 'Fathers, Parental leave policies and infant quality of life: international perspectives and policy impact', *Annals of the American Academy of Political and Social Science*, Vol.624, July: 190-213.

A comparative analysis of fathers' patterns of leave-taking across 24 countries, including the UK, between 2003 and 2007, which presents a new typology of father-care sensitive leave models.

Ellison, G., Barker, A. and Kulasuriya, T. (2009) *Work and care: a study of modern parents (Research Report no 15)*. London: Equality and Human Rights Commission. Available at: from www.equalityhumanrights.com.

An EHRC-commissioned report using data from an online survey of 2,261 fathers and several online parent forums. Findings show strong support among fathers for longer Paternity leave, and father-targeted Parental leave options: 61 per cent supported an additional four weeks paid leave that would be reserved solely for the father.

Fagan, C. (2009) 'Working time in the UK: developments and debates', in: Japanese Institute for Labour Policy and Training *Working Time: In Search of New Research Territories beyond Flexibility Debates*, proceedings of an international conference, 21-23 January 2009. Available at:

http://www.jil.go.jp/english/events_and_information/09_0121_report.htm

A comprehensive review of UK working time policies and patterns since 1997. The paper shows how policy measures have expanded the range of working-time options whilst producing modest changes in the working time arrangements pursued by men and women.

Fagan, C. (2009) *Flexible working time arrangements in the UK: Report for the EU Expert Group on Gender and Employment [EGGE]*. Brussels: European

Commission Directorate of Employment and Social Affairs, Equal Opportunities Unit.

The regulatory framework for UK flexible working options is presented with an overview of general trends and behaviour since the late 1990s. An innovative life course perspective is taken in the analysis of working time flexibility.

Lewis, J. (2009) 'Balancing time to work and time to care: policy issues and the implications for mothers, fathers and children', *Child and Family Law Quarterly*, Vol.21, 4: 443-61.

A wide-ranging paper placing UK work-family policies and practices in a wider international social policy context and exploring tensions between providing care for children and achieving gender equity are explored.

Department of Business, Innovation and Skills (2010) *Work and Families Act 2006 Evaluation Report*. London: BIS.

Preliminary assessment of the Work and Families Act 2006, a package of measures including extending statutory rights to leave and pay in connection with the birth or adoption of children and extending the provision for workers to request flexible working patterns to carers. Available at:

<http://www.bis.gov.uk/assets/biscore/employment-matters/docs/10-844-work-families-act-2006-evaluation>

Dex, S. and Ward, K. (2010) 'Parental employment: dynamics and diversity', in: K. Hansen, H. Joshi and S. Dex (eds.) *Children of the 21st century: The first five years*. Bristol: Policy Press, pp. 95-114.

A detailed analysis of parental employment patterns for the UK's Millennium cohort. The chapter is one in a wide-ranging book which traces the lives of 19,000 children recruited into the study at the beginning of the new century and follows their progress from birth to primary school.

Lyonette, C., Baldauf, B. and Behle, H. (2010) *"Quality" part-time work: a review of the evidence*. London: Government Equalities Office. Available at:

<http://www.equalities.gov.uk/pdf/Review%20of%20Evidence.pdf>

This review provides a synthesis of the available evidence on quality part-time work, including analysis of relevant datasets to examine the level of part-time work in the UK, and provides a review of the international literature to formulate a working definition of 'quality' part-time work. It examines who works part time, occupational downgrading, the gender and part-time pay gaps and key issues in increasing and improving quality part-time work.

Neuburger, J. Joshi, H. and Dex, S. (2010) 'Part time working and pay amongst mothers of the Millennium Cohort', *GeNet Working Paper 2010-38*. Available at:

<http://www.genet.ac.uk/workpapers/GeNet2010p38.pdf>

Using UK cohort data this paper shows how switching from full-time into part-time work after a birth is associated with a reduction in pay, a change of employer and a loss of job status for women who had their first child around the Millennium.

Scott, J., Crompton, R. and Lyonette, C. (2010) (eds.) *Gender Inequalities in the 21st Century: New barriers and continuing constraints*. Cheltenham: Edward Elgar.

This book is a wide-ranging examination of gender inequalities at home and at work, documenting the new barriers and continuing constraints that still stand in the way of gender equality in Britain with chapters on employment and family life.

c. Ongoing research

Maternity and Paternity Rights Survey (2009-2010). National Centre for Survey Research funded by Department of Work and Pensions and Department for Business, Innovation and Skills.

