

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

# 15<sup>th</sup> International Review of Leave Policies and Related Research 2019

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# 1. Introduction

The **International Network on Leave Policies and Research** has been producing an annual review of leave policies and related research since 2005 (for earlier reviews, go to the network's website [www.leavenetwork.org](http://www.leavenetwork.org)). The review covers Maternity, Paternity and Parental leaves; leave to care for sick children and other employment-related measures to support working parents; and early childhood education and care policy.

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

The review also includes **definitions of the main types of leave policies**; and **cross-country comparisons**. These comparative overviews cover: each main type of leave; the relationship between leave and ECEC entitlements; and policy changes and developments since the previous review. For the first time this year, we also include a technical appendix.

The 2019 review includes two **new countries: Chile and Cyprus**. Altogether, it covers 45 countries. These are: Australia, Austria, Belgium, Bulgaria, Brazil, Canada, Chile, China, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Ireland, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America, and Uruguay.

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

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

If citing the complete review, please do so as:

Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (2019)  
*International Review of Leave Policies and Research 2019*. Available at:  
<https://www.leavenetwork.org/annual-review-reports/>

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

## 2. Defining Leave Policies

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

### a. Maternity leave

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

### b. Paternity leave

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

### c. Parental leave

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

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

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

### d. Leave to care for children who are ill

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

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

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

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

# 3. Overview: Cross-Country Comparisons

## Sources used

The main sources used in this review of leave policies and research are the country notes prepared by the members of the International Network on Leave Policies and Research, following a common format. Two countries not included in previous reviews –Chile and Cyprus – have had new country notes prepared. For countries that have appeared in previous reviews, country notes are reviewed and revised each year by authors. For 2019, all country notes have been edited by five of the network’s coordinators: Sonja Blum, Ivana Dobrotić, Alison Koslowski, Alexandra Macht and Peter Moss.<sup>1</sup> Lead editorship rotates, and for 2019 Alison Koslowski was lead editor.

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

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

General note: in the comparative tables which follow, a month is calculated to be 4.3 weeks; while 4 weeks would be 0.9 months. For purposes of comparison, national currencies are also shown in euro.

Currency conversion was carried on for a single day (24 June 2019) using <https://www1.oanda.com/currency/convertor/>.

Please also refer to the technical appendix (section 5).

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<sup>1</sup> Thanks are recorded to Dominique Green for her editorial assistance at the University of Edinburgh and to Aileen McKay for her professional copy editing services funded by Oxford Brookes University.

## Statutory Maternity leave: April 2019

Many countries **have a statutory and designated Maternity leave entitlement**. Leave is paid in all these cases and mostly at a high earnings-related level (see 'Key' below for definition) for most or all of the duration of leave – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings. The main exceptions are Canada (excluding Québec), Ireland, Slovakia, and South Africa, where no period of leave is paid at a high earnings-related level; and the UK, where less than half the leave period is paid at a high earnings-related level.

Of the countries that **do not have a statutory, designated, and paid Maternity leave entitlement**, one – the United States – makes no provision nationally for paid leave for women at the time of pregnancy and childbirth, though the possibility of unpaid 'family and medical leave' exists for mothers working for employers with 50 or more employees. Other countries without designated Maternity leave – Australia, Iceland, New Zealand, Norway, Portugal, and Sweden – provide paid leave that women may or must take at and around childbirth, but this leave has a generic designation, such as 'Parental leave' and can, in certain circumstances, be taken by fathers.

The **period of post-natal Maternity leave** varies widely from just a few weeks to 12 months or more. In Greece and Uruguay, the period of post-natal Maternity leave differs for the public and private sectors; while in Canada, the province of Québec has a substantially different system to the rest of the country.

There is not much **flexibility** in Maternity leave and taking all or part of the leave is obligatory in most countries. Flexibility in use mainly takes the form of some choice about when women can start to take leave and how much of the leave period they can take before (not included in the table below) and after birth. In some countries, women can take more leave if they have a multiple birth, a higher order birth, or a medical complication. Belgian mothers may take two weeks of Maternity leave as 'free days,' spread over a period of time.

Some countries, such as Croatia, the Czech Republic, Israel, Spain, and the UK, however, have introduced another dimension of flexibility: mothers may **transfer part of the Maternity leave period to fathers** as a matter of course, i.e. without being in exceptional circumstances (such as serious illness). This is also the case in Bulgaria, for the second half of the – very long – post-natal Maternity leave period of 12 months. Maternity leave can be transferred to fathers in some other countries, but only in specific and extreme circumstances (such as death or severe illness); the Slovak Republic is the exception here, in that only the maternity benefit can be transferred to fathers.

**Two approaches** to leave policy are emerging:

1. Most widespread is the traditional concept of a 'Maternity leave': intended only for women; linked to pregnancy, childbirth, and the first months of motherhood; and treated as a health and welfare measure. The obligatory nature of at least part of Maternity leave in many countries reflects this orientation. Other leave available to women, mainly Parental leave, is additional and available equally to women and men. Under this approach, women are entitled to more leave overall than men.
2. Emerging more recently is a move away from the idea of a 'Maternity leave,' **either** towards a birth-related leave for women, which can be transferred (at least in part) to fathers under normal circumstances; **or** towards dropping 'Maternity leave' altogether in favour of a generic 'Parental leave,' usually with periods designated as being for 'mothers only' and for 'fathers only.' For instance, Iceland offers nine months' Parental leave: three months each for the mother and father, plus a further three months for the parents to divide as they choose. With the Icelandic model, 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. Other examples include New Zealand, Norway, Portugal, and Sweden.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well-paid	
Australia <sup>2</sup>	□				
Austria	●●● OB	1.9	1.9	1.9	1
Belgium	●●● OB	3.3	3.3	3.3*	1
Brazil <sup>3</sup>	●●●	4 or 6	4 or 6	4 or 6	None
Bulgaria	●●●TR OB	12	12	12*	3
Canada	●●	3.5 to 4.2	3.5	× <sup>4</sup>	None

<sup>2</sup> Australia: the law only refers to 'Parental leave.'

<sup>3</sup> Brazil: six months for some public and private sector employers; four months for others.

<sup>4</sup> Canada: low-income families can qualify for a higher benefit rate, up to 80 per cent of average insured earnings.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well-paid	
Québec	●●●	4.2	4.2	4.2*	2
Chile	●●● OB	5.5	5.5	5.5*	3; 4
China <sup>5</sup>	●●●	2.7	2.7	2.7	1
Croatia	●●● TR OB	6	6	6	3; 4
Cyprus	●● OB	3.7	3.7	✕ <sup>6</sup>	1
Czech Republic	●●● TR OB	5.1	5.1	5.1*	1; 3
Denmark	●●● OB	3.3	3.3	3.3*	None
Estonia	●●● OB	3.7	3.7	3.7	None
Finland	●●● OB	2.9	2.9	2.9 <sup>7</sup>	None
France	●●● OB	3.3 <sup>8</sup>	3.3	3.3*	1
Germany	●●● OB	1.9	1.9	1.9	1
Greece					
Private sector	●● OB	8.1	8.1	2.1*	None
Public sector	●●● OB	3	3	3	1
Hungary	●●● OB	5.6	5.6	5.6	None
Iceland <sup>9</sup>	□ OB				
Ireland	●●	9.3	6.0	✕	None
Israel	●●● TR OB	6.0	3.5	3.5*	1; 3
Italy	●●● OB	4.7	4.7	4.7	1
Japan	●●● OB	1.9	1.9	1.9	1
Korea	●●● OB	3.0	3.0	3.0*(30 days)	1
Latvia	●●●	1.9	1.9	1.9	1
Lithuania	●●●	1.9	1.9	1.9	1

<sup>5</sup> China: most provinces have (differently) extended the duration of Maternity leave; the most common extension is to 158 days.

<sup>6</sup> Public sector employees receive ten weeks' full pay.

<sup>7</sup> Finland: the proportion of earnings paid is reduced beyond a specified level.

<sup>8</sup> France: 26 weeks if the pregnant mother already has two children and 34 weeks if the woman is expecting twins.

<sup>9</sup> Iceland: the law does not distinguish separate Maternity, Paternity, and Parental leaves, referring only to 'birth leave,' part of which is for mothers, part for fathers, and part for parents to divide as chosen. Three months of 'birth leave' is reserved for women to take after birth, of which two weeks are obligatory.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well-paid	
Luxembourg	●●● OB	2.8	2.8	2.8*	1
Malta	●●● OB	4.2	4.2	3.3	None
Mexico	●●● OB	2.3	2.3	2.3	1
Netherlands	●●● OB	2.8	2.8	2.8*	1
New Zealand <sup>10</sup>	□				
Norway <sup>11</sup>	□ OB				
Poland	●●● TR OB	4.6	4.6	4.6	1; 3
Portugal <sup>12</sup>	□				
Romania	●●● OB	4.2	4.2	4.2	None
Russian Fed. (2018)	●●●	2.3	2.3	2.3*	1
Slovakia (2018)	●●● TR OB	6.5	6.5	6.5*	1
Slovenia	●●● OB	2.6	2.6	2.6*	None
South Africa	●● OB	4	×	×	None
Spain	●●● OB	3.7	3.7	3.7*	1; 3; 4
Sweden <sup>13</sup>	□ OB				
Switzerland	●●● OB	3.3	3.3	3.3*	None
United Kingdom	●● TR OB	12	9	1.4	3
USA <sup>14</sup>	×				
Uruguay					

<sup>10</sup> New Zealand: the law does not refer to 'Maternity leave,' only 'paid Parental leave' (primary carer leave), which mothers can transfer to their partners. This leave is included under Parental leave, along with 'extended leave,' which can be taken after 'paid Parental leave.'

<sup>11</sup> Norway: the law does not distinguish separate Maternity and Parental leaves, referring only to 'birth leave,' part of which is for mothers, part for fathers, and part for parents to divide as they choose. Six weeks of Parental leave is reserved for women to take after birth, and this is obligatory. This leave is included under Parental leave.

<sup>12</sup> Portugal: the law does not refer to Maternity leave, only to 'Initial Parental leave,' part of which is reserved for mothers (six weeks for women to take after birth) with the remainder for parents to divide as they choose. This leave is included under Parental leave.

<sup>13</sup> Sweden: obligatory for women to take two weeks' leave either before or after birth; to receive benefit, they must draw on their Parental leave entitlement.

<sup>14</sup> USA: there is no separate Maternity leave, but parents may each take up to 12 weeks' unpaid leave for childbirth, or for the care of a child up to 12 months of age, as part of the federal Family and Medical Leave Act; employers with fewer than 50 employees are exempt. Six states, Washington D.C., and Puerto Rico provide some benefit payments to parents missing work around the time of childbirth.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well-paid	
Private sector	●●● OB	3.3	3.3	3.3	1
Public sector	●●● OB	3	3	3	1

**Key:**

**Summary of leave:** ✕: no statutory entitlement. □: there is only a Parental leave provision. ●: statutory entitlement but unpaid; ●●: statutory entitlement, some of the period paid, but either flat-rate or (if income-related) at less than 66 per cent of earnings for all or most of the period; ●●●: statutory entitlement, paid for all or most of the period at 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010), *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>). **TR:** part of Maternity leave is transferable to the father in ordinary conditions. **OB:** part or all of the Maternity leave period is obligatory. **Maximum length of post-natal leave: Paid:** payment may be flat-rate and/or earnings-related. The generosity of flat-rate payments relative to individual earnings varies across, and sometimes within, countries. See country notes for more detailed information. **Well-paid:** earnings-related payment at 66 per cent of earnings or above; ✕: none well-paid; \*: ceiling on earnings-related payment. **Flexibility:** 1 – additional time for multiple births, higher order births, or medical complications; 2 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 3 – in all cases part of Maternity leave may be transferred to the father (this does not include cases where transfer is only permitted in the case of maternal death or incapacity); 4 – part of the Maternity leave period can be taken part-time, and the length of leave extended. Does not include flexibility in using part of Maternity leave before or after birth.

## Statutory Paternity leave: April 2019

Just as Maternity leave is gender-specific, so too is the usual definition of Paternity leave, being an entitlement only for fathers, enabling them to take a short period of leave immediately following the birth of a child, often associated with providing help and support to the mother. Increasingly, same-sex partners of birth mothers and other co-parents can be included in this entitlement.

However, as Parental leave in several countries includes a period that only fathers can take (sometimes referred to as a 'father's quota'), **the distinction between Paternity leave and father-only Parental leave can be unclear and confusing**. A comparison of Iceland, Norway, and Sweden provides an example of this complexity. Iceland offers nine months' leave after birth: three months for mothers, three months for fathers, and three months as a family entitlement to be divided between parents as they choose; there is, therefore, no Paternity leave *per se*, but three months of leave are available for the use of fathers only, to take as and when they choose (to add to the confusion, although the law covers all nine months with the same name – 'birth leave' – the three months for fathers is commonly referred to as 'Paternity leave'). Norway, by contrast, has two weeks' Paternity leave (i.e. to be used at the time of birth), with payment dependent on collective agreements; plus a further 15 to 19 weeks' father's quota (about a third of the total Parental leave entitlement that only the father can use), which is well-paid from public sources; most of the Parental leave is a family entitlement.

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers (with some countries including to same-sex partners and other co-parents) and is in addition to Parental leave. For example, in Sweden there is a ten-day, temporary leave in connection with a child's birth or adoption, and this differs from the 90-day 'fathers' quota.' On this basis, **many countries have a statutory and designated Paternity leave** (plus the province of Québec in Canada). **Paternity leave is generally paid**, and mostly at a high earnings-related level (see 'Key' below for definition) for the duration of leave – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings. **Duration of Paternity leave** can vary from just a couple of days to around a month.

Across countries, there are different dimensions of **flexibility in the implementation of Paternity leave**. The most common forms of flexibility in Paternity leave policy are in relation to the period during which the leave can be taken and regarding entitlements to additional time for multiple births. In three countries (Belgium, Italy, and Portugal), it is obligatory for fathers to take some or all of their Paternity leave.

Country	Summary of leave	Length of post-natal leave (days or weeks)			Flexibility
		Total	Paid	Well-paid	
Australia <sup>15</sup>	●●	2	2	✘	3
Austria					
Private sec	✘				
Public sec	●	4	None <sup>16</sup>	None	None
Belgium	●●● OB	2	2	2*	2; 3
Brazil <sup>17</sup>	●●●	1 or 4	1 or 4	1 or 4	None
Bulgaria	●●●	15 days	15 days	15 days*	None
Canada	✘				
Québec	●●●	5	5	5*	1
Chile	✘	5	5	5	2; 3
China <sup>18</sup>	●●●	7 to 30 days	7 to 30 days	7 to 30 days	None
Croatia	✘				
Cyprus	●●●	2	2	2	3
Czech Republic	●●●	1	1	1*	3
Denmark	●●●	2	2	2*	3
Estonia	●●●	2	2	2*	2; 3
Finland	●●●	3	3	3 <sup>19</sup>	2; 3
France	●●●	11 days	11 days	11 days* <sup>20</sup>	3
Germany	✘ <sup>21</sup>				
Greece					
Private sec	●●●	2 days	2 days	2 days	None
Public sec	●●●	2 days	2 days	2 days	None
Hungary	●●●	5 days	5 days	5 days	3; 4
Iceland <sup>22</sup>	✘				
Ireland	●●	2	2	✘	3
Israel	●●	6 days	5 days	3 days	None
Italy	●●● OB	5 days <sup>23</sup>	5 days	5 days	2; 3; 5
Japan	✘				

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<sup>15</sup> Australia: two weeks' payment for fathers taking Parental leave ('Dad and Partner Pay'), which are included under Parental leave; this is a statutory entitlement paid flat-rate.

<sup>16</sup> Austria: there is a paid 'family time' where fathers receive a 'family time bonus' of €700 (see report) – available for all (self-) employed fathers, but this is not well-paid.

<sup>17</sup> Brazil: longer in public sector; shorter in private sector.

<sup>18</sup> China: there is no statutory entitlement nationally; the given numbers are for regional provisions that, since 2018, have existed in all provinces.

<sup>19</sup> Finland: paid at 70 per cent of earnings, but a proportion is reduced beyond a specified level. More leave is available to fathers, but only three weeks can be used while the mother is on leave.

<sup>20</sup> There is no ceiling on payment in the public sector.

<sup>21</sup> Germany: many fathers use some of their Parental leave entitlements directly after the birth, in a manner similar to Paternity leave.

<sup>22</sup> Iceland: the law does not distinguish separate Maternity, Paternity, and Parental leaves, referring only to 'birth leave,' part of which is for mothers, part for fathers, and part for parents to divide as they choose.

<sup>23</sup> Italy: a further one-day Paternity leave can be taken if the mother agrees to transfer these days from her Maternity leave. In addition, fathers may take three months' paid leave in exceptional circumstances, e.g. the death or severe illness of the mother.

Korea	●●●	3 to 5 days	3 days	3 days	3
Latvia	●●●	10 days	10 days	10 days	3
Lithuania	●●●	4	4	4*	3
Luxembourg <sup>24</sup>	× [ ]	2	2	2	
Malta					
Private sec	●●●	1 day	1 day	1 day	4
Public sec	●●●	5 days	5 days	5 days	3
Mexico	●●●	5 days	5 days	5 days	5
Netherlands <sup>25</sup>	●●●	5 days	5 days	5 days	3
New Zealand	●	2	×	×	3
Norway	● <sup>26</sup>	2	×	×	2; 3 <sup>27</sup>
Poland	●●●	2	2	2	2; 3
Portugal <sup>28</sup>	●●● OB	5	5	5	3
Romania	●●●	5 to 15 days <sup>29</sup>	5 to 15 days	5 to 15 days	3; 4
Russian Fed. (2018)	×				
Slovakia (2018)	×				
Slovenia	●●●	4.3	4.3 <sup>30</sup>	4.3*	2
South Africa <sup>31</sup>	×	10 days	10 days	10 days	
Spain	●●●	8	8	8*	3; 2; 4
Sweden	●●●	10 days	10 days	10 days*	3; 4
Switzerland	×				
United Kingdom	●●●	1/2	1/2	well-paid	3
USA <sup>32</sup>	×				
Uruguay					
Public	●●●	10 days	10 days	10 days	None
Private	●●●	13 days	13 days	13 days	None

<sup>24</sup> Luxembourg: there is no statutory Paternity leave, although fathers can use ten days' well-paid leave due to 'extraordinary circumstances.'

**Key:**

**Summary of leave:** ✕: no statutory entitlement. ●: statutory entitlement but unpaid; ●●: statutory entitlement, some of the period paid, but either flat-rate or (if income-related) at less than 66 per cent of earnings for all or most of the period; ●●●: statutory entitlement, paid for all or most of the period at 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010), *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>). **OB:** part or all of the Paternity leave period is obligatory. **Maximum length of post-natal leave: Paid:** payment may be flat-rate and/or earnings-related. The generosity of flat-rate payments relative to individual earnings varies across, and sometimes within, countries. See country notes for more detailed information. **Well-paid:** earnings-related payment at 66 per cent of earnings or above; ✕: none well-paid; \* : ceiling on earnings-related payment. **Square brackets**

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<sup>25</sup> Netherlands: three days of Parental leave can be taken during the first four weeks after birth. This leave is included under Parental leave.

<sup>26</sup> Norway: whilst unpaid by the government, most employed fathers are covered by their individual employer or collective agreements.

<sup>27</sup> Norway: leave can be transferred to someone else if the father does not live with the mother, since the purpose of the leave is to assist the mother.

<sup>28</sup> Portugal: the law does not refer to Paternity leave, referring only 'father's-only Parental leave.' It is included under Paternity leave because it is only for fathers.

<sup>29</sup> Romania: the statutory leave is granted for five days only, but ten extra days can be granted if the father has completed an infant care course for the first child.

<sup>30</sup> Slovenia: 30 days, paid at 100 per cent of average monthly earnings; not all income on which Parental leave contributions were paid is counted towards the basic earnings (e.g. in-work benefits and other income received in addition to basic earnings).

<sup>31</sup> South Africa: there is no statutory Paternity leave yet, although fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave. However, a private bill was launched in 2018 to amend this gap in the provision.

<sup>32</sup> USA: there is no separate Paternity leave, but fathers may take up to 12 weeks' unpaid leave for childbirth or for the care of a child up to 12 months of age, as part of the federal Family and Medical Leave Act; employers with fewer than 50 employees are exempt.

[ ]: fathers may use another type of leave at the time of the birth of a child, but a separate Paternity leave does not exist. **Flexibility:** 1 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 2 – leave can be taken in one block of time or several blocks; 3 – leave can be taken at any time during a defined period after the birth; 4 – additional time for multiple births and large families; 5 – can be extended in the case of maternal incapacity or death.

## Statutory Parental leave (not including additional childcare leave): April 2019

All EU member states must provide at least four months' **Parental leave** per parent, under the terms of Directive 2010/18/EU. The directive defines this leave as enabling parents '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.' In April 2019, the European Parliament adopted a directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. After the Council formally approve the Directive, EU countries will have three years to comply with them. The Directive will bring: ten working days of Paternity leave, paid at no less than the level of sick pay; two months of non-transferable, paid Parental leave; five days of annual carer's leave; and flexible working patterns. This is not, therefore, yet reflected in the April 2019 review.

Around half of the non-EU countries in this review also provide Parental leave. The exceptions are Brazil, Chile, China, Mexico, South Africa, Switzerland (the only European country included in this review not to provide Parental leave, though not an EU member state), and United States (which has a generic and unpaid 'family and medical leave' that is not applicable to private employers with fewer than 50 employees).

Six countries (Australia, Iceland, New Zealand, Norway, Portugal, and Sweden) have Parental leave that subsumes either Maternity leave or Maternity and Paternity leave, although periods of Parental leave may be for mothers or for fathers only.

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

Broadly, countries divide into those where the **total length of Parental leave** available is less than 15 months; and those where continuous leave is available for up to three years or more. The former includes Belgium, Bulgaria,

Canada, Croatia, Cyprus, Denmark, Finland, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, and the UK. The latter ('long leave' countries) includes the Czech Republic, Estonia, France, Germany, Hungary, Lithuania, Russia, Slovakia, and Spain. Sweden falls in between the two: 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 of age – this is similar in Latvia. So, too, is this the case in Australia, Austria, Korea, and Romania, with leave lasting potentially until a child's second birthday. Greece is also exceptional, with eight months in the private sector and 60 months per parent in the public sector. Note, too, that some countries supplement Parental leave with childcare leave, so extending the period available (see below).

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

A majority of countries in the review (30) provide some element of **payment**; only Cyprus, Greece, Ireland, Israel, Malta, Netherlands, Spain, and the UK make no payment. Payment policy varies considerably and can include a **ceiling on benefit payments**.

**Flexibility** takes a number of forms, including:

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

Various measures have been introduced to **encourage fathers to use Parental leave**. Mostly these are wholly or partly individualised entitlements, so that fathers not using their 'quota' lose it, as unused leave cannot be transferred to a partner. However, experience has shown that such 'father's quotas' need to be well-paid if they are to be widely used. Another approach is to offer some form of bonus (e.g. additional leave) if both parents take some Parental leave. Eleven countries offer such a bonus. For example, Germany extends paid leave by two months if fathers take at least two months of leave; Japan has a rather similar system, in which an extra two months of leave may be taken if both parents use some of their leave entitlement; and Portugal offers a bonus to families where the father shares part of the initial Parental leave (formerly Maternity leave). Similarly, in 2019 Canada introduced five or eight extra weeks of paid leave reserved for fathers/second parents, if Parental leave is shared between couples. Other countries with incentives for fathers to take leave are Austria, Croatia, France, Italy, Korea, Norway, and Romania.

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

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

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

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take	Flexibility
		Total	Paid	Well-paid			
Australia <sup>33</sup>	●●	24	4.7	×	Individual; non-transferable	×	7b

<sup>33</sup> Australia: an individual can take a second 12 months of Parental leave, subject to employer agreement, but the maximum period of leave is 24 months per family. The leave period of 12 months is an individual entitlement; but the payment is a family entitlement. Fathers entitled to additional two weeks' flat-rate payment if they take leave.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take	Flexibility
		Total	Paid	Well-paid			
Austria <sup>34</sup>	● ● ●	▶▶24	(▶▶14 incl. 2 bonus to 35 incl. 7 bonus)	(▶▶14 incl. 2 bonus)	Family	Partnership bonus if parents share equally (60:40)	1; 2; 3; 5; 7b
Belgium	● ● +	8	8	×	Individual; non-transferable	×	1; 2; 5; 6; 7a
Brazil	×						
Bulgaria	● ●	12	12	×	Family	×	4
Canada <sup>35</sup>	● ●	8.1 to 15.9	8 to 15.9	×	Family	5 to 8 extra weeks	3; 7a
Québec	● ● ●	7.4	7.4	5.8*	Family	×	3; 5; 7a
Chile	×						
China	×						

<sup>34</sup> Austria: since 2017, there has been either the income-dependent parental benefit (80 per cent of earnings for 12 to 14 months) or a flexible payment scheme ('childcare benefit account'), where parents can distribute an overall sum of about €15,449 (if both parents participate, the other parent has to take at least 20 per cent of the overall duration) or €12,366 (if only one parent participates) over a specific time span.

<sup>35</sup> Canada: a supplement is payable to low-income (i.e., below the poverty line) families taking Parental leave, increasing payment to 80 per cent. There are regional variances in unpaid leave between jurisdictions. In 2019, Canada introduced extra weeks reserved for fathers/second parents, conditional upon parents sharing leave in the standard plan (shorter duration, higher benefit at 55 per cent) and extended plan (longer duration, lower benefit at 33 per cent).

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take	Flexibility
		Total	Paid	Well-paid			
Croatia <sup>36</sup>	●● +	8	8 to 16	×	Individual; partly transferable	Higher payment for additional 2 months if both parents use	1; 2; 5; 6; 7a
Cyprus	●	8.4 <sup>37</sup>		×	Individual; partly transferable	×	2; 5; 6; 7a
Czech Republic <sup>38</sup>	●●●	▶▶36	[6 to 36]	[24.0*]	Individual; transferable	×	1; 3; 7a
Denmark <sup>39</sup>	●●●	7.4 to 14.8	7.4 to 14.8	7.4*	Individual; non-transferable	×	1; 3; 5; 7a
Estonia	●●●	▶▶36	[▶▶36]	[14.5*]	Family	×	2; 4; 5

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

<sup>37</sup> Cyprus: Parental leave can usually be taken for a minimum period of one week and a maximum period of five weeks, per calendar year.

<sup>38</sup> Czech Republic: each parent can take leave until their child is 36 months of age, but only one parent can receive Parental benefit, which is paid to all families, whether or not leave is taken when the child is between the ages of 12 and 48 months. Benefit can be paid for the full period at a lower rate or for a shorter period at 70 per cent of earnings, though with a low ceiling.

<sup>39</sup> Denmark: parents can opt for shorter, higher paid Parental leave or longer, lower paid leave; each parent is entitled to 32-46 weeks of Parental leave, but the total period cannot exceed 32-46 weeks per family. It can be extended to 64 weeks if taken part-time, subject to agreement with employer.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take	Flexibility
		Total	Paid	Well-paid			
Finland <sup>40</sup>	●●● +	8.2	8.2	8.2	Family & individual non-transferable (technically Paternity leave)	6 to 9 weeks to be used after Parental leave (technically Paternity leave)	1; 2; 6; 7b
France <sup>41</sup>	●●	▶▶36	[▶▶36]	×	Individual; non-transferable	Longer period of financial payments if both parents take some leave	1; 6; 7a
Germany	●●●	72 bonus*) <sup>42</sup>	28 (inc. 4 bonus)	14 (inc. 2)	Individual; non-transferable	Bonus leave if parents share	1; 2; 5; 7a
Greece Private sec	● +	8	×	×		×	2; 5; 6

<sup>40</sup> Finland: paid at 70 per cent of earnings, but proportion is reduced beyond a specified level. The duration of Parental leave is 158 working days, including Saturdays, so 158 days is 26.3 weeks. Nine weeks of 'Paternity leave' are available and are included here as a form of Parental leave, only three of which can be taken whilst the mother is on leave, the other six (or nine) weeks are for after the family Parental leave period.

<sup>41</sup> France: Parental leave is not paid, but there is a Parental leave benefit. They do not always overlap because eligibility conditions are different. See country note.

<sup>42</sup> Germany: earnings-related payment varies between 65 and 67 per cent.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take	Flexibility
		Total	Paid	Well-paid			
Public sec	● <sup>43</sup> +	120 (5 years per parent)	×	×	Individual; non-transferable Individual; non-transferable	×	5
Hungary	●●● +	▶▶36	▶▶36	24*	Family	×	1; 4; 6
Iceland	●●● +	9	9	9*	Family & individual; non-transferable	×	1; 2; 5; 6; 7a
Ireland	●	8.4	×	×	Individual; non-transferable	×	2; 5; 6; 7a
Israel	●	▶▶12	×	×	Individual; non-transferable	×	2
Italy	●●	11 (incl.1 bonus)	11 (incl.1 bonus)	×	Individual; non-transferable	Bonus leave if parents share	1; 2; 5; 6; 7a
Japan	●●●	▶▶14([incl. 2 bonus)	▶▶14 (incl. 2 bonus)	12*	Individual; non-transferable	Leave can be taken over a longer period if parents share	2 (fathers); 7a
Korea	●●	24. for	24*	6* (but see 'incentive	Individual; non-transferable	3 months at 100 per cent earnings	1; 2; 5; 7a

<sup>43</sup> Greece: in addition to Parental leave shown here, parents can consolidate right-to-work, reduced hours into fully paid, full-time leave. Particularly for the public sector, the key leave is nine months (3.6 for the private sector) of well-paid leave.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take	Flexibility
		Total	Paid	Well-paid			
						if second parent takes leave	
Latvia	●●	36	18 <sup>44</sup>	×	Individual; non-transferable	×	3; 5; 7a
Lithuania <sup>45</sup>	●●	▶▶36	▶▶24	▶▶12*	Family	×	4; 6
Luxembourg	●●●	12	12	12	Individual; non-transferable	×	1; 3; 7a
Malta					Individual; non-transferable	×	2; 5
Private sec	●	8	×	×	Family	×	2; 5
Public sec	● +	12	×	×			
Mexico	×						
Netherlands <sup>46</sup>	●	12	×	×	Individual; non-transferable	×	(1); (2); 5; 6; 7a
New Zealand <sup>47</sup>	●●●	12	12	3.7*	Family	×	2, 7a

<sup>44</sup> Only one parent can receive payment. If a parent chooses to receive the benefit up until a child's first birthday, payment is at 60 per cent of their salary. If a parent chooses to receive the benefit until the child is 18 months of age, they receive 43.75 per cent of their salary for this period.

<sup>45</sup> Lithuania: 12 months of leave at full earnings up to a ceiling; or 24 months at a lower earnings-related level (70 per cent for first year, 40 per cent for second year).

<sup>46</sup> Netherlands: parents are entitled to 26 times their weekly working hours; figure of 12 months based on both parents in a full-time job of 38 hours per week, which gives a leave period of 988 hours (= 26 weeks or six months).

<sup>47</sup> New Zealand: the leave in this table corresponds to what is referred to as primary carer's, partner's and extended leave in the country note.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take	Flexibility
		Total	Paid	Well-paid			
Norway	●●● +	13	13	13*	Family & individual; non-transferable	'father's quota': 15 or 19 weeks	1; 2; 3; 5; 6; 7b
Poland	●●● +	7.4	7.4	7.4 <sup>48</sup>	Family	✗	1; 2; 3; 4; 7a
Portugal <sup>49</sup>	●●● +	12	12	6	Individual; Initial Parental leave partly transferable; other components non-transferable	Bonus month if Initial Parental leave shared	1; 3; 5; 7b
Romania	●●●	▶▶24	▶▶24	▶▶24 <sup>50</sup>	Family	1 month of paid leave is lost if none of the parents take it	6b
Russian Fed. (2018)	●●	▶▶36	▶▶36*	✗	Family	✗	1; 4
Slovak Rep. (2018)	●●	▶▶36	[▶▶36]	✗	Family	✗	1; 6

<sup>48</sup> Poland: the level of payment during Parental leave can be 80 per cent or 60 per cent of earnings, depending on choices made by the mother during Maternity leave; if a mother opts for 100 per cent payment during Maternity leave, Parental leave payment is 60 per cent; but if she opts for 80 per cent payment during Maternity leave, then Parental leave payment is also 80 per cent. Access to Parental leave also depends on the full six months of Maternity leave being taken.

<sup>49</sup> Portugal: the leave in this table corresponds to what is referred to as Initial and Additional Parental leave in the country note.

<sup>50</sup> Romania: the period of paid leave is reduced by one month if both parents do not take at least one month of leave.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take	Flexibility
		Total	Paid	Well-paid			
Slovenia	●●●	8.6	8.6	8.6*	Individual; transferable	✗	1; 2; 4; 5; 6; 7a.
South Africa <sup>51</sup>	✗						
Spain <sup>52</sup>	●	▶▶36	✗	✗	Individual; non-transferable	✗	2; 6; 7a
Sweden <sup>53</sup>	●●●	▶▶18	15.9	12.9*	Family & individual; partly transferable		1; 2; 3; 5; 6; 7b
Switzerland	✗						
United Kingdom <sup>54</sup>	● <sup>55</sup>	4.2	✗	✗	Individual; non-transferable	✗	2; 5; 6; 7a

<sup>51</sup> The South African parliament passed a bill in 2017 for the introduction of at least ten days of Parental leave for employees who are also parents, and for at least ten consecutive weeks of Parental leave for an employee who is a commissioning parent in a surrogate motherhood agreement.

<sup>52</sup> Spain: each parent is entitled to take leave until a child's third birthday.

<sup>53</sup> Sweden: paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g. a parent can take five paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months of age. In December 2017, a major commission on Parental leave published proposals for changes in Parental leave legislation – please see country note for details.

<sup>54</sup> United Kingdom: this does not include the recently introduced shared Parental leave, which is actually a form of transferable Maternity leave, whereby the mother can transfer most of her Maternity leave to a partner, if she so chooses. Only actual Parental leave is included, i.e. leave that is an individual and non-transferable right for each parent.

<sup>55</sup> United Kingdom: leave entitlement is 13 weeks per parent, but only four weeks of leave can be taken per year, i.e. to take the full 13 weeks means taking four weeks' leave per year for three years. The newly introduced shared Parental leave is not

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take	Flexibility
		Total	Paid	Well-paid			
USA	✗ <sup>56</sup>						
Uruguay	✗ ●●● <sup>57</sup> (only part-time)	✗ 3	✗ 3	✗ 3	✗ Individual, transferable	✗ ✗	

**Key:**

**Summary of leave:** ✗: no statutory entitlement; +: period of additional childcare or other leave available after end of Parental leave, this leave is not included in subsequent columns but is included in the later table on 'total statutory leave'; ●: statutory entitlement but unpaid; ●●: statutory entitlement, some of the period paid, but either flat-rate or (if income-related) at less than 66 per cent of earnings for all or most of the period; ●●●: statutory entitlement, paid for all or most of the period at 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010), *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at:

included here as it is actually Maternity leave that the mother can choose to transfer to the father; it is included as such in the comparative table on Maternity leave.

<sup>56</sup> USA: there is no separate Parental leave, but parents may take up to 12 weeks' unpaid leave for childbirth or for the care of a child up to 12 months of age, as part of the federal Family and Medical Leave Act; employers with fewer than 50 employees are exempt. Six states, Washington D.C., and Puerto Rico provide some benefit payments to parents missing work at around the time of childbirth.

<sup>57</sup> Parental leave can only be taken part-time: The workday is reduced by half, and leave cannot exceed four hours a day.

<http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>)

**Total amount of post-natal Parental leave available to family:** leave may be awarded as **either** (i) a period of time (e.g. 12 months) **or** (ii) until a child reaches a certain age (e.g. until a child's third birthday). In the 'total amount' column, ► indicates (ii), e.g. in Austria leave is until a child reaches 24 months of age; in these cases, where the entitlement is 'individual,' then each parent may take leave until the child reaches this age. Where there is no ► indicated, then leave is (i) and the total amount of leave available to both parents is given. Paid: payment may be flat-rate and/or earnings-related. The generosity of flat-rate payments relative to individual earnings varies across (and sometimes within) countries. See country notes for more detailed information. Well-paid: earnings-related payment at 66 per cent of earnings or above. ✕: not paid or not well-paid. ✱: ceiling on earnings-related payment. Square brackets [ ] indicates all parents with a young child receive a payment, whether on leave or not. **Type of leave:** there are two dimensions here. Firstly, leave can be a 'family' or an 'individual' entitlement; and, secondly, an 'individual' entitlement can be non-transferable (i.e., if the individual does not use their entitlement, it is lost) or 'transferable' (i.e. the individual can transfer part or all of their entitlement to someone else, usually the other parent). **Incentive for father to take:** 'Father's quota' indicates a basic, individual entitlement that only fathers can use (i.e. non-transferable) and which is 'well-paid' (see above for definition). 'Bonus months' indicates a period of paid leave additional to the basic, paid entitlement, and which becomes available if the basic, paid leave is shared by both parents (i.e., if each parent takes at least some of the basic, paid leave); ✕: no incentive. **Flexibility:** 1 – leave can be taken full-time or part-time (i.e. option to work part-time or other reduced hours); 2 – leave can be taken in one block of time or several blocks; 3 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 4 – leave can be transferred to a non-parent; 5 – all or part of leave can be taken at any time until a child reaches a certain age; 6 – other, including additional leave in case of multiple births or serious illness/disability; 7a – both parents can take all leave at the same time; 7b – both parents can take some leave at same time. Brackets indicate that the option requires employer agreement.

## Statutory other measures: April 2019

With four exceptions, countries include some provision to take **leave in the case of the illness of a child**. For European Union member states, the Parental leave directive gives all workers an entitlement to 'time off from work on grounds of force majeure for urgent family reasons in cases of sickness or accident making their immediate presence indispensable,' without specifying minimum requirements for length of time or payment. In some cases, leave is allocated in the number of days in total in a given year; in others, it is allocated in terms of number of days per illness. Leave is often paid and often at a high level of income replacement, usually without an upper limit. In some cases, the length of leave entitlement decreases as children get older. Along with length, payment varies considerably.

Many countries also offer **additional leave entitlements to care for their family members**, in some cases (e.g. Brazil and Malta) for public sector employees only. Conditions for taking leave vary, from countries where leave is available in the case of ordinary illness, through to countries where it is confined to the serious or terminal illness or care of a very dependent relative. There may be further provisions to care for dependants with disabilities, and, for these, please consult the country notes. Length, payment, and other dimensions of leave also vary considerably.

Legislation which entitles women to **reduce working hours specifically during their child's early months** is reasonably common across the countries in the review. In most cases, this is to facilitate the (breast)feeding of the child; but in several cases, it has become a general right that can be taken for any reason and/or by the father (e.g. Japan, Portugal, Slovenia, and Spain). Women reducing their hours in this way are entitled to earnings compensation, except in Cyprus, Japan, New Zealand, Norway, and Romania. In Spain, reduced daily hours can be consolidated into full-time leave, thus, in practice, extending Maternity leave by between two to four weeks.

Finally, in a handful of countries, parents have a legal **right to request flexible working hours** from their employers, who must consider their request and may only refuse it if there is a clear business case for doing so. In

Bulgaria, mothers of children under six years of age have the right to ask to work from home.<sup>58</sup> Portugal is the only country with **an entitlement to flexible working**; parents with children below 12 years of age (no age limit in the case of a child who is chronically ill or disabled living in the same household) are entitled to flexible working, which means that the employee may choose, within certain limits, when to start and finish daily work. In Iceland, employers are required to make the necessary arrangements to enable employees to balance family life and work, including the arrangement of work in a flexible manner.

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

The number of ● indicates statutory entitlement and level of payment. Please see the key at the end of the table for further information.

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<sup>58</sup> Although there is this statutory right of remote working for mothers with children under the age of six, in practice this is non-applicable. This is because employers in the private sector refuse flexible or remote working, based on the argument that private sector jobs require strict working hours and physical presence. This affects the majority of young Bulgarian women who primarily work in this sector. See additional comments in the Bulgarian country note.

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding <sup>59</sup>	Other	
Austria	●●● 2 weeks per employee per year or ● 9 months for a seriously ill child	●●● 1 week per worker per year or ● 6 months	●●● 90-minute break per day	● to 7 years (larger employers)	×
Australia	●●● 10 days per worker per year	●●● 10 days per year for immediate family	×	×	Yes: until child is 18; also, all with caring responsibilities
Belgium	● 10 days per worker per year	● 10 days per year or ●● 1 to 12 months for a severely ill family member or ●● 2 months for palliative care	●●● 30-minute break per day if working up to 7.5 hours; 1 hour if working longer	×	×
Brazil	[public sector only] ●●● up to 60 days per illness + 30 days unpaid	[public sector only] ●●● up to 60 days per illness for spouse or family member + 30 days unpaid	●●●	×	×
Bulgaria	●●● up to 60 calendar days per year	●●● up to 60 calendar days per year for family	●●● 2 hours per day for full-time	● Right to request when	Right to work from home for mothers of children under 6

<sup>59</sup> This includes reduction in hours, specifically referring to infant (breast)feeding, as well as the right to reduce hours in the months immediately after Maternity leave (up to 12 months after the birth) with no specific reason given.

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding <sup>59</sup>	Other	
		members (incl. children)	work, 1 hour per day for part-time	returning to work after leave	
Canada	● 3 to 10 days in 3 provinces <sup>60</sup>	●● 8 to 28 weeks if 'significant risk of death' for family member	×	×	Federal workers only (1 of 14 labour law jurisdictions)
Québec	● 10 days per worker per year	● 10 days per worker per year	×	×	
Chile	●●● children under 1 year have length of leave determined by doctor; for older children, 10 days of leave (or equivalent hours)	●● 10 days per year to care for a disabled person	●●● 1 hour daily to feed a child under 2 years	×	×
China	×	×	●●● 1 hour per day, 2 hours for multiple births	×	×
Croatia	●●● 20 to 60 days per illness per family	●●● 20 days for illness of spouse + 7 days per year for serious illness of immediate family member	●●●	●● to 3 or 8 years for child with extra care/developmental needs	×

<sup>60</sup> Canada: a federal benefit lasting up to 35 weeks is available for parents with a critically ill child under 18 years of age; most provinces have legislated for a matching leave period.

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>59</sup>		Right to request flexible work
	Children	Others		Other	
Cyprus	● 7 days per year	● 7 days per year	● 1 hour per working day for 6 months	×	×
Czech Republic	●● 9 days per illness	●● 9 days per serious illness for relative at home	×	×	×
Denmark <sup>61</sup>	●●● 1 to 2 days per illness	×	×	×	×
Estonia	●●● 14 days per illness per family	●●● 7 calendar days for illness of a family member  ●● 5 working days per year to care for a relative with a severe disability	●●●	● up to 10 days' additional unpaid leave plus ●● 3 to 6 days' supplementary holiday	×
Finland	●●(●) <sup>62</sup> 4 days per illness for a child up to 10 years	×	×	●● to end of second year at school	×

<sup>61</sup> Denmark: no statutory entitlement to childcare leave or career breaks, dependent on collective agreement or individual contract.

<sup>62</sup> Finland: length of leave is defined by law; level of payment is determined by collective agreements. An allowance of 70 per cent of earnings is paid if the parent cannot work because of the hospitalisation of a child under seven years of age, a severely ill child between seven and 15 years of age, or the rehabilitation of a child under 16 years of age.

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>59</sup>		Right to request flexible work
	Children	Others	(Breast)feeding <sup>59</sup>	Other	
France	● 3 days per year or ●● up to 3 years for serious disability or illness, with up to 310 days paid	●● up to 3 years for care of terminally ill relative with up to 310 days paid	×	●● child with disability; employees in public sector entitled to work part-time for family reasons	×
Germany	●●● up to a maximum of 25 days per year per parent	● 10 days per illness + 6 months' long-term care for care-dependent relative	●●● 60- to 90- minute break per day	●● dependent relative with earnings re- allocation; right to reduced working hours for the 3 years following <i>Elternzeit</i>	×
Greece Private sector  Public sector	● 6 to 14 days per year per parent for sickness + 30 days for hospitalisation ●●● 4 to 9 days per year per parent + 22 days for certain medical conditions + ● 30 days for hospitalisation	● 6 to 14 days per year for dependent family members ●●● 22 days for spouse with certain medical conditions	●●●  ●●●	●●● to 2.5 years  ●●● to 4 years	×

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>59</sup>		Right to request flexible work
	Children	Others		Other	
Hungary	●● unlimited to 14 days per family per year (according to age of child) plus additional leave days	×	●●● 2 x 1-hour breaks per day until child 6 months; 1-hour break to 9 months	●● to 3 years for all and until youngest child turns 5, if 3+ children	×
Iceland	×	×	×	×	Yes: employers required to support family/work balance
Ireland	●●● 3 days per year per parent	● or ●● up to 104 weeks for dependent	●●● adjust working hours	×	Yes: on return from Parental leave
Israel	●●● 8 days per parent per year from own sickness leave	●●● 6 days per year for spouse or parents from own sickness leave	●●● 1 hour per day until 4 months after Maternity leave; transferable to father	×	×
Italy	● unlimited to 3 years; 5 days per year for children aged 3 to 8	●●● up to 2 years across entirety of working life for serious family need	●●● 1 to 2 hours per day until child 12 months; transferable to father in some circumstances	×	Yes: until child is 6 years old or, if child has disabilities, until 18

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>59</sup>		Right to request flexible work
	Children	Others		Other	
Japan	● 5 days per parent per year for child under CSA; 10 days if 2 or more children	●●● up to 93 days over the lifetime of a family member with a serious illness or disability needing constant care for 2 weeks or more	● 30 minutes twice a day until child 12 months	● to 3 years	Yes: employees exempted from the entitlement to reduced hours to 3 years.
Korea	● 90 days per parent per year, minimum 30 days	● 90 days per worker per year, minimum 30 days	●●● 30 minutes twice a day until child 12 months	×	×
Latvia	●●● 14 to 21 days per sickness episode for a child under 14	×	●●● 30 minutes every three hours per child up to 18 months (father or mother can use the right)	●●● Up to 3 days' additional annual leave ● to 14 years	Yes: pregnant women, women until a child turns 1, breast-feeding mothers, and workers with a child up to 14 (or 18 if child has a disability)
Lithuania	● 2 weeks per year per worker with a child under 14 years	×	●●● 30 minutes every three hours		Yes; all employees
Luxembourg	●●● Up to 18 days per child per year (varies by age) or up to 52 weeks if child disabled or seriously ill	×	●●● 2 x 45-minute breaks per day or 1 x 90-minute break	×	×
Malta					

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>59</sup>		Right to request flexible work
	Children	Others		Other	
Public sector	● up to 1 year per parent for care of disabled child	● up to 1 year per parent for care of spouse or parents ×	●●● 1 to 3 breaks per day up to 1 hour in total ×	●●● 20 to 35 hours per week until child is 16 ×	Yes: teleworking for 12 months (renewable yearly) ×
Private sector	×				×
Mexico	×	×	●●● 2 x 30-minute breaks per day until child 6 months old	×	×
Netherlands	●●● 2 x working hours/week per year or ● 6 x working hours/week taken part-time per year	●●● 2 x working hours/week) per year or ● 6 x working hours/week taken part-time per year	●●● up to ¼ of working hours until child 9 months old	×	Yes: flexible hours and working from home for all employees if employer has 10+ employees
New Zealand	●●● 5 days per year	●●● 5 days per year	●	×	Yes: any worker
Norway	●●● 10 to 15 days per parent of child(ren) under 12 years per year	●●● Up to 60 days if caring for terminally ill family member in the home; 10 days every year to care for sick parents or spouse/partner	●●●	● to 10 years	×

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>59</sup>		Right to request flexible work
	Children	Others		Other	
Poland	●●● 14 days per year per worker.	●●● 14 days per year per worker	●●●	×	Yes: in certain circumstances, e.g. a disabled or seriously ill child
Portugal	●● 30 days per year per family if child <12 years; 15 days if child >12 years	● 15 days per year for close relative + 15 days for severely disabled or chronically ill spouse	●●● 2 hours per day until child 12 months; can be taken by either parent	● to 12 years	Yes: entitlement to work flexible hours until child 12 years
Romania	●●● 45 days per year per family for chronically ill child under 7 (or 18 if living with a disability)	×	●● 120 working days of maternal risk leave	×	×
Russian Fed. (2018)	●●● 45 to 60 days per child per year	×	●●● once every 3 hours for 30 minutes	● extra unpaid leave for some parents	×
Slovak Rep. (2018)	●● 10 days per year per worker	●● 10 days per year per worker for a relative living at home	×	×	×
Slovenia	●●● 7 to 15 days per illness, longer in exceptional cases	●●● 15 days per illness for a spouse, longer in exceptional cases	●● 1 hour per day until child reaches 18 months	●● until 3 years, or longer if child lives with disability <sup>63</sup>	×

<sup>63</sup> Slovenia: social security contributions based on the minimum wage are paid for the hours not worked.

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding <sup>59</sup>	Other	
South Africa	●●● 3 to 5 days per year	●●● 3 to 5 days per year	×	×	×
Spain	●●● 2 to 4 days per illness per parent; 3 days public sector or ●●● unlimited for seriously ill child in hospital or needing treatment at home	●●● 2 to 4 days per illness per worker or ●● 2 to 3 years (for public sector) to care for a seriously ill relative	●●● 1 hour per day for 9 or 12 months (public sector); individual, non-transferable right of both parents <sup>64</sup>	● until child is 12 years old, or longer if child lives with a disability	×
Sweden	●●● 120 days per child up to 12 years old per year	×	●●● (duration not specified)	● reduced by 25 per cent up to 8 years; extendable in case of special needs	×
Switzerland	●●● 3 days per illness episode per family	× (though 'customary' time off for personal reasons should be granted)	●●● 30 minutes to 1.5-hour break per day (depending on hours worked) during child's first year	×	×
United Kingdom	● 'reasonable time'	● 'reasonable time'	×	●● paid time off for both parents	Yes: all employees

<sup>64</sup> Spain: reduced hours until child is nine to 12 months of age may be consolidated as two to four weeks of full-time leave.

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>59</sup>		Right to request flexible work
	Children	Others		Other	
				for antenatal care	
USA	● 12 weeks for a seriously ill child (medium or large employers only)	● 12 weeks for a seriously ill spouse or parent (medium or large employers only)	● Reasonable break time in private place (larger employers only)	×	×
Uruguay Private Public	× ×	× ×	× ×	●●● to 5 months ●●● a minimum of 4 hours per day when baby is between 3 and 12 months	× ×

**Key:**

×: no statutory entitlement. ●: statutory entitlement but unpaid, including EU member states covered by *force majeure* measure in Parental leave directive; ●●: statutory entitlement, paid but *either* at low flat-rate (less than €1,000/month) *or* earnings-related at less than 66 per cent of earnings *or* not universal; ●●●: statutory entitlement, paid for all or part of duration to all parents at an earnings-related level or 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010), *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at:

<http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>

## Relationship between leave and ECEC entitlements: April 2019

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

Great variations exist between countries in both leave policies and ECEC. The table shows two dimensions of variation for ECEC: attendance rates at formal services and entitlement to ECEC. **Attendance rates for children under three years of age** vary from less than 15 per cent (Bulgaria, Czech Republic, Greece, Mexico, Poland, and Slovak Republic), to over 50 per cent (Belgium, Denmark, France, Iceland, Israel, Korea, Luxembourg, Malta, Netherlands, and Norway), with a median rate among the 40 countries yielding data: just under a third (31.5 per cent). **Attendance rates for children over three years of age** are uniformly much higher, but vary from under 70 per cent (Croatia, Greece, Switzerland, and the US) to 95 per cent and over (Belgium, Denmark, France, Germany, Iceland, Israel, Italy, Malta, Netherlands, New Zealand, Norway, Spain, Sweden, and the UK), with a median rate among the 41 countries for which there is information of 88 per cent. What these figures do not reveal is the opening hours of services and how far they are suited to the needs of working parents: indeed, in many cases they will not be.

Thirty countries have an **entitlement to an ECEC service**, but, in most cases, this is only from three years of age or later. In five countries (Austria, Bulgaria, Cyprus, Hungary, and Mexico), the entitlement includes a period of compulsory attendance at an ECEC service, usually for children aged four and a half years and over (in Croatia, all children must attend a pre-school programme for one year before entering primary school, but as this programme is brief, it has not been treated as a legal entitlement to ECEC). Only seven countries have a clear entitlement for before three years of age: at two and half years in Belgium, and at 12 months or younger or at the end of Parental leave in six countries: Denmark, Finland, Malta, Norway, Slovenia, and Sweden, with full-time places available in all cases (except Finland, where this entitlement is not necessarily full-time). In another five countries – Estonia, Germany, Hungary, Romania, and Russia – there is a legal entitlement for the youngest age group, but it is reported that a shortage of places means that, to varying degrees, the entitlement is not fully operational until a later age. It

is only in the six countries with an operational entitlement for the youngest age group that there is no gap between the end of well-paid leave and the start of an ECEC entitlement: Denmark, Finland, Malta, Norway, Slovenia, and Sweden. Elsewhere, there are substantial gaps, which if combined with countries that have no ECEC entitlement, emphasise the extensive lack of coordination between these two policy areas.

	Attendance rates at formal ECEC services (2016)		Child's age (months) at:			Gap between (months)	
	0-2 years	3-5 years	(a)	end of well-paid leave (b)	start of entitlement (c)	(c)-(a)	(c)-(b)
Australia	35%	85%	24	×	×	No ECEC entitlement	
Austria	20%	90%	24	14	● 5 years; PT; OB	36	46
Belgium	60%	99%	11.3	3.3	●● 2½ years	18.7	26.7
Brazil	22%	80%	4.2 to 6.5	4.2 to 6.5	×	No ECEC entitlement	
Bulgaria	13%	79%	36	12	● 5 years; OB	24	48
Canada	No information		12-19	None	×	No ECEC entitlement	
Québec	No information		12.8	12.8	×	No ECEC entitlement	
Chile	20%	80%	4.2	4.2	×	No ECEC entitlement	
China	No information		2.8 <sup>65</sup>	2.8	● 3 years	33.2	33.2
Croatia	17%	61%	36	6	×	No ECEC entitlement	
Cyprus	28%	83%	6	3.7	● 4.8 years; OB	50	52.3
Czech Republic	7%	87%	36	24	● 5 years	24	36
Denmark	62%	98%	14.4	11.2	●● 6 months	No gap	No gap
Estonia	29%	91%	36.5	18.5	●● 18 mths [*3yrs]	?No gap	?18
Finland	31%	79%	36	11.1	●● end Par. leave	No gap	No gap
France	57%	100%	36	3.8	● 3 years	No gap	32.2

<sup>65</sup> China: 2.8 months is the national minimum entitlement; many provinces offer longer periods of leave, most frequently up to 4.7 months.

	Attendance rates at formal ECEC services (2016)		Child's age (months) at:			Gap between	
	0-2 years	3-5 years	end of leave (a)	end of well-paid leave (b)	start of entitlement (c)	(c)-(a)	(c)-(b)
Germany	37%	95%	36	14	●● 1 year <sup>66</sup>	?No gap	?No gap
Greece	12%	63%	14 to 132	6 to 12	● 5 years PT <sup>67</sup>	46 to no gap	48 to 54
Hungary	17%	92%	36	24	●● birth [*OB 3 yrs]	?No gap	?No gap
Iceland	60%	97%	17	9	×	No ECEC entitlement	
Ireland	17%	77%	18.1	×	● 3¼ years PT	21	×
Israel	56%	99%	12	3.5	×	No ECEC entitlement	
Italy	36%	95%	14.7	4.7	×	No ECEC entitlement	
Japan	23%(2015)	92%	14	12	×	No ECEC entitlement	
Korea	53%	93%	27	9	×	No ECEC entitlement	
Latvia	26%	93%	19.9	1.9	●● 18 months	?No gap	?16.1
Lithuania	23%	84%	36	12	×	No ECEC entitlement	
Luxembourg <sup>68</sup>	53%	85%	14.8	10.8	● 3 years PT	21.2	25.2
Malta	55%(2014)	97%	12 to 76	3.3	●● 3 months <sup>69</sup>	No gap	No gap
Mexico	2%	83%	2.3	2.3	● 3 years; OB	33.7	33.7
Netherlands	56%	95%	14.8	2.8	● 4 years PT	33.2	45.2

<sup>66</sup> Germany: there is an entitlement to ECEC from 12 months of age, but the entitlement does not specify hours per day or per week; many services in Western Germany still offer only part-time hours, though full-time opening has remained the norm in Eastern Germany.

<sup>67</sup> A new law, voted for in 2018, makes four years of age the start of compulsory ECEC attendance. The law is being implemented gradually and will need to be fully implemented by 2021.

<sup>68</sup> Luxembourg: based on full-time employed parents taking the option of full-time leave. The maximum flat-rate payment is high and has, exceptionally, been counted as well-paid leave.

<sup>69</sup> Malta: entitlement for children with parents in full-time employment or education.

	Attendance rates at formal ECEC services (2016)		Child's age (months) at:			Gap (months) (c)-(a)	between (c)-(b)
	0-2 years	3-5 years	end of leave (a)	end of well-paid leave (b)	start of entitlement (c)		
New Zealand	43%	93%	12	5.1	● 3 years PT	24	30.9
Norway	55%	97%	37	13	●● 13 months	No gap	No gap
Poland	12%	85%	48	12	● 3 years	No gap	24
Portugal	36%	90%	36	6	● 4 years	12	42
Romania	18%	85%	24	24	●● birth	?No gap	?No gap
Russian Federation <sup>70</sup>	18%	83%	36	2.3	●● 2 months <sup>71</sup>	?No gap	?No gap
Slovak Republic	5%	73%	36	×	×	No ECEC entitlement	
Slovenia	39%	89%	12.2	12.2	●● end Par. leave	No gap	No gap
South Africa	No information		4	×	×	No ECEC entitlement	
Spain	35%	97%	36	5	● 3 years	No gap	31
Sweden	47%	96%	16 to 36.5	13	●● 12 months	No gap	No gap
Switzerland	38% (2014)	50%	3.3	3.3	×	No ECEC entitlement	
U. Kingdom	32%	100%	13.9	1.4	● 3 years PT	22.1	34.6
USA	NI	66%	×	×	×	No ECEC entitlement	
Uruguay	No information		3	3	● 4 years	No ECEC entitlement	
OECD average	33%	86%					

Source: *Enrolment rates in early childhood education and care services, 0- to 2-year-olds; and Enrolment rates in early childhood education and care services and primary education, 3- to 5-year-olds*: OECD Family Database, available at: <http://www.oecd.org/els/family/database.htm>.

<sup>70</sup> Data on leave and gaps refer to 2018.

<sup>71</sup> There is no information available to confirm whether the entitlement to an ECEC place from two months of age can be met.

**Key:**

**Well-paid leave:** earnings-related payment at 66 per cent of earnings or above, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010), *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at:

<http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>)

✘: no well-paid leave or no entitlement to ECEC; ●: entitlement, but only from three years of age or older; ●●: entitlement from below 3 years of age. PT: entitlement is for 20 hours per week or less. OB: attendance is obligatory. ● or ●● indicates the existence of an entitlement that cannot be met due to shortage of places; the bracketed figure indicates when the entitlement can usually be met in practice. N.B., in these cases, data on gaps appears in italics preceded by '?' and refers to the entitlement on paper, and not the actual availability of services.

## Leave policy changes: April 2019

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

Which **types of changes** have been reported in the 2019 Review of Leave Policies (i.e. policy changes enacted between May 2018 and April 2019)?<sup>72</sup> Firstly, it is interesting to note that more than half of the countries report *some* policy change in the 2018/19 period. In this year's edition of the leave review, 45 countries are included, but, as two country notes were not updated (Russian Federation and Slovak Republic), we have policy change information for 43 countries. Of those, 22 report some policy change, while 21 report continuity across all types of leave. Some of the enacted changes are small, others target specific groups, and a few transform the main parameters of national leave systems.

For Maternity leave, 13 countries report changes; 11 for Paternity leave; and 12 for Parental leave. Changes in 14 countries concern other statutory leave measures. Generally, expansions or recalibrations are frequently reported, while there seem to have been very few leave policy cutbacks or abolishment during the last year (one of the exceptions is the babysitter voucher in Italy). Notable expansions include increases of benefit height or ceiling of

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<sup>72</sup> Later changes that are under way but not yet enacted will be included in forthcoming review(s). In many countries, there are also on-going discussions about policy reforms, which have not been decided upon yet; these discussions are also portrayed in the policy changes sections of each country note.

different leave types in a whole range of countries (Bulgaria, Finland, Greece, Iceland, Korea, and Luxembourg). In Spain, changes were substantial, gradually extending Paternity leave to eight weeks (2019-21), and making breastfeeding leave an individual and non-transferable right. In Slovenia, crisis austerity measures were abolished, and thereby benefit levels and ceilings of Maternity, Paternity, and Parental leave re-adapted to pre-crisis levels. Maternity and Paternity leaves for self-employed parents were improved in Belgium. There are also some notable new measures, including the introduction of a seven-day Paternity leave in the Czech Republic, and a 10-day Paternity leave in South Africa.

All of the changes briefly listed in the following table are described in more detail in each respective country note.

**Summarising table: Overview of leave policy changes in 2018/19**

	<b>Maternity leave</b>	<b>Paternity leave</b>	<b>Parental leave</b>	<b>Other statutory leave measures</b>
Australia				
Austria				
Belgium	↑ 12 weeks for self-employed mothers	↑ 10 days for self-employed persons		√ career-savings account ↓ time credit system
Brazil				
Bulgaria	↑ means-tested income height ↑ expansion ↑ eligibility criteria		↑ benefit height	↑ adoption leave benefit

Canada (Québec, no changes)		↑ 5-8 weeks	↑ flexibility ↑ benefit duration	
China	o change in length of leave - 178 days in Guangdon			√nursing leave: Shanxi, Sichuan, Ningxia, Inner Mongolia o change in length of nursing leave in Henan
Chile				
Croatia				
Cyprus				
Czech Republic		√ 7 days	o change in leave variants	
Denmark				√ entitlement to ECEC for some children
Estonia			↑ minimum benefit and benefit ceiling increased (automatic uprating)	
Finland	↑ minimum benefit	↑ minimum benefit	↑ minimum benefit	↑ entitlements for single mothers, fathers with multiple children, and adoptive parents

France		↑ in case of child hospitalisation		
Germany	↑ employment protection			
Greece			↑ benefit height, also for surrogate births (public sector)	✓ leave for foster parents, including same-sex couples ↑ leave to care for sick children ✓adoption leave for fathers
Hungary				↑ leave and benefit to care for long-term sick children
Iceland	↑ benefit height	↑ benefit height	↑ benefit height	
Ireland				
Israel				
Italy	o allowing pregnant women choice of work up to month nine	□ length increased to 5 days		x voucher babysitter and kindergarten □ kindergarten voucher □□ baby bonus by 20% for second child
Japan				

Korea	↑ ceiling increased		↑ ceiling increased	
Latvia				
Lithuania				
Luxembourg	↑ ceiling increased	↑ ceiling increased	↑ benefit increased	
Malta				<ul style="list-style-type: none"> <li>✓responsibility leave</li> <li>✓special leave</li> <li>✓marriage and civil union leave</li> </ul>
Mexico				
Netherlands			↑partners and fathers entitled to paid birth leave, which replaces and extends Paternity leave	✓new law on innovation and quality in childcare
New Zealand			↑ paid Parental leave increased from 18 to 22 weeks	
Norway			o length and father's and mother's quota increased; family portion of leave reduced	

			↑ length of leave for multiple births/adoptions increased	
Poland				o changes in legislation on leave to care for sick children or grandchildren for self-employed parents and grandparents
Portugal				
Romania				
Russian Federation	No information			
Slovak Republic	No information			
Slovenia	↑ benefit ceiling (austerity measure) abandoned	↑ benefit level and ceiling: pre-crisis levels	↑ benefit level and ceiling: pre-crisis levels	adoption leave level and ceiling: pre-crisis level
South Africa		✓ 10 consecutive days		✓ 10 consecutive weeks of adoption and commissioning Parental leave
Spain	o more flexibility in use	↑ gradual extension to 16 weeks (2019-21)	o	↑ breastfeeding leave made individual and non-transferable right
Sweden				

Switzerland				
United Kingdom				
United States			(see report for changes on federal-state level)	(see report for changes on federal-state level)
Uruguay				

**Key:**

√: introduction, x: abolishment, ↑: expansion, ↓: cutback, ●: recalibration

## Total amount of 'well-paid' leave available to parents in first 18 months of a child's life: April 2019

This table is new to the Leave Review for the 2019 edition. The aim is to capture the extent to which leave is compensated in a way that is related to wages or not, and to highlight the gender gap in this type of leave. We recognise that there is disagreement over what might constitute 'well-paid' leave, with many arguing that this would be 100 per cent of wages. In some cases, parts of leave are paid at 100 per cent of wages, and then different percentages are used for other parts of leave. For consistency with other tables, and with other years of the Review, the definition of well-paid used here is 66 per cent of earnings or more (or a flat-rate of more than €1000 per month), an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010), *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>)

To the extent that that 'well-paid' leave is synonymous with wage-related maintenance intent, then the amount of such leave reduces the opportunity cost for mothers, but also for fathers, to take leave. This arguably contributes to a reduction in leave-taking decisions driven by economic factors. It should be noted that in some countries, ceilings on wage-related payments can significantly impact on how helpful payments are to parents, particularly in the case of a lack of recent uprating.

In the table below, column (a) indicates well-paid leave that is available to the family, technically available to either parent, but not specifically to either the father or the mother. In some cases, leave shown here can be transferred between parents where there is mutual agreement. This is exclusive of parent-specific leaves mentioned in columns (b) and (c). In some cases, leave is an individual entitlement, but the payment is a family entitlement and, so, this is considered as leave available to the family and not to a specific parent. Column (b) indicates the period of 'father-only' (including other non-birth parents) well-paid leave. This includes Paternity leaves but also non-transferable individual entitlements to Parental leave, including sharing bonuses. Column (c) indicates the period of 'mother-only' well-paid leave, which is usually for the birth mother. This includes Maternity leave and non-transferable elements of Parental leave. There is often very similar provision available for adoptive parents, which is mentioned in full detail in the country notes.

As parents may take some of this leave concurrently, the total amounts do not indicate the child's precise age at the end of well-paid leave. In some countries, it may be possible to take longer leaves, but at a lower payment, and this is not indicated in this table. Only post-birth leave is included in this table. A month is calculated to be 4.3 weeks; while 4 weeks would be 0.9 months. # indicates a ceiling on payments. Where there is 100 per cent replacement rate, this is indicated.

<b>Country</b>	<b>Well-paid leave available as family entitlement (months) (a)</b>	<b>Period of 'father-only' well-paid leave (months) (b)</b>	<b>Period of 'mother-only' well-paid leave (months) (c)</b>
Austria	12	2 (extra days of Parental leave)	1.9 (100% earnings)
Belgium	0	0.45	3.2
Bulgaria	6 # (with mother's agreement)	0.5 #	12 # (with possibility to transfer 6 months to father)
Canada	0	0	0
Québec	1.6 – 5.8 (7 – 25 weeks)	0.69 – 1.15 (3 – 5 weeks)	3.5 – 4.1 (15 – 18 weeks)
Croatia	2 (with both parents' agreement) # (low) (100% earnings)	4 # (low) (100% earnings)	10 (6 with 100% earnings and no ceiling, then 4 with #)
Cyprus	0	0.45	0
Czech Republic	6 # (leave is an individual entitlement but only one parent at a time is entitled to the benefit)	0.2 #	5.1 #
Denmark	7.4 # (leave is an individual entitlement, but the benefit is a family entitlement) (100% earnings)	0.45 # (100% earnings)	3.3 # (100% earnings)
Estonia	14.4 # (100% earnings)	0.45 # (100% earnings)	3.7 (100% earnings)
Finland	6.2 #	2 #	3
France	0	0.45 # in private sector (100% earnings)	3.3 # in private sector
Germany <sup>1</sup>	12 #	2	1.86 (100% earnings)
Greece	9 (public sector) and 3.6 (private sector) – childcare leave	2 days (100% earnings) (both private and public)	private sector: 2 # (100% earnings) public sector: 3 (100% earnings)
Hungary	24 #	0.2 (100% earnings)	5.6
Iceland	3 #	3 #	3 #

<sup>1</sup> Germany: the leave in columns (a) and (b) is paid at a replacement rate of between 65 and 67 per cent.

<b>Country</b>	<b>Well-paid leave available as family entitlement (months) (a)</b>	<b>Period of 'father-only' well-paid leave (months) (b)</b>	<b>Period of 'mother-only' well-paid leave (months) (c)</b>
Ireland	0	0	0
Israel	0	3 days (100% earnings)	3.5 # (100% earnings)
Italy	0	5 days (100% earnings)	4.7
Japan	12 (6 if only taken by one parent) #	2 (father bonus for Parental leave) #	1.9 #
Korea	6 (if 3 months taken by second parent)	3 days' Paternity leave (100% earnings) + 3 months Parental leave # (100% earnings)	3 Maternity # (100% earnings) + 3 Parental #
Latvia	0	0.33	1.9
Lithuania	12 #	0.9 # (100% earnings)	1.9 (100% earnings)
Luxembourg	0	4	2.8 Maternity # (high) 100% earnings + 4 Parental
Malta	0	1 day/5 days (both sectors 100% earnings)	3.3 (100% earnings)
Mexico	0	0.2 (100% earnings)	2.3 (100% earnings)
Netherlands	0	0.2 (100% earnings)	2.8 # (100% earnings)
New Zealand	5.1 # (100% earnings)	0	0
Norway	4.2 # (100% earnings # for 3.7 is possible)	4.4 # (100% earnings # for 3.4 is possible)	4.4 # (100% earnings # for 3.4 is possible)
Poland	7.4 (some period at 100% earnings is possible)	0.45 (100% earnings)	4.7 (100% earnings possible depending on Parental leave option)
Portugal	3.8 (some period at 100% earnings is possible)	1.8 (including sharing bonus) (100% earnings possible for some of the leave)	1.4 (100% earnings possible)
Romania	23	0.4 (100% earnings) plus 1 sharing bonus	4.2

Country	Well-paid leave available as family entitlement (months) (a)	Period of 'father-only' well-paid leave (months) (b)	Period of 'mother-only' well-paid leave (months) (c)
Russia (2018)	0	0	2.3 # (100% earnings)
Slovakia (2018)	0	0	6.5 #
Slovenia	8.6 # (100 % earnings)	1 # (100% earnings)	3.6 (100% earnings)
South Africa	0	0.45	×
Spain	0	1.8 # (100% earnings)	3.7 # (100% earnings)
Sweden	9.8 # (transferable Parental leave)	3.3 #	3 #
Switzerland	0	×	3.3 #
United Kingdom	0	0	1.4
USA	×	×	×
Uruguay	0	public sector, 0.45 months; private sector, 10 - 13 days (100% earnings)	public sector, 3.1 months; private sector 3.5 months (100% earnings)

**Key:**

×: no statutory entitlement. # See country note for full information.

# Australia<sup>1</sup>

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**April 2019**

N.B. Australia is a federal state.

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

**Note on terminology:**

In Australian legislation 'Parental leave' is used as an overarching, gender-neutral term for leave entitlements in association with the birth or adoption of a child, rather than a separate entitlement in addition to Maternity and Paternity leave.

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

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<sup>1</sup> Please cite as: Whitehouse, G., Baird, M., and Baxter, J.A. (2019) 'Australia country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

## a. Maternity leave

- In Australia, there is no statutory entitlement to specially designated 'Maternity' leave. Maternity (and Paternity) leave both fall under the definition of Parental leave (see 1c for details of the unpaid Parental leave entitlement under the Fair Work Act 2009). Entitlements to payment under the Paid Parental Leave Act 2010 are also covered in 1c.
- Specific entitlements to Maternity leave payments may, however, be provided by employers. Employer-paid Maternity leave, usually at wage replacement level, is available to many female employees through industrial instruments, company policies, or legislation covering public sector employees in Australia's federal, state, or territory jurisdictions.
- Surveys vary on whether questions are asked specifically about Maternity, Paternity, or Parental leave at the workplace, and employer terminology is not consistent. While earlier country notes have included estimates from various surveys on the prevalence of employer-paid Maternity leave, we only report estimates for employer-paid Parental leave here (see 1c).

## b. Paternity leave

- As with Maternity leave, there is no specifically designated 'Paternity' leave in Australia, with provisions for unpaid leave incorporated into the Parental leave entitlement (see 1c for details).
- An entitlement to 'Dad and Partner Pay' was introduced in 2013. For births or adoptions after 1 January 2013, a father (or the mother's partner) may be entitled to up to two weeks' Dad and Partner Pay at a rate based on the national minimum wage: currently AUD\$18.93 [€11.53]<sup>2</sup> per hour or AUD\$719.20 [€437.95] per 38-hour week (before tax). This payment must be taken while on unpaid leave (such as the unpaid Parental leave available under the Fair Work Act) or while not working and is not transferrable to the mother. Dad and Partner Pay is therefore effectively ring-fenced for fathers or same-sex partners.
- Employer-paid Paternity leave may also be available to some fathers and partners through company policies, industrial instruments, or legislation covering public sector employees in Australia's various jurisdictions. As noted above, we only report estimates for employer-paid Parental leave in this year's country note (see 1c).

## c. Parental leave

### *Length of leave*

- 12 months' unpaid leave (with the possibility of extension to 24 months) is available under the Fair Work Act 2009 as elaborated below.

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<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>

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

### *Payment and funding*

- Parental Leave Pay (provided under the Paid Parental Leave Act 2010) is paid to eligible mothers at a rate based on the national minimum wage (currently AUD\$18.93 [€11.53] per hour or AUD\$719.20 [€437.95] per week) for up to 18 weeks following the birth or adoption of a child. In circumstances where the father or the other primary carer provides the majority of daily care for the baby, the payment can be transferred. It represents 49 per cent of average full-time, adult, ordinary-time female earnings as of November 2018, and 42 per cent of average full-time, adult, ordinary-time male earnings.<sup>3</sup> Parental Leave Pay can be received during unpaid leave or while on paid leave, such as employer-paid Parental leave or annual leave. Payment is funded from government general revenue, with the majority of mothers (or designated primary carers) receiving it via their

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<sup>3</sup> Australian Bureau of Statistics (2019) *Average Weekly Earnings, Australia, November 2018*, Cat. No. 6302.0. Available at: <http://abs.gov.au>

employer<sup>4</sup> and others receiving it directly from the government. In the 2017-18 financial year, 68.5 per cent of Parental Leave Pay recipients received this government-funded payment via their employer.<sup>5</sup>

- Dad and Partner Pay is paid to eligible fathers/partners at the same rate as Parental Leave Pay (i.e. based on the national minimum wage). Unlike Parental Leave Pay, the two weeks' Dad and Partner Pay cannot be taken concurrently with other paid leave; it must be taken while on unpaid leave (such as the statutory entitlement to unpaid Parental leave) or while not working. Employers can supplement Dad and Partner Pay (for example, to employees' normal wage) and this does not affect eligibility for the payment.
- As noted in 1a and 1b, some employees also have access to employer-provided paid leave. The Australian Workplace Gender Equality Agency (WGEA), which records provision of 'Primary Carer' and 'Secondary Carer' paid Parental leave by private sector organisations with 100 or more employees, reported that 47.8 per cent of these organisations provided primary carers' leave for an average duration of 10.3 weeks in 2018.<sup>6</sup> The majority (80.7 per cent) offered full pay in addition to the government scheme.<sup>7</sup> The same survey showed that around 42 per cent of these organisations provided secondary carers' leave, for an average duration of 1.6 weeks.<sup>8</sup>
- For earlier estimates of access to employer-provided Parental and primary carer leave not limited to large employers, see 2016 and 2017 country notes, which cite data from a survey of employers conducted in 2012.
- In Australia, retirement benefits are based on superannuation (paid by a mix of employee and employer contributions) and a publicly funded Age Pension. It is compulsory for employers to make contributions to eligible employees' superannuation funds and additional voluntary contributions are encouraged through tax concessions. These contributions continue when employees take most forms of paid leave. However, no superannuation contributions are made by the government while parents are on paid Parental leave; and employers are not required to make superannuation contributions for parents on unpaid leave. These arrangements disadvantage women, the main recipients of Parental leave and pay entitlements.