Due to be published in Autumn 2010, this survey will provide nationally representative data on Maternity, Paternity and Parental leave rights, provision and uptake.

2.30 United States

Sheila B. Kamerman and Jane Waldfogel

NB. United States is a federal state

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

Note on leave policy: there is no statutory right to any of the types of leave or other statutory measures covered in country notes. The federal Family and Medical Leave Act (FMLA) provides leave for a variety of reasons including: childbirth or the care of a newborn 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 for more than three consecutive days. The federal Department of Labor is responsible for FMLA. Details of FMLA are given below:

Length of leave (before and after birth)

- Up to 12 weeks in a 12-month period.

Payment and funding

- Unpaid.

Flexibility in use

- FMLA may be taken in one continuous period or divided into several blocks of time.

Regional or local variations in leave policy

- Five states (California, Hawaii, New Jersey, New York, Rhode Island) and Puerto Rico have Temporary Disability Insurance (TDI) programmes, sometimes referred to as cash sick leave benefits. These provide workers with partial compensation (about the same level as unemployment insurance benefit, i.e. about half of earnings⁶⁴) to replace loss of earnings caused by short-term non-job-related disability and mostly cover ten to 12 weeks of absence from work around the time of childbirth, including four weeks before and six to eight weeks after. TDI programmes cover about a quarter of the labour force.

⁶⁴ California: 55-60 per cent of average weekly earnings up to a benefit ceiling of \$959 (€760) (2009); Hawaii: 58 per cent of average weekly earnings up to a ceiling of \$510 (€405) (2009); New Jersey: 66 per cent of average weekly earnings up to \$524 (€415) (2008); New York: 50 per cent of average weekly wages up to \$524 a week (€415) (2008); Rhode Island: 85 per cent of average weekly wages up to a ceiling of \$816 (€645), plus dependents' benefit of \$10 per dependent.

- *California* was the first state to enact a comprehensive paid family leave law. Beginning in July 2004, the state provides all workers covered by the state's Temporary Disability Insurance (TDI) programme (described below) with up to six weeks of a partially paid leave (55-60 per cent of earnings up to a maximum of US\$959 (€760) a week in 2009) following childbirth, adoption or care of a seriously ill child, parent, spouse or domestic partner. These benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase. It costs a minimum wage-earner an additional \$11.23 (€9) a year for this benefit while the estimated average additional cost is \$46 (€36).
- The *State of Washington* enacted a paid family leave law in March 2007, granting workers in firms with 25 or more employees up to five weeks of paid leave annually to care for a newborn or adopted child.
- *New Jersey* has also enacted a paid family leave. The legislation extends the state's existing Temporary Disability Insurance (TDI) system to provide workers with up to 12 weeks of TDI benefits at two-thirds of prior wages up to \$524 (€415) a month in 2008 to cover leave to care for a newborn, adopted or foster child, or sick child, parent, spouse, or partner. The measure is financed by employee payroll deductions that costs every worker in New Jersey a maximum of 64 cents a week, or US\$33 (€26) a year starting on 1 January 2009. All workers who contribute to the programme have the opportunity to draw benefits starting 1 July 2009.
- *Minnesota, Montana* and *New Mexico* have active At-Home Infant Care policies providing low-income working parents who choose to have one parent stay home for the first year of a newborn or adopted child's life, with a cash benefit offsetting some portion of the wages forgone.

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

- FMLA covers all employees working for a covered employer (see below) and who have worked for that employer for at least one year (even if not for a continuous period) and for at least 1,250 hours over the preceding 12 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 mother

- None.

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

- Private employers and non-profit organisations with less than 50 employees are exempt (all public sector employees are covered).

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. Take-up of leave

Because of the qualifying conditions, only about 58 per cent of workers in private firms are eligible for FMLA, with lower coverage for low wage workers, workers with young children, and working welfare recipients (Ross Phillips, 2004⁶⁵). About 80 per cent of working parents between the ages of 18 to 54 have access to at least some paid leave either through statutory provision, collective agreements or individual workplace policies, especially older workers. But as FMLA does not include any payment, workers who are eligible for the leave often do not take it (Commission on Family and Medical Leave, 1996⁶⁶; Waldfogel, 2001⁶⁷; Cantor et al., 2001⁶⁸). Thus though the law provides de facto Parental leave entitlements, studies have found that it has had generally small effects on leave usage by new mothers (Ross, 1998⁶⁹; Waldfogel, 1999⁷⁰; Han and Waldfogel, 2003⁷¹; Han et al., 2009⁷²) and little or no effects on leave usage by new fathers (Han and Waldfogel, 2003; Han et al., 2009). The fact that the law extended coverage but had so little impact on usage suggests that there are limits to the extent to which families are willing and able to use unpaid leave.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Sheila B. Kamerman continues to carry out a programme of research on comparative Maternity, Paternity, Parental, and family leave policy studies and monitors developments in the advanced industrialised countries, the countries in transition to market economies, and developing countries. She (and previously, her now deceased colleague Alfred J. Kahn) co-directs the Columbia University Clearinghouse on Child, Youth, and Family Policies that provides up-to-date information on child-related leave policies (among other child and family policies). For more information, see www.childpolicyintl.org