### *Flexibility in use*

- Unpaid Parental leave and Parental Leave Pay must be taken in one continuous period: starting from the birth date or later in the case of Parental Leave Pay, although the full Parental Leave Pay period must be completed by 12 months after the birth.

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<sup>4</sup> Employers are required to deliver the payment when it is for Australia-based employees who have worked with them for 12 months before the expected date of birth or adoption, who will be with them for their Parental Leave Pay period and who are expected to receive at least eight weeks of Parental Leave Pay.

<sup>5</sup> Australian Government Department of Social Services (2018) *2017-2018 Annual Report*, 58. Available at:

[https://www.dss.gov.au/sites/default/files/documents/10\\_2018/dss\\_annual\\_report.pdf](https://www.dss.gov.au/sites/default/files/documents/10_2018/dss_annual_report.pdf)

<sup>6</sup> Workplace Gender Equality Agency (WGEA), Data Explorer. Available at:

[http://data.wgea.gov.au/industries/1#carers\\_content](http://data.wgea.gov.au/industries/1#carers_content)

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

- As noted above, under the National Employment Standard in the Fair Work Act, each parent is entitled to 12 months' unpaid Parental leave, however both parents cannot access this leave at the same time. An exception is that the parent who is not in the primary carer role can take unpaid leave for up to eight weeks, concurrently with the primary carer during the 12 months following the birth or adoption. A measure of flexibility is that this eight-week entitlement may be taken in separate periods at any time during the first 12 months.
- Parental Leave Pay can also be transferred from one parent to the other where the primary carer for the child (i.e. the parent on leave) also changes and the recipient meets the eligibility criteria. This includes, in the case of separated parents, being able to transfer an unused portion of the Parental Leave Pay to the child's other legal parent or the partner of that other parent, should they also meet the eligibility criteria.
- Flexibility is sometimes available with employer-paid Parental leave: while this is usually paid at the employee's normal pay rate, in some cases there are provisions to double the duration by taking the leave at half pay.

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

- Employees in permanent positions and on fixed-term contracts (full- or part-time) are eligible for the unpaid statutory leave provisions under the Fair Work Act 2009 and to return to that same job, provided they have 12 months' continuous service with the same employer immediately before the date or expected date of birth, or the date of placement in the case of adoption. However, workers on fixed-term contracts are not entitled to return to the same job if their contract ends while they are on leave – that is, the employer is not required to extend the contract period by the amount of leave taken.
- Casual (hourly paid) employees are also eligible for the above entitlements if they have been employed on a regular and systematic basis for at least 12 months and have a reasonable expectation of continuing regular employment.
- Self-employed workers (not classified as employees) and the unemployed are not covered by the provisions of the Fair Work Act 2009 and therefore do not receive unpaid Parental leave under the act. Self-employed workers, however, do have access to government-funded Parental Leave Pay.
- Unpaid leave can be accessed for up to 24 months by an employed couple in a spousal or de-facto relationship<sup>9</sup>: same sex relationships are recognised for unpaid Parental leave entitlements under the Fair Work Act 2009.
- To be eligible for the government-funded 18-week Parental Leave Pay, the primary carer (usually the mother) must be an Australian resident and meet the requirements of a work test. The work test requires engagement in work continuously, with no more than an eight-week gap between any two consecutive working days, for at least ten of the 13 months prior to the expected birth or adoption of the child, with at least 330 hours of paid work undertaken in the ten-month period. This work can be in permanent, fixed-term or casual positions, and includes self-employment.

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<sup>9</sup> Co-residency is not specified as a requirement in the legislation. However, as leave cannot be taken simultaneously and must be taken in a continuous block (apart from the exception noted earlier) it would be difficult for a non-co-resident couple to share the leave.

- Fathers' or partners' eligibility for the government-funded two weeks' Dad and Partner Pay is based on the same requirements as Parental Leave Pay and is similarly available to those in self-employment.
- For children born or adopted after 1 March 2014, claimants can count any Paid Parental Leave or Dad and Partner Pay periods taken in the 13 months prior to the birth or adoption towards the work test.
- Government-funded Parental Leave Pay is restricted to those individuals earning less than AUD\$150,000 [€91,340.90] per year or around 1.98x the average full-time, adult, ordinary-time female earnings in November 2018.<sup>10</sup>
- The government-funded Parental Leave Pay can be taken in addition to other forms of paid leave to which the employee may be eligible (annual leave, long service leave, or employer-funded Parental leave) but must be taken before the employee returns to work and before the child's first birthday.
- Any unused portion of the Parental Leave Pay can be transferred to another primary caregiver (usually the father, but potentially a partner who is not a biological parent, including a same-sex partner) if they also meet the eligibility criteria; or in exceptional circumstances (such as a sole parent mother being unable to care for a child) the payment could be transferred to another primary carer, such as a grandparent. The unused portion can also be transferred to the child's other parent or their partner, if they meet eligibility requirements, in the case of separated families.
- Where employees are covered by an existing industrial instrument that includes employer-paid Parental leave, that entitlement cannot be withdrawn during the life of the agreement; the government-funded Parental leave scheme is in addition to any existing employment conditions.
- Parents who are not in work are not eligible for Parental Leave Pay or Dad and Partner Pay, but may be eligible for the Newborn Upfront Payment (currently AUD\$550 [€334.92] and Newborn supplement (dependent on family income and number of children, with a current maximum payment of AUD\$1,649.83 [€1,004.65] for a first child).

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

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

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

- Employer-paid Parental leave, sometimes specified as paid Maternity, Paternity or Primary and Secondary Carer leave, is available in some industrial instruments and company policies. As explained earlier, these

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<sup>10</sup> Australian Bureau of Statistics (2019) *Average Weekly Earnings, Australia, November 2018*, Cat. No. 6302.0. Available at: <http://abs.gov.au>.

provisions are usually at full replacement salary and on this measure exceed statutory entitlements.

#### **d. Statutory childcare leave or career breaks**

- No statutory entitlement.

#### **e. Other statutory employment-related measures**

##### *Adoption leave and pay*

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

##### *Time off for the care of dependants*

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

##### *Flexible work arrangements*

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

### *Specific provision for (breast)feeding*

- Neither federal nor state/territory laws provide an explicit right to paid breaks for breastfeeding or to express milk at work. However, rights not to be discriminated against on the basis of sex exist in all Australian jurisdictions, so explicitly or implicitly cover breastfeeding.<sup>11</sup>
- A survey of private organisations with 100 or more employees indicated that 66 per cent reported providing breastfeeding facilities in 2018 but did not provide details on the nature of the facilities.<sup>12</sup>
- The Commonwealth Sex Discrimination Act 1984 (s7AA) expressly prohibits employers either from treating women less favourably because of their breastfeeding or expressing of milk, or the imposition of an unreasonable condition or practice by an employer (affecting all employees but likely to disadvantage such women).

### *Transfer to safe job*

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

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

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

There is no entitlement to ECEC. Improving access to 15 hours of quality nursery education for children in the year before compulsory schooling (i.e. from around age five) has been a government priority over recent years, through the National Partnerships Agreements.<sup>13</sup> Levels of attendance at formal services for children under three are around the average for the countries included in this review and for OECD countries; however, they are well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

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<sup>11</sup> Australian Human Rights Commission (2014) 'Supporting Working: Pregnancy and Return to Work,' *National Review - Report*: 116. Available at: [https://www.humanrights.gov.au/sites/default/files/document/publication/SWP\\_Report\\_2014.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/SWP_Report_2014.pdf)

<sup>12</sup> Workplace Gender Equality Agency (WGEA), Data Explorer: [http://data.wgea.gov.au/industries/1#carers\\_content](http://data.wgea.gov.au/industries/1#carers_content)

<sup>13</sup> For information about these agreements, see <https://www.education.gov.au/national-partnership-agreements>

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

No changes in the Paid Parental Leave scheme have taken place since April 2018.

In July 2018, a new Childcare Subsidy (CCS) came into effect, with a key objective being to simplify the previous subsidy system that comprised of two different payments. This is a separate payment to Parental Leave Pay. Eligibility to CCS depends on family income, the activity level of both parents, and the type of service used. Family income determines how much of the childcare fee is subsidised, with the subsidy rate highest (85 per cent) for lower income families (up to AUD\$66,958 [€40,773.30]), increasing in steps up to a subsidy rate of zero for the highest income families (family income of AUD\$351,248 [€213,889] or more). Using this rate, CCS is calculated as a percentage of childcare fees, up to a maximum rate cap established for each service type. With some exceptions, both parents (or a single parent) are required to meet an activity threshold of at least eight hours per fortnight in order to be eligible for CCS. Further, the number of hours of activity beyond this threshold determines the level of subsidy; in two parent families it is the lower of the two parents' activity hours that matters. For example, a total of eight to 16 hours of approved activity per fortnight is associated with a maximum of 36 hours of subsidised care per child per fortnight. If the approved activity total is more than 48 hours per fortnight, up to 100 hours of subsidised care can be accessed. Being in paid work is an approved activity. Being on paid or unpaid Parental leave also counts as an approved activity.

Other approved activities include working unpaid in a family business, being self-employed, looking for work, volunteering, or studying.<sup>14</sup> There are exemptions to the activity test as part of the Child Care Safety Net. Through this, low income families (less than AUD\$66,958 [€40,773.30] per year) can access 24 hours of subsidised care per child per fortnight, without having to meet the activity test. There are some other exemptions to the activity test through the Child Care Safety Net that give vulnerable families access to up to 100 hours of subsidised care per fortnight.<sup>15</sup>

### **4. Take-up of leave**

Take-up rates for Australia's government-funded Paid Parental Leave and Dad and Partner Pay schemes are presented below for the most recent year, based on data from the Australian Government Department of Social Services. Take-up rates for the unpaid Parental leave entitlement under the National Employment Standard in the Fair Work Act are based on estimates from a recent Australian Bureau of Statistics survey. Given limited data on take-up rates for employer-paid Parental leave, this is not included for this year/2019 (see earlier country notes for estimates based on surveys conducted between 2010 and 2015).

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<sup>14</sup> Australian Government, Department of Education and Training: <https://www.education.gov.au/child-care-subsidy-activity-test>. For more information about the childcare package, see <https://www.education.gov.au/new-child-care-package-families-2-july-2018>

<sup>15</sup> Australian Government, Department of Education and Training: <https://www.education.gov.au/child-care-subsidy-combined-family-income>

## **a. Maternity leave**

As explained earlier (1a), the term 'Maternity leave' is not used in Australia for the legislated entitlements to unpaid Parental leave or Parental leave payments. It is still used in some instances in employer-paid schemes but (as noted above) we are not reporting the take-up of employer-paid arrangements due to data limitations.

## **b. Paternity leave**

As with employer-paid Maternity leave, we are not reporting the take-up of employer-paid Paternity leave schemes due to data limitations. Regarding the government-funded Dad and Partner Pay scheme, the Australian Government has reported that in the 2017-18 financial year 81,882 fathers or partners received payment under this scheme, with the vast majority (95.9 per cent) taking the full two weeks' payment.<sup>16</sup>

## **c. Parental leave**

The entitlement to 12 months' unpaid Parental leave in the National Employment Standard under the Fair Work Act is available to and utilised by most mothers working as employees. A 2017 survey conducted by the Australian Bureau of Statistics showed that among women with a child under two years of age, who were working as an employee while pregnant, 65 per cent took unpaid leave, with a median duration of 18 weeks.<sup>17</sup>

Available data on Parental Leave Pay indicates that it is accessible to a high proportion of working parents, although it is particularly targeted at mothers, who are the main users of the scheme. Government figures indicate that in the 1 July 2017 to 30 June 2018 financial year, 48.5 per cent of all mothers with newborns received some Parental Leave Pay (a decrease from 52.7 per cent the previous year), and 96.6 per cent of families who accessed Parental Leave Pay took the full 18 weeks.<sup>18</sup>

## **d. Other employment-related measures**

The Australian Bureau of Statistics 2017 Pregnancy and Employment Transitions survey also provides some information on the use of flexible working arrangements by women with a child under two years of age, who had returned to the same employer after the birth of a child and were working at the time of the survey. Among this group, 83 per cent had used flexible arrangements to assist with the care of a child. The most frequently accessed arrangement was part-time work (58 per cent), while 29 per cent reported having worked from home.<sup>19</sup>

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<sup>16</sup> Australian Government Department of Social Services (2018), 58.

<sup>17</sup> Australian Bureau of Statistics (2018) *Pregnancy and Employment Transitions, Australia*, Cat. No. 49130. Available at: <http://abs.gov.au>

<sup>18</sup> Australian Government Department of Social Services (2018), 58.

<sup>19</sup> Australian Bureau of Statistics (2018) *Pregnancy and Employment Transitions, Australia*, Cat. No. 49130. Available at: <http://abs.gov.au>

# Austria<sup>1</sup>

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**April 2019**

N.B. Austria is a federal state.

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

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

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

*Length of leave (before and after birth)*

- 16 weeks: eight weeks before the birth and eight weeks after the birth. It is obligatory to take leave; expectant mothers are prohibited from working during this time.

*Payment and funding*

- Maternity benefit (*Wochengeld*): 100 per cent of average net income for the last three months of employment before taking leave for employees, with no upper limit. Freelance workers receive an income-based maternity benefit: self-employed women who work in a trade or agriculture are eligible for 'operational support' (i.e. financial or other support to maintain their business) as a form of maternity benefits. If no operational support is granted, they can

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<sup>1</sup> Please cite as: Schmidt, E.-M. and Schmidt, A.E. (2019) 'Austria country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

claim a flat-rate payment of €55.04 per day. Marginally employed, self-insured women receive a flat-rate payment of €9.30 per day. Eligible, unemployed women are entitled to 180 per cent of previous unemployment benefit (with the latter corresponding to 55 per cent of previous net income). Expectant mothers receiving the childcare benefit are entitled to 100 per cent of the childcare benefit if their Maternity leave starts before the childcare benefit ends.

- Funded by multiple sources: 70 per cent by the 'Family Burden Equalisation Fund' (FLAF – *Familienlastenausgleichsfond*) which is financed by contributions from employers (4.5 per cent of each employee's salary bill); by general taxes; and by public health insurance (30 per cent). In 2017, total expenditure on Maternity leave (i.e. maternity pay and the payment for operational support) was €517 million.

#### *Flexibility in use*

- None.

#### *Regional or local variations in leave policy*

- None.

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

- All employed women are entitled to 16 weeks of Maternity leave with 16 weeks' payment (100 per cent of average income), except for short-term employed women and self-employed workers who are eligible for Maternity leave only if they have a voluntary affiliation with the statutory social health insurance (SHI). Unemployed women are only eligible for maternity payment if they have completed three months' continuous employment or have been affiliated to the statutory SHI for 12 months within the last three years.
- Expectant mothers receiving the childcare benefit are entitled to 100 per cent of the childcare benefit if their Maternity leave starts before the childcare benefit ends. If the income-related childcare benefit has already ended and expectant mothers have not started to work again or are still on Parental leave (see 1c for details), they are not entitled to maternity 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*

- 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 the case of premature births, multiple births, or births

by Caesarean section, women remain eligible for 12 weeks after birth (in exceptional cases, 16 weeks).

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

*Length of leave (before and after birth)*

- For children born after 1 March 2017, fathers are entitled to a so-called 'family-time bonus' (*Familienzeitbonus*), which is a monetary benefit for employed fathers who dedicate their time to their family, i.e. interrupt their employment (in agreement with the employer) for a full-time leave period between 28 and 31 days (within 91 calendar days) after the birth of the child. There is no job protection during the 'family-time bonus.'
- Other collective agreements may provide a few days of special leave for fathers immediately after the birth of a child, during which time fathers receive full earnings replacement.

*Payment and funding*

- The family-time bonus amounts to €22.60 per calendar day. However, if the father later decides to receive the childcare benefit, the benefit will be lessened by the amount of the family-time bonus he received directly after the birth.
- Funded by the FLAF; see 1a for more details.

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

*Length of leave (before and after birth)*

- This leave lasts until the child reaches two years of age. The 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.
- Parents whose children are born *after* 1<sup>st</sup> March 2017<sup>2</sup> can choose between the flexible flat-rate childcare benefit account and the

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<sup>2</sup> For further details on Austrian leave policies before March 2017, see the Austrian country note in the *International Review of Leave Policies* for 2018 and 2017.

income-related childcare benefit. The flexible flat-rate benefit (childcare benefit account) enables parents to distribute an overall sum of about €12,366 (if only one parent receives the benefit) or €15,449 (if both parents receive the benefit) over a chosen time span, calculated in days. If only one parent applies for the childcare benefit, he or she might spend the overall sum across a period from 365 days (at a daily amount of €33.88), up to a maximum of 851 days (at a daily amount of €14.53). If both parents receive and share the childcare benefit (respecting a minimum of 20 per cent non-transferable days of all childcare benefit days requested), the money can be used within a timespan between 456 days (at a daily amount of €33.88) and 1,063 days (at a daily amount of €14.53).

- The income-related childcare benefit refunds 80 per cent of net income in the previous six months, for 365 days (if only one parent receives the childcare benefit) and up to 426 days after the birth (if both parents share the childcare benefit). The amount of the income-related option ranges up to a maximum of €66 per calendar day (€2,000 per month).
- Although calculated in calendar days, the childcare benefit is paid out monthly.
- For the flat-rate childcare benefit account, a parent may additionally earn 60 per cent of the income he or she earned in the calendar year prior to the child's birth, or at least €16,200 per year. For the income-related option, additional earnings may not exceed €6,800 a year.
- In case of employed parents, the length of the childcare benefit does not have to correspond to that of Parental leave. However, health insurance corresponds to receiving the childcare benefit and ends even if the parent might still be on Parental leave.
- If parents share their childcare benefit at a minimum ratio of 40:60, then each parent is entitled to a 'partnership bonus' payment of €500. Thus, together they receive a total of €1,000.
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2017 was €1,219 million.

#### *Flexibility in use*

- Parental 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 spanning at least two months).
- The two parents cannot take Parental leave simultaneously, except for one month the first time they alternate leave; during this month both parents can receive the childcare benefit (however, the overall sum of the childcare benefit stays the same); in this case, Parental leave ends one month earlier (i.e. one month before the child's second birthday).

- The parents cannot change their chosen childcare benefit option. Within the flat-rate childcare benefit account, they can change the duration once (which may lead to back payment or repayment demands). If parents choose the income-related option and one parent does not fulfil the employment or income requirements (i.e. was not employed or earnings were not high enough), he or she receives a childcare benefit of €33.88 per calendar day, which corresponds to the daily amount paid in the shortest duration of the childcare benefit account.

*Regional or local variations in leave policy*

- None.

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

- All employed parents are entitled to take Parental leave, regardless of their parental status (i.e. as biological, adoptive, or foster parents), partnership status, or sexual orientation. In addition, only legal residence in Austria is required (not citizenship) in order to obtain leave.
- There is no entitlement to take Parental leave for self-employed parents; however, they can claim both the childcare benefit options under the same conditions as applied to employees.
- All parents with a legal residence in Austria, regardless of their employment status and their citizenship, are entitled to receive the flat-rate childcare benefit account.
- In the case of parents living separately, but sharing custody of the child, both parents are eligible to receive and share the childcare benefit, in the same way as parents living together. There are no specific provisions for single parents.

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

- In the case of multiple births, the amount of the childcare benefit account (not the income-related childcare benefit) is increased by 50 per cent for each additional child.
- In the case of one of the two parents being prevented from using the childcare benefit due to death, a prison sentence, or other extreme circumstances, the available parent may use the full amount of the childcare benefit account (not the income-related childcare benefit).<sup>3</sup>

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<sup>3</sup> Lone parents who do not yet receive alimony may receive the childcare benefit account (N.B. not the income-related childcare benefit) extended by a further 91 days. After divorce/separation, custodial parents should receive alimony

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

- Each parent has the possibility of postponing three months of Parental leave, up until the child's seventh birthday (or school entry).

#### **d. Childcare leave or career breaks**

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

#### **e. Other employment-related measures**

*Adoption leave and pay*

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

*Time off for the care of dependants*

- Two weeks' (average working week) leave per year, per employee to care for sick children under the age of 12, and one week for other dependants/family members needing care, with full earnings replacement.
- There are two different types of care leave. Firstly, employees have a statutory right to take a maximum of six months' family hospice leave (*Familienhospizkarenz*) for the purpose of nursing terminally ill family members or seriously ill children. If the leave is taken for severely ill children, it can be extended to nine months. The leave for care of severely ill children may be renewed twice (each time for another nine months). Those eligible for the family hospice leave are relatives within the direct ascending or descending family line, including adoptive parents, partners, and registered partners of a parent, and parents of children living in a separate household. Secondly, if their employer agrees, employees may take long-term care leave (*Pflegekarenz*) to

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from their former spouses – if they do not, or the ex-partner does not pay, childcare benefit is extended.

organise care or provide care for frail dependants/family members for a duration of three months (initially) per dependent. The minimum duration for this leave is one month. It can be extended from three months to six months (per dependent) if the health status of the dependent person worsens substantially.

- Slightly different regulations apply for public sector employees, but self-employed persons are not eligible for these care leave models. Employees are entitled to a cash benefit (*Pflegekarenzgeld*) during long-term care leave or family hospice leave to care for sick children or dependants/family members respectively. Eligible family members are relatives within the direct ascending or descending line, including siblings, adoptive parents, step-parents, step-children, partners or registered partners of a parent, and in-laws. It amounts to 55 per cent of net average income per calendar day. The maximum duration for the payment is six months per employee (or 12 months per dependent person, if the leave is shared). Low-income families may claim subsidies for family hospice leave, if the leave causes financial distress (funded from FLAF, see section 1a). Since 2017, care by relatives has also become accounted for under inheritance law in Austria. People who have personally provided unpaid, intensive care for a close relative for at least six months in the three years before the relative's death may receive a financial compensation after the relative's death under this regulation.

### *Flexible working*

- Parents with children born after 1 July 2004 are entitled to work part-time until the child's seventh birthday (or school entry) if they are working in companies with more than 20 employees, and if they have been continuously employed with their present employer for at least three years. The reduction in working time must amount to at least 20 per cent of their previous working time. It is not possible to work part-time for fewer than 12 hours per week. The regulations also include the right to change working hours within the day (e.g. from morning to afternoon) without reducing the number of working hours, as well as the right to return to full-time employment. Parents working in companies with fewer than 20 employees may enter into an agreement regarding part-time work with their employer, up until the child's fourth birthday.
- Parents are protected against dismissal until their child's fourth birthday if they work part-time under the entitlement outlined above. During the remaining period of part-time work (i.e. until the child's seventh birthday or school entry) they are protected against dismissal without grounds.
- Caregivers for frail or sick dependants/family members are entitled to work part-time (family hospice leave) or agree on a

part-time arrangement with their employer (long-term care leave). For long-term care leave, a minimum working time of ten hours per week is obligatory. Payment during both care leave models is calculated proportionately (and while considering the minimum income threshold, in alignment with the lower limit of the unemployment benefit scheme).

#### *Specific provision for (breast)feeding*

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

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

The maximum period of post-natal Parental leave available in Austria is 24 months. There is an entitlement to ECEC from five years of age, though only for part-time kindergarten (16 hours per week): attendance is obligatory. That is to say, there is a gap of three years between the leave ending and ECEC entitlement beginning, and a gap of 46 months between the end of the income replacement benefit (if that option is chosen) and any ECEC entitlement. Levels of attendance at formal services for children under the age of three years are below the average for the countries included in this review and for OECD countries. However, they are close to the average for children over of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Since January 2019 employed parents have received an additional 'family bonus' (tax credit) of up to €1,500 per child, every year until the child's 18<sup>th</sup> birthday.

Since February 2019, discussion around a legal claim to a month of job-protected Paternity leave for all employed fathers has arisen. To date, fathers' employers must agree to a father's 'family time' (see 1b) and only employees in public services have a legal claim to take Paternity leave for up to four weeks.

## **4. Take-up of leave**

### **a. Maternity leave**

It is obligatory for employees to take Maternity leave and almost all mothers are eligible (see section 1a); the take-up of leave, therefore, corresponds to the number of births.

### **b. Paternity leave**

No statutory entitlement, and therefore no data is available.

### **c. Parental leave**

Data shows that almost all eligible (i.e. formerly employed) mothers – between 93 and 96 per cent – took up Parental leave in the final years of the previous scheme. Since replacing the Parental leave benefit with the new childcare benefit in 2002, there has only been information regarding the number of women and men taking up the new benefit, which is different from the number of people taking up Parental leave (i.e. both parents who are on leave and parents who are not on leave alike are able to receive the new childcare benefit). There is no way of using these recent figures to ascertain what proportion of parents take Parental leave, plus it is doubtful that such data will be available in the future.

Parental leave for fathers was introduced in 1990, and the proportion of men taking it has always been very low (between 0.6 and 2 per cent). As there are no official statistics on the uptake of Parental leave, it is difficult to know how many fathers currently take it. Some studies address this issue, but the percentages vary significantly depending on the population under study. Official statistics<sup>4</sup> indicate that in about 19 per cent of all cases where parents received the childcare benefit, the father also received the benefit. Looking at the different options of the childcare benefit, fathers were recipients of the income-related childcare benefit in 30.7 per cent of all cases in this option, whereas in the flat-rate option, fathers' participation rates ranged from 10.3 per cent in the longest duration, to 26.7 per cent in the shortest duration (data from February 2018, applicable to children born before 1 March 2017). According to monthly statistics<sup>5</sup> on the childcare benefit (cross-sectional

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<sup>4</sup> Austrian Federal Chancellery (2018) 'Statistics Childcare Allowance' (*Auswertung Kinderbetreuungsgeld und Väterbeteiligung*). Available at: <https://www.frauen-familien-jugend.bka.gv.at/dam/jcr:44ccac58-8d8b-40f4-9953-a85ffafeed65/V&auml;terbeteiligung%20Bundesl&auml;nder%20Stand%20April%202017.pdf>

<sup>5</sup> See: <https://www.frauen-familien-jugend.bka.gv.at/familie/finanzielle-unterstuetzungen/kinderbetreuungsgeld-ab-1.3.2017/monatsstatistik.html>

data at a specific point in time), the percentage of participating fathers is much lower (about 5 per cent). This is for two main reasons: firstly, fathers generally take shorter periods of leave than mothers do and, secondly, the benefit is often shared between both parents. Therefore, fathers appear less often in the monthly statistics.

#### **d. Other employment-related measures**

In 2014, when the cash benefit for people on care leave (*Pflegekarenzgeld*) was introduced, there was a total of 2,323 recipients. Of these beneficiaries, 54.2 per cent used the long-term care leave model (*Pflegekarenz*); 5.3 per cent used the same model working part-time (*Pflegekarenzteilzeit*); and 40.5 per cent used the family hospice leave model. The number of beneficiaries has been steadily increasing, with 2,634 people using this paid leave model in 2017. In addition, 190 people received a means-tested subsidy in 2016.<sup>6</sup> Schmidt, Fuchs, and Rodrigues (2016) report an uptake rate of 2.5 per cent, based on estimates regarding the eligible number of employees.<sup>7</sup> The average duration of the long-term care leave model amounted to 82.6 days in 2014: i.e. slightly below the three months that this model allows for initially.<sup>8</sup> About 70 per cent of employees taking leave from work to care for a frail or sick dependants/family members (i.e. long-term care leave or family hospice leave) are women.<sup>5</sup> Reconciliation works only to a limited extent, according to a qualitative study carried out in 2015/2016.<sup>9</sup>

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<sup>6</sup> BMASGK (*Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumentenschutz*) (2018) 'Austrian long-term care report' (*Österreichischer Pflegevorsorgebericht*); 'Parliamentary inquiry 6489/J on behalf of the Greens respective long-term care leave' Parliament (2015), (*Anfragebeantwortung der Anfrage Nr. 6489/J der Grünen betreffend Pflegekarenz und Pflegezeit*) (2015).

<sup>7</sup> Schmidt, A.E., Fuchs, M., Rodrigues, R. (2016) 'Policy brief: juggling family and work – leave from work to care informally for frail or sick family members – an international perspective,' Vienna: European Centre for Social Welfare Policy and Research.

<sup>8</sup> Parliament (2015).

<sup>9</sup> Sardadvar, K. and Mairhuber, I. (2018) 'Employed family carers in Austria: the interplay of paid and unpaid work – beyond 'reconciliation', *Österreichische Zeitschrift für Soziologie*, 43, 61-72.

# Belgium<sup>1</sup>

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**April 2019**

N.B. Belgium is a federal state.

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

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

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

*Length of leave (before and after birth)*

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

*Payment and funding (reference period for amounts: second semester, 2018)*

- Employees in the private sector: the first month at 82 per cent of earnings, plus 75 per cent for the remaining weeks with an upper limit of €143 per day. Statutory civil servants receive their full

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<sup>1</sup> Please cite as: Fusulier, B., Mortelmans, D. (2019) 'Belgium country note,' Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

salary, and contractual civil servants are paid as per the private sector.

- Self-employed mothers receive €485 per week.
- Unemployed mothers: in the first month they receive unemployment benefits + 19.5 per cent of previous earnings with an upper limit of €143 per day, after which they receive unemployment benefits + 15 per cent of previous earnings with an upper limit of €143 per day.
- Funded through 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 the birth.
- Up to two weeks of post-natal leave can be taken as 'free days,' thereby spreading Maternity leave over a longer period and facilitating a more gradual re-entry into paid employment.
- Maternity leave for self-employed mothers has been extended to 12 weeks and made more flexible. Self-employed mothers now have three weeks of compulsory leave (one week before birth and two weeks after birth). In addition, they are entitled to nine weeks of optional leave to be taken in blocks of seven days during the 36 weeks following birth. Each week of optional leave can be converted into two weeks of part-time leave, where women want or need to go back to work on a part-time basis (for up to 18 weeks).

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

- All female employees or women on unemployment benefits are entitled to leave with an earnings-related benefit payment.
- Self-employed workers can take Maternity leave but have a separate system, which is less advantageous than the system for employees. They have 12 weeks (instead of 15) and only three of those are compulsory. The allowance is also limited to a fixed amount (€485/week) which is lower than the upper limit set for employees (€715/week).
- No differences apply to same-sex couples. Only their labour market position determines their benefit access, not the gender composition of their couple, nor its institutional bond (married or unmarried).
- For non-citizens/immigrant workers, their labour market status determines their benefit eligibility. An individual must have been working as an employee for a minimum of 120 days, plus paying social security contributions. For temporary workers, the minimum is 400 hours of work across 6 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*

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

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

*Length of leave*

- Ten working days.<sup>2</sup>

*Payment and funding*

- 100 per cent of earnings for the first three days paid by the employer, then 82 per cent of earnings for the remaining period paid by Health Insurance – there is an upper limit of €117 per day (second semester, 2018).
- Funded in the same way as Maternity leave.

*Flexibility in use*

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

*Regional or local variations in leave policy*

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<sup>2</sup> Belgium was one of the first OECD countries to introduce Paternity leave (two days in 1961, with guaranteed pay by the employers – extended to three days in 1963).

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

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

- All male employees are eligible, but unemployed and self-employed fathers are not.
- No differences exist for same-sex couples. Their labour market position determines their eligibility, as opposed to the gender composition of the couple, or their marital status.
- For non-citizens/immigrant workers, their labour market status is what determines their eligibility. One needs to be working as a Belgian employee when the child is born.

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

- None.

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

*Length of leave (before and after birth)*

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

*Payment and funding*

- €750 per month after taxation (€835 before taxation).
- Funded in the same way as Maternity leave.

*Flexibility in use*

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

*Regional or local variations in leave policy*

- The Flemish community (i.e. the government in Flanders) pays an additional benefit bonus for a maximum of one year for Flemish care leave or Time Credit (see section 1d). The amount of this additional payment depends on the sector of employment (e.g. private, social profit, or public) and the reduction of employment while taking leave. This additional benefit payment is highest for employees in the social profit sector, namely an additional €504.29 net per month for employees taking a full-time break (for Flemish care leave or, in the case of Time Credit, for care reasons); while for employees in the private sector it is €179.68 net per month (for Parental leave or, in the case of Time Credit, for the reason the leave was taken).

*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 (in practice, this can refer to: the child's biological mother and/or biological father; the person with whom the child has paternal filiation; the wife or partner of the biological mother of the child; the adoptive parents). Otherwise, the employer can grant this benefit by agreement with the employee. All employees in the public sector are eligible, regardless of the length of their service.
- Self-employed workers are not eligible.
- No differences exist for same-sex couples. Their labour market position determines their eligibility, not the gender composition of the couple, or their marital status.
- For non-citizens/immigrant workers, their labour market status is what determines their eligibility – they need to be working as a Belgian employee.

*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 allocated per child, the length of leave is increased for multiple births (e.g. each parent of twins gets eight months of leave).
- Parents of disabled children can take leave until their child's 21<sup>st</sup> birthday.
- The benefit is higher for single parents: €1,035 per month after taxation (€1,152 before taxation).

*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; and a rather similar scheme – 'career breaks' – applies in the public sector. All eligible workers have a basic right to one paid year of this type of leave over their working lives, taken full-time, or 24 months taken part-time or 60 months taken at one-fifth time.
- Leave taken under the Time Credit/career break system can only be taken in order to care for a child younger than eight years (or for a disabled child up to the age of 21 years), to provide palliative care, and/or to care for a severely ill relative. Payment varies according to age, civil status, and years of employment (e.g. it is higher for those employed for five years or more). The maximum for a full-time break is approximately €500 per month after taxation. The bonus for residents of the Flemish community taking Parental leave also applies to this type of leave.
- Employees need two years of previous employment with the same employer in order to be granted payment. There is a guarantee in principle to return to the workplace following a career break or Time Credit period.
- For each company, there is a five per cent threshold of employees who can use the Time Credit system at any one time: priorities are settled within the company according to certain rules (e.g. priority in the case of care for a severely ill family member). There is a relative increase of this threshold, corresponding to the number of employees (one more unit per 10 employees in a business with more than 50 employees).
- Payments to Time Credit users are funded by the federal social security system, which is financed by contributions from employers and employees, and by the federal government.
- Collective agreements negotiated at sectoral or company level are permitted to extend the Time Credit period up to 51 months for care purposes. This maximum length of leave is applicable regardless of whether the leave is being taken full- or part-time.
- All employees can trace their personal account of Time Credit/career break in an online e-government tool: Break@Work ([www.breakatwork.be](http://www.breakatwork.be)).

## **e. Other employment-related measures**

### *Adoption leave and pay*

- The same regulations apply as those for parents having biological children, except that the Parental leave may be taken up until a child's 12<sup>th</sup> birthday.

### *Time off for the care of dependants*

- Employees may take up to ten days of leave per year for 'urgent reasons' (*force majeure*) in order 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 an illness, accident or the hospitalisation of a member of the household). There is no entitlement to payment.
- For a severely ill family member (medical care leave), an employee can take full-time leave ranging from one to 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 under the same conditions as for Parental leave.
- Employees may also take up to two months of leave, full-time or part-time, for palliative care (to be taken in blocks of one month). Benefits paid are the same as for Parental leave.
- Foster parents may take six days of leave to allow them to fulfil administrative and legal requirements, and this is also paid as per Parental leave.

### *Flexible working*

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

### *Specific provision for (breast)feeding*

- None.

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

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

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

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

The federal government also introduced a 'career-savings account' (5 March 2017). This measure allows workers to accumulate 'vacation time' and/or 'remuneration' and use them for a temporary career break, to facilitate the transition between two jobs, or to top-up pension benefits. The system came into force on 1 February 2018, but in order to be activated and implemented, this measure must be translated into sectoral collective agreements by the social partners. The clothing sector is the only sector preparing a collective agreement on the implementation in Flanders. It is expected that existing schemes such as Time Credit and 'similar systems' would be integrated into this account. Planned reforms that should come into force in upcoming months include further flexibility of Parental leave with a new option of taking it on a 1/10 basis, allowing parents to take a half-day off work every second week (for instance, to care for their children on Wednesday afternoons, when there is no school). The law is has been passed, but is not working (yet).

From 1 May 2019, self-employed people will be entitled to ten days' Paternity leave within four months of their child's birth. Self-employed people may take this leave in whole days or half days. The allowance amounts to a total of €808. Those who choose to take eight days (or fewer) will receive 15 free service vouchers.

## **4. Uptake of leave**

Viewing the ongoing increasing flexibility of numerous types of leave, with all the variation in remuneration and duration across to different sectors (private, public, education, etc.), it becomes increasingly difficult to provide accurate data on leave uptake rates in Belgium. Available statistics are mostly administrative and developed to fit the monthly payments of the users. The main source of information is the federal agency in charge (RVA/ONEM<sup>3</sup>), but for a more detailed account, see 'Documentation/Statistics.' The actual number of users according to the type of leave is especially blurred by the variations in the duration of leave. An increasing number of employees opt for one day per week leave, especially among those older workers taking a Time Credit/career break to facilitate the final years of their formal career. This also holds, to a lesser extent, for the uptake of Parental leave, especially among fathers who continue to work but who 'soften' their involvement via this one day per week leave. Such fathers are registered as leave-takers for 20 months (instead of four). The drawback of this flexibility is that it keeps users much longer in the annual statistics. We therefore invite readers to be very careful in their interpretation of the statistics we provide in this country note.

### **a. Maternity leave**

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

### **b. Paternity leave**

In the private sector, 56,036 (2016) and 55,314 (2017)<sup>4</sup> fathers used the Paternity leave for four or more days (there is no information about fathers using three – or fewer – days of paid leave). On average, they took 9.83 days of paid leave for the birth of their child (up to a maximum of 10 days). There is no information for civil servants. For several years, the number of users and the duration of their Paternity leave have remained relatively stable.

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<sup>3</sup> Available at: [www.rva.be](http://www.rva.be) / [www.onem.be](http://www.onem.be)

<sup>4</sup> RIZIV/INAMI data, not yet available for 2018.

### **c. Parental leave**

There is no information on what proportion of employees are *not* eligible for Parental leave. In 2018, 65,218 employees used Parental leave, an increase of 26 per cent compared to 2010 (51,944). Obviously, most people taking Parental leave are women, although the proportion of fathers among all leave-takers is growing. The number of men taking Parental leave increased from 13,891 in 2010 to 20,295 in 2018.

In 2010, 38,053 women used Parental leave and in 2018, that number rose to 44,923. The proportion of men taking Parental leave also increased during this period (from 27 to 31 per cent). Part-time leave options are the most popular, especially among men. Almost three-quarters of leave-takers use the one-fifth time option, suggesting that it is predominantly used as a flexible measure. But the possibility of combining two or more types of leave (e.g. mixing some full-time with some part-time leave) is rarely used: it is taken on average by about one per cent of men and four per cent of women.<sup>5</sup>

### **d. Other employment-related measures**

In 2018, 122,028 employees in the private sector made use of the Time Credit system, mostly via the part-time formula; in comparison, only 4140 individuals took a full-time break (518 men versus 3622 women). Part-time use of Time Credit is predominantly used as end-of-career measure (around 54 per cent). Men predominantly take Time Credit as end-of-career leave (N = 33,723), while women are more equally divided between end-of-career leave (N = 31,683) and part-time general leave (N = 33,842). Overall, with the new legislation reducing the appeal of the Time Credit scheme, the number of users has decreased by 28 per cent since 2015 (when N = 149,268). In 2018, 60,246 civil servants used the career break system (42,719 of them being women). If men are using the career break system, they generally use more of the end-of-career measure (around 80 per cent, compared to 63 per cent for women). Compared to 2017 (when N = 73,562), the number of users has decreased by 13,316 units. The most significant reason for this decrease is the tightening of the rules around the factors permitting an individual to take leave. A second reason is that Flemish civil servants and teachers can only use the Flemish care credit system (and no longer have access to the federal career break system). The decrease on the federal level is compensated at the Flemish level, so that there is no decrease in total in the public sector, aside from the

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<sup>5</sup> See:

[http://www.onem.be/sites/default/files/assets/publications/Etudes/2014/Conge\\_Parental/FR.pdf](http://www.onem.be/sites/default/files/assets/publications/Etudes/2014/Conge_Parental/FR.pdf)

decrease caused by the more stringent regulations around an individual's eligibility for taking leave.<sup>6</sup>

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<sup>6</sup> See: <https://www.tijd.be/politiek-economie/belgie/algemeen/belg-neemt-fors-minder-tijdskrediet/10098519.html>

# Brazil<sup>1</sup>

**Alexandre Fraga** (Federal University of Rio de Janeiro)

**April 2019**

N.B. Brazil is a federal state.

## **Note on coverage of leave entitlements**

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

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

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

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

*Length of leave (before and after birth)*

- 120 calendar days in the private sector, which can be extended to six months if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*). It may be taken from the eighth month of pregnancy.

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<sup>1</sup> Please cite as: Fraga, A. (2019), 'Brazil country note,' in Koslowski, A., Blum, S., Dobrotic, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Six months in the federal public sector: at state and municipal levels, entitlement to the additional months depends on the approval of the authorities (most state authorities approve this extended leave, but only a minority of municipalities do so).
- In the event of the death of the mother, the spouse is entitled to Maternity leave. The payment duration of the benefit is then calculated according to the period to which the woman would have still been entitled.
- Single adoptive fathers are entitled to Maternity leave.
- In homosexual couples, only one partner (man or woman) is entitled to Maternity leave.

#### *Payment and funding*

- 100 per cent of earnings, with no upper limit. In the case of a variable salary (i.e. because of commission, gratuity, overtime, or bonus pay), the payment is equivalent to the average of the last six months of work.
- If leave in the private sector is extended to six months, the benefit during those extra 60 days is paid by the employer with the costs covered by fiscal deductions.
- In case of miscarriage or legal abortion (on the grounds of rape, risk to the mother's life, or a foetus with anencephaly), the Maternity benefit is paid for two weeks.
- Funded for employees from contributions into a social security fund paid by employers and employees. Employers pay 20 per cent of their salary bill (domestic employers pay eight per cent of the domestic employee's salary as contribution). Employees pay on a sliding scale according to their salary: eight per cent if under BRL1,751.81 [€402.97]<sup>2</sup>; 9 per cent between BRL1,751.82 [€402.97] and BRL2,919.72 [€671.62]; and 11 per cent between BRL2,919.73 [€671.62] and BRL5,839.45 [€1,343.24], which is the upper limit for social security payments. For self-employed workers and business owners, leave is funded entirely by their own contributions.
- These payments do not affect pensions; contributions are paid by the state.

#### *Flexibility in use*

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

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

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<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>

- All women who work and contribute to social security are eligible – whether this be through employment with a signed work card, as a temporary employee, or self-employed.
- If the mother has contributed to social security, the unemployed mother then has the right to Maternity leave for up to one year (after the termination of the last employment contract), or up to two years (if she received unemployment insurance), or up to three years (if she received unemployment insurance and contributed for 120 months or more). For self-employed and individual micro-entrepreneurs, they are eligible for up to one year after their last contribution or up to two years (if she contributed for 120 months or more). Individual/facultative taxpayers (who do not work) are eligible up to six months after their last contribution.
- Housewives or students who do not earn a salary, but who pay monthly optional social security contributions to retain coverage, can enjoy the same benefit as salaried workers after contributing for at least ten months. In this case, the amount of maternity benefit she will be paid is that of the reference salary contribution (e.g. if she contributes based on one minimum salary, she receives a minimum salary per month while on leave).
- The foreigner who works in Brazil can enrol in social security, make the monthly contribution, and have the right to Maternity leave, without the requirement of citizenship or permanent residency.

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

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

## **b. Paternity leave (*licença-paternidade*)**

*Length of leave (before and after birth)*

- Five consecutive calendar days in the private sector for birth or adoption of a child. Twenty calendar days in the federal public

sector. At state and municipal levels, entitlement to the additional period depends on the approval of the local authorities. In the private sector it can be extended to 20 days if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*). In this programme, the benefit during those extra 15 days is paid by the employer with the costs covered by fiscal deductions.

#### *Payment and funding*

- Full earnings are paid by the employer under the provisions of labour legislation.
- These payments do not affect pensions.

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

- Fathers who work with a signed work card and in the public sector have the right to Paternity leave. Those making other types of contribution do not yet have this right (i.e. facultative, special insured, and individual micro-entrepreneur). Unemployed fathers have no right to Paternity leave.
- Foreigners who work in Brazil can also register for social security, make the monthly contribution, and have the right to Paternity leave, without the requirement of citizenship or permanent residency.

#### **c. Parental leave**

- No statutory entitlement.

#### **d. Childcare leave or career breaks**

- No statutory entitlement.

#### **e. Other employment-related measures**

#### *Adoption leave and pay*

- In the private sector, mothers who adopt a child are entitled to Maternity leave of 120 consecutive days paid at the rate of their full salary (the same as biological mothers). In the public sector,

mothers who adopt children are entitled to 180 consecutive days of leave paid at their full salary (also the same as biological mothers).

- If the adoptive mother dies, the spouse can use the leave for the remaining time. This is also the case for homosexual couples.
- When the adoptive mother does not pay social security contributions, all the benefits of Maternity leave go to the adoptive father (on the condition that he pays social security contributions).

#### *Time off for the care of dependants*

- Paid leave for up to two consecutive days is granted in the case of the death of a spouse, ascendant or descendant in family line, sibling or a person declared on the employee's work card (and for the purposes of social security) as financially dependent.
- In the public sector, leave is granted to care for a sick spouse or companion, parent, child, stepfather/stepmother, stepchild or dependent, subject to approval by an official medical board which must decide that the employee's direct assistance to the sick person is essential and must be during working hours.
- In the public sector, leave may be granted for up to 60 days at 100 per cent of earnings, after which a further 90 days of leave is possible, but with no payment. For the private sector, leave to care for a sick dependent can be part of a collective agreement, but not a labour law or regulation.
- Public servants who accompany their relatives with disabilities in health-related activities are entitled to special working time, without having to compensate the hours spent in caring: they receive their full salary during this period.

#### *Flexible working*

- See section below.

#### *Specific provision for (breast)feeding*

- The Labour Law allows for two 30-minute breaks during the working day for breastfeeding, up until the child reaches the age of six months.

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

The maximum period of post-natal leave available in Brazil (for federal public sector workers) is six months, paid at full earnings replacement. There is no entitlement to ECEC. However, Labour Law (CLT) states that

every company with a workplace employing at least 30 women over the age of 16 must maintain a suitable place, in which female employees can leave their babies under supervision and with adequate care, up to the sixth month of the breastfeeding phase. As a substitute for this requirement, the company can adopt a childcare assistance system: instead of maintaining a nursery in the workplace, the company pays a monthly amount to female employees who have children. The idea is that with this money they can look for a nursery or nanny outside the company. In this case, the benefits must be granted to every employee with a young child, regardless of the number of female employees in the establishment, and they must be the object of collective negotiation. Levels of attendance at formal services for children under three are around the average for the countries included in this review and for OECD countries, but well below average for children over the age of three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

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

## **4. Uptake of leave**

### **a. Maternity leave**

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

### **b. Paternity leave**

There is no information available, but we can suppose that the uptake is very high.

**c. Parental leave**

No statutory leave entitlement.

# Bulgaria<sup>1</sup>

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**April 2019**

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

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

### **a. Maternity leave (*otpusk poradi bremennost i ragdane*<sup>2</sup>) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)**

#### *Length of leave*

- 410 calendar days, from which 45 calendar days must be taken before the expected date of birth. Employers are obliged to accept women's requests for Maternity leave.
- The first 135 days are obligatory for mothers, and these are divided into three periods:
  1. The first period includes 45 calendar days before the expected date of birth (pre-natal leave/pregnancy leave). If a woman gives birth before the 45<sup>th</sup> day, the remaining days are added to the rest of the leave. If the delivery is delayed after the 45<sup>th</sup> day, the period is extended with a new medical statement until delivery. The total length of the pre-natal leave/pregnancy leave cannot exceed 93 days.

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<sup>1</sup> Please cite as: Dimitrova, E., Kotzeva, T., and Ilieva, K. (2019), 'Bulgaria country note', in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Since 2018, adoption leave has been treated under a separate article of the Labour Code.

2. The second period includes 42 days after childbirth (post-natal leave). Women are also entitled to these 42 days in case of stillbirth, death of child soon after birth, or if the child is to be adopted. In these cases, the post-natal leave can be extended if a medical examination proves that the woman's health and labour capacity are not fully recovered.
3. The third period includes the remaining 48 calendar days until the 135<sup>th</sup> day. The post-natal leave is thus a total of 90 calendar days after childbirth.

### *Payment and funding*

- Women taking Maternity leave have the right to receive financial compensation so long as they have been insured at the National Insurance Institute against the risk of general illness and pregnancy for at least 12 months (i.e. they were employed and paid contributions to cover the risk of maternity). The financial compensation for the period of 410 calendar days is 90 per cent of the mean gross salary or the mean insurance income, which the woman has received in the last 24 months preceding the leave. The financial compensation cannot be lower than the minimum salary BGN510 [€265.87] (2018)<sup>3</sup>; and there is an upper limit at a monthly maximum insurance income of BGN2,600 [€1,329.36]. The same regulation applies for self-employed women.
- Funded by the National Social Security Institute through employer and employee contributions.

### *Flexibility in use*

- The first 135 days of leave are available only to the mother since they aim to ensure mothers are the ones who care for children in the first months of life. The leave serves also for recovery of mothers' health and labour capacity.
- With the agreement of the mother, once the child reaches the age six months (and until the 410<sup>th</sup> calendar day), leave can be transferred to the father if he has been paying insurance at the National Insurance Institute for at least 12 months. The financial compensation for this period is 90 per cent of average gross monthly earnings or the average insurance income that the father received in the last 24 months preceding the birth of the child. The financial compensation cannot be lower than the minimum salary, BGN510 [€265.87] (2018). There is an upper limit at a monthly maximum insurance income of BGN2,600 [€1,329.36]. The same regulation applies for self-employed men.

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<sup>3</sup> Conversion of currency undertaken for 24 June 2019 using:  
<https://www1.oanda.com/currency/converter/>

### *Eligibility*

- Women taking Maternity leave have the right to receive financial compensation if they have been insured at the National Insurance Institute against the risk of general illness and pregnancy for at least 12 months (i.e. they were employed and paid contributions to cover the risk of maternity). The same regulation applies for self-employed women.
- With the agreement of the mother, once the child reaches six months (and until the 410<sup>th</sup> calendar day) leave can be transferred to the father if he has been paying insurance at the National Insurance Institute for at least 12 months.
- If a woman has not worked or has not paid social insurance against the risk of general illness and pregnancy, she can receive a monthly benefit until the child's first birthday to the value of BGN100 [€51.13]. This is dependent on means-testing, with the income per family member being less than BGN450 [€230.08] in 2018. The conditions and procedure for receiving these benefits are stipulated in the Family Allowance Law for Children.
- Women living in Bulgaria with Bulgarian citizenship or those with foreign citizenship who have paid social insurance to account for the risk of general illness and pregnancy in the last 12 months (regardless of the country where social insurance has been paid).

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

- Since 2018 the adoptive parents of a child up to the age of five are entitled to receive 365 days' paid leave equal to 90 per cent from their average gross monthly earnings or their average insurance income (from the 12 months preceding the adoption). If the adoptive parent does not use the leave and returns to full-time employment, they are entitled to receive 50 per cent financial compensation for the period of the leave.
- The leave allocated for pregnancy, childbirth, and child adoption (plus the financial compensations related to it) end in the case of stillbirth, death of the child, if the child is given for adoption, or the child is enrolled in a public childcare institution. The exact end of leave depends also on a medical statement certifying that the mother is in good health and can return to work.

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

### *Length of leave*

- 15 calendar days.

### *Payment and funding*

- The financial compensation for the period of Paternity leave is 90 per cent of average gross monthly earnings, or the average insurance income in the last 24 months preceding birth of the child. The regulation also applies for self-employed men. The financial compensation cannot be lower than the minimum salary, BGN510 [€265.87] (2018). There is an upper limit on payment of a monthly maximum insurance income of BGN2,600 [€1,329.36].
- Paternity leave is counted as work experience.
- Paternity leave is funded in the same way as Maternity leave.
- Since 2017, adoptive fathers of children aged up to the age of five years have also been eligible for a financial compensation for the 15-day paid Paternity leave. The condition for payment and funding is similar to that for non-adoptive fathers.

### *Flexibility in use*

- None.

### *Eligibility*

- The father has the right to use Paternity leave if the mother and the father are married or live in a shared household. The father can use it from the day when the new-born child is discharged from the hospital (there is no indication as to whether or not it can be postponed to a later date).
- The father can use 15 days of Paternity leave if he has paid social insurance for at least 12 months. The same regulation applies for self-employed men.
- The leave ends in case of the death of the child; divorce; if the child is given for adoption or the child is enrolled in a public childcare institution.
- Men living in Bulgaria, with either Bulgarian or foreign citizenship, are eligible if they have paid social insurance against the risk of general illness and pregnancy over the last 12 months (regardless of the country where social insurance has been paid).

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

### *Length of leave*

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

### *Payment and funding*

- The monthly benefit rate is around BGN380 [€194.29] (2018).
- Parental leave is counted as work experience.
- Funded in the same way as Maternity leave.

### *Flexibility in use*

- From 1 June 2017, if the mother (whether adoptive or biological) decides not to use the paid Parental leave fully or in part after the 135<sup>th</sup> day, she is entitled to receive a partial financial compensation for the remaining period of the leave. This compensation is set at 50 per cent of the normal monthly benefit for parents taking leave, i.e. BGN190 [€97.15] per month (2018). The same rule applies if the paid Parental leave is taken by another person who wants to return to work.
- The same condition applies for self-employed mothers should they decide to start working and renew their social security payments before the end of the paid Parental leave.

### *Eligibility*

- Parental leave is firstly the mother's right. If the mother (adoptive or biological) of a child below the age of two years dies or gets seriously ill and cannot take care of the child, the leave can be taken by the father. With the father's agreement, the leave can be transferred to one of the grandparents if they are employed and have paid social security against the risk of pregnancy and general illness for at least 12 months.
- The parents or other leave-takers have paid social insurance for at least 12 months.
- The Parental leave cannot be used at the same time by the mother and the father or one of the grandparents.
- Parental leave ends if the child is enrolled in a public childcare institution: the rationale for this is that the leave is given to the mother in order to ensure that she will provide permanent care for the child. The leave also ends if the child is given for adoption.
- From 1 June 2017, members of the army have been entitled to the same rights for Parental leave as mothers or other leave-takers.
- There is no special regulation for same sex couples. Same sex couples are illegal in Bulgaria.

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

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

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

- Unpaid childcare leave to look after a child up to the age of eight years can be taken by each parent (adoptive or biological) for up to six months, after the period of the Parental or Adoption leave has expired. It can be taken by both parents (though not simultaneously) if they are in employment and if the child is not placed in a publicly-funded childcare institution. Up to five months of this leave can be transferred to the other parent.
- The entitlement period is extended to one year in the case of a single parent (adoptive or biological) or a guardian of a child whose parents both are deceased – the guardian can transfer any unused remaining portion (or the whole period of the leave) to any of the child's grandparents if they are in employment.
- The employer should be notified ten days in advance to the leave commencing. The leave can also be broken down and used as separate blocks of time, but no fewer than five days at a time. Like Maternity, Paternity, and Parental leaves, this counts as work experience.

**e. Other employment-related measures**

*Adoption leave and pay (otpusk pri osinovyavane na dete do 5-godishna vazrast)*

- Adoption leave and pay (for adopting a child under the age of five years) is available for 365 days and can be taken from the day of the child's arrival at home, but no later than their fifth birthday. This regulation was new in 2018 – previously, adoptive parents of children under the age of two years and between the ages of

two and five years had different entitlements regarding this leave (see section on policy changes below).

- An allowance is paid by the National Social Security Institute for the period of the leave at 90 per cent of average gross monthly earnings, provided that social security payments to cover general illness and maternity have been made for 12 months, and the child is not placed in a full-day childcare institution. Adoptive fathers in married couples may use the adoption leave in place of the adoptive mother with her consent (beginning no earlier than six months after the child's arrival, but no later than the child's fifth birthday).
- Single adoptive fathers are entitled to the same adoption leave and pay as adoptive mothers.
- Since 2017, it has been possible to transfer the right to adoption leave and compensation to the adoptive father (after the child has reached the age of six months or the remainder of 365 days of the leave period).<sup>4</sup> The leave can also be transferred to one of the parents of the adoptive mother or the adoptive father, if the latter has died; and to one of the parents of a single adoptive parent, if they are in employment.
- Also from 2017 onwards, foster mothers have been entitled to Maternity leave and pay under the same conditions as biological mothers, but the period of leave is reduced by the difference between the full length of the Maternity leave (410 days) and the child's age when placed in foster care. The right to transfer Maternity leave and benefit from the mother to the father when the child reaches the age of six months is also available to foster families.
- A reduced amount of the adoption allowance (50 per cent) can be received by the adoptive parent if they (if it has been transferred) return to work before its end, but no earlier than 90 days from the child's arrival at home.
- Adoptive parents of children under the age of two are entitled to Parental leave for any remaining period between the end of the adoption leave (365 days) and the child's second birthday under the same conditions as biological parents.
- If adoptive parents are married when adopting a child under the age of five, the adoptive father is entitled to 15 days of leave beginning from the day of the child's arrival in the household (previously, it was only available to biological fathers). When introduced in 2017, this right included co-habiting adoptive fathers, but in 2018 this was abolished. It is paid at 90 per cent of average gross monthly earnings, provided that social security payments to cover maternity and general sickness have been made in the previous 12 months.

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<sup>4</sup> This is also applicable if the adoptive parent gets seriously ill or dies at any point in time during the leave period.

- Adoption leaves are counted as work experience.

#### *Time off for the care of dependants*

- Leave to care for a sick family member – including a child (*otpusk pri vremenna nerabotosposobnost*), or to attend to a healthy child who needs to stay at home due to quarantine in a childcare institution – can be taken for up to 60 calendar days, per year per family. It is available to all insured members of a family but cannot be taken simultaneously to care for the same child/relative. It is paid at 80 per cent of average gross monthly earnings. In fact, this is a special case within general sick leave and requires medical papers issued by a GP to be presented to the employer. Self-employed people can take this leave if they are insured (i.e. have made contributions to cover general sickness and maternity for a period of 18 months, preceding the month in which they claim use of the leave).
- Leave to care for two or more children under the age of 18 years (*platen otpusk za dve I poveche givi detsa*) is available to employed mothers, subject to collective work agreement. Mothers with two children are entitled to two days of leave for every calendar year, and mothers with three or more children to four days per calendar year. Paid annual leave compensation is at 100 per cent. This leave can be postponed for use during the next calendar year, but no later than mid-year.

#### *Flexible working*

- On returning to work after taking leave, the employed person may request a temporary change in the duration or the distribution of their working hours to facilitate reconciliation between work and family duties. The law obliges the employer to consider such a request and agree to it, providing it is possible for the company to accommodate this request.
- Employed mothers of children under six years of age have a legal right to work from home with the same (or another) employer, upon request.<sup>5</sup> When the child turns six, the mother who has been working from home should be restored to the same position she previously held or, if that position is no longer available, to an appropriate alternative, with her consent. Mothers of children under six years of age may work from home for another

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<sup>5</sup> In reality, this statutory right for flexible or remote work for mothers with children under 6 year of age is actually non-applicable. According to data from the national representative survey of the labour force (available here: <https://bit.ly/2FvAcIb>), only 1.5 per cent of employed women who take care of children and elderly relatives work on flexible time and just 0.8 per cent of them self-manage their own working time.

employer, in which case they should be granted unpaid leave from their former employer and the right to return to the same (or an appropriate alternative position) after the entitlement to work from home expires (but no later than the child's sixth birthday). The right may be used by the father if the mother is not able to use it.

#### *Specific provision for (breast)feeding*

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

#### *Employment protection and non-discrimination throughout maternity /parental leave*

- The Labour Code sets out regulations to ensure employment protection and non-discrimination throughout Maternity, Paternity, and Parental leave of employed people. It prohibits the dismissal of a mother with a child under the age of three, without permission obtained from the General Labour Inspectorate Executive Agency.
- The legal right to return to the same work position, or – if the position was cut – to an equivalent one, is also guaranteed by the Labour Code. Furthermore, it states the right to benefit from any improvements of the working conditions or indexation of the salary which occurred during childcare-related leave.
- A pregnant woman, a breastfeeding woman, or a woman who is in an advanced stage of in-vitro treatment has the right to refuse work which presents hazards to her and her child's health. A list of hazardous jobs and working conditions is regulated by the Minister of Labour and Social Policy and the Minister of Public Healthcare. Based on the recommendation of the responsible

healthcare authorities, the employer has a duty to temporarily rearrange working conditions and/or schedule in order to remove the risk and safeguard the woman's health. If this is impossible due to objective reasons, the woman shall be temporarily assigned to another job. To account for any waiting period before starting the new, more appropriate job, the woman will be compensated by her employer (to the sum of her gross monthly remuneration). If the remuneration on the new job is lower than that of the former one, the employer must pay compensation to settle the difference in payments. Each year, in coordination with the healthcare authorities, the employer determines a list of work positions suitable for pregnant, breastfeeding or in-vitro treated women.

- Employed pregnant women, women who are in an advanced stage of in-vitro treatment procedure, or mothers with a child under the age of three cannot be sent on a business trip without their consent. This right may be used by the father if the mother is not in a condition to benefit from it.

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

The maximum period of post-natal leave available in Bulgaria is 36 months, but well-paid leave only lasts for 12 months. Levels of attendance at formal services for children under three years of age are low and well below the average for OECD countries – however, they are only just below average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page. Pre-school education is obligatory for children aged five and six. According to the National Statistical Institute, the enrolment rate for children aged three to six in childcare institutions was 78.4 per cent in 2017/18.

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

- Since 1 July 2018, adoptive parents of a child up to the age of five have been entitled to receive 365 days' paid leave (equal to 90 per cent from their average gross monthly earnings or their average insurance income, received in the 12 months before adoption). If the adoptive parent does not use the leave and returns to full-time employment, they are entitled to receive 50 per cent financial compensation for the period of the leave.
- Before July 2018, there were specific provisions for adopting a child under the age of two or a child aged between two and five.

When adopting a child under the age of two, the duration of the leave was determined by subtracting the child's age from the length of the Maternity leave (410 days), so the period of the leave would vary depending on child's age at adoption. Adopters of children between the age of two and five received a fixed period of 365 days' leave. The law has now been changed to grant an equal period of leave to all adoptive parents of pre-school age children, regardless of the child's age at adoption.

- The right to Paternity leave for co-habiting adoptive fathers has been abolished.
- In 2018, there was also a slight increase of the minimum payment for Maternity leave benefit, due to the increase of the minimum wage. There was also an increase in the monthly benefit for Parental leave (until the child is two years old).

## 4. Uptake of leave

### a. Maternity leave

- The general Maternity leave of 135 days is obligatory and it is considered a recovery period for mothers, as well as time for immediate childcare. This is documented by health authorities (i.e. GPs and hospitals).
- Data from the National Social Security Institute shows that in 2018, 382 fathers (adoptive and biological) took the period of Maternity leave, from the sixth month until one year after childbirth – a number which makes them below one per cent of all beneficiaries.<sup>6</sup>
- Overall, combined with the number of beneficiaries from the previous year, the total number of first year paid leave beneficiaries in 2018 was 85,030 (data taken from the National Social Security Institute). Additionally, 1009 leave beneficiaries received 50 per cent financial compensation because they returned to work during the leave.
- Survey data shows that parents are in favour of highly paid Maternity leave during the first year of their child's life.<sup>7</sup>

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<sup>6</sup> See: <https://bit.ly/31MHOPH>

<sup>7</sup> In Bulgaria, 73 per cent of all children up to three years of age are cared for at home by their parents and do not visit childcare facilities. In 2016, this was the highest percentage in the EU (see: Slavova, Z., 2016, 'Bulgaria is the country where the highest percentage of small children cared for by their parents.' *IME Newsletter*, available at: <http://ime.bg/bg/articles/bylgariya-e-stranata-v-koyato-nai-mnogo-ot-malkite-deca-se-otglejdat-ot-roditelite-si/#ixzz59SWQJ3W9>. Survey data on parents' attitudes toward family policy in Bulgaria demonstrates that most parents are highly appreciative of paid Maternity leave during the first year (see Kotzeva, T., E. Dimitrova, K. Ilieva, S. Moraliiska (2016). 'Survey on attitudes of parents towards family policy in

## **b. Paternity leave**

For eligible fathers, the 15 days of Paternity leave are obligatory – this aims to foster father’s involvement in childcare immediately after the birth. According to the National Social Security Institute, 21,743 fathers (including 35 adoptive fathers) took paid leave in 2018: this is equivalent to approximately one-third of all the children born that year.<sup>8</sup>

## **c. Parental leave**

In 2018, the second year of Parental leave was taken by 92,976 beneficiaries: 939 of them were fathers. Moreover, 15,549 of beneficiaries received 50 per cent of the benefits for the second year because they returned to employment. Well-paid and higher qualified mothers prefer to return to work and choose other options for childcare (e.g. babysitter, relatives, or a crèche) rather than staying at home.<sup>9</sup> For mothers without paid social security, who may be entitled to a monthly social benefit for one year after the birth, the National Agency for Social Assistance reports that 13,641 mothers (1567 of whom received benefits in kind because their age was below the age of 18) received this social benefit in 2018 (i.e. about one fifth of all mothers who gave birth that year).<sup>10</sup>

## **d. Childcare leave or career breaks**

No data available.

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Bulgaria’ in *Family Policy Vision – Parents’ Views and Europe’s Experience*. NMD. Sofia. Available at: <http://nmd.bg/dve-novi-publikatsii-po-proekta-viziya-za-semeyna-politika/>

<sup>8</sup> See: <http://www.noi.bg/benefits>.

<sup>9</sup> Survey data on parents’ attitudes shows that approximately half of the respondents, mainly those with high levels of education and well-paid jobs, living in urban environments, are critical towards low-paid Parental leave during the second year, as well as towards the lack of services for children aged one to three. The experts interviewed in this survey are also sceptical about the genuine opportunity for highly qualified and educated parents to take second year leave, due to the negative effects of long-term Parental leave on labour market and women’s qualifications (see Kotzeva et al., 2016; footnote 3).

<sup>10</sup> See: <https://bit.ly/2X1p4x4>

# Canada<sup>1</sup>

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**April 2019**

N.B. Canada is a federal state.

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

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

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

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

### Comparison of benefits: Canada (EI) and Québec (QPIP)

	<b>Canada EI</b>		<b>Québec</b>	
<b>Eligibility</b> (in past year) <sup>1</sup>	600 hours		\$2,000 [€1,329.89] <sup>2</sup> earnings	
<b>Self-employed workers</b>	If opted in the year before, with minimum net income of \$7,121 [€4,735.07] in self-employed earnings (2018)		Automatically covered (must have stopped working or seen a reduction of at least 40 per cent of usual income)	
<b>Waiting period</b>	1 week per couple		None	
<b><i>Weeks by wage-replacement rate (% of gross earnings during a qualifying period up to the Maximum Insurable Earnings level)</i></b>				
<b>Plan</b>	<b>Standard</b>	<b>Extended</b>	<b>Basic</b>	<b>Special</b>
<b>Maternity</b> <sup>2,3</sup>	15 at 55%		18 at 70%	15 at 75%
<b>Parental (may be shared)</b>	35 at 55%	61 at 33%	32 (7 at 70% + 25 at 55%)	25 at 75%
<b>Parental Sharing Benefit</b> <sup>6</sup>	40 at 55%	69 at 33%		
<b>Paternity</b>	(if 35 for one, then extra 5 for the other)	(if 61 for one, then extra 8)	5 at 70%	3 at 75%

<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>

		for the other)		
<b>Adoption (shared)<sup>4</sup></b>	35 at 55%	61 at 33%	12 at 70% + 25 at 55%	28 at 75%
<b>Adjusted annually:</b>				
<b>Maximum weekly benefit, 2018</b>	\$562[€373.70]	\$337[€224.09]	\$1,067 [€709.50]	\$1,103 [€673.59]
<b>Maximum insurable earnings, 2018</b>	\$53,100 [€35,308.50]/year		\$76,500 [€50,868.20]/year	
<b>Maximum total weeks per couple</b>	76 (84 if shared)		55	43
<b>Low-income supplement<sup>5</sup></b>	Up to 80%		Up to 80%	

Source: Adapted from 'EI maternity and parental benefits: What these benefits offer,' Service Canada (2019), <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html> and 'Québec Parental Insurance Plan,' Emploi et Solidarité sociale, Québec, <http://www.rqap.gouv.qc.ca>

Table Notes:

- 1) The 600 hours are of insurable employment in the 52 weeks before the claim is made (or since the last EI claim, e.g. for unemployment, sick leave, or Compassionate Care benefits). In Québec, CAD\$2,000 [€1,329.89] must be earned in the fiscal year but an extension to 104 weeks is allowed if unable to work.
- 2) Only birth mothers (including surrogate mothers) are entitled to Maternity leave in both plans.
- 3) The benefit calculation for both programmes uses a 'best weeks' formula to determine 'average insurable earnings' up to the Maximum Insurable Earnings level for that year. EI uses the previous 52 weeks; Québec uses the past 26 weeks (an extension is granted if earnings were lower for certain reasons).
- 4) Only QPIP has a separate option for adoptive parents; EI Parental leave benefits are the same for biological and adoptive parents
- 5) The low-income supplement is for families with a net annual income of less than CAD\$25,921 [€17,236]. The amount, up to 80 per cent, is calculated based on net family income and the number of children and their ages. It should be noted that even at 80%, the threshold of CAD\$25,921 [€17,236] is below the low-income cut-off rate (poverty line) for two persons (parent and child).
- 6) <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parent-sharing.html> For births and adoptions on or after 17 March 2019.

### a. Maternity leave (*congé de maternité*)

*Length of leave (before and after birth)*

- 15 to 18 weeks depending on the jurisdiction.

#### *Payment and funding of two benefit programmes*

- 15 weeks of benefits at 55 per cent of average insured earnings up to an earnings ceiling of CAD\$53,100 [€35,308.50] (i.e. a benefit payment ceiling of CAD\$562 [€373.70] per week).<sup>3</sup> Low-income families can qualify for a higher benefit rate, up to a maximum of 80 per cent of average insured earnings.
- There is no payment for the first week, which is treated as a 'waiting period': this means that payment is available for 16 weeks out of 17-18 weeks' leave.

Administered under the federal EI fund, Maternity and Parental leave benefits are funded by premiums paid by employers and employees, based on a premium rate that applies to every CAD\$100 [€66.49] of insurable earnings, up to the maximum insurable earnings threshold (MIE) which was CAD \$53,100 [€35,308.50] in 2018. The rates are set by the Employment Insurance Financing Board each year.

Employers pay premiums that are 1.4 times those of employees: employee premiums were set at CAD\$1.62 [€1.08] per CAD\$100 [€66.49] (for Québec residents at CAD\$1.25 [€0.83] of insurable earnings in 2018); employer premiums were set at CAD\$2.27 [€1.51] per CAD\$100 [€66.49] of insurable earnings (for Québec Employers at CAD\$1.75 [€1.16]<sup>4</sup>). Self-employed individuals outside of Québec who opt in to the EI program in order to be eligible for special benefits pay the same as employees: CAD\$1.62 [€1.08] per CAD\$100 [€66.49] of insurable earnings up to a maximum of CAD\$53,100 [€35,308.50] of earnings, or CAD\$860.22 [€572] annually.

- See 'regional or local variations' for additional contributions paid in Québec. Maternity and Parental leave benefits are taxable.

#### *Flexibility in use of benefits*

- Under the EI program, as of 3 December 2017, pregnant mothers may start receiving benefits as early as 12 weeks before their due

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

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

date or delay receiving benefits until the actual week they give birth.

- Normally, Maternity benefits must end by 17 weeks after the week in which the mother was expected to give birth or actually gave birth. Maternity benefit receipt can be delayed/extended by the amount of time a new-born is hospitalised, but Maternity benefits must be received within 52 weeks of the birth.
- Maternity benefits may be combined with regular benefits in the event of job loss or with other special benefits (parental sickness benefits, Compassionate Care benefits, or family caregiver benefits for adults or for parents of seriously ill children up to a maximum of 102 weeks – with proof of eligibility for the latter benefits). However, eligibility and other rules sometimes result in reducing claim duration.

#### *Regional or local variations in leave policy*

- Eligibility and duration of leave entitlements vary across provinces and territories. The rules generally apply to all leave-taking types (Maternity, Paternity, Parental, Compassionate Care, etc.). See the table below under Parental leave.
- Québec offers benefits of 70 per cent of average weekly income up to an earnings ceiling of CAD \$76,500 [€50,868.20] per year in 2018 for 18 weeks of Maternity leave; there is also no waiting period.<sup>5</sup> There is some flexibility in use of Maternity leave. It is possible to have a higher income replacement rate but for a shorter period, or lower income for a longer period. Under the 'special' plan, Maternity leave benefits are paid at 75 per cent of weekly income for 15 weeks, while under the 'basic' plan they are 70 per cent of weekly income for 18 weeks.
- Benefits in Québec are financed by contributions from employers, employees, and the self-employed, who pay the standard contribution to EI (minus a reduction, but with a supplementary contribution to cover the higher benefits offered in the province). In 2019, contributions are 0.526 per cent for employees, 0.736 per cent for employers, and 0.934 per cent<sup>6</sup> for the self-employed (maximum contributions respectively of CAD\$405.52 [€269.65], CAD\$567.58 [€377.41] and CAD\$720.02 [€478.77], up to a maximum insurable income of CAD\$76,500 [€50,868.20]<sup>7</sup>, compared with 0.36 per cent of insurable income,

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<sup>5</sup> Government of Québec (Travail, Emploi et Solidarité Social). Information on QPIP available at: [http://www.rqap.gouv.qc.ca/Index\\_en.asp](http://www.rqap.gouv.qc.ca/Index_en.asp)

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

<sup>7</sup> [http://www.csst.qc.ca/glossaire/Pages/salaire\\_maximum\\_annuel\\_assurable.aspx](http://www.csst.qc.ca/glossaire/Pages/salaire_maximum_annuel_assurable.aspx)

up to a maximum of CAD\$53,100 [€35,308.50] as an EI premium in other parts of Canada).