b. Selected publications since 2009 review

⁶⁵ Ross Phillips, K. (2004) *Getting Time Off: Access to Leave Among Working Parents (Series B, No. B-57)*. Washington, DC: Urban Institute, NSAF New Federalism.

⁶⁶ Commission on Family and Medical Leave (1996) *A workable balance: report to the congress on family and medical leave policies*. Washington, DC: Women's Bureau, U.S. Department of Labor.

⁶⁷ Waldfogel, J. (2001) 'Family and Medical Leave: evidence from the 2000 surveys', *Monthly Labor Review*, September: 17-23.

⁶⁸ Cantor, D., Waldfogel, J., Kerwin J., McKinley Wright, M., Levin, K., Rauch, J., Hagerty, T. and Kudela, M.S. (2001) *Balancing the needs of families and employers: family and medical leave surveys, 2000 Update*. Rockville, MD: Westat.

⁶⁹ Ross, K. (1998) 'Labor pains: the effects of the Family and Medical Leave Act on recent mothers' returns to work after childbirth', paper presented at the *Population Association of America Annual Meeting*, Chicago, Illinois, April 1998.

⁷⁰ Waldfogel, J. (1999), 'The impact of the Family and Medical Leave Act', *Journal of Policy Analysis and Management*, Vol.18, 2: 281-302.

⁷¹ Han, W.-J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography*, Vol.40, 1: 191-200.

⁷² Han, W.J., Ruhm, C., and Waldfogel, J. (2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*, Vol.26, 1: 29-54.

Han, W-J., Ruhm, C. and Waldfogel, J (2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*, Vol.26, 1: 29-54.

This article describes trends in maternal employment and leave-taking after giving birth in the United States, and examines the extent to which they are influenced by Parental leave policies.

c. Ongoing research

With Wen-Jui Han and Christopher Ruhm, Jane Waldfogel continues to study work–family policies, including family leave policies, and their impact on child and family well-being.

Annex 1: A formal network of experts on leave policies and research

Purposes of the network

- The exchange of information about leave policies adopted in individual countries and by international organisations.
- The cross-national analysis of such policies.
- The exchange of information about research on leave policies, including findings and conclusions.
- Providing a forum for the cross-national discussion of issues and trends in policy and research.
- Providing a source of regularly updated information on policies and research.

Terms of reference of the network

The network will pay particular attention to employment-related policies intended to support parents and others with care responsibilities (including for adult relatives); including Maternity, Paternity and Parental leave, leave to care for sick or disabled relatives, and entitlements to work reduced hours. But attention will also be paid to policies available to the whole population to improve work/life balance, such as 'career breaks' and 'time accounts'.

The scope of its work will include:

- the background, rationale and implementation of policies;
- the form they take and the assumptions and values that underlie them;
- their use (both overall and among different subgroups of the population) and what factors influence use;
- their consequences (benefits and costs) for individuals, families, employers and the wider society;
- how employers and workplaces respond to workers taking leave, and manage in their absence; and
- the relationship of leave policies to other policy areas (e.g. the provision of services for children and their families).

Activities

The basic activity of the network is *an annual seminar*, organised by the members of the network. Attendance will be open to all network members, though consideration will need to be given to some 'rationing' of attendance if demand gets too high.

Other activities will be built onto this annual seminar. There are many possibilities, including for example:

- A *regular publication* containing updated information on leave policies and research, and a selection of papers (both from annual seminars and other papers reproduced with authors' permission).
- The development of a *network website*, including regularly updated information on leave policies and research (e.g. a bibliography of publications).
- Using the network as a means to develop *cross-national research proposals*.
- *Other events and activities*, e.g. seminars on more specialist issues, supporting the preparation of special journal issues and edited book volumes.

Participation

The network is open to researchers, policy-makers and others from both particular countries and international organisations. The main condition is expertise and interest in the subject, and a willingness to contribute to the work of the network.

Annex 2: Network members at April 2010

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