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

- Eligibility for job-protected unpaid leave entitlement varies between Canada's 14 employment jurisdictions and is separate from the eligibility for the payment of benefits under the two (federal and Québec) programmes. The rules generally apply to all leave-taking types. See below under the heading for Parental leave.
- Eligibility requirements for wage-compensation benefits under the federal programme are 600 hours of continuous employment in the last 52 weeks. Many part-time and non-standard (contract) workers do not have enough hours to qualify, even though they pay EI premiums. For the Québec QPIP programme, workers are eligible if they earned at least CAD\$2,000 [€1,329.89] in the 52 preceding weeks.
- In 2006, when the QPIP programme began, self-employed workers in Québec were included and became eligible for maternity, paternity, parental, and adoption benefits if they had made a minimum of CAD\$2,000 [€1,329.89] in self-employment earnings in the previous year. Outside Québec, in 2010, EI special benefits (Maternity, Parental, Sickness and Compassionate Care leave benefits) were extended to the self-employed on a voluntary, opt-in basis. Until implemented in 2011, most self-employed parents (outside of Québec), especially women, were not eligible for benefits since they typically work under business or service contracts and therefore are not considered to have insurable employment. In order to receive maternity/parental benefits, self-employed parents outside of Québec must have registered one year previously, and qualify if they have reduced the amount of time devoted to their business by more than 40 per cent because of childbirth/care, paid contributions to the regime, and earned at least CAD\$ 7121 [€4,735.07] (in 2018) from self-employment in the reference period of the previous 52 weeks.<sup>8</sup>
- There are no leave entitlements or benefits for parents who do not meet the eligibility criteria.
- Graduate and postdoctoral students who receive a scholarship from one of three large granting agencies can receive limited benefits from the agency. (Research/teaching assistant and postdoctoral employment contracts vary in terms of being counted as insurable earnings.)

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

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

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

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

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

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

*Length of leave (before and after birth) entitlement*

- No statutory leave, except in Québec (see 'regional or local variations'). In Québec, fathers are entitled to Paternity leave. For parents of same sex, in the case of two male parents, the partner of the biological father is entitled to the adoption benefits if he was part of the adoption process. In the case of two female parents, the partner of the mother is entitled to Paternity and Parental leave benefits if her name is on the birth certificate.
- See section 3 for proposed changes in policy for a new federal EI Parental Sharing Benefit to encourage 'second parents' to take a

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<sup>9</sup> The French translation of the name of this ministry is Travail, Emploi et Solidarité Sociale.

period of parental leave.

*Regional or local variations in leave policy*

- Québec offers up to five weeks after the birth. Paternity leave may be taken for three weeks at 75 per cent of average weekly earnings, or for five weeks at 70 per cent up to an earnings ceiling of CAD \$76,500 [€50,868.20] per year. Funding as for Maternity leave.
- Fathers in Québec (including self-employed workers) are eligible if they have earned at least CAD\$2,000 [€1,329.89] in the 52 preceding weeks.

As for costs, Québec has implemented a 4 per cent reduction in the employer-employee contributions to the regime for 2019. The contributions are now as follows:

Type of contributor	Level of contribution in 2018	Level of contribution in 2019
Employees	0.548 %	0.526 %
Employers	0.767 %	0.736 %
Self-employed	0.973 %	0.934 %

**c. Parental leave (*congé parental*)**

*Length of leave (before and after birth)*

For unpaid, job-protected leave, see regional variations below.

*Payment and funding*

- As of 3 December 2017, the EI system provides two options. The standard option provides up to 35 weeks of income replacement per family at the same rate as Maternity leave (55 per cent of average insured earnings up to an earnings ceiling of CAD\$53,100 [€35,308.50] (i.e. a benefit payment ceiling of CAD\$562 [€373.70] per week). Alternatively, one or both parents can opt to share extended Parental leave benefits for up to 61 weeks, by spreading the same benefit amount over a longer period of time: i.e., 61 weeks at 33 per cent of earnings up to the maximum or a benefit payment ceiling of CAD\$337 [€224.09] per

week.<sup>10</sup> As of 17 March 2019, an additional five weeks of benefits is available under the standard option if both parents share parental benefits, and an additional eight weeks of benefits is available under the extended option when parents share parental leave under the extended option.

- Low-income families (i.e., with a net income of CAD\$25,921 [€17,236] or less per annum) are eligible for a family supplement under the EI programme, up to a maximum of 80 per cent of average insurable earnings. The specific amount of benefits received depends on family net income and the number and ages of children in the family (under 18 years). Data is not available regarding the number of Parental leave claimants who received the family supplement. However, available evidence on the total number of claimants receiving any of the 'special' benefits indicates a consistent decrease each year (since 2001-2002), largely because the threshold for the family supplement has been constant since 1997 (at a net annual income of less than CAD\$25,921 [€17,236]) while average family income has risen. In Québec, this supplement averaged CAD\$38.14 [€25.36] per family and five per cent of beneficiaries using Parental leave received this supplement.

#### *Flexibility in use*

- Benefit payments can be claimed by either parent or shared if both parents qualify for up to a total of 35 weeks of benefits (40 weeks if shared) on the standard plan, in which case leave benefits are limited to use within 52 weeks after the birth. Parents who opt for the extended plan are limited to use within 78 weeks after a birth or adoption. While on leave, a parent may earn CAD\$50 [€33.25] a week or 25 per cent of the weekly benefit, whichever is higher.
- Parents must choose either the standard plan or the longer extended benefit plan at the time they apply for benefits – this cannot be changed at a later date.
- Each of the 14 labour laws establishes rules regarding flexibility in use. See the notes under the table in the 'Regional or local variations in leave policy' section below for details. Parents of a new-born or newly adopted child who is hospitalised for an extended period have a window of up to two years to claim parental benefits.
- Parental leave benefits can be combined with EI-covered sickness or Compassionate Care benefits or family caregiver benefits while

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

a parent is on leave.

- Canadian Forces members ordered to return to duty while on Parental leave or whose Parental leave is deferred because of military requirements may receive benefits for an extended window of up to two years following their child's birth or adoption.
- In Québec, the regime was changed slightly in 2018. Parents can now spread the Parental leave over two years, if their employer agrees. There is no additional funding, but the time can be covered, for example, with part-time employment. Also, parents will have a bank of ten days within the Parental leave (no days are added, but the parents must keep ten days for this): these are days which they can use within the next three years for family reasons, without needing to obtain authorisation from their employer.

#### *Regional or local variations in leave policy*

- In terms of benefits, the Québec Parental Insurance Plan offers a basic entitlement of seven weeks at 70 per cent of average insured income, plus 25 weeks at 55 per cent, up to an earnings ceiling of CAD\$76,500 [€50,868.20] a year. There is also a 'special' plan, which applies to Maternity and Paternity leave too, offering a shorter period of leave (25 weeks) with higher benefits (75 per cent of earnings). Leave can be taken at any time in the 70 weeks that follow birth, but for benefits it is during the 52 weeks following birth.
- Differences in duration and some other rules for unpaid job-protected leave entitlement falls under 14 jurisdictional employment standards acts (as explained above). Parents follow the legal rules where they work, not where they live. Other rules include, for example, length of leave, flexibility of use, eligibility, and employment entitlements during leave (e.g., accrual of work benefits such as pensions). Some jurisdictions allow leave extensions under certain circumstances, such as late births or health problems. Regional variations in eligibility for leave entitlement are noted in the next section.
- Following the federal government's introduction of the option for an extended parental benefit period of 61 weeks, the federal jurisdiction amended their legislation to allow 63 weeks of unpaid, job-protected Parental leave. The federal government works with the provinces and territories to encourage this change under their employment standards laws. The chart below shows which provinces and territories have made this change as of 30 April 2019. All jurisdictions require continuous leave, within and across types of leave.

### Maximum Duration of Unpaid Leave Entitlement by Jurisdiction<sup>11</sup>

<b>Employment Jurisdiction</b>	<b>Maternity Leave (weeks)</b>	<b>Parental Leave (weeks)</b>	<b>Adoption Leave (weeks)</b>
Federal	17	63	63
Alberta	16	62	62
British Columbia	17	61	62
Manitoba	17	63	63
New Brunswick	17	61	61
Newfoundland and Labrador	17	61	61
Northwest Territories	17	37	37
Nova Scotia	17	77	77
Nunavut	17	37	37
Ontario	17	63	63
Prince Edward Island	17	62	62
Québec	18	52	52
Saskatchewan	18	37	52
Yukon	17	37	37

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

- To qualify for unpaid, job-protected Maternity, Paternity, or Parental leave, an employee must complete a specific period of continuous employment in the year prior to taking leave. The exceptions are British Columbia, New Brunswick, and Québec where there is no length of service required. From shortest to longest duration: Alberta requires a minimum of 90 days with the same employer; Ontario requires 13 weeks of service; Newfoundland and Labrador require 20 continuous weeks; Prince Edward Island requires 20; and Saskatchewan requires 13 continuous weeks. The federal jurisdiction and the Northwest Territories require six months, and Manitoba requires seven months. Nova Scotia, the Yukon, and Nunavut territories require 12 months. In addition, in all jurisdictions a medical certificate must be provided or may be requested by the employer, and an employee must notify the employer, usually two to four weeks

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<sup>11</sup> For more details, see: <https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/maternity-leave.html> (For specific provincial and territorial distinctions, see provincial and territorial web pages.)

in advance (six weeks in Alberta), of their intent to take Maternity or Parental leave, and often provide advance notification of their intended date of return. See the links above for more detail.

- Regarding non-citizens and migrant workers, if they have a valid social insurance number, and meet other eligibility criteria, they may be eligible for maternity and parental benefits.<sup>12</sup>
- To be eligible for payment benefits, a parent must have worked in insurable employment for 600 hours in the last 52 weeks or since their last Employment Insurance claim. Outside Québec, self-employed individuals are eligible if they register in advance for the EI Special Benefit programme, have paid premiums for at least one year, and earned a minimum of CAD\$7,121 [€4,735.07] for claims filed in 2018. Self-employed workers in Québec are automatically included in the programme. They are eligible for 25 or 32 weeks if they have earned at least CAD\$2,000 [€1,329.89] in the 52 preceding weeks.
- Eligibility for benefits is offered per birth, not per child under the federal EI programme and in Québec. Parents of multiple-birth infants follow the same benefit programme as parents of single infants.
- Québec has less demanding eligibility conditions that allow more parents, including self-employed workers and students, to receive benefits: it no longer requires individuals to have worked 600 hours over the previous 52 weeks, but simply to have earned an insurable income of CAD\$2,000 [€1,329.89]. Although nearly 80 per cent of full-time Canadian students are in the labour force, they are unlikely to work enough hours to qualify for federal EI leave benefits in Canada; by comparison, under QPIP, earning CAD\$2,000 [€1,329.89] 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). As noted for Maternity benefits, no additional benefits are provided in the case of multiple births: a court case challenging this policy was rejected in 2011.

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<sup>12</sup> Maternity and Parental Leave Benefits. Service Canada, 2018  
<https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/eligibility.html>

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

- Some employers have a supplemental benefit plan that partially makes up the difference between federal EI Parental benefits and the worker's salary: some also offer additional periods of leave. A survey of private companies in Québec in 2003 found that 36 per cent of union representatives and 46 per cent of HR managers said their companies offered supplementary leave or payments (Tremblay, 2012).<sup>13</sup> A 2010 survey of mothers who gave birth in 2008 and received EI or QPIP benefits reported that one in five mothers received an additional top-up to their benefits from their employer (Marshall, 2010)<sup>14</sup> - such supplementary payment options are more commonly found among employers in the public or quasi-public sectors and among larger private sector employers (typically, top-ups are more accessible to higher income earners).
- Many universities have adopted a policy of 'pausing the tenure clock' (extending the period before a mandatory tenure decision) for parents who take Maternity, Parental, or Paternity leave.

#### **d. Childcare leave or career breaks**

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

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

- For adoptive parents, the same regulations for unpaid Parental leave apply as for other parents, except in four jurisdictions (see table above). In three cases, adoptive parents are eligible for adoption leave that can be added to Parental leave: in Prince Edward Island, parents are eligible for 52 weeks' adoption leave instead of the 35 weeks' Parental leave for birth parents. In Newfoundland and Labrador and Saskatchewan, adoptive

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<sup>13</sup> Tremblay, D.-G. (2012) *Conciliation emploi-famille et temps sociaux*. Québec: Presses de l'université du Québec.

<sup>14</sup> Marshall, K. (2010) 'Employer top-ups', *Perspectives on Labour and Income*. Vol.11, No. 2 - February: 5-12. Statistics Canada Catalogue no. 75-001-XPE.

parents can take 17 or 18 weeks (respectively) that can be added to Parental leave, though in Saskatchewan only the primary caregiver is eligible for the adoption leave. The EI programme offers Parental leave benefits, but not Maternity leave benefits for parents of newly adopted children. In Québec, adoption leave benefits can be shared by both parents and provides for 12 weeks at 70 per cent and 25 weeks at 55 per cent.

#### *Time off for the care of dependants*

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

both qualified for EI to provide care or support to one or more critically ill children under the age of 18.

- In December 2017, the federal government added a new special benefit (the Family Caregiver Benefit for Adults) which enables eligible workers to access 15 weeks of EI benefits to provide care to a 'critically ill adult' who has experienced a significant change in their health and requires the care or support of one or more family members. The benefit for Parents of Critically Ill Children was renamed as the Family Caregiver Benefit for Children. The 35 weeks of benefits may now be shared among any family members (or people considered to be like family) who meet the existing eligibility requirements for EI special benefits, requiring 600 insurable hours during the qualifying period.<sup>15</sup> Both benefits are also available to eligible self-employed individuals who have contributed to EI and may be combined with Compassionate Care leave benefits if the child/adult's health worsens. Claimants must provide a medical certificate, attesting that the child/adult is critically ill. To date, only a few provinces have amended their legislation to provide for matching periods of unpaid leave.

#### *Flexible working*

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

#### *Specific provision for (breast)feeding*

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

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<sup>15</sup> <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/adult-care.html>

## 2. Relationship between leave policy and early childhood education and care (ECEC) policy

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

In recent years, public awareness has grown about the lack of access to affordable, quality childcare, and especially the high cost of infant care. A recent OECD report found childcare costs in Canada to be among the highest out of 35 OECD countries: 'across the OECD the average two-income family spends about 15 per cent of its net income on childcare. In Canada, the ratio is as high as 22.2 per cent of net income.'<sup>16</sup> The costs are lower in Québec, where the state contributes largely. Even those who can afford the high fees or who qualify for a provincial fee subsidy face long waiting lists for the limited spaces available in licensed childcare centres and regulated family home day care. For these reasons, federal and provincial governments are being pressed to invest in early learning and childcare services. Some parent groups have also called for an extension of Parental leave duration.

In 2006, a then-newly elected federal Conservative government cancelled bilateral agreements with the provincial and territorial governments to invest in early childhood services. Instead, the federal government provided a taxable direct payment to parents, called the Universal Childcare Benefit (increased in 2015 from CAD\$100 [€66.49] per month to CAD\$160 [€106.39] per child under six years, and adding CAD\$60 [€39.90] for each child aged six to 17 years per month), and a tax benefit called the Canada Child Tax Benefit, for children under 18. Following a change in government in the fall of 2015, the Liberal government's 2016 federal budget replaced these benefits with a single, enhanced, non-taxable Canada Child Benefit. As of July 2018, the Canada Child Benefit<sup>17</sup> provides a maximum annual benefit of up to CAD\$6,496 [€4,319.48] per child under the age of six and up to CAD\$5,481 [€3,644.56] per child for those six to 17 years of age (both

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<sup>16</sup> OECD (2016), *Society at a Glance 2016: OECD Social Indicators*, OECD Publishing, Paris. Available at: <http://dx.doi.org/10.1787/9789264261488-en>

<sup>17</sup> Canada Child Benefit and related provincial and territorial programmes. For the period from July 2018 to June 2019. Available at: <https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/t4114/canada-child-benefit.html#whtnw>

benefits programmes were in addition to a federal childcare expense deduction, which typically must be claimed by the parent with the lower net income).

In 2017, the federal government announced a policy framework, the Multilateral Early Learning and Child Care Framework, to invest a total of CAD\$7.5 [€4.99] billion over 11 years in order to increase the supply of early learning and childcare programmes, using the parameters of quality, accessibility, affordability, flexibility, and inclusivity. Bilateral agreements have been negotiated with each province, as service provision falls under provincial jurisdiction. These funds exclude Québec, which provides its own provincial childcare programme.

The 2017 and 2018 federal budgets committed significant funding (1.7 billion dollars [€1.13] over ten years) to an Indigenous Early Learning and Childcare Framework (ELCC). In Canada, Indigenous populations are made up of First Nations, Inuit, and Métis communities. Over the next ten years, the government has also committed up to 1.02 billion [€680 million] to support ELCC for First Nations childcare and this will be managed in partnership with First Nations communities. Up to \$111 [€7.31] million will support ELCC for the Inuit communities and will be managed in partnership with Inuit communities; and up to \$450 [€299.23] million will support ELCC for the Métis Nation and will be managed in partnership with the Métis Nation.<sup>18</sup>

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

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<sup>18</sup> <https://www.canada.ca/en/employment-social-development/news/2018/09/backgrounder-indigenous-early-learning-and-child-care-framework.html>

province, and change over time: often, there are long waiting lists for a subsidy, except in Québec where the system is different.<sup>19</sup>

Most provinces start publicly funded kindergarten when the child is five years old. In Ontario, since 2014, full-day kindergarten for children between three years, eight months and six years of age has become universally available. It is not a compulsory programme. This policy change has reduced the demand for daytime childcare for this age group (four and five-year-olds), although not for after school programmes and summer care. Across the country, day care fees vary depending on provincial policies and market rates, with infant care being most expensive. Canada's patchwork of provincial/territorial childcare policies remains difficult, limiting children's access to high quality early childhood programmes, and impacting on family income and women's employment.<sup>20</sup> Several provinces are currently making efforts to expand childcare access and/or reduce parental fees, plus need to address issues such as the limited supply of qualified early childhood educators in order to maintain quality.

In Québec, there is a public day care programme, financed largely by the state, which initially offered day care at CAD\$5 [€3.33] a day. The February 2014 budget increased the amount parents pay for childcare, up from CAD\$7 [€4.66] a day to CAD\$8 [€5.32] a day, starting in September 2014. The price is now linked to parental income, taking into account the number of children in the family, but the present provincial government, CAQ (Coalition Avenir Québec) is considering other changes, although nothing has been announced yet.

In Québec the basic daily fee contribution and the additional contribution are indexed annually, on 1 January. As of 1 January 2018, the basic contribution is CAD\$8.05 [€5.35] per day, per child. Families with a net income of CAD\$51,340 [€34,138.20] or less have no additional contribution to pay. The additional contribution increases to a daily rate of CAD\$8.75 [€5.82] for families with a net income of CAD\$51,340 [€34,138.20] to CAD\$77,005 [€51,204], with further increases up to a maximum of CAD\$13.90 [€9.24] per day, which corresponds to an income of CAD\$165,005 [€109,719], for a maximum daily rate of

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<sup>19</sup> Macdonald, D. (2018) *Childcare Deserts in Canada*. Ottawa: Canadian Centre for Policy Alternatives.

<sup>20</sup> For an overview of the costs of day care in Canadian cities, see Macdonald, D. and Friendly, M. (2019). *Developmental Milestones: Child Care Fees in Canada's Big Cities*. 2018. Ottawa: Canadian Centre for Policy Alternatives.

CAD\$21.95 [€14.60]. Fees are reduced by 50 per cent for a second child and remain at the basic amount for a third or later child.<sup>21</sup>

### **3. Changes in Parental leave policy since April 2018**

As of December 2017, parents who qualify for parental leave benefits under the federal EI programme have the option of selecting either up to 35 weeks of shareable benefits at 55 per cent of earnings (the standard option) or up to 61 weeks of benefits at 33 per cent of maximum insurable earnings (the extended option). A new EI Parental Sharing Benefit<sup>22</sup> was implemented on 17 March 2019. This policy provides for an additional five weeks of benefits under the standard option (up to 40 weeks) when couples share the benefits, and a maximum of an additional eight weeks when parents share benefits under the extended leave option. The aim of this programme is to enhance gender equality by encouraging more fathers to take a portion of Parental leave – in effect it provides for a period of designated Paternity leave. It is important to note that families are only eligible for this new option if both parents qualify for, and receive, benefits.<sup>23</sup> It also aims to be inclusive of all types of families, such as families with same-sex parents and adoptive parents. The extra five or eight weeks are available only to parents of children born or placed with them for adoption on or after 17 March 2019.

#### *Working while on claim*

As of 12 August 2018, it is possible for a claimant to receive Maternity and Parental leave benefits while continuing to work. If they are earning a maximum of 90 per cent of their previous earnings (in the 52 weeks before going on leave), which is equivalent to approximately four and a half days of work per week, they will receive 50 cents for every eligible benefits dollar. If a claimant works above this 90 per cent cap, their benefits are deducted dollar-for-dollar. If they choose to work a fulltime week, they will no longer be eligible to receive benefits (regardless of earnings), but this will not decrease the total amount of weeks payable

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<sup>21</sup> Government of Quebec. Daily day care costs (8 March 2017). Available at: [Budget.finances.gouv.gc.ca](http://Budget.finances.gouv.gc.ca).

<sup>22</sup> [https://www.fin.gc.ca/n18/docs/18-008\\_6-eng.pdf](https://www.fin.gc.ca/n18/docs/18-008_6-eng.pdf)

<sup>23</sup> For an overview of the high numbers of mothers who do not have access to maternity and parental benefits in Canada, see McKay, L., Mathieu, S., and Doucet, A. (2016). 'Parental-leave rich and Parental-leave poor: Inequality in Canadian labour market-based leave policies.' *Journal of Industrial Relations*, 58 (4):543-562. doi: 10.1177/0022185616643558.

on their claim. Working while on claim does not need a separate application. If claimants are already receiving maternity and/or parental benefits, they only need to declare their earnings online.

#### *Temporary 'Alternate Earnings' rule*

This alternative to working while on claim is available to claimants until 14 August 2021. It is the option to keep the greater of \$75[€49.87] of earnings or 40 per cent of their benefits per week (equivalent to approximately one day of work per week), without any deductions being applied to those benefits. Earnings above this cap will result in dollar-for-dollar benefits deductions.

Individuals may be eligible for this option if they choose the 'Alternate Earnings' rule for an EI claim that was made under Pilot Project 20. They must have since filed a new claim for any type of EI benefit (in this context, Maternity and/or Parental leave benefits) that started on or after 12 August 2018. They also may be eligible if they are currently on an EI claim that started before 12 August 2018. The 'Alternate Earnings' option is only available during the three-year transition period from 12 August 2018 to 14 August 2021.

#### *Funded students and post-doctoral fellows*

In the 2019 budget (tabled 19 March 2019), Parental leave duration was extended from 6 to 12 months for student researchers and post-doctoral fellows receiving federal research grants or scholarships. This programme is administered by federal research granting councils.

## **4. Uptake of leave**

There is no source of information on unpaid uptake of leave entitlements. For receipt of leave benefits, there are three sources of information: a Statistics Canada national survey (the Employment Insurance Coverage Survey, EICS), Québec administrative data, and EI administrative data collected by the Employment Insurance Monitoring Commission. The EICS excludes the three territories and parents living on First Nation reserves. It also asks mothers about leave directly and asks mothers about fathers' use of leave. Fathers are not asked directly. Both the EICS and Employment and Social Development Canada (ESDC) sources sometimes report national figures, which obscure programme differences. ESDC provides annual information on EI maternity and parental benefits, with some disaggregation (see below for mothers' use of benefits). The most recent EI Monitoring and Assessment report covers the period from 1 April 2017 to 31 March 2018 and is the main source of published information on benefits received at this time. The report includes limited information about the uptake of the extended

Parental leave benefits option that was introduced in December 2017. However, at a recent national conference, a government official stated that 'as of December 30 2018, about 32,000 parents have chosen the extended parental benefit option since it began in December 2017.'<sup>24</sup>

In the most recent report available from the federal government (for 2017/18), of the 198,050 parental claims, 84.4 per cent were from women, while 15.6 per cent were from men. Correspondingly, women received 90.9 per cent of the total amount of benefits and men received 10.1 per cent. When mothers and fathers share leave, the average weeks of Parental leave used in 2017/18 was 22.8 for mothers and 10.4 for fathers. When they chose not to share, mothers took an average of 33.4 weeks' Parental leave and fathers took 28.2 weeks.<sup>25</sup> In Québec in 2018, parents shared Parental leave (i.e. each parent takes part of the leave) in 17 per cent of all QPIP birth files.

Using weeks and amounts of benefits claimed expressed per child (rather than per claim), analysis for 2017/18 indicates that, as in previous fiscal years, eligible parents used almost all the EI Maternity and Parental leave weeks to which they were entitled. The vast majority of mothers in receipt of maternity benefits (91.5 per cent) used the full 15 weeks available for an average duration of 14.7 weeks. In 2017/18, the average duration of parental benefit claims per child was 33.2 weeks for parents who decided to share the parental benefits, and 33 weeks when parents did not share benefits. Mothers who received both maternity and parental benefits used 47.7 of the 50 weeks of combined benefits available, approximately 95.4 per cent of the full entitlement.<sup>26</sup>

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

### *Mothers*

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<sup>24</sup> Employment and Social Development Canada (2019). Presentation to Families in Canada Conference, March 27, 2019. Vanier Institute of the Family, Ottawa, ON.

<sup>25</sup> Employment and Social Development Canada (2019) *2017/18 EI Monitoring and Assessment Report*. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2018.html>

<sup>26</sup> Employment and Social Development Canada (2019) *2017/18 EI Monitoring and Assessment Report*. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2018.html>

The most recent ESDC Employment Insurance Monitoring and Assessment report indicates that in 2017/18, 171,470 Canadian mothers (excluding those from Québec) claimed EI maternity benefits, an increase of 0.7 per cent from the previous year. EICS survey data is used to report national numbers (not by benefit programme) of benefit coverage as follows. In 2017, 78.5 per cent of new mothers (those with a child aged 12 months or younger) had recent insurable employment: of these, 89.9 per cent received Maternity or Parental leave benefits. According to EICS survey data, Québec had the highest share of recent mothers with insurable employment, at 91.1 per cent, and the highest share of insured recent mothers who received Maternity or Parental leave benefits (97.1 per cent).<sup>27</sup> The share of new mothers in the rest of Canada with insurable employment who received maternity or parental benefits was 87.2 per cent in both 2017 and 2016.

The vast majority of mothers who receive maternity benefits (98.5 per cent) go on to receive Parental leave benefits. As noted above, under EI, women comprised 84.4 per cent of those receiving Parental leave claims in 2017/2018. Women tend to receive parental benefits for longer periods than men. In 2017/18, the average duration of parental benefits was 32.5 weeks for women compared to 16.2 weeks for men. The average weekly parental benefit for mothers receiving the standard benefit was CAD\$455 [€302.55] compared to CAD\$507 [€337.13] per week for fathers. Among those parents who opted for extended parental benefits at a lower income replacement rate, the average weekly benefit received was \$286 [€190.17] per week (\$285[€189.51] for women and \$310[€206.13] for men). Approximately half of parents who received parental benefits received the maximum weekly benefit available.<sup>28</sup>

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### *Fathers*

In 2017/18, fathers accounted for approximately 15.6 per cent of those who claimed Parental leave benefits, a figure that has been fairly stable since 2010/11. Previous years had shown a steady increase in the uptake rate of Parental leave benefits among eligible fathers in Canada (excluding Québec), suggesting that more couples were sharing benefits. But this trend did not continue after 2011: outside Québec the percentage of fathers who claimed or intended to claim Parental leave decreased from 11 per cent in 2011 to 9.4 per cent in 2012, recovering

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<sup>27</sup> Statistics Canada. (2018) Employment Insurance Coverage Survey, 2017. Reported in *The Daily*, 15 November 2018.

<sup>28</sup> Employment and Social Development Canada (2019) *2017/18 EI Monitoring and Assessment Report*. Annex 2. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2018.html>

somewhat in 2014 and 2015. In 2017, for all provinces combined (including Québec), the proportion of fathers who claimed or intended to claim Parental leave was 29.1 per cent, roughly the same as in 2016.<sup>30</sup> These data obscure major differences in the uptake of Parental leave by fathers in and outside of Québec. Specifically, outside of Québec only 11.9 per cent of recent fathers took or intended to claim Parental leave in 2017, compared to 81.2 per cent of fathers in Quebec.

Unfortunately, current data do not provide much information about the circumstances under which couples share Parental leave and benefits. What data do exist suggest that in 2017/18 fathers who shared Parental leave benefits with their spouse tended to claim an average of 10.4 weeks of benefits, while those who did not share benefits took, on average, 28.2 weeks of benefits.<sup>31</sup> The introduction of the QPIP (Québec Parental Insurance Plan), which includes leave that is exclusively for fathers, has had a huge impact on the number of fathers claiming or intending to claim leave in Québec since the introduction of the plan: from 27.8 per cent in 2005 to 81.2 per cent in 2017.<sup>32</sup> Data are not yet available on the numbers of fathers taking Parental leave since the new federal EI Parental Sharing Benefit was introduced.

On average, fathers who receive benefits following a birth take significantly fewer weeks than women who receive benefits. According to Statistics Canada, in 2010 those Canadian fathers taking leave, including in Québec, took an average of nine weeks of paid Parental leave, compared to 28 weeks for women.<sup>33</sup> The trend has been for fathers to take fewer weeks each year (i.e. the average was 11 weeks in 2009, but only eight weeks in 2011). Excluding Québec, fathers took an average of 18 weeks' Parental leave benefits in 2009, 14 weeks in 2010, and 13 weeks in 2011. The 2017/2018 EI Monitoring and Assessment Report indicated that fathers received an average of 16.2 weeks of parental benefits following birth or adoption, compared to 32.5 weeks for mothers under the standard parental benefit option.<sup>34</sup> The difference in numbers between data sources can be partly explained by the fact that the Statistics Canada data include both biological and

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<sup>30</sup> Statistics Canada (2018) *Employment Insurance Coverage Survey 2017*. Reported in *The Daily*, 15 November 2018.

<sup>31</sup> Employment and Social Development Canada (2019) *2017/18 EI Monitoring and Assessment Report*. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2018.html>

<sup>32</sup> Statistics Canada. (2018) *Employment Insurance Coverage Survey, 2017*. Reported in *The Daily*, 15 November 2018.

<sup>33</sup> Unpublished data from Statistics Canada Special Surveys Division.

<sup>34</sup> Employment and Social Development Canada (2019) *2017/18 EI Monitoring and Assessment Report*. Annex 2. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2018.html>

adoptive parents and are collected per calendar year rather than per fiscal year.

# Chile<sup>1</sup>

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**April 2019**

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

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

- a. Maternity leave (*pre y postnatal maternal*) (responsibility of Ministry of Labour and Social Security)

### *Length of leave (before and after birth)*

- 18 weeks: six weeks before birth, and 12 weeks after birth. It is obligatory to take the whole period. In addition, women are entitled to a further 12 weeks of leave after obligatory Maternity leave is finished.

### *Payment and funding*

- Dependent worker: During the leave, the salary is paid by the health insurance institution of the employee. In Chile each employee can choose between a private (ISAPRE) or public

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<sup>1</sup> Please cite as: Bosch, M.J. (2019) 'Chile country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*.

Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

(Compin-FONASA) health insurance. 100 per cent of the salary is covered, with a taxable cap of UF73.20<sup>2</sup> [€2,675.26].<sup>3</sup> To avoid salary fluctuations, the insurance company calculates an average income for three months from the beginning of the Maternity leave. Meanwhile the institution also pays the obligatory monthly contribution to pension insurance (ten per cent).

- Independent worker: Maternity leave is covered for independent workers who issue invoices. Health insurance provides a monthly payment of the average income of the worker, which is calculated based on the commercial invoice issued three months before the beginning of the Maternity leave. 100 per cent of the salary is covered with a taxable limit of UF73.20 [€2,675.26].

#### *Flexibility in use*

- Women can choose to go back to work on a part-time basis for the second period of leave (after obligatory leave), in which case they may extend this leave period by six weeks to a total of 18 weeks.
- Women can choose to transfer a period of the second part of her leave to the father. This transfer can be done in one of two ways: one way is for the mother to transfer the last six weeks of full-time leave to the father and his health insurance pays 100 per cent of his earnings and pension insurance up to a taxable limit of UF73.20 [€2,675.26]; or the other way is for the mother to transfer 12 weeks of part-time leave to the father and his health insurance pays 50 per cent of his earnings and pension insurance, while the employer pays the other 50 per cent.

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

- Dependent worker: all employees with permanent job contracts are entitled to take Maternity leave. Employees on fixed-term contracts must meet the following conditions:

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<sup>2</sup> *Unidad de Fomento* (UF) is a unit of account used in Chile, adjusted in line with inflation. It was created in 1967 to maintain the value of savings against inflation. Later, its use was extended to the financial system, pensions system, health system, education, and other fields. One UF is equivalent, approximately, to €36.

<sup>3</sup> Conversion of UF currency to Euro undertaken for 24 June 2019, using: <https://fx-rate.net/CLF/EUR/>.

- Renewal of their contract.
- If the contract is not renewed the worker must have at least:
  - One year of contribution to the pension system through the AFP (administration of the individual pension funds).
  - The last contribution to the pension system must be as a dependent worker, no matter the type of contract (permanent or fixed-term).
- Independent worker: independent workers are entitled to Maternity leave if they meet the following requirements:
  - A one-year contribution to the pension system (AFP).
  - At least six contributions to the pension system during the last 12 months before stopping work before giving birth.
  - Contribute to a health insurance institution (public or private).

*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 any health complications are detected by a doctor during pregnancy, the worker is entitled to supplementary leave before the birth: the length is specified by the doctor and a medical certificate is required.
- In the case of multiple births, the leave is extended by seven days for every child, starting with the second baby.
- In the case of a premature birth, Maternity leave is extended from 12 to 18 weeks after birth. In the case of a premature and multiple birth, the longer extension applies.
- If childbirth occurs more than six weeks after the mother started her pre-birth leave, the pre-natal leave is extended until the date of the birth.
- If the mother has any health problems because of childbirth, Maternity leave is extended according to medical judgement.
- If the mother dies during or after childbirth, all Maternity leave rights are transferred to the father or a legal guardian.
- If the child dies during or after childbirth, the mother is entitled to use Maternity leave, though it is not obligatory.

**b. Paternity leave (Permiso pagado del padre en caso de nacimiento - postnatal paternal) (responsibility of the employer)**

### *Length of leave*

- Five working days. It is obligatory to take Paternity leave.

### *Payment and funding*

- 100 per cent of earnings, paid by the employer.

### *Flexibility in use*

- The father can choose to take leave in one continuous period immediately after childbirth or can distribute the five days over the first month after the birth.

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

- All employees are eligible if they have a contract (permanent or fixed-term).
- Self-employed workers do not receive any payment.
- Fathers who are deprived of their parental rights by a court lose all their rights of Paternity leave and transferred Maternity leave.
- Same-sex couples are not recognised in Chilean law.

## c. Parental leave

No statutory entitlement.

## d. Other employment-related measures

### *Adoption leave and pay*

- Parents that adopt a child are entitled to the same leave as biological parents. If the adopted child is over six months of age, the mother is only able to use the first part of Maternity leave.

### *Leave to care for sick children less than a year old (responsibility of Ministry of Labour and Social Security)*

- Every working mother or father is entitled to paid leave in the case of serious illness of a child under the age of one.

This must be certified by a doctor who should also specify the length of the leave. Paid at 100 per cent of earnings by the parent's health insurance with a taxable cap of UF73.2 [€2,675.26].

- The father can take the leave only if the mother allows it. In case the mother dies, all her rights are transferred to the father. In the case of single mothers, these rights are transferred to the legal guardian of the child.

#### *Leave to care for sick children with serious illness<sup>4</sup>*

- In the case of serious illness (i.e. cancer, organ transplant, or terminal disease) or a serious accident impacting a child between one and 18 years of age, every working mother is entitled to take up to ten days' leave (or the equivalent hours). The employee chooses how to distribute the hours (e.g. as complete days, partial days, or a combination). If both parents work, the mother can transfer this leave to the father.
- 100 per cent of earnings is paid to employees on leave, but employees must return the equivalent working hours to the employer, although there is no time limit for when this must be done.
- To apply for this leave, an employee must have a job contract and have paid eight contributions to pension insurance in the 24 months preceding the start of leave.

#### *Time off for the care of dependents (responsibility of National Disability Service and Ministry of Social Development)*

- Every worker is entitled to take a leave of up to ten days per year to care for a disabled person for whom they are responsible. The period of leave taken should be made up by working extra hours or using holidays; if this cannot be done, earnings are reduced. To use the leave, the dependent person must be enrolled in the National Disability Registration. Any carers can use the leave, however the decision for a male worker to use leave rests with his female partner (unless she has died).

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<sup>4</sup> Biblioteca del Congreso Nacional de Chile. (2016). Recuperado el 14 de Marzo de 2019, de Ley Fácil: <https://www.bcn.cl/leyfacil/recurso/licencia-medica-para-el-acompanamiento-de-hijos-e-hijas-enfermos-graves-o-en-estado-terminal>

### *Specific provision for (breast)feeding*

- Every working mother has the right to use at least one hour daily to feed a child under the age of two. This can be taken in one of three ways: during the working day; dividing the breastfeeding hour into two half hours (at the beginning or at the end of the working day); or postponing the beginning of the working day or leaving earlier.
- The employee receives a 100 per cent of her earnings.

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

Technically there should be no gap between leave and early childhood education. The Labour Law established that all companies that employ more than 20 female workers must either provide a day nursery or pay for this service outside of the workplace.<sup>5</sup> However, this benefit became a 'tax' for female employment, because adopting it means an increase in the cost of labour for the employer. Therefore, in practice, this provision is not universal. At the same time, public services have increased their coverage, efficiency, and quality for their target population: every child between birth and five years of age in the bottom 60 per cent of households, in terms of wealth. In this context, the government has developed three programmes:

- Chile Crece Contigo: this inter-sectoral policy deals with early childhood development, covering health, education, social protection, justice, and employment, with guidelines from the Ministry of Social Development, and offering all its services at a local level. ECEC is the largest budgetary item on this programme, but there are no official statistics for coverage rates.<sup>6</sup>
- Two other programmes provide ECEC for vulnerable families:
  - Kindergartens administered by the National Council of Kindergartens (Junta Nacional de Jardines Infantiles-JUNJI).
  - Kindergartens and day nurseries administered by the Integra Foundation.

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<sup>5</sup> Dirección del Trabajo. (2019). *Código del Trabajo*. Santiago de Chile.

<sup>6</sup> PNUD. (2014). *Chile Crece Contigo: El desafío de la protección social a la infancia*. Santiago de Chile.

In 2017, JUNJI kindergartens and nurseries<sup>7</sup> covered 98 per cent of the target population, that is the children from the bottom 60 per cent of households, in terms of wealth, enrolled in the Social Registry of Homes (*Registro Social de Hogares*). However, attendance is still a challenge, as only 77.2 per cent of the enrolled children attended regularly. The situations of the Integra Foundation,<sup>8</sup> that of kindergartens, and of nurseries are similar: the programme covered 96.6 per cent of its target population, but regular attendance was 84.5 per cent, higher than JUNJI administrated nurseries. Chile is working to cover the gap that parents experience between Parental leave and ECEC, but these efforts are mainly aimed at the most vulnerable families in the country. On the other hand, the law that requires employers to provide nursery provision is a real obstacle to women joining the labour force. Levels of attendance at formal services for children under the age of three are below the average for the countries included in this review and for OECD countries, but are around the average for children over three years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018** (including proposals currently under discussion)

Since 2018, many proposals on ECEC policy were discussed in the national congress. The most discussed measure has been the Universal Day Nursery Law (*Ley de Sala Cuna Universal*), intended to modify the current situation in which employers must cover childcare costs, an obstacle to women's employment.<sup>9</sup> The main purpose of this new law is to end discrimination against women, decrease the additional cost associated with employing women, and to entitle every child to a good quality nursery place in establishments approved by the Ministry of Education. To manage this, the bill proposes that every dependent or independent worker

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<sup>7</sup> Ministerio de Desarrollo Social. (2017). *Informe de Seguimiento de Programas Sociales: Jardín Clásico Administrado por Junji y Vía Transferencia de Fondos*. Santiago de Chile.

<sup>8</sup> Ministerio de Desarrollo Social. (2017). *Informe de Seguimiento de Programas Sociales: Jardines Infantiles y Sala Cuna de Administración Delegada*. Santiago de Chile.

<sup>9</sup> Ministerio de la Mujer y Équidad de Género. (2018).

is entitled to ask for a benefit up to CLP\$245,000 [€314.96]<sup>10</sup> to pay for a nursery if they meet the following requirements:

- having a child under two-years old.
- being affiliated to the pension system through the AFP.
- in the case of independent workers, having made at least six months of contributions to the pension system through the AFP.
- being the mother of the child.
- being the father of the child with their exclusive custody.
- being the father of the child with a legal permission of the mother to ask for the benefit.<sup>11</sup>

The policy would be funded by a new social security contribution, paid by the employer of 0.1 per cent of every employees' taxable income (women and men). A solidarity fund would be created to manage the resources collected.<sup>12</sup>

Flexible working is another change in labour legislation that has been discussed, to promote work-family balance and to include people in the labour force who are unable to work conventional hours due to a diverse range of personal situations.<sup>13</sup> Since 2018, the national congress has been undertaking a systematic review to map a wide variety of crucial points related to distance working, such as the definition of the working day, job contracts, security, and hygiene.<sup>14</sup>

#### **4. Uptake of leave<sup>15</sup>**

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<sup>10</sup> Conversion of CLP currency to Euro undertaken on 24 June 2019, using: <https://www1.oanda.com/currency/converter/>

<sup>11</sup> Gobierno de Chile. (2018). *Proyecto de Ley Sala Cuna Universal*. Recuperado el 18 de Marzo de 2019, de <https://www.gob.cl/salacunauniversal/>

<sup>12</sup> Libertad y Desarrollo. (2018). *Sala Cuna Universal: Objetivo acertado, financiamiento y focalización debatibles*. Santiago de Chile: Temas Públicos.

<sup>13</sup> Gobierno de Chile. (2018). *Trabajo a Distancia*. Recuperado el 18 de Marzo de 2019, de <https://www.gob.cl/trabajoadistancia/>

<sup>14</sup> Cámara de Diputados de Chile. (13 de Agosto de 2018). *Cámara de Diputados de Chile*. Recuperado el 18 de Marzo de 2019, de [https://www.camara.cl/prensa/noticias\\_detalle.aspx?prmid=134867](https://www.camara.cl/prensa/noticias_detalle.aspx?prmid=134867) al/

<sup>15</sup> Departamento de Estadísticas e Información en Salud. (2016). *Departamento de Estadísticas e Información en Salud*. Recuperado el 13 de Marzo de 2019, de Base de Datos Nacimientos: <http://www.deis.cl/bases-de-datos-nacimientos/#>

Ministerio del Trabajo y Previsión Social. (2017). *Protección a la maternidad en Chile: Evolución del postnatal parental a cinco años de su implementación 2011-2016*. Santiago de Chile.

## a. Maternity leave

Data on the use of the obligatory period of Maternity leave is available for up to 2016. According to the Ministry of Labour and Social Security, approximately 40 per cent of mothers took Maternity leave between 2013 and 2016, with a small increase of 3.9 per cent over that period. This figure includes all mothers, but Maternity leave can only be taken by women who are employed, and the female employment rate is 48.5 per cent.<sup>16</sup> The data also does not include women working in national defence (army, air force, navy, and police).

The additional period of part-transferable Maternity leave started in 2012. That year, 37.4 per cent of mothers took the leave: this number had increased to 43.4 per cent in 2016. Approximately 99 per cent of women who took the leave did so full-time, which means taking 12 weeks of leave. Women who took part-time leave had double the earnings of those who did not. Nevertheless, only 16.2 per cent of women who used part-time leave had earnings above the taxable limit of UF73.2 [€2,675.26], which means that this limit on payment is not the main reason to choose this option.

Leave is transferred to fathers in very few cases. Only 1,157 transfers have been made from 2011 to 2016, which means only 0.24 per cent of fathers have used this benefit. The average number of days taken was 33.8: i.e., less than the six weeks allowed. According to the Ministry of Labour and Social Security, this low level of transfer is due to several reasons:

- Many women are still breastfeeding at a time when they might transfer leave.
- The decision to transfer Parental leave is with the mother.

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Superintendencia de Seguridad Social. (2019). *Estadísticas de Seguridad Social*. Recuperado el 13 de Marzo de 2019, de <http://www.suseso.cl/608/w3-propertyvalue-10364.html>

<sup>16</sup> INE. (2017). *Brechas de género en el mercado laboral chileno a nivel nacional*. Recuperado el 15 de Marzo de 2019, de [http://historico.ine.cl/genero/files/estadisticas/pdf/infografias/0\\_infografia\\_breacha\\_genero\\_mercado\\_laboral.pdf](http://historico.ine.cl/genero/files/estadisticas/pdf/infografias/0_infografia_breacha_genero_mercado_laboral.pdf)

- The legal procedure for transferring leave is complex and unknown in most human resources departments due to its low uptake.

**b. Paternity leave**

There is no information available.

**c. Parental leave**

No statutory leave entitlement.

# China<sup>1</sup>

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**April 2019**

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

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

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

*Length of leave (before and after birth)*

- 98 calendar days: 15 days before the birth and 83 days after the birth.
- Taking leave is not obligatory.

*Payment and funding*

- 100 per cent of salary.

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<sup>1</sup> Please cite as Wu, F. (2019) 'China country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

#### *Flexibility in use*

- None.

#### *Regional or local variations in leave policy*

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

#### *Eligibility*

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

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

- Female employees who suffer from dystocia can have an additional 15 days of leave.
  - Female employees who have multiple births are entitled to an additional 15 days of leave for each additional birth.
  - In four provinces, female employees who still cannot work after the end of Maternity leave, due to physical problems or other difficulties, can (with the approval of their work units) obtain additional leave. In Zhejiang, Jilin, and Chongqing, leave can be extended to one year after birth (including statutory Maternity leave), with the salary continuing to be fully paid (Zhejiang) or paid at 75 per cent or above (Jilin and Chongqing).
- b. Paternity leave ( 陪 产 假 ) (responsibility of State Council at a national level and Local People's Congresses at a provincial level)**

*Length of leave*

- No statutory entitlement nationally.
- However, in all provinces, Paternity leave is provided ranging from seven days (Shandong and Tianjin) to 30 days/one month (Yunnan, Gansu, Henan, and Tibet): however, 15 days is the standard in most areas. In Anhui and Shaanxi, five and 15 days respectively can be added to Paternity leave if the husband and wife live in different places. Where Paternity leave is provided, fathers taking leave receive full earnings. All male employees who conform with fertility policies are eligible. There is no legal requirement as to when the Paternity leave should be taken.

**c. Parental leave**

No statutory entitlement.

**d. Childcare leave or career breaks**

No statutory entitlement.

**e. Other employment-related measures**

*Time off for the care of dependants*

- China does not legally recognise same-sex marriage, so all family policies refer to heterosexual couples.
- Currently, 11 provinces entitle an only child to leave in order to care for their parents (referred to as 'nursing leave for only child') and this leave applies if the parents have reached the age of 60

and are being treated in hospital. Nursing leave is provided ranging from ten days (Fujian and Chongqing) to 20 days (Henan, Heilongjiang, and Inner Mongolia), with 15 days being the standard in Hainan, Guangxi, Hubei, Shanxi, Sichuan and Ningxia. Of the 11 provinces, four allow children with a sibling/s to receive nursing leave: Hubei (ten days), Heilongjiang (ten days), Sichuan (seven days), and Ningxia (seven days).

- In Hebei province, employees can use the nursing leave when their elderly parents are ill in hospital, but the number of days of leave is not clearly defined. Employees should discuss with their employers when they want to take nursing leave as there are no regulations as to how many days the employers should limit this type of leave.
- Employees taking leave receive full earnings.

#### *Flexible working*

- See below.

#### *Specific provision for (breast)feeding*

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

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

The maximum period of post-natal leave available in China is 12 weeks, as laid out by national regulations, but the period is extended in nearly all provinces, most frequently to 4.7 months. These leave periods are well paid. However, China is lacking in a system of formal ECEC services

for children under three years of age, so informal care is dominant. According to official data, only four per cent of children under the age of three years were taken into care by childcare institutions in 2015.<sup>2</sup> There is, therefore, a gap of over two and a half years between the end of well-paid leave and the start of kindergarten, during which time families are required to take responsibility for childcare. From three years of age, there is a right to a kindergarten place (but no compulsory education). Participation of children aged three years or older in ECEC was 79.6 per cent in 2017, which is lower than the average for OECD countries.<sup>3</sup>

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

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

Since 2010, China's 'one child' fertility policy has been adjusted; along with this, Maternity leave policy has also been adjusted. At the end of 2011, the 'two-child policy for couples where both husband and wife are from a single-child family' (i.e. a policy of two children where both parents are only children) was implemented. At the end of 2013, the policy of 'two-child policy for couples where either the husband or the wife is from a single-child family' (i.e. a policy of two children where one parent is an only child) was implemented. Finally, in October 2015, the universal two-child policy was implemented,<sup>4</sup> following which the Chinese government made changes to Maternity leave and Paternity

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<sup>2</sup> National Health Commission of the People's Republic of China (2017) *Transcript of special press conference of the progress of the universal two-child policy held on January 2017*. Available at: <http://www.nhc.gov.cn/xcs/s3574/201701/7ea4318bf0f7450aaf91d184e02e5dcf.shtml>

<sup>3</sup> Ministry of Education of the People's Republic of China (2018) *The Statistical Bulletin of National Education Development in 2017*. Available at: [http://www.moe.gov.cn/jyb\\_sjzl/sjzl\\_fztjgb/201807/t20180719\\_343508.html](http://www.moe.gov.cn/jyb_sjzl/sjzl_fztjgb/201807/t20180719_343508.html)

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

leave policies (December 2015). The Population and Family Planning Law of the People's Republic of China was amended by stipulating that 'the couples who bear children in line with the laws and regulations can get rewards of extended birth leave or other social benefits.' Consequently, late marriage and late childbirth among citizens are no longer encouraged and rewarded with additional entitlements. Maternity leave and Paternity leave policies apply to all Chinese people no matter where they reside.

Mothers of single children, mothers of two children, and other families that conform to the policy are all now entitled to extended Maternity leave and other social benefits. As a result, a range of measures has been enacted by provinces since 2016, with the length of Maternity leave often being extended beyond 98 days (ranging from 128 days to one year). Paternity leave has also been introduced in different areas, ranging from seven to 30 days.

Since April 2018, there has been no national policy change but a few provincial policy adjustments. Only one province has adjusted Maternity leave: in Guangdong, Maternity leave has been extended from 128 days to 178 days. Some provinces have adjusted for nursing leave for only children. For example, Shanxi, Sichuan, Ningxia, and Inner Mongolia have established nursing leave for only children, and Henan has extended the number of days of nursing leave from no more than 20 days to no fewer than 20 days. In Gansu and Yunnan, the government has not yet established nursing leave, but they have already done a public consultation.

## **4. Uptake of leave**

### **a. Maternity leave**

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

### **b. Paternity leave**

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

### **c. Parental leave**

No statutory leave entitlement.

# Croatia<sup>1</sup>

**Ivana Dobrotić** (University of Zagreb)

**April 2019**

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

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

### **c. 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 Demography, Family, Youth and Social Policy)**

*Length of leave (before and after birth)*

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

*Payment and funding*

- Maternity leave: 100 per cent of average earnings, calculated on the average earnings on which health care contributions were paid during the six months prior to the leave, with no upper limit on payments.

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<sup>1</sup> Please cite as: Dobrotić, I. (2019) 'Croatia country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- A parent who does not meet the condition of at least 12 months of continual insurance (or 18 months of insurance with interruptions) over the last two years receives 70 per cent of the 'budgetary base rate' of HRK3,326 [€448.70]<sup>2</sup> per month: the gross average earnings in January 2018 were HRK8,361 [€1,127.95].<sup>3</sup>
- Maternity exemption from work/maternity care for the child: 70 per cent of the budgetary base rate per month.
- Funded from general taxation.
- Pension rights: employed parents on Maternity leave maintain their pension insurance and the contributions are paid by the state on the level of maternity benefit. Unemployed and inactive parents entitled to maternity exemption from work/maternity care for the child have the right for pension insurance to be paid by the state until the child turns one year of age (if there is a second child born within this first year, the pension insurance based on the birth of the first child stops, and one-year pension insurance based on the birth of the second child begins).

#### *Flexibility in use*

- Maternity leave: after the compulsory Maternity leave period, the father of the child has the right to use the remaining period of Maternity leave, if the mother agrees.
- After the compulsory Maternity leave, a parent can use the remaining period of leave on a part-time basis, in which case the duration is doubled with compensation at half the level of full-time leave. The period of part-time leave taken after a child reaches six months of age cannot exceed the period of part-time leave taken before the child reaches this age – the maximum period of part-time leave is until nine months after birth.
- Maternity exemption from work/maternity care for the child: from day 71 and, in the case of the mother starting employment, she can terminate the use of maternity exemption from work/maternity care for the child, in which case the father of the child has the right to 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 people are eligible.
- 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 must be registered with the unemployment office, have

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<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>.

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

health insurance, and three years' residency (i.e. as a citizen or foreign citizen with permanent residency of at least three continuous years in Croatia).

- Maternity care for the child: parents outside the labour system (due to, for example, retirement, incapacity, or studying) must have health insurance and five years' residency (as a citizen or foreign citizen with permanent residency of at least five continuous years in Croatia).

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

- In cases of poor health or health risks for the mother and child, the pregnant mother is entitled to sick leave before birth for the duration of the risk (referred to as 'sick leave due to illness and complications related to pregnancy'), in addition to Maternity leave. The mother is paid at a rate of 100 per cent with an upper limit of HRK4,257 [€574.30] per 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.

#### **d. Paternity leave**

- No statutory entitlement.

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

*Length of leave*

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

*Payment and funding*

- Parental leave: 100 per cent of average earnings for the first six months, with an upper limit of 120 per cent of the budgetary base rate,<sup>4</sup> or eight months if both parents use Parental leave; 70 per cent of the budgetary base rate after the first six (or eight) months, or if parents do not fulfil the condition of either at least 12 months of continual insurance period or 18 months of insurance with interruptions in the last two years.
- Parental exemption from work/parental care for the child: 70 per cent of the budgetary base rate.
- Funded from general taxation.
- Pension rights: employed parents on Parental leave maintain their pension insurance and the contributions are paid by the state on the level of parental benefit (as there is a low ceiling for parental benefit, parents with higher salaries are left without an important part of their contributions). Unemployed and inactive parents entitled to parental exemption from work/parental care for the child have the right to pension insurance paid by the state until the child turns one year of age (if there is the second child born within this first year, the pension insurance based on the birth of the first child stops, and one-year pension insurance based on the birth of the second child begins).

#### *Flexibility in use*

- Parental leave is a personal right of both parents, but one parent can transfer two months of their entitlement to the other, if they are both employed and confirm their agreement in written consent.
- Parents can use their entitlement at the same time or consecutively (although this possibility was removed from the new legislation, legal opinion holds that parents can still use leave that way if not explicitly forbidden by law).
- Parental leave can be taken in the following ways: a) fully (i.e. in one period); b) partially (no more than two times per year, each time for no less than 30 days); c) part-time (duration is doubled, and compensation is 70 per cent of the budgetary base rate).
- Leave can be taken until the child turns eight years of age.
- Parental exemption from work/parental care for the child: if a parent terminates their leave due to employment/self-employment, the other parent has the right to use the unused share of the first parent's leave with that parent's consent.

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

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<sup>4</sup> The budgetary base rate amounts to HRK3,326 [€448.70] per month.

- As for Maternity leave (including in terms of citizenship conditions for unemployed/inactive parents).
- Same-sex couples have the same right to Parental leave in cases where they both have the right of parental care over the child in accordance with the Same-sex Life Partnership Act.<sup>5</sup>

*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*

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

#### **f. Childcare leave or career breaks**

- If parents have fully used Maternity and Parental leave, one of the employed parents has the right to not work until the child turns three years of age. During that time, the parent's rights and obligations regarding their employment are suspended, and the rights to compulsory health insurance and retirement insurance are maintained. This is unpaid, and contributions for pensions and healthcare are not paid during that period.
- Regional/local variations: in 2016, the City of Zagreb introduced a cash-for-care scheme for parents of three or more children (they have the right to so called 'parent-caregiver' status). Eligible parents are unemployed with at least one child of pre-school age, with Croatian citizenship and uninterrupted five-year residency in the City of Zagreb before the birth. Children cannot attend ECEC programmes if parents apply for this allowance. The allowance is c. €520 net per month (c. 65 per cent of average net wage and 140 per cent of minimum wage) and it may be paid until the youngest child in the family turns 15 years of age. In November 2017, there were 3,138 beneficiaries (it is estimated that there are 7,000 potential beneficiaries).<sup>6</sup>

#### **g. Other employment-related measures**

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<sup>5</sup> <https://www.zakon.hr/z/732/Zakon-o-%C5%BEivotnom-partnerstvu-osoba-istog-spola>

<sup>6</sup> See: <https://www.jutarnji.hr/vijesti/hrvatska/zagreb-potrosio-sav-novac-za-odgojitelje-a-stizu-novi-zahtjevi-trenutacno-3137-roditelja-s-troje-ili-vise-djece-prima-naknadu/6849762/>

### *Adoption leave and pay*

- Employed/self-employed adoptive parents can take adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of six months per family for an adopted child under 18 years of age (paid the same way as Maternity leave). Adoption leave is extended for 60 days in the case of the adoption of twins or a child who is the third child or any subsequent child in the family, or of a child with developmental difficulties. After this period of leave, the adoptive parents of a child under eight years of age have the right to Parental leave of six months until the child turns eight. They receive all the other rights that employed/self-employed parents do.
- In the case of other adoptive parents (i.e. not employed or self-employed), one adoptive parent has the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of 12 months (regardless of the child's age). Adoption leave is extended for 60 days in the case of the adoption of twins, two or more children or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties.
- Same sex couples cannot adopt children.
- Unused leave can be transferred to the other adoptive parent on resumption of employment/self-employment under the same condition as parental exemption from work/parental care for the child. Payment is at 70 per cent of the budgetary base rate.

### *Time off for the care of dependants*

- There is an entitlement to leave if a co-resident spouse or child is ill, with length and payment depending on the child's age: for a child under three years of age, up to 60 working days per family for each illness at 100 per cent of average earnings; for a child aged three to seven years, 70 per cent of average earnings (minimum of 25 per cent of budgetary base rate); for a child aged seven to 18 years, up to 40 working days for each illness at 70 per cent of average earnings (minimum of 25 per cent of budgetary base rate); older child and co-resident spouse, up to 20 working days for each illness at 70 per cent of average earnings, but only for serious medical conditions defined by regulation (minimum of 25 per cent of budgetary base rate). Leave for children under 18 years of age can be extended based on a medical committee decision and can be used only if the other co-resident parent is in employment or if a parent lives alone with a child (e.g. single parents and divorced parents). All payments are subject to an upper limit of HRK4,257 [€574.30] per month. It can be used on a part-time basis.

- A worker has the right to seven days' fully paid leave per year for important personal needs, including those related to marriage, childbirth, or the serious illness of a member of the immediate family.

#### *Flexible working*

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

#### *Specific provision for (breast)feeding*

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

#### *Pre-natal examinations (slobodan radni dan za prenatalni pregled)*

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

## **5. Relationship between leave policy and early childhood education and care policy**

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

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

No changes.

## **4. Uptake of leave**

### **a. Maternity leave**

There is no official information on uptake rates. Although there is the possibility for fathers to use part of Maternity leave (if mothers agree), official data show that Maternity leave is predominantly used by mothers. According to the latest information (2018), fathers used the transferred right in 0.28 per cent of cases. Maternity exemption from work is predominantly used by mothers: only four fathers (0.06 per cent) used the right in 2018, and in the case of maternity care for the child, fathers accounted for 0.1 per cent of all users in 2018.<sup>7</sup>

### **b. Paternity leave**

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<https://www.prs.hr/attachments/article/2645/Izvje%C5%A1%C4%87e%20o%20radu%20Pravobraniteljice%20za%20ravnopravnost%20spolova%20za%202018.%20godinu%20.pdf>

No statutory entitlement.

**c. Parental leave**

There is no official information on uptake rates. Parental leave is also predominantly used by mothers. According to the latest official data (2018), fathers account for 7.55 per cent of all Parental leave taken. Parental exemption from work and parental care for the child is also predominantly used by mothers: i.e. fathers account for 0.39 per cent of all users of parental exemption of work and for 0.53 per cent of all users of parental care for the child.<sup>8</sup>

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<sup>8</sup> Ibid.

# Cyprus<sup>1</sup>

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**April 2019**

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

### **a. Maternity leave**

*Length of leave (prior to and following childbirth)*

- 18 weeks, of which 11 are compulsory and allocated as follows: two prior to the week of the expected birth and the rest following childbirth.

*Payment and funding*

- Private sector employees receive maternity benefit equal to 72 per cent of their salary. Some private companies cover the remaining 28 per cent: in such cases, an employer can request the maternity benefit from the state on behalf of the employee, then add the balance, so that the employee receives a full salary from the employer.
- For public sector employees, the first 12 weeks of leave are fully compensated, while the following six weeks are paid at 72 per cent of the employee's salary. If the mother is the main breadwinner of the family, the percentage of salary paid during the six weeks increases according to the number of dependants (i.e. one dependant, 80 per cent of salary; two

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<sup>1</sup> Please cite as: Angeli, M. (2019) 'Cyprus country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

dependants, 90 per cent of salary; three dependants, 100 per cent of salary).

#### *Flexibility in use*

- Maternity leave can start two weeks before the expected week of birth or from the week of the actual birth.

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

- Full-time and part-time female employees, as well as self-employed women, are entitled to Maternity leave.

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

- In the case of the birth of multiple children, the period of 18 weeks is increased by four weeks for each additional child (e.g. 22 weeks for twins and 26 weeks for triplets).
- In the case of premature labour or in any other case where the infant is hospitalised right after birth for health reasons, the mother is entitled to additional Maternity leave as follows: for the first 21 days that the infant is in an incubator, the employee is entitled to one additional week of Maternity leave. If the infant remains hospitalised, the employee is entitled to an additional week of leave for every additional 50 per cent of a 21-day period (i.e. 10.5 days that the baby remains in hospital) up to a maximum of six weeks in total.
- In order to be granted leave over and above a period of 18 weeks, the employee must provide her employer with written certification from the hospital and from a doctor with the relevant speciality.

### **b. Paternity leave**

#### *Length of leave*

- Two consecutive weeks.

#### *Payment*

- 72 per cent of the father's salary.

#### *Flexibility in use*

- Paternity leave may be used across any two consecutive weeks during the 16 weeks that the Maternity leave is in effect, following the birth or the adoption of the child.

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

- Paternity leave is granted to men whose wives have given birth; or have a co-habitation agreement and their female partner has given birth; or men in a couple who have had a child through a surrogate mother; or have adopted a child under the age of 12.

### **c. Parental leave**

*Length of leave*

- 18 weeks per parent per child. Leave is an individual entitlement, but part-transferable in certain circumstances (see 'Flexibility in use' below).
- Only up to five weeks of leave can be taken in any one calendar year (or seven weeks if there are three or more children).

*Payment*

- None. However, social insurance contribution continues to be paid into the employee's social insurance fund during the leave period.

*Flexibility in use*

- Parental leave can be taken at any time between the birth of a child and the child turning eight years of age. Parents with disabled children can take Parental leave until their child reaches the age of eighteen years.
- Parental leave can be taken for between one week (minimum) and five weeks (maximum) per calendar year for one or two children, and seven weeks for three or more children.
- When one parent has taken Parental leave of at least two weeks, they can transfer the other parent two weeks from the rest of their leave.

*Eligibility*

- All employed parents with non-disabled children up to the age of eight years or disabled children up to the age of eighteen years, who have completed at least six months of continuous employment with the same employer, and provided that at least 26 weeks of employment have elapsed.
- Same sex couples cannot legally parent a child together in Cyprus. They cannot adopt a child together or be recognised as

the parent of a child who was conceived by a female partner through medically assisted reproduction. They are also not eligible to apply for surrogacy.

*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 birth or the mother having health issues, Parental leave can be taken before birth.
- In the case of widowed parents, the leave can be increased to 23 weeks.

#### **d. Childcare leave or career breaks**

None.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- 16 weeks in case of adoption, if the child is under the age of 12 years.
- 14 weeks for both surrogate mothers and mothers who have a child through a surrogate mother.

*Time off for the care of dependents.*

- Any employee is entitled to unpaid leave of up to seven days a year, on grounds of *force majeure* (i.e. for urgent cases such as a dependant being sick or in an accident). A dependent is defined as a child, husband, wife, parent, brother, sister, grandfather, or grandmother of the employee.
- Such leave may be granted as a single period of leave or split across separate periods of time.
- For married couples, each spouse is individually entitled to such leave.

*Breastfeeding breaks*

- Following Maternity leave, for the purposes of breastfeeding, a working mother has the right to arrive at work one hour later, leave work one hour earlier, or take a one-hour break during the workday for a period of six months.

*Antenatal appointments and care*

- Pregnant employees are permitted paid time off for antenatal examinations, provided that such examinations need be carried

out during working hours. They should give advance notice to their employers and provide a relevant doctor's note.

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

- The maximum period of post-natal leave available in Cyprus is six months. The full period of Parental leave can only be taken in five-week blocs per year: in total, only 3.7 months of the leave is paid.
- There is an entitlement to ECEC from the age of 4 years and 8 months (i.e. in the year before children start primary school). Attendance during this year is obligatory.
- There is a gap of over four years between the end of leave and an ECEC entitlement, and even longer between the end of well paid leave and an ECEC entitlement.
- Levels of attendance at formal services for children both under and over the age of three years are slightly below the average for the countries included in this review, as well as for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

## **3. Recent changes in policy**

On 24 July 2017, the House of Representatives of the Republic of Cyprus passed the Protection of Maternity (Amending) Law 2017 (Law 116(I)/2017), which amended the Protection of Maternity Law 1997 (Law 100(I)/1997). The amendment provides Paternity leave for working fathers of a new child, including those who have adopted a child under the age of 12 years, and those who have had a child through a surrogate mother.

The new law also provides for any woman who has a child through a surrogate mother to have the right to 14 consecutive weeks of Maternity leave; to be protected against dismissal by her employer; and to be eligible for arriving/leaving one hour early or take a one-hour break.

## **4. Uptake of leave**

### **a. Maternity leave**

Nearly all mothers take Maternity leave.

**b. Paternity leave**

There is no information available so far as the leave was only introduced in 2017.

**c. Parental leave**

There is no information.

# Czech Republic<sup>1</sup>

**Jirina Kocourková** (Charles University, Prague)

**April 2019**

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

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

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

*Length of leave (before and after birth)*

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

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

- 70 per cent of daily earnings up to a maximum payment of CZK36,750 [€1,434]<sup>2</sup> per month.
- Payment is financed from sickness insurance contributions by employers, paying 2.3 per cent of earnings.

*Flexibility in use*

- Leave can be started six to eight weeks before birth.
- From the start of the seventh week after childbirth, either parent may use the leave, i.e. the mother may alternate with the father of

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<sup>1</sup> Please cite as: Kocourková, J. (2019) 'Czech Republic country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>.

the child, with no restriction on the frequency of alternation. If the father uses the leave, he must do so for at least seven days.

- Parents on leave can work from the start of the seventh week after childbirth, but not on the same job from which they are taking leave.

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

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 calendar days during the last two years. There are no further citizenship requirements.
- A self-employed worker must meet the same condition as an employee, and, in addition, have contributed to sickness insurance for at least calendar 180 days during the last year.
- Students are entitled to the benefit.

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

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

## **b. Paternity leave**

*Length of leave*

- Seven calendar days.

*Payment and funding*

- 70 per cent of daily earnings up to a maximum payment of CZK8,575 [€334.60] per seven days.
- Payment is financed from sickness insurance contributions by employers, paying 2.3 per cent of earnings.

*Flexibility in use*

- It can be taken at any time during the six weeks after the birth of the child.
- All seven days must be taken as a block.

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

- Sickness insured workers, including employees and self-employed men.
- Must be officially registered as the father.

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

*Length of leave*

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

*Payment and funding*

- A parental benefit – *rodicovsky prispevek* – is available to all families who meet the eligibility conditions, whether or not they take Parental leave. It can be considered as a home-care benefit for at-home parents, as well as – partly – a benefit to subsidise care costs, since parents can work full-time or part-time while receiving this benefit (but access to publicly-funded childcare is then limited, see below).
- The period and amount of parental benefit can be chosen from a number of options: the longest option is until the child is 48 months old and the shortest option is until the child is 12 months old. If taking the 12-month option, the maximum amount is the maximum payment on the maternity benefit, i.e. CZK36,750 [€1,434] per month (i.e. 6 months of maternal benefit and 6 months of parental benefit). The upper limit of this parental benefit corresponds to the upper limit of the maternity benefit. If a parent did not pay sickness insurance, the limit is CZK7,600 [€296.55] per month. The maximum amount payable for the whole period is CZK220,000 [€8,584.47].
- While Parental leave can only be taken up to the child's third birthday, the parental benefit is paid until the child's fourth birthday.
- Parental benefit is funded from general taxation.

*Flexibility in use*

- The selected parental benefit option may be changed after three months.
- Parents on leave can work without any limitation, but as they cannot make use of public childcare facilities, they are then responsible to ensure the care of the child by another person.

- Both parents can take Parental leave at the same time, but only one of them is entitled to the parental benefit. They can alternate in receiving the benefit as often they want.

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

- There are no special requirements for leave; however, each parent must ask for formal approval of the employer.
- Parents can choose the period and amount of the parental benefit that they receive, on the condition that at least one parent in a family is a person paying sickness insurance.
- Non-Czech nationals must have been registered as resident for at least one year.
- Payment of the parental benefit is conditional: where there is a child under two years of age, parents must not use a publicly-funded ECEC service for more than 46 hours a month. There is no limitation on service use for older children.
- Parental leave is available to registered partners.

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

- In case of multiple births, the maximum amount payable for the whole period is CZK330,000 [€12,876.70]. The upper limit per month is 1.5 times higher than in the case of a single birth. Accordingly, if a parent has not paid sickness insurance, the upper limit is CZK11,400 [€444.83].
- In the case of a disabled child, a parent is entitled to the parental benefit at the basic rate of CZK7,600 [€296.55] per month until the child is seven years of age. If the child is diagnosed with a long-term disability, the parent is entitled to the parental benefit at the lower rate of CZK3,000 [€117.06] from years seven to 15 of the child's life.
- 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.
- Same-sex couples can legally adopt.

#### *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 of age – otherwise, only in the case of a serious illness).
- Leave is paid at 60 per cent of earnings up to a ceiling of CZK855 [€33.36] per day.
- A parent can take no more than nine days of leave in one block of time, but there is no limit regarding the frequency of taking leave. Parents may alternate with each other in taking leave to care for a sick child.
- There are no length of service requirements in order to be eligible.

#### *Flexible working*

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

#### *Specific provision for (breast)feeding*

- None.

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

- The maximum period of paid post-natal leave available in the Czech Republic is three years, but recently Parental leave has been systematically reformed in order to increase the degree of flexibility. Now parents can decide the length of leave for themselves.
- There is an entitlement to ECEC for a child aged five (so only one year before the basic school attendance) for the whole day.

- Despite the introduction of the option for parents to use the formal services also for children aged two and older (since 2012), levels of attendance at formal services for children under three years of age are very low – well below the average for the countries included in this review and for OECD countries. Levels of attendance for children over three years of age are much higher (around average by both measures). For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

- In 2018, two main measures were introduced. The first was a new option to take the parental benefit for a shorter period than up to the child’s second birthday. From 1 January 2018, the shortest period a parent could choose is six months, with the maximum payment of the same amount as the maximum payment for Maternity leave. The maximum amount payable for the whole period remained at CZK220,000 [€8,584.47] for a single childbirth, but it increased to CZK330,000 [€12,876.70] for multiple childbirths.
- The second was brought into effect on 1 February 2018: a one-week Paternity leave (seven calendar days). It can be taken within six weeks after the childbirth. Fathers are entitled to the same conditions as mothers on Maternity leave.
- At the end of 2018, the Ministry of Labour and Social Affairs proposed an increase in the total amount of the [parental benefit from CZK220,000 [€8,584.47] to CZK300,000 [€11,706.10]: this should be in effect from 2020. It has been discussed whether all parents on Parental leave would be entitled on this increased amount or only those who would start to take this benefit from 2020.

## **4. Uptake of leave**

### **a. Maternity leave**

Nearly all mothers take Maternity leave.

### **b. Paternity leave**

No information is available so far as the leave has only been introduced in 2018.

### **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 the parental benefit, in comparison to women, has remained negligible. In 2001, men accounted for 0.77 per cent of recipients of this benefit: since then, there has been a slight increase, but only to 0.99 per cent in 2003; 1.4 per cent in 2006; and 1.5 per cent in 2008, when 5,724 men received the parental benefit (for context, 375,876 women received the benefit in that year).
- Since 2008, there has been no further increase: in 2010, 4,986 men received the parental benefit, compared with 328,777 women (i.e. 1.5 per cent of recipients were men, the same proportion as in 2008). In 2015, 5,100 men received the parental benefit (i.e. 1.8 per cent of all recipients).
- There is no information about how long women or men take Parental leave for. It is assumed that most parents taking leave do so only until their child's third birthday (when their entitlement to leave, although not the benefit, ends) as they prefer not to lose their jobs.

# Denmark<sup>1</sup>

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

**April 2019**

## **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; *Barselorlov* 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 Danish law, the four leave schemes bear the same name, *Barselorlov* (or literally Childbirth Leave) because they technically all originate from the same law on leave.

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

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

*Length of leave (before and after birth)*

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

*Payment and funding*

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<sup>1</sup> Please cite as: Bloksgaard, L. and Rostgaard, T. (2019) ‘Denmark country note,’ in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

- All employees and self-employed persons are entitled to a daily cash benefit based on former earnings, up to a limit of DKK 4,717[€631.62]<sup>2</sup> per week for full-time employees, before tax.
- The cash benefit scheme is funded by the state from general taxation, except for first eight weeks when municipalities bear half of the cost.
- According to the work contract, full earnings may be paid during leave.

#### *Pension payments*

- The Danish pension system is based on three pillars: 1) a universal and tax-based public pension scheme, 2) occupational pensions which may be quasi-mandatory given the collective agreements, and 3) private pension savings.
- The public pension is not affected by taking leave. If full earnings are paid, pension payments to the occupational pension scheme are not affected by taking leave either. If leave is awarded without full pay, occupational pensions are normally affected since payments from the employer and employee are discontinued. The collective agreement may, however, specify that the employer must continue payments. Special conditions apply for employees working in the state and municipalities where the employer must continue payments to the occupational pensions. Payments to the private pension scheme are entirely covered by the employee who may/may not decide to continue payments.

#### *Flexibility in use*

- None.

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

- Eligibility to full compensation for an employee is based on a period of work of at least 160 hours in the four months preceding the paid leave, i.e. regardless of the partner's labour market situation. Workers must also have worked at least 40 hours per month in three of those four months. Workers with temporary contracts are excluded only if they are not eligible for unemployment benefit.
- Eligibility for the cash benefit for self-employed persons (including helping a spouse) is based on professional activity on a certain scale for at least six months within the last 12-month period, of which one month immediately precedes the paid leave.
- People who have just completed a vocational training course for a period of at least 18 months, or who are doing a paid work

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<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter>.

placement as part of a vocational training course, are eligible for the cash benefit.

- Unemployed people are entitled to cash benefits from unemployment insurance or similar benefits (activation measures).
- Students are entitled to a total of 12 months' extra study grant, thus the 14 weeks of Maternity leave are covered via the study grant.
- People on sickness benefit continue to receive this benefit which is the same amount as the Maternity leave benefit.

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

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

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

- In Denmark, leave is not only regulated via national legislation, but also via collective agreements in the labour market and agreements at company level. In 2012, 84 per cent of the total workforce was covered by such collective agreements (compared to only 74 per cent in the private sector).<sup>3</sup> These workers receive compensation during leave from their employer, up to the value of their former earnings, i.e. their employer supplements the state benefit. However, the percentage of the Danish workforce that is covered by collective agreements is declining, especially among the younger age groups, which means that still fewer (younger) workers are ensured pay during leave via a collective agreement.<sup>4</sup>
- To help employers finance the costs regarding compensation up to the workers' former earnings (see above), different leave reimbursement funds have been set up. In 1996, a leave fund was set up to reimburse private employers' leave costs, so that the cost for compensation was pooled. Several municipal employers set up identical funds in the following years, and, in 2005, it was made obligatory for all municipal employers. Municipal employers pool the

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<sup>3</sup> Dagpengekommissionen (2015) Det danske arbejdsmarked. Arbejdspapir. København: Beskæftigelsesministeriet.

<sup>4</sup> [http://www.ugebreveta4.dk/lo-om-15-aar-er-kun-hver-anden-medlem-af-en-fagforeni\\_20027.aspx?redir=newsletter&utm\\_campaign=guest\\_GammelA4\\_Ik\\_kevalideret&utm\\_medium=nl\\_top&utm\\_source=newsletter\\_Morning&nlid=NDQy&aid=20027](http://www.ugebreveta4.dk/lo-om-15-aar-er-kun-hver-anden-medlem-af-en-fagforeni_20027.aspx?redir=newsletter&utm_campaign=guest_GammelA4_Ik_kevalideret&utm_medium=nl_top&utm_source=newsletter_Morning&nlid=NDQy&aid=20027)

costs of employees' uptake of leave, so that a workplace with a predominance of female workers should not face higher costs.

- Since 2006, it has been obligatory for private employers to also be members of a leave fund. In the largest private leave fund, DA-Barsel, private employers pay DKK924 [€123.73] per year for each full-time employee and receive reimbursement of up to DKK207 [€27.72]<sup>5</sup> per hour for up to 31 weeks.<sup>6</sup> The additional cost of compensation for employees with higher hourly rates than this must be borne by the employer. Depending on the industry in question, the funds also cover full or parts of Parental leave. For example, within the industrial sector, each parent is (as of 2017) entitled to full coverage for five weeks, and in addition three weeks can be shared.
- A reimbursement fund was also set up in 2006 to cover self-employed people, who were reimbursed for the equivalent 31 weeks for women and 23 weeks for men. As of 1 April 2016, the fund was abolished and this group of employees is no longer covered by more than what equals unemployment benefits, the argument being that it was too costly to cover such a small group sufficiently. This is considered by one of the major unions to represent a blow to gender equality, given that Denmark has a very low proportion of female self-employees already.<sup>7</sup>
- In 2010, an evaluation of the funds covering the private sector showed that around 100,000 companies were members of a fund. The report concluded that the funds seem to be beneficial for women – although employers did not believe that the fund had made them change their view on hiring women – and that more men seemed to take up leave as a consequence of receiving payment during leave. Employers tended to be more positive towards men taking leave than before, as well as being generally positive in their view of the fund. Only around one third of employers were unaware of the possibility of receiving reimbursement for 29 weeks – even in female-dominated sectors – and therefore failed to claim such reimbursement. This was clearly related to whether or not employers paid wages during leave for their employees (COWI, 2010<sup>8</sup>). Statistics from the industrial sector fund show an increase in the refunds for men's uptake of Parental leave – from 17 per cent in 2012 to 40 per cent in 2015. This increase is explained with

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<sup>5</sup> <http://www.dabarsel.dk/refusion/saa-meget-kan-du-faa>

As of October 2017, the types of leave are reimbursed differently: pregnancy and Paternity leave (DKK64.96 [€8.70] per hour), Maternity leave (DKK73.46 [€9.84] per hour), and Parental leave (DKK87.52 [€11.72] per hour).

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

<sup>7</sup> See

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

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

reference to larger flexibility in men's use of Parental leave, due to the removal of a clause in the collective agreement for this sector (cf. 1c Additional note).<sup>9</sup>

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

*Length of leave*

- Two weeks.

*Payment and funding*

- Payment and funding are the same as for Maternity leave.

*Pension payments*

- Payments made in the same way as for Maternity leave.

*Flexibility in use*

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

*Eligibility*

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

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

- All male employees covered by collective agreements receive full earnings during the Paternity leave. However, as stated earlier (see 1a additional note) the percentage of the Danish workforce

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<sup>9</sup> See [http://www.ugebreveta4.dk/maend-i-skurvognen-skal-ud-med-barnevognen\\_20405.aspx?redir=newsletter&utm\\_campaign=guest\\_EU\\_Ekstra\\_list\\_From\\_MorningNL&utm\\_medium=nl\\_top&utm\\_source=newsletter\\_Morning&nlid=NjY5&aid=20405](http://www.ugebreveta4.dk/maend-i-skurvognen-skal-ud-med-barnevognen_20405.aspx?redir=newsletter&utm_campaign=guest_EU_Ekstra_list_From_MorningNL&utm_medium=nl_top&utm_source=newsletter_Morning&nlid=NjY5&aid=20405)

covered by collective agreements is declining, especially among the younger age groups.

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

*Length of leave*

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

*Payment and funding*

- Payment and funding are the same as for Maternity leave.

*Pension payments*

- Payments are the same as for Maternity leave.

*Flexibility in use*

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

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

- As Maternity leave.
- Fathers who are studying receive a total of six months' extra study grant.
- Same-sex parenting couples.

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

- None.

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

- All employees covered by collective agreements receive full earnings during part or all of the Parental leave period (a maximum coverage may be set in the agreements, however); see 1a additional note.
- From 2007, the industrial sector (representing 7,000 employers nationwide, including production, service, knowledge, and IT, and encompassing more than 500,000 employees) introduced a paid father's quota in Parental leave. The entitlement was up to nine weeks' Parental leave with payment. Three weeks of this Parental leave with pay for the father, three weeks for the mother, and three weeks for the parents to share – the weeks for the mother and the father respectively were quotas and, therefore, lost if not used. Later agreements have prolonged the period to first 4+4+3 weeks (in 2014),<sup>10</sup> and later to 5+5+3 weeks (in 2017).<sup>11</sup> In the 2012 agreement for the industrial sector, a clause was removed. This clause determined that pay during Parental leave was contingent on leave being taken immediately after the Maternity leave, i.e. week 15 after birth. The clause reduced the flexibility of use considerably; especially in the fathers' uptake of Parental leave (Bloksgaard, 2009<sup>12</sup>). Now, parents covered by this agreement can take Parental leave with pay within a year after the birth of the child.
- In spring 2008, a similar Parental leave model was also introduced for employees working in the public sector. If both parents work in the state sector, they are entitled to leave with full payment for 6+6+6 weeks' Parental leave – 14 weeks of Maternity leave and 18 weeks of Parental leave, all with full payment, making a total of 32 weeks. Six weeks was earmarked for the mother, six weeks for the father, and six weeks could be shared. As a part of the labour market negotiations in spring 2015, fathers employed in the public sector got one further week earmarked with full payment, making a total of seven weeks.

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

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

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

#### **d. Childcare leave or career breaks**

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

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

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

##### *Time off for the care of dependents*

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

##### *Flexible working*

- None.

##### *Specific provision for (breast)feeding*

- None.

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

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

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

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Instead of initiatives at the policy level to increase fathers' uptake of Parental leave, in 2017, the Minister for Gender Equality and the Minister of Industry, Business and Financial Affairs initiated a campaign: 'Aktion Fars Orlov' [Operation Dad's Leave] (2017-2020). The campaign is publicly funded by the government and a broad range of parties (DKK4,500,000 [€602,566]) and supported by the unions, as well as a number of Danish companies. It seeks to inspire a cultural change, encourage more men to take (more) leave, and incite companies to support them.<sup>13</sup> As of 2019, five projects have received support in order to promote fathers' leave.<sup>14</sup>

As of November 2018, a policy change was enacted, making ECEC attendance mandatory for children aged one in geographical areas considered 'vulnerable,' i.e. areas with a high proportion of migrants who are not active in the labour market. Attendance is 25 hours per week for the child, with a focus on cultural and linguistic learning and integration. Should the parents decide not to enroll the child in ECEC, they will not receive the child benefit. The parents are also expected to participate in a learning programme of a minimum of six hours per week over three weeks, focusing on how best to support their child.<sup>15</sup> In the agreement, there is no mention of how the policy change will affect parents who would like to take part-time leave and thus extend the leave beyond the one year.

### **4. Uptake of leave**

Data on leave uptake for all Danish parents are not available – statistics are instead based on parents entitled to a cash benefit during leave. A number of parents in Denmark lack such entitlements: the latest figures (2014) show that 19 per cent of the fathers and 23 per cent of the mothers were without entitlement.<sup>16</sup> Therefore, the statistics in the following sections do not encompass this demographic of parents.

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<sup>13</sup> See <https://www.aktionfarsorlov.dk/> and <https://www.business.dk/arbejdsmarked/kampagne-skal-faa-flere-maend-paa-barsel-og-goere-op-med-ravnemor>

<sup>14</sup> <https://pulje.dk/farsorlov>

<sup>15</sup> <http://socialministeriet.dk/media/19171/aftaletekst-om-obligatorisk-laeringstilbud-og-skaerpet-straf.pdf>

<sup>16</sup> Danmarks Statistik (2016). *Nyt fra Danmarks Statistik. Dagpenge ved fødsel 2015*, Nr. 140, København: Danmarks Statistik.

### **a. Maternity leave**

The present statistics on the uptake of leave do not provide data on the proportion of mothers using Maternity leave only. Survey data from 2006 showed that among parents of children born in 2005, 99 per cent of mothers had taken Maternity leave.<sup>17</sup>

### **b. Paternity leave**

Statistics show that among Danish fathers of children born in 2015 entitled to cash benefit, 80 per cent take (some of) the Paternity leave. Thus, 20 per cent of the fathers did not take any Paternity leave.<sup>18</sup>

### **c. Parental leave**

As noted above, regular data are not available on the share of all parents who take up Parental leave. New data are likely to become available in 2019.

### **d. Leave uptake in total**

In addition to the (relatively) limited statistics referred to above, the available statistics presenting the current leave situation survey across the entire leave period (Maternity, Paternity, and Parental leave) and the data are presented in this section. Also, this data is based on parents receiving a cash benefit during leave.

Statistics indicate that mothers' leave uptake is stable. Mothers who have taken leave together with the father took 296 to 299 days between 2006-2015, while mothers who have taken leave alone took 311 to 317 days over the same period.

Well-educated mothers and mothers in top management positions take the shortest leave (in contrast, the opposite is the case among fathers; here, well-educated fathers and fathers in top management positions take the longest leave). The education level of the mother and her position in the labour market is central to the division of leave between the parents. Mothers employed in agriculture take the longest leave,

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<sup>17</sup> Olsen, B. M. (2007). *Evaluering af den fleksible barselsorlov: orlovsreglerne set fra forældres, kommuners og arbejdspladsers perspektiv*. Copenhagen: SFI - Det Nationale Forskningscenter for Velfærd.

<sup>18</sup> Danmarks Statistik (2017). *Fædres brug af orlov*, København, Danmarks Statistik

while mothers employed in information and communications take the shortest leave.<sup>19</sup>

After the data for the period 2007-2010 showed an increase in the number of days that fathers take, when both the mother and the father take leave (not necessarily at the same time) – from 32 days on average in 2007 to 37 days in 2010 – the data for 2011-2013 shows stabilisation. In families where both the father and the mother took leave, the father took an average of 37-38 days of leave in 2012-2015. In the few families where the fathers were the only parent to take Parental leave, their leave uptake in 2015 was 55 days.<sup>20</sup>

Slightly more fathers took leave in 2015 (78.1 per cent) than in 2003 (74.5 per cent).<sup>21</sup> The increase in later years in fathers' leave use may be explained by the fathers' quota in the collective agreements and (partly) by the removal of the clause in the collective agreement of the industrial sector, which leads to larger flexibility in leave use for employees covered by this agreement, especially fathers<sup>22</sup> (see section 1c).

Statistics on fathers' leave uptake based on data from 2014 show that:

- Well-educated fathers and fathers with a high income take the longest leave.
- Fathers living in the largest cities take the longest leave.
- Well-educated fathers living in Copenhagen take the longest leave of all fathers (51.5 days).
- Fathers employed in the public sector take the longest leave period (50 days).
- Fathers employed in male-dominated branches take 5 days less than the average.
- Self-employed fathers take the least leave (16 days).
- Fathers with well-educated partners take 60 per cent longer leave than fathers on average.<sup>23</sup>

Statistics on how parents, where both take leave, share the total leave period show that frequently the father takes precisely the two weeks'

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<sup>19</sup> Danmarks Statistik (2017). *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016*. 2017: 9, København: Danmarks Statistik.

<sup>20</sup> Danmarks Statistik (2017). *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016*. 2017: 9, København: Danmarks Statistik.

<sup>21</sup> Danmarks Statistik (2017). *Fædres brug af orlov*, København, Danmarks Statistik.

<sup>22</sup> DR Nyheder (2014). 'Mænd i industrijob tager mere barsel.' 25 January 2014.

<sup>23</sup> Danmarks Statistik (2017). *Fædres brug af orlov*, København, Danmarks Statistik.

Paternity leave and the mother 46 weeks, equalling the 14 weeks' Maternity leave and the 32 weeks of Parental leave.<sup>24</sup>

A report from The Danish Institute for Human Rights concludes that both mothers and fathers experience discrimination due to pregnancy and leave uptake – mothers to the largest degree.<sup>25</sup>

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<sup>24</sup> Danmarks Statistik (2017) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016*. 2017: 9, København: Danmarks Statistik.

<sup>25</sup> Warming, Kenn (2016) "*Diskrimination af forældre. Oplevelsen af diskrimination i forbindelse med graviditet og barselsorlov*". Copenhagen: The Danish Institute for Human Rights.

# Estonia<sup>1</sup>

**Katre Pall**

**April 2019**

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

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

### **a. Maternity leave (*rasedus- ja sünnituspuhkus*) (responsibility of the Ministry of Social Affairs)**

*Length of leave (before and after birth)*

- 140 calendar days: between 30 and 70 days can be taken before the expected date of birth. If fewer than 30 days' leave are taken before the expected birth, leave is shortened accordingly (e.g. if the mother starts Maternity leave 20 days before the expected birth, overall leave is shortened by ten days to 130 instead of 140 days).

*Payment and funding*

- 100 per cent of average earnings, calculated based on employment in the previous calendar year, with no upper limit on payments. The minimum wage (€540 per month) is paid to mothers who had not worked during the previous calendar year but then worked prior to the birth of the child.
- Funded from health insurance contributions. All employers (and self-employed people) pay a payroll tax of 33 per cent for each employee; 13 per cent is for health insurance and 20 per cent for pension insurance.

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<sup>1</sup> Please cite as: Pall, K. (2019) 'Estonia country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

*Flexibility in use*

- None, except for when the leave can be started before birth.

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

- All employed mothers are eligible for Maternity leave, including workers with temporary contracts if the contract lasts more than one month.
- There are no conditions linked to length of service.
- Self-employed people qualify for maternity benefit on the same conditions as workers, even without taking up the leave (for which they are not eligible).
- There are no conditions linked to citizenship.

*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)*

- 10 working days.

*Payment and funding*

- 100 per cent of earnings, calculated by the employer, with a ceiling of three times the employees' average earnings for the quarter prior to when the leave was used.
- Funded from general taxation.

*Flexibility in use*

- Can be taken during two months before or two months after the birth of a child.
- Can be taken in blocks, with a minimum of a day at a time.

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

- All employed fathers with permanent or temporary employment contracts. There are no conditions linked to length of service.
- Self-employed or unemployed fathers are not eligible.
- Same-sex partners cannot use 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 mother*

- None.

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

*Length of leave*

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

*Payment and funding*

- Two types of benefit are available to all families who legally reside in Estonia, whether or not the parents are eligible for Parental leave.
- Parental benefit (*vanemahüvitis*) is paid at 100 per cent of personal average earnings (calculated based on employment in the previous calendar year) for 435 days (i.e. 62 weeks): from after the end of Maternity leave, and with an upper limit of €3,319.80 per month (equivalent to three times average earnings). For parents who are not on leave and not working, the benefit is paid from the birth of the child until the child reaches 18 months of age. The minimum benefit paid to parents who worked in the previous calendar year is the minimum wage: €540 per month. For parents who were not working during the previous calendar year, the parental benefit is paid at a flat rate (benefit rate) of €500 per month.
- Childcare benefit (*lapsehooldustasu*) is a flat-rate payment of €38 per month, paid from the end of parental benefit payments until the child reaches three years of age and paid to both working and non-working parents (i.e. payment continues if a parent takes up employment).
- Both parental and childcare benefits are funded from general taxation.
- Pension credits for parents with children under three years of age (independent of Parental leave or employment). There are two types of pension credits for parents, available simultaneously. The state pays a social security contribution, calculated based on minimum wage, to the first pension pillar (public pay-as-you-go system) over three years. Also, the state pays contributions to the second pension pillar (public contributions-based system) over three years: the sum of this public pension contribution is four per cent of the average wage.

### *Flexibility in use*

- Parental leave may be used in one part or in several parts at any time until a child is three years old.
- Being on leave while receiving the benefits is not compulsory. When a parent takes up employment after the birth of a child, the parental benefit is reduced if the income from employment exceeds 50 per cent of the benefit ceiling (€1,660). Income exceeding 50 per cent of the benefit ceiling is divided by two and deducted from the level of benefit. However, the maximum reduction of benefit is up to €500 (benefit rate).
- Parents cannot be on leave at the same time.

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

- All working parents are eligible for Parental leave.
- Self-employed and unemployed parents are not eligible for Parental leave.
- All parents are eligible for parental and childcare benefits. Also, a parent's spouse, a person in custody of the child, and adoptive parents have the right to parental and childcare benefits.
- Fathers are eligible for parental benefit when their child has reached 70 days of age.
- The actual caregiver of a child (i.e. if none of the above-mentioned) is eligible for Parental leave if parents do not use the leave themselves. In the case of a non-parental caregiver, they are eligible for childcare benefit, but not parental benefit.
- Same sex couples are eligible if the child is adopted by the other parent.

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

- None.

#### **d. Childcare leave or career breaks**

- No statutory entitlement; see section (e) below, for supplementary annual holiday entitlement.

## **e. Other employment-related measures**

### *Adoption leave (lapsendamispuhkus) and pay*

- 70 days of adoption leave per child for parents adopting a child under ten years of age at 100 per cent of average earnings, with no upper limit. Adoptive parents are eligible for Parental leave for a child under the age of three years, and qualify for parental benefit and childcare benefit.

### *Time off for the care of dependants*

- 14 calendar days per episode of illness. Leave can be taken by either parent to care for a sick child under the age of 12 years, with 80 per cent of earning replacement for up to 14 calendar days per illness episode.
- Parents with a handicapped child may take one day of leave per month with full earnings replacement.
- A parent with a child under 14 years of age can take ten working days of unpaid leave per year.
- Parents may take a supplementary period of holiday: three days per year for a parent raising one or two children under 14 years of age, and six days per year for a parent raising a child under three years of age, or three or more children under 14 years of age. There is a flat-rate payment, calculated based on the minimum wage, of €25.60 per day.
- 7 paid calendar days for illness of a family member.
- 5 working days per year to care for a relative with a severe disability. There is a flat-rate payment.
- All payments funded from general taxation.

### *Flexible working*

- None.

### *Specific provision for (breast)feeding*

- Breastfeeding mothers with a child under 18 months of age can take either one thirty-minute breastfeeding break every three hours or a one-hour break per day. The state compensates the breaks 100 per cent, except from mothers who receive parental benefit for raising a child. Funded from general taxation.

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

The maximum period of post-natal leave available in Estonia is 36 months: with half of the period paid at a high earnings-related rate and the other half at a low flat-rate. According to the Social Welfare Act, municipalities are obliged to provide a place in ECEC to all children (but there is no individual right to a place), starting from the age of 18 months (i.e. after the end of the higher paid leave period). However, not all municipalities are able to meet this obligation, and for children between 18 months and three years of age, the lack of places in ECEC is an issue. Many municipalities that are not able to provide an ECEC place pay a special childcare benefit to working parents who use a private licensed carer or centre. Levels of attendance at formal services for children under three years of age are below the average for the countries included in this review and for OECD countries; however, they are above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Starting from 1 September 2019, the reference period used for calculating the parental benefit amount will change. Now the reference period is the calendar year (1 January – 31 December) prior to start of paying the benefit. From September 2019, the reference period will be from 21 months up to nine months before the birth of the child. Secondly, the childcare allowance will be abandoned. Children born after 1 September 2019 will not receive the childcare allowance.

Starting from 1 July 2020, all fathers will have a non-transferable right to receive Fathers' Additional Parental Benefit for 30 days. Paternity benefit will be abandoned. Employed fathers must take Parental leave in order to receive the benefit. Self-employed, unemployed, or non-active fathers have no right to leave, but will receive the benefit.

Fathers can take this additional benefit at the same time as the mother receiving maternity benefit or parental benefit – or they may take their benefits separately. Fathers' additional 30-day benefit period is added to the total 435-day benefit period.

Parents can use parental benefit, including the fathers' additional benefit over three years.

Starting from 2022, Maternity and Parental leave will be merged into a single Parental leave and there will be a single parental benefit with non-transferable parts for the mother, for the father, and a shared part.

## **4. Uptake of leave**

### **a. Maternity leave**

There are no statistics on the uptake of Maternity leave.

### **b. Paternity leave**

- 14 per cent of fathers took leave in 2006 and 2007 – then in 2008, after payment was introduced, uptake of leave increased approximately four times, to 50 per cent.
- Since 2009, when the benefit for Paternity leave was abolished, there are no statistics on the uptake.
- In 2013, when Paternity leave payment was re-introduced, 38 per cent of fathers took leave; in 2014, about 41 per cent of the fathers took some leave; 46 per cent in 2015; and around 50 per cent of fathers took leave in 2016.
- Based on preliminary data of registration of births in 2017, around 53 per cent of fathers to leave, and in 2018, that rose again to 54 per cent of fathers.<sup>2</sup>

### **c. Parental leave**

No official statistics about the uptake of leave are collected. In 2017, 9.9 per cent of the recipients of parental benefit were men (9.3 per cent in 2016, 7.5 per cent in 2015, 9 per cent 2014, and 7.4 per cent in 2013).<sup>3</sup>

From its introduction in 2004 until 2007, fathers' access to parental benefit was limited and they could take the benefit only after their child was six months old. The share of fathers using the benefit was very low: between one and two per cent from 2004 to 2006. In 2007, this restriction was removed and fathers could take up the parental benefit right after the end of Maternity leave (when the child is 70 days old); subsequently the uptake by fathers increased slightly and sat around six to nine per cent from then.

At the end of 2018, 10.6 per cent of parental benefit recipients were men, however, 62 per cent of them received income from employment at the same time. This indicates that many fathers, although receiving the benefit, may not be the primary caregivers. Due to the changes in legislation that enable them to receive 150 per cent of the average wage

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<sup>2</sup> Author's calculations using data from Statistics Estonia and Social Insurance Board.

<sup>3</sup> Own calculations based on Social Insurance Board data.

plus parental benefit simultaneously, fathers' uptake of the benefit has increased, but they do continue working.

According to the Labour Force Survey (2010), 90.1 per cent of mothers and 5.4 per cent of fathers of children below eight years of age reported that they had taken Parental leave after the birth of their youngest child. Of those parents who reported taking leave: 35.2 per cent reported that they had taken two to three years; 27.5 per cent one and a half to two years; 23.2 per cent one to one and a half years; and 6.7 per cent took six months to one year. Only 7.4 per cent of parents were on leave for fewer than six months.<sup>4</sup>

#### **d. Other employment-related measures**

In 2016, 28 per cent of parents who received benefit for nursing a sick child under the age (i.e. care leave certificates) were men (in 2015 this was 27 per cent, and in 2014 this was 26 per cent).<sup>5</sup>

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<sup>4</sup> Statistics Estonia. Available at: [http://pub.stat.ee/px-web.2001/I\\_Databas/Social\\_life/09Labour\\_market/13Work\\_and\\_family\\_life/13Work\\_and\\_family\\_life.asp](http://pub.stat.ee/px-web.2001/I_Databas/Social_life/09Labour_market/13Work_and_family_life/13Work_and_family_life.asp)

<sup>5</sup> Estonian Health Insurance Fund, based on the calculations of Ministry of Social Affairs.

# Finland<sup>1</sup>

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April 2019

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

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

### a. Maternity leave (*äitiysvapaa/moderskapsledighet*<sup>2</sup>) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

*Length of leave (before and after birth)*

- 105 working days (for all types of leave, one calendar week consists of six working days): between 30 and 50 days must be taken before the birth. It is obligatory to take two weeks before and two weeks after birth.

*Payment and funding*

- Earnings-related benefit. During the first 56 days of leave, the payment is equal to 90 per cent of the individual's annual earnings between €9,289 and €58,252, with a lower percentage (32.5 per cent) for earnings above this level. Mothers not employed and those whose annual earnings are less than €9,288 get a minimum flat-rate allowance of €27.86 per working day (€696 per month).

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<sup>1</sup> Please cite as: Salmi, M., Närvi, J., Lammi-Taskula, J., and Miettinen, A, (2019) 'Finland country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Names of the different types of leave are given in Finnish and Swedish. Finland is a bilingual country with a Swedish-speaking minority.

After this initial period of leave, benefit is paid at 70 per cent of annual earnings between €11,943 and €37,861, with a lower percentage for earnings above this level (40 per cent for annual earnings up to €58,252, and 25 per cent above this). Those whose annual earnings are less than €11,942 before the birth get the minimum flat-rate allowance. In 2017, 11 per cent of mothers received the minimum allowance. The proportion of recipients of minimum allowance has gradually decreased from the maximum figure of 30 per cent in 1996.<sup>3</sup>

- Mothers are permitted to work while on Maternity leave (except for the obligatory two weeks before and after the birth), but receive only the minimum flat-rate allowance for the days they work. Working on Sundays does not affect the benefit.
- Earnings-related benefits are funded by the sickness insurance scheme, financed by contributions from employers (in 2019, 30 per cent of the total cost), contributions from employees (in 2019, 61 per cent of the total cost), and the remaining 9 per cent is funded by the state. In 2019, employers pay 0.77 per cent of their total salary bill and employees pay 1.54 per cent of their taxable earnings higher than €14,282: these percentages are subject to annual change in the state budget. The minimum flat-rate allowances and 3.4 per cent of the benefit expenditure are funded from state taxation.
- Maternity leave accumulates the beneficiary's pension based on 141.7 per cent of the yearly earnings from which the leave benefit is calculated (2019). These earnings accumulate the pension at 1.5 per cent per year. For an unemployed beneficiary or a student, the pension is accumulated as if the earnings were €741.96 a month.

#### *Flexibility in use*

- None.

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

- Entitlements are based on residence: i.e. paid to all women who have lived in Finland, or who have been insured in another EU or EEA Member State, Switzerland or Israel, for at least 180 days directly 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.

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<sup>3</sup> Social Insurance Institution (2018) *Statistical Yearbook 2017*. Available at: [www.kela.fi/statistics](http://www.kela.fi/statistics)

*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 premature birth, if the pregnancy has lasted at least 154 days and ends earlier than 30 days before the due date, the mother is entitled to benefit and leave from the next day for the following 105 days.
- Leave can be delegated to the father if the mother, due to illness, is unable to care for the child – or to another person responsible for the care of the child, if the mother dies and the father does not care for the child.

*Additional note (e.g. frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)*

- A brief made for the Committee on Parental Leave shows that in 2010, 96 per cent of employees in the private sector were covered by collective agreements guaranteeing full pay for part of the Maternity leave; in most cases (66 per cent) the full pay is for three months. In public sector collective agreements, coverage is also high. During periods of full pay, the daily benefit is paid to the employer. However, due to the high prevalence of fixed-term contracts for women of child-bearing age, a high proportion of women giving birth do not have an effective employment contract; so only 42 per cent of mothers on Maternity leave receive pay from the employer.

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

*Length of leave*

- 54 working days (nine weeks), of which the father can take one to 18 days while the mother is on Maternity or Parental leave.

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

- Earnings-related benefit. Benefit is paid at 70 per cent of the individual's annual earnings between €11,943 and €37,861, with a lower percentage for earnings above this level (40 per cent up to €58,252 and 25 per cent above this). Those whose annual earnings are less than €11,942 before the birth get the minimum flat-rate allowance. In 2017, three per cent of fathers received the minimum allowance.

- Fathers are not permitted to work while on Paternity leave. Working on Sundays is permitted as the benefit is paid only for weekdays and Saturdays.
- Funding is the same as for Maternity leave.
- Pension is the same as for Maternity leave.

*Flexibility in use*

- One to 18 days can be taken in up to four blocks of time while the mother is on Maternity or Parental leave. Subsequently, all days or the remaining 36 days can be taken at most in two blocks after Parental leave. The 54 days can be taken up until the child turns two years of age; and the child can be in day care between Parental leave/home-care leave and Paternity leave (if taken up later).
- Paternity leave is child-specific, so that the birth of the next child before the leave period has elapsed for the previous child does not cancel the father's unused leave entitlement: he can take 24 leave days based on the previous child during the Maternity or Parental leave period for the next child, but only in one segment.

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

- Entitlement is based on residence, just as it is for Maternity leave.
- The father must live with the child's mother. The father is entitled to Paternity benefit even if the parents do not live together, provided that the father is responsible for childcare.
- In same-sex couples, the female partner who is married, in a registered partnership, or co-habiting with the biological mother is entitled to Paternity 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 father*

- Fathers with multiple children born or adopted at the same time receive an additional 18 days (three weeks) of paternity benefit for each additional child, with the maximum being 105 days (17.5 weeks). This extension of Paternity leave can be taken while the mother is on Maternity or Parental leave, or after the Parental leave period.
- Single mothers are entitled to paternity benefit days added on to their Parental leave (see c) Parental leave).

*Additional note (e.g. frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)*

- As a result of collective agreements, 60 per cent of all fathers with an employment contract in the private sector, as well as all fathers employed by the state, receive full pay during the first five or six days of their Paternity leave.

**c. Parental leave (*vanhempainvapaa/föräldraledighet*)  
(responsibility of the Ministry of Social Affairs and Health  
and the Ministry of Labour)**

*Length of leave*

- 158 working days, to be taken after the end of Maternity leave. This is a family entitlement, and parents can share the leave between themselves as they choose.

*Payment and funding*

- Benefit is paid at 70 per cent of the individual's annual earnings between €11,943 and €37,861, with a lower percentage for earnings above this level. Those whose annual earnings are less than €11,942 before the birth get the minimum flat-rate allowance.
- Parents are permitted to work while on Parental leave, but they receive only the minimum flat-rate allowance for the days they work. Working on Sundays does not affect the benefit.
- Funding is the same as for Maternity leave.
- Pension is the same 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 to 60 per cent of full-time hours and for at least two months at a time, but only if both parents take part-time leave and take care of the child themselves. Benefit payment is half of what the benefit is for full-time leave. To get the partial benefit, the parents must make an agreement with their employer regarding part-time work.
- Parents cannot be on leave at the same time.

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

- Entitlement is based on residence, just as it is for Maternity and Paternity leave. The father is entitled to Parental leave even if the mother does not fulfil the residence criteria; in this case the father's Parental leave period starts 75 days after the child's birth.

- The father must live with the child's mother. The father is entitled to parental benefit even if the parents do not live together, provided that the father is responsible for childcare.
- The parental benefit is paid provided the mother has had a check-up by a doctor or a qualified nurse employed in the public health care system five to 12 weeks after the birth.
- In same-sex couples, the female partner who is married, in a registered partnership, or co-habiting with the biological mother is entitled to parental benefit.

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

- 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.
- Entitlement to the parental benefit ends if a new entitlement to parental benefit starts due to a subsequent child.
- The parental benefit period for single mothers (paternity of the child is not confirmed and the mother does not have a spouse who is entitled to paternity benefit, or the mother is a sole adoptive parent) is lengthened with 54 working days (nine weeks).

#### **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 can receive a home-care allowance (*kotihoidon tuki/hemvårdsstöd*) consisting of a basic payment of €338.34 per month, with an additional €101.29 for every other child under three years of age and €65.09 for every other pre-school child over three years of age, plus a means-tested supplement (up to €181.07 per month). This home-care allowance can be paid to any parent – whether or not they are on home-care leave from their

job – as long as their child is not in a childcare service provided or funded by the local authority. The average home-care allowance per family in 2017 was €411 per month. Home-care allowance is financed from municipal taxation with a state subsidy of 25 per cent of the costs.

- In 2018, 19 per cent of local authorities paid a municipal supplement to the home-care allowance, most commonly in big municipalities. These supplements averaged €147 per month per child, with a range from €50 to €300.<sup>4</sup> The local authorities usually impose specific conditions on paying the supplement, most frequently that all children in the family below school age are taken care of at home. Paying a municipal supplement has become less common: in 2014, 30 per cent of municipalities still offered it.
- If a child under school age is taken care of in a private day care centre, by a private nanny, or another person employed by the family and accepted by the local authority, the family is entitled to a private day care allowance (*yksityisen hoidon tuki/privatvårdsstöd*), which is €172.25 per month per child. An addition of up to €144.85 per month per child can be paid, based on the size and income of the family. If the child is only entitled to 20 hours of early childhood education per week, the allowance is €63.38 per month and the addition is halved. In 2018, 44 per cent of municipalities paid a municipal supplement to the private day care allowance, with a range from €50 to €1,210 in full-time care. The local authorities usually impose specific conditions on paying the supplement, most frequently related to the hours of private day care. 30 per cent of municipalities offer a service voucher for private day care services, with a range from €408 to €1,115: offering vouchers has grown more popular among the municipalities during the past few years.<sup>4</sup>
- During home-care leave, pension is accumulated as if the earnings were €741.96 per month. These earnings accumulate the pension at a rate of 1.5 per cent per year.

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

- Adoptive parents of a child (under 18 years of age) are eligible for Parental leave of 233 working days starting from the day the child comes to their care, provided that the parent presents a certificate given by the adoption agency.

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<sup>4</sup> Lahtinen, J. and Svartsjö, M. (2018) Kotihoidon tuen ja yksityisen hoidon kuntalisät ja palveluseteli (Municipal supplements of homecare allowance and private care and service vouchers). Kuntaliitto, Helsinki.

- Adoptive parents are entitled to parental benefit for adoptive parents if they have lived in Finland for at least 180 days before receiving the child.
- Adoptive parents in both same- and opposite-sex couples are entitled to parental benefit for adoptive parents.
- Adoptive fathers are eligible for the same Paternity leave as fathers having biological children. In same-sex couples, entitlement to paternity benefit can be given to either of the adoptive parents with their agreement.
- In intra-family adoption, the non-biological parent can share Parental leave with the biological parent (or use all Parental leave if the biological parent is not taking it). Entitlement to Paternity leave depends on whether the biological (custodial or non-custodial) parent has taken Paternity leave: if either of the biological parents have taken Paternity leave, the non-biological adoptive parent (in intra-family adoption) cannot take Paternity leave.
- A mother who adopts and takes care of a child on her own is entitled to paternity benefit the same way as single mothers having biological children.
- Adoptive parents can be in full-time employment or studies during Parental leave – in which case, they receive minimum parental benefit.
- Adoptive parents are entitled to home-care allowance for a period which ends two years after the Parental leave period started, even if the child is older than three years of age.
- A parent who adopts a child younger than 12 months of age and is married to, and lives with, the parent of the child (within family adoption) is entitled to the same paternity and parental benefit as parents having biological children. In cases where paternity benefit has been granted to the adoptive parent's spouse, the adoptive parent is not entitled to paternity benefit.

#### *Time off for the care of dependants*

- Parents of children under ten years of age can take up to four days' leave when a child falls ill (temporary childcare leave, *tilapäinen hoitovapaa/tillfällig vårdledighet*). There are no limits on how often parents can take leave for this purpose during the course of a year. Payment is dependent on collective agreements, but is often at full earnings for three or four days at a time. A parent with joint custody who does not live with a child is entitled to the leave.

#### *Leave of absence to care for a family member or other close person*

- If an employee needs to be absent from work in order to care for a family member or other close person, the employer must try to organise work so that the employee can be absent for a fixed time period.
- The employer and the employee agree on the length of leave and other arrangements. Return to work must be agreed upon between the employer and the employee prior to the leave commencing. If an agreement cannot be reached, the employee can, with reasonable grounds, interrupt the leave by announcing this to the employer one month before their return at the latest. The employee must account for the grounds of the absence and for interrupting it, if the employer requests it.
- No benefit or wage is paid during this leave.

### *Special care allowance*

- An allowance for a parent who is not able to work on the following grounds:
  - because they must engage in the hospital care of a child under the age of seven, a severely ill child between the ages of seven and 15, or in the rehabilitation of a child under the age of 16.
  - because they provide home-care for a severely ill child under the age of 16, when home-care is in connection to hospital care.
  - because they must be available during the school or day care assessment of a severely ill child.
- Both biological and adoptive parents are entitled to the allowance. It can also be granted to employees who care for the child of their spouse. During hospital care or rehabilitation, the allowance can be paid to both parents if the child's physician considers the participation of both parents to be necessary. The allowance is not paid to parents who receive parental, sickness, or unemployment benefit.
- The payment is equal to 70 per cent of annual earnings between €1,454 and €30,962, with a lower percentage (20 per cent) for earnings above this level. Employees whose annual earnings are less than €1,453 get a minimum flat-rate allowance of €27.86 per working day (€696 per month). The allowance is paid for at maximum for 60 working days for hospital care or rehabilitation of the same illness and for 60 working days for home-care.
- Receiving the allowance does not entitle the beneficiary to a leave of absence from work.

### *Flexible working*

- Parents of children under three years of age are entitled to a flexible care allowance (*joustava hoitoraha/flexibel vårdpenning*) if, after taking Parental leave, they work less than 80 per cent of the normal full-time hours in their respective field. The flexible care allowance is €160.80 per month if the weekly working hours are no more than 30, or 80 per cent of the normal full-time hours, and €241.19 per month if the weekly working hours are no more than 22.5 hours, or 60 per cent of the normal full-time hours. Flexible care allowance can be paid to both parents at the same time if they take care of the child during different hours of the day or different days of the week.
- Parents can work reduced working hours ('partial childcare leave,' *osittainen hoitovapaa/partiell vårdledighet*) from the end of Parental leave until the end of the child's second year at school. The employee is entitled to partial childcare leave if they have 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 only refuse if the reduced working hours would lead to serious disadvantages for the organisation – in which case, working hours must be a maximum of 30 hours per week. Both parents can take partial childcare leave during the same period, but cannot take leave during the same hours of the day. Employees taking partial childcare leave during the child's first and second year at school are entitled to a partial home-care allowance (*osittainen hoitoraha*) of €96.89 per month. Partial home-care allowance is paid for only one child, even if the family has more than one child entitled to the allowance. The allowance is not paid for a leave period shorter than one month.

### *Specific provision for (breast)feeding*

- None. Breastfeeding leave is not considered necessary, as Maternity leave and Parental leave last until the child is nine to ten months old.

## **3. Relationship between leave policy and early childhood education and care policy**

The maximum period of paid post-natal leave available in Finland is 36 months (including low paid 'home-care leave'). The maximum period of highly paid leave is 11.5 months after birth. As there is an entitlement to ECEC from the end of the Parental leave, there is no gap between leave and ECEC entitlements. However, from August 2016 onwards, the

ECEC entitlement is restricted to 20 hours per week, unless both parents work or study full-time. Levels of attendance at formal services for children under three years of age are about the average for the countries included in this review and for OECD countries; however, they are below average by both measures for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

#### **4. Changes in policy since April 2018 (including proposals currently under discussion)**

- Since the beginning of 2019, the minimum flat-rate allowance for parental benefits was raised by 13 per cent.
- Since April 1 2019, several improvements to the entitlements of various types of families were launched.
- The parental benefit period for single mothers (paternity of the child is not confirmed, and the mother does not have a spouse who is entitled to Paternity benefit, or the mother is a sole adoptive parent) was lengthened by a further 54 working days (nine weeks).
- Fathers with multiple children born or adopted at the same time receive an additional 18 days (three weeks) of paternity benefit for each additional child, the maximum being 105 days (17.5 weeks). This extension of Paternity leave can be taken while the mother is on Maternity or Parental leave, or after the Parental leave period.
- Adoptive parents now receive parental benefit for all children under the age of 18 (instead of only those under the age of seven) for 233 working days (about nine months), starting from the day the child comes into their care. Previously, the benefit period lasted 234 working days, counted from the birth of the child, but always for at least 200 working days.
- After the planned reform of the leave schemes was halted in February 2018 (see Country note 2018), no further steps were taken to launch a comprehensive reform before the parliamentary elections that took place in April 2019. In June 2019, the coalition government (Social democrats, Centre party, Greens, Left Alliance, and the Swedish people's party) announced plans to reform the Parental leave scheme in order to include quotas of equal length for mothers and fathers; the father's quota is to be lengthened without shortening the share currently available to mothers, and the Parental leave scheme is also to include a period that the parents can share as they wish. The government also plans to keep the home-care allowance unchanged and restore the universal right to ECEC services on a full-time basis.

## 5. Uptake of leave

### a. Maternity leave

Almost all mothers use the leave. Two weeks of leave before the birth and two weeks after the birth are obligatory. Very few mothers entitled to Maternity leave work during the leave period.

### b. Paternity leave<sup>5</sup>

From the beginning of 2013, Paternity leave was reformed into a nine-week leave period, which includes the former one to 18-day Paternity leave period, plus the former six-week 'fathers' month' (i.e., the bonus Paternity leave days, plus the last two weeks of the preceding Parental leave available for fathers between 2003 and 2012). Statistics allow for a different review of the uptake of the first 18 days of the new Paternity leave, which can be taken while the mother is on Maternity or Parental leave (comparable with the old Paternity leave) and the remaining 36 days which are taken after the Parental leave. The analysis of the fathers' uptake of leave is based on the THL study<sup>6</sup> where the respondents had their child in 2011 and still used the entitlements of the old scheme.<sup>[OBJ]</sup> These findings are thus comparable with findings from earlier research. A subsequent THL survey for fathers with a child born in 2013 covers fathers' uptake of different forms of leave since the reform in 2013<sup>7</sup><sup>[OBJ]</sup>

Since the end of the 1990s, a great majority of fathers have taken the one to 18 days' Paternity leave, or, since 2013, the first one to 18 days of the Paternity leave. The proportion of fathers taking this leave increased from 40 per cent in 1990 and 76 per cent in 2000, to 84 per cent in 2012 – with a slight drop to 83 per cent in 2013 and then a more significant drop in 2014, when only 78 per cent of fathers took this short period of Paternity leave. In 2017, again 83 per cent of fathers took the short Paternity leave. These percentages describe the uptake on an annual basis, counted as proportions of the parental benefit periods that started in the respective years. In a Kela study based on fathers' leave uptake on a cohort basis, the percentages are lower. Until 2013, the proportion of fathers taking the short Paternity leave was 70 to 75 per

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<sup>5</sup> One to 18 days which can be taken while the mother is on leave.

<sup>6</sup> Salmi, M. and Närvi, J. (eds.) (2017) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo (Family leave, economic crisis and gender equality)*. Raportti 4/2017, Helsinki: THL.

<sup>7</sup> Närvi, J. (2018) *Isä hoitaa – vai hoitaako? (Daddy takes care – or does he?)* Työpaperi 1/2018, THL, Helsinki

cent, but has dropped since then, and only 69 per cent of fathers of children born from 2015 onwards took this leave.<sup>8</sup>

Since 2013, it has been possible to postpone taking Paternity leave until the child turns two years of age. Preliminary analysis of the uptake statistics suggests that a shift towards leave uptake nearer the child's second birthday is taking place.<sup>9</sup> The THL study based on survey data indicates that for most fathers (71 per cent), the possibility to postpone uptake was important for their taking of the leave, and for a third it was a decisive factor.<sup>7</sup>

Since 2008, the average length of the leave taken while the mother is on Maternity or Parental leave has been 15 working days.

Statistics indicate that one in five fathers do not take either Paternity or Parental leave. In the cohort-based analysis, the proportion of non-users was 29 per cent in 2006, decreasing gradually to 26 per cent in the 2015 cohort.<sup>8</sup>

The reasons for not taking the short Paternity leave are most often the father's work situation, the family finances, or the father not being in work.<sup>7,10</sup>

### **c. Parental leave and fathers' individual leave** (i.e. the days of Paternity leave to be taken after the Parental leave)

The 158 days of Parental leave is mostly taken by mothers. Almost all mothers take Parental leave, whereas only two to three per cent of fathers took Parental leave beyond the two weeks of the 'fathers' month' over the years when it was available. Less than one per cent of mothers entitled to Parental leave did not take the whole leave period, even if the father did not take Parental leave (2004 to 2007). Fewer than four per cent of mothers work to any extent during their leave period.

Even if the popularity of the short Paternity leave is high, in 2013 only about 32 per cent of all fathers took the 'fathers' month' (which is still the entitlement for families where the Maternity leave started before 1 January 2013) or the six weeks of the new Paternity leave (to be taken after the Parental leave). In 2014, the proportion was higher (34 per

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<sup>8</sup> Saarikallio-Torp, M. and Miettinen, A. (2019) 'Family leaves for fathers: Non-users as a test for policy reforms.' Paper presented in the conference Towards Resilient Welfare States, Helsinki 14–15 March 2019.

<sup>9</sup> Analysis by Anita Haataja, Social Insurance Institution.

<sup>10</sup> Lammi-Taskula, J., Salmi, M. and Närvi, J. (2017) 'Isien perhevapaat' ['Fathers on family leave,' in: M. Salmi and J. Närvi (eds.) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo* [Family leave, economic crisis and gender equality]. Raportti 4/2017, THL, Helsinki 2017.

cent), and in 2015 the proportion jumped to 50 per cent, before increasing again to 56 per cent in 2017. The cohort-based analysis shows lower uptake among the birth cohorts born 2013 to 2015: 43 per cent of these fathers have taken the longer Paternity leave.<sup>8</sup> The average length of leave taken by fathers after Parental leave has also risen from 21 days (2012 and 2013) to 27 days (2015) and 26 days (2017).

Like with the previous 'fathers' month' (see country note 2017), the longer part of Paternity leave has become more and more popular. However, its contribution towards actually equalising parental responsibilities is still called into question: in every third family, the mother stayed at home during all of the father's Paternity leave weeks, because she planned to continue to care for the child at home (supported by the home-care allowance), and because the father had to take his leave before the child's second birthday.<sup>7</sup> However, before the extension of the time limit for taking leave (the 'fathers' month' was to be taken within six months of the end of the Parental leave), the majority of mothers stayed at home during this leave; with more flexibility in the use of the Paternity leave, more mothers have returned to work before the father takes his leave, which has directly increased fathers' individual care responsibility.<sup>7,10</sup>

According to the two THL studies, men over the age 30, men with a good income, and men whose partners have a good income (as well as the fathers of first-born children) were more likely to take the 'fathers' month' or the longer Paternity leave. The impact of socio-economic resources on fathers' uptake of longer Paternity leave was further corroborated by the Kela study based on cohort data.<sup>8</sup> In families where the mother had been employed before the child was born, the mother's high socio-economic status also increased the likelihood of the father taking the longer leave. This likelihood was halved if the father held the view that men were mainly responsible for the family's income, or if the father had recently experienced unemployment. The most common reasons that fathers gave for not taking the longer part of Paternity leave (or the 'fathers' month') were that they thought the family's finances did not allow it, or that their spouse was taking care of the child supported by the home-care allowance (this is for the cohort of fathers with children born in 2011 or 2013). The spouse not having a job also hindered fathers from taking their leave quota. Work-related obstacles were also mentioned quite often. Highly educated fathers stated that they tended not take the longer leave because of work pressure or the nature of their work, while blue-collar workers more often cited family finances as their reason for not taking leave. However, family finances were mentioned more often than work-related reasons, even by highly educated fathers. Very few fathers mentioned negative attitudes at their workplace as an obstacle, but instead considered their own long absence from work as too difficult to justify taking. This was related to the

distribution of their work during fathers' leave: fathers reported that a substitute was seldom hired, and work tasks were most commonly shared between fellow workers or, among white-collar employees, were left to be taken care of by the father himself despite taking leave, which made fathers hesitate to use the possibility of taking leave for longer than a few weeks.<sup>7,11</sup>

In 2017, five per cent of fathers took Parental leave. Even if the number is still low, it is double that of previous years, when only one to three per cent of fathers took Parental leave beyond the two weeks included in the 'fathers' month.' The average length of fathers' Parental leave was 58 working days. Fathers with children born in 2011 were more likely to share the Parental leave with the mother if they were over 30 years of age and the fathers of first-born children. The spouse's higher education level had a significant – if small – effect on the likelihood of fathers sharing the Parental leave. Fathers with children born in 2013 more commonly took Parental leave if their spouse had a higher education level and income, especially if the father himself was not highly educated.<sup>7</sup>

The part-time option for taking Parental leave has not been popular. In 2003 (the first year that it was available) 37 parents received the partial parental allowance, rising to 84 (2004) then 117 (2007). This means that less than 0.1 per cent of families with a new-born child used the new arrangement in its first five years. The use has not increased subsequently; 30 to 40 couples used it between 2008 and 2014, and 77 couples used it in 2018.<sup>12</sup>

#### **d. Childcare leave or career breaks**

Almost all families (83 per cent in 2017) took advantage of the home-care allowance (HCA), at least for some time after Parental leave. Since 2006, statistics are available regarding its use by parents, showing that HCA is used almost entirely by mothers. In 97 per cent of all families receiving HCA, one of the parents takes care of the child and in 96 per cent of these cases, this is the mother.

In the long run, HCA has become less popular; the proportion of children aged nine to 36 months taken care of at home supported by HCA has dropped from 58 per cent (2000) to 45 per cent (2017). Recently the uptake has been varied: HCA was paid to 87 per cent of families whose Parental leave ended in 2005, dropping to 84 per cent for 2006, rising again to 88 per cent from 2007 onwards, and 89 per cent in 2014 and

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<sup>11</sup> Närvi, J. and Salmi, M. (2019) 'Quite an encumbrance? Work-related obstacles to Finnish fathers' take-up of parental leave.' *Community, Work and Family* Vol. 22 (2019):1, 23–42.

<sup>12</sup> See [www.kela.fi/kelasto](http://www.kela.fi/kelasto).

2015, but dropping to 83 per cent in 2017. At the same time, the proportion of children under three years of age taken care of and supported by HCA has varied between 45 and 53 per cent. The annual variation of HCA uptake is probably due to variations in female labour force demand, and in the composition of women giving birth. The overall decreasing popularity matches the growing proportion of young children attending childcare services from 2000 to 2017: while the proportion of children under the age of one in these services has dropped to less than one per cent, the proportion of children aged one has risen to 34 per cent (and children aged two to 63 per cent).<sup>13</sup>

Statistics also enable an assessment of uptake periods of HCA. In families paid this allowance at some point before their child turns three years of age,<sup>14</sup> periods taken have divided rather evenly: 26 to 34 per cent take fewer than seven months; 22 to 26 per cent take between seven and 12 months; 27 to 29 per cent take between 13 and 24 months; and 13 to 25 per cent take longer than 24 months (the maximum length being 26 to 27 months). However, the proportion taking the longest period of leave declined from 25 per cent (2003) to 13 per cent (2017), while the proportion taking the shortest periods rose from 26 to 34 per cent. The (few) male recipients of HCA took less of the longest periods than their female counterparts (8 per cent in 2017) but, in 2014, the proportion of fathers taking HCA for longer than a year rose from 41 to 45 per cent (though dropping again to 42 per cent in 2015 and 36 per cent in 2017).<sup>15</sup> In the long run, from cohorts of children born 2007 to 2015, the median lengths of HCA periods have decreased from 16 months to 13 months.<sup>16</sup> Only 6 to 9 per cent of fathers have been recipients of HCA, 2006 to 2017. The THL study on parents who had a child in 2011 shows that it was most likely taken by fathers whose spouses had a high employment status and a high income.<sup>10</sup>

The fathers who answered the THL questionnaire in 2013 had taken some form of family leave and were, thus, more active leave users than the average father. Of these fathers, however, three in four said that they had both not used home-care leave with HCA when their child was two years old and that they will not use it.<sup>10</sup> In 2013 and 2016, the main obstacle for taking the leave, according to the two THL studies, was family finances, which more than half of the surveyed fathers said

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<sup>13</sup> Säkkinen, S. and Kuoppala, T. (2018) *Varhaiskasvatus 2017 [Early childhood education 2017]* Helsinki: THL Statistical Report 32/2018.

<sup>14</sup> These statistics exclude families receiving home-care allowance where the person taking care of the child is not a parent; however, these families only comprise 2 to 3 per cent of all recipients.

<sup>15</sup> Calculations based on Statistical Yearbooks of the Social Insurance Institution 2004–2017.

<sup>16</sup> Calculations by Anneli Miettinen and Miia Saarikallio-Torp, Social Insurance Institution.

hindered them from taking childcare leave. Other common reasons for not taking the leave (cited by a fifth to a third of fathers) were that their spouse did not have a job, that the father did not consider taking the leave to be necessary, and that the child started at day care. Work-related reasons such as the nature of their work or work pressure were mentioned by only one in six or one in five fathers.<sup>7,10</sup>

The debate on possible cuts to the HCA period in 2013–2014 (see country note 2015) led to calculations on how many two-year-olds and their siblings are taken care of at home supported by HCA. At the end of 2010, 36 per cent of two-year-olds belonged to this group, either as the primary HCA recipient (69 per cent) or as a sibling of a younger HCA recipient (29 per cent). For 40 per cent of families, the HCA covers the care of one child; for another 40 per cent, two children; and in 19 per cent of families, it is for three or more children. Nine per cent of three to seven-year-olds (27,600 children) were taken care of at home as the siblings of younger children receiving HCA.<sup>17</sup> According to annual statistics, in 2017, one in four children taken care of supported by the HCA was older than three years of age; thus, presumably they were older siblings.<sup>3</sup> These 18,131 children comprised only six per cent of three to seven-year-olds.

A study based on register data shows that half of the women who had their first child in 1999 took Maternity, Parental, and home-care leave at most until their child was 18 months old; while almost 30 per cent stayed on leave for 36 months or longer, and ten per cent for almost five years. For these mothers, the leave that started with their first-born child continued without a break with successive children.<sup>18</sup> Another analysis based on the same data shows that 47 per cent of mothers who had their first child 1999–2006 had a second child within three years of the birth of the first child. However, less than half of these mothers (48 per cent) continued to a new Maternity leave directly from the home-care allowance period with the first child, and half of the mothers stopped their home-care allowance period between children.<sup>19</sup> Thus, contrary to common belief, only a small majority of Finnish mothers stay at home on family leave for several years non-stop, and it is a minority that takes the maximum length of leave.

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<sup>17</sup> Calculations by Anita Haataja and Siru Keskinen, Social Insurance Institution.

<sup>18</sup> Haataja, A. and Hämäläinen, U. (2010) 'Viekö haikara tasa-arvon? Puolisoiden väliset tuloerot lapsiperheissä' ['Does the stork wash away gender equality? Income differences between spouses in families with children'], in: U. Hämäläinen and O. Kangas (eds.) *Perhepiirissä [In the family circle]*. Helsinki: Kela.

<sup>19</sup> Haataja, A. and Juutilainen, V-P. (2014) '*Kuinka pitkään lasten kotihoitoa? Selvitys äitien lastenhoitajaksoista kotona 2000-luvulla*' ['How long at home with children? A report on mothers' childcare periods at home in the 2000s'], Kela Työpaperi 58/2014.

The THL study of parents with a child born in 2011 shows that 46 per cent of all mothers were employed and 40 per cent were at home, taking care of the child/children when the child was approximately two years old. The remaining 14 per cent were mainly students (7 per cent) or unemployed (3 per cent). One in four mothers of two-year-olds already had a younger child, and a majority (84 per cent) of them were at home, taking care of the children, while one in ten was employed. Of those mothers whose youngest child was two years of age, only 24 per cent were still at home, taking care of the child supported by HCA, while 59 per cent were employed, and 17 per cent did something else (such as studying or were unemployed). Further analysis indicated that a mother whose youngest child is the two-year-old was more likely to be employed if she was: employed before the child was born, had a high-income level, had a high level of education, and had a permanent contract when the child was born. A mother was more likely to be still at home with a two-year-old if she was: a blue-collar worker, had a low level of education, had a low-income level before the child was born, and if she had three or more children. Of the mothers who were still at home with a two-year-old youngest child, less than half had a job waiting for them and half did not have an employment contract.<sup>20</sup> Even further analysis indicated that of the mothers without an employment contract, almost a third had no education after basic school; a third had vocational education, and a third had more than vocational education.<sup>19, 21</sup> Recent statistics show that education is crucial for employability and there are major differences in the share of employed mothers according to their level of education: in 2016, when their youngest child was over three years old, the share of employed mothers was 36 per cent if they had only basic level education.<sup>22</sup> So, the employability of these mothers varies in the current labour market, where there are fewer and fewer jobs for people with a low level of education. A study using register data on mothers of children born 2001–2009 also found that mothers who were highly educated and had a more secure labour market position pre-childbirth returned to employment more quickly.<sup>23</sup>

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<sup>20</sup> Närvi, J. (2017) Äitien perhevapaat ja osallistuminen työelämään [Mothers' family leave and participation in working life]. In: Salmi, M. and Närvi, J. (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, Helsinki: THL.

<sup>21</sup> Salmi, M. and Närvi, J. (2019) *The Finnish family leave reform in the light of research: the rise and fall of a reform 2017–2018*. Paper presented at the conference Towards Resilient Welfare States, Helsinki 14–15 March 2019.

<sup>22</sup> Statistics Finland, Labour force study, Families and Work 2016.

<sup>23</sup> Räsänen, T, Österbacka, E., Valaste, M. and Haataja, A. (2019). 'Lastenhoidon tukien vaikutus äitien osallistumiseen työmarkkinoille' [The effect of child care subsidies on mothers' labour market participation'], Social security and health reports 14. Helsinki: Kela.

The THL study also showed that when mothers' individual motivations for relying on HCA were analysed, the issues where at-home mothers and at-work mothers differed were views on (a) the quality of day care services, with 29 per cent of at-home mothers but only eight per cent of at-work mothers mistrusting the quality; and (b) on the 'mother's place,' with 59 per cent of at-home mothers thinking that mothers of young children should stay home, while only 35 per cent of at-work mothers did so. When the significance of the ideal image for mothers' activity was analysed, together with the factors related to education and position in the labour market, both types of explanatory factors proved to be important. Level of education and labour market experiences still predicted the mother's activity, but a traditional view on a mother's place being at home almost doubled the probability of a mother still being at home with the two-year-old. However, the strongest predictor proved to be that the mother mistrusts the quality of day care services; this triples the probability of a mother still being at home with the two-year-old.<sup>19, 20</sup>

The flexible care allowance, available from the beginning of 2014, seems to be much more popular than the previous partial care allowance for children under the age of three (see Country note 2018). During 2014, 15,251 children (6 per cent of the age group) were taken care of supported by this allowance, while in 2013 only 10,927 children under the age of three were taken care of supported by the partial care allowance. During 2016, 17,764 families received flexible care allowance, compared to 15,800 families in 2014 and 11,300 families receiving the partial care allowance in 2013. Thus, the popularity of the new part-time leave arrangement has risen by 57 per cent, compared to the previous entitlement, even if the numbers still are low and only seven per cent of the age group are taken care of supported by this allowance. One in ten recipients of the flexible care allowance were fathers.<sup>3, 24</sup>

The THL study shows that of mothers with two-year-olds who had returned to employment, 28 per cent worked part-time (of all employed Finnish mothers with children below school-age, 18 per cent worked part-time in 2013<sup>25</sup>; in 2015, 30 per cent of mothers with children aged one and two did so<sup>26</sup>). A third of mothers still at home with their two-

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<sup>24</sup> Kelan lapsiperhe-etuustilasto 2017 [Statistics on benefits for families with children 2017. Social Insurance Institution].

<sup>25</sup> Sutela, H. (2015) 'Pitkät työajat hankaloittavat perheen ja työn yhteensovittamista' ['Long working hours complicate combining family and work']. Tilastokeskus, *Tieto & trendit* 4/2015, 50–57.

<sup>26</sup> Pärnänen, A. & Kambur, O. (2017) 'Suomi–Ruotsi-vertailu: Pienten lasten äitien työssäolossa ei suuria eroja' ['Comparing Finland and Sweden: No big differences in employment of mothers to young children']. Tilastokeskus, *Tieto & trendit* 25.4.2017.

year-old planned to work part-time. Also, one in three mothers were interested in working part-time, but did not find it possible. The most common obstacle was family finances, but part-time work was also considered unsuitable either because it would be difficult to arrange or because the mother thought she would have the same workload, but with less time and less pay.<sup>27</sup> The partial childcare leave was used or planned mostly by mothers who had a valid employment contract before the child was born.<sup>28</sup> The rule that the employee can take partial childcare leave only if they have been working for the same employer for at least six months during the past 12 months effectively hinders mothers from choosing the partial leave, as many mothers must find a new job after their family leave. This particularly concerns at-home mothers with a two-year-old youngest child as half of them do not have a job to return to.

In 2017, partial home-care allowance during the child's first and second years at school was used to take care of seven per cent of children seven and eight years of age.<sup>3</sup>

The use of the private day care allowance for children under the age of three has again increased: in 2017, 4,408 families received this allowance for a child under three years of age, while the figure was 3,510 in 2016 and 4,209 in 2015.<sup>3</sup> Four per cent of one-year-olds and two-year-olds were taken care of supported by this allowance in 2017 and 2016.

The results of recent research confirm earlier findings that the length of leave periods taken by mothers depends on the mother's level of education, her employment status, and her possibilities and experiences in the labour market, as well as how easy it is to find employment, especially for women with a low level of education – however, the values and attitudes of the mother also play a role. The leave schemes also seem to create two categories of women in which a) women with a stable position in the labour market, higher levels of education, and better employment prospects have more options (i.e., being able to choose between a shorter or a longer family leave period, and between a period of part-time and full-time work), while b) women with little education

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<sup>27</sup> Salmi, M., Lammi-Taskula, J. and Mäntylä, E. (2016) 'Pienten lasten äidit osa-aikatyöhön? Poliitiikan ja käytäntöjen ristiriitoja' ['More part-time work to mothers of young children? Contradictions of policy and practice'] *Yhteiskuntapolitiikka*. Vol.81 No.2: 206–215. See also: [www.leavenetwork.org](http://www.leavenetwork.org) -> Annual seminar 2015 -> Presentations.

<sup>28</sup> Salmi, M., Närvi, J., Lammi-Taskula, J. and Mäntylä, E. (2017) 'Osa-aikaisten perhevapaiden ja osa-aikatyön käyttö, mahdollisuudet ja esteet' ['Take-up, possibilities and obstacles of partial childcare leave and part-time work'], in M. Salmi and J. Närvi (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo* [Family leave, economic crisis and gender equality]. Raportti 4/2017, Helsinki: THL.

and fewer opportunities in the labour market have fewer alternatives. So, a woman with a fixed-term contract or without work prior to the birth of her child is more likely to stay at home for a longer period, and to be reliant on the home-care allowance. The HCA, therefore, has partly become an income source for unemployed women, even if it is lower than the basic unemployment benefit, while also functioning as an alternative to the use of childcare services for parents with an employment contract. It also serves as an alternative to unemployment, making room for mothers who identify strongly with the role of mothers as caregivers, instead of the less socially-valued identity of the unemployed.

While statistics and research indicate that, during the past ten years, more and more fathers have taken the longer Paternity leave (and 'fathers' month' before that), the leave takers still tend to more often be men with a high level of education and a good position in their working life, especially men whose spouses have a high level of education and a good position in their own working life. Recent research clearly points to the importance of developing the leave schemes towards longer quotas for fathers. At the same time, research shows that workplace practices in organising work during fathers' leave, as well as gendered ways of perceiving only the ear-marked leave as father's leave, play an important role in how fathers – in practice – consider themselves entitled to Parental leave.

#### **e. Other employment-related measures**

There are no annual statistics available on the uptake of temporary childcare leave to care for an ill child. In the Quality of Work Life Survey (2013),<sup>29</sup> 67 per cent of employed mothers and 52 per cent of employed fathers with children under ten years of age had taken temporary childcare leave during the past 12 months – this is compared to 65 per cent of mothers and 52 per cent of fathers in 2003, and 72 per cent of mothers and 56 per cent of fathers in 2008. In families where both parents have full-time employment, 71 per cent of mothers and 60 per cent of fathers have taken temporary childcare leave, compared to 80 per cent of mothers and 68 per cent of fathers in 2008. The researchers point out that the figures have dropped from 2008 back to the 2003 level; they ask whether this is due to parents not daring to take leave in times of economic crisis and the general insecurity of working life.

In the THL family leave study, 77 per cent of mothers of two-year-olds who had returned to work, and 54 of fathers, had taken temporary childcare leave during the past year. However, many of the fathers' spouses were still at home taking care of the two-year-old. In families

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<sup>29</sup> Sutela, H. and Lehto, A-M. (2014) *Työolojen muutokset 1977–2013 [Change of working conditions 1977–2013.]* Helsinki: Statistics Finland.

where both parents were employed, 79 per cent of mothers and 74 per cent of fathers had taken leave to care for an ill child. One in four mothers and one in three fathers worked at home while being on temporary childcare leave. This has grown much more common, compared to 2006, when only ten per cent of mothers and 12 per cent of fathers did so. The increasing use of mobile technology, allowing for remote working, more prevalent in many workplaces could potentially explain this change.<sup>30</sup>

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<sup>30</sup> Närvi, J. (2017) 'Perhevapaat työpaikoilla ja työelämässä' ['Family leave at workplaces and in working life']. In: Salmi, M and Närvi, J (eds.) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo* [Family leave, economic crisis and gender equality]. Raportti 4/2017, Helsinki: THL.

# France<sup>1</sup>

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April 2019

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

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

### **a. Maternity leave (*Congé de maternité*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)**

*Length of leave (before and after birth)*

- 16 weeks (26 weeks if the pregnant mother already has two children and 34 weeks if the woman is expecting twins): at least two weeks before the birth, and the remainder can be taken before or after. It is obligatory to take the full amount of leave.

*Payment and funding*

- 100 per cent of earnings, with an upper limit of €3,311 per month. In the public sector, the leave is fully paid (i.e. there is no ceiling). In the private sector, some employers (particularly larger companies) pay in full, but others do not.
- Funded from health insurance,<sup>2</sup> financed by contributions from both employees and employers. The total amount of this

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<sup>1</sup> Please cite as Boyer, D. and Fagnani, J. (2019) 'France country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

<sup>2</sup> The present social security system, including statutory health insurance, officially came into being with the Ordinance of 4 October 1945 which aimed to cover all the so-called 'social risks.' In 1967, social security was separated into four branches: health insurance (which represents the largest share of

contribution is 15.45 per cent of gross pay, including all social contributions (with employees contributing 2.35 per cent and employers 13.10 per cent).

*Flexibility in use*

- 14 weeks can be taken before or after birth.

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

- All employees and self-employed workers are eligible. The self-employed must have been working for at least ten months.
- All employees and the self-employed are eligible to receive these benefits regardless of citizenship.

*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 d'accueil à l'enfant* – literally 'leave for looking after a child') (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)**

*Length of leave*

- 2 weeks (11 working days). 95 per cent of fathers on Paternity leave take all 11 days (HCFEA, 2019; see note 3).

*Payment and funding*

- Payment and funding are the same as for Maternity leave (see 1a).

*Flexibility in use*

- Leave must be taken within the four months following the birth.

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expenditure devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

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

- All employees and self-employed workers. There are conditions linked to the length of service for the self-employed: they must have been working for at least 10 months.
- This is available for same-sex parenting couples.

**c. Parental leave (*Congé parental*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)**

*Length of leave*

- Until the child reaches three years of age. Leave is an individual entitlement, i.e. both parents can take leave until the child is three years old.
- Parents may take leave simultaneously.

*Payment and funding*

- A childcare allowance or child-rearing benefit - *PreParE (Prestation partagée d'éducation de l'enfant)* - is paid to all parents and is income-related: dependent on whether the recipient works and, if so, for how long. The basic benefit is €396 per month if not working; €256 per month if working fewer than half of full-time hours; and €147 per month if working 50 to 80 per cent of full-time hours. A supplementary means-tested allowance (*Allocation de base*) is paid to lower income parents, increasing the benefit to €580, €440, or €331 respectively.
- For parents with a single child, *PreParE* is paid for six months per parent after the end of the Maternity leave, i.e. up to a maximum period of 12 months if both parents claim benefit, which can only be received if the parent receiving the benefit stops employment or reduces working hours. For parents with two or more children (under 20 years of age), *PreParE* can be paid until a child is three years old, but only for a maximum period of 24 months to any one parent, which means that the remaining 12 months can only be received by the other parent if they stop employment or reduce working hours.
- *PreParE* is paid by the local CAFs (*caisse des allocations familiales*), the family allowance funds that are part of the social security system and provide a wide range of benefits for families with children. CAFs are financed by contributions from employers only, amounting to 5.4 per cent of gross wages, and not by employees – unlike the Maternity and Paternity leaves that are funded from the health insurance scheme.

- Non-employed parents (including those taking leave) receive pension credits for child-rearing: *Assurance vieillesse du parent au foyer* (Avpf).<sup>3</sup> Avpf is paid by the local CAFs (*Caisse des allocations familiales*) to guarantee retirement rights to people who stop or reduce their professional activity, in order to take care of one or several children, or a person with a disability. This allowance is means-tested.

#### *Flexibility in use*

- Parents taking leave may work between 16 and 32 hours per week.
- Parents can take part-time Parental leave simultaneously and receive benefit at the same time from *PreParE*, but the total amount of payment cannot exceed €396 (unless eligible for the *Allocation de base*).

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

- All employees are eligible for Parental leave if they have worked at least one year for their employer before the birth of a child.
- Eligibility for *PreParE* becomes more restrictive the fewer children a parent has: for example, with three children the eligibility condition is to have worked for two out of the five years preceding birth (two out of the four years for parents with two children), but with only one child it is necessary to have worked without break for two years preceding birth.
- Same-sex couples are eligible.

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

- Where a child is seriously ill or disabled, Parental leave (regulated by the Labour Code) can be extended by a year.
- Single parents are entitled to the full period of *PreParE*.

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

- Employers can refuse to let parents work part-time if they can justify this on business grounds.

### **d. Childcare leave or career breaks**

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<sup>3</sup> See <http://www.caf.fr/aides-et-services/s-informer-sur-les-aides/petite-enfance/assurance-vieillesse-du-parent-au-foyer-avpf>)

No statutory entitlement.

## **e. Other employment-related measures**

### *Adoption leave and pay*

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

### *Time off for the care of dependants*

- Every employee is eligible for an unpaid leave (*Congé de présence parentale*) to care for a sick child under the age of 16 years. Legally, periods of leave cannot exceed three days per year (or five days in specific cases), but this is a minimum and most collective agreements have special arrangements, as in the public sector where employees can take 14 days per year to care for a sick child.
- *Allocation journalière de présence parentale (AJPP)*: in cases of a serious disability or illness of a child under 20 years of age, every employee with at least one year of employment with an employer is entitled to paid leave to care for their child, or to work part-time, for a period of up to three years. The allowance is paid for a maximum of 310 days over the three-year period, and the level of the allowance depends on the duration of work with the company and on the family structure: in couples, the amount is €43.57 per day if one parent stops work completely and it is €51.77 for a single parent. A similar period of leave is possible for employees who need to care for a relative at the end of their life, either a child or a parent living in the same house.

### *Flexible working*

- No statutory entitlement. Employees in the public sector are entitled to work part-time for family reasons. The family tax credit (*crédit d'impôt famille, CIF*) introduced in 2004 is a financial incentive provided to companies to encourage them to develop family-friendly initiatives for their employees. The CIF stipulates that 25 per cent of related expenses are deductible from taxes paid by the company, with an upper limit of €500,000 per year per company. As of January 2010, eligible expenses can no longer include training programmes for employees on Parental leave and supplements paid to employees taking various forms of child-related leave.

## **6. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in France is three years, but most of this is low paid; leave paid at a high rate (Maternity leave) lasts for fewer than four months. Since 1989, there has been an entitlement to ECEC from three years of age: the French education code states that 'every child upon reaching the age of three has the right to attend a nursery school located as close as possible to his or her residence if her or his family claims a place.' So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than two and a half years between the end of well-paid leave and an ECEC entitlement (if we do not consider the large variety of other solutions for early childcare, such as childminders and EAJE). Levels of attendance at formal services for children both under and over three years of age are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Under the social security financing law, passed on 31 December 2018 regarding duration of Paternity leave, it was decided that this leave can be extended in the event of the immediate hospitalisation of the child after birth in a specialised care unit.

## **7. Uptake of leave**

### **a. Maternity leave**

Almost all mothers take up Maternity leave, a period of which is obligatory, although the length of leave taken varies, with women in higher status employment taking less leave.

### **b. Paternity leave**

Around two-thirds (67 per cent) of eligible fathers took leave in 2016.

### **c. Parental leave and child-rearing benefit (*PreParE*)**

It is impossible to calculate the number of parents on Parental leave because employers are not required to provide information about uptake. Statistics are limited to childcare allowance (essentially *PreParE*)

provided by the National Family Allowance Fund, and it is not possible to find out how many recipients are also on Parental leave.

In 2017, 279,200 families received a childcare allowance (*PreParE*). Research provides evidence that women make up 98 to 99 per cent of parents taking leave, and there has been little change since the introduction of *PreParE*: in December 2017, only 6.2 per cent of benefit recipients were men (among them the majority worked part-time). Research also suggests that mothers who were in employment just before taking Maternity leave are more likely to claim *PreParE* if they are entitled to Parental leave because they have a job guarantee (Labour Code). With high unemployment, most working mothers who are not entitled to Parental leave cannot take the risk of losing their job unless their partner has secure employment.

Mothers are more likely to claim Parental leave and *PreParE* when they face demanding working conditions, for example atypical/non-standard working hours or 'flexible' hours imposed by employers (see HCFEA, 2019).<sup>4</sup>

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 today; traditional value systems; in most couples, the man earning more than the woman; and a workplace culture in the private sector that makes it difficult for a man, in particular at management level, to take Parental leave. The small number of fathers who take childcare allowance full-time are mostly blue-collar workers or employees with a stable job contract before the birth. Compared to fathers who do not take Parental leave, they are more likely to work in female-dominated sectors and to have partners with a higher level of education, a higher status job, and higher earnings. Besides, the majority of fathers on Parental leave take it on a part-time basis.

The number of parents receiving *PreParE* (not working at all or working on a part-time basis) has been dramatically decreasing, a decrease of 45 per cent between 2013 and 2017).<sup>5</sup>

In fact, in 2015, among mothers with at least one child under three years of age, 38 per cent were working full-time, 10 per cent worked part-time but did not receive *PreParE*, and 12 per cent worked part-time and did receive *PreParE* (HCFEA, 2019).

Twenty-eight per cent were mothers who are not in the workforce or who are unemployed, but do not receive *PreParE*. Seven per cent of the

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<sup>4</sup> Haut Conseil de la famille, de l'enfance et de l'âge (HCFEA) (2019) 'Voies de réforme des congés parentaux dans une stratégie globale d'accueil de la petite enfance', February, Paris.

<sup>5</sup> Observatoire National de la Petite Enfance, CNAF, 2018.

total population of mothers having at least one child under three years of age declared that they are not working or are unemployed but they are, however, provided with *PreParE* (HCFEA, 2019).

This clear segmentation as far as the behaviour of mothers with young children is concerned is partly the result of the inconsistencies between the Parental leave scheme (part of employment legislation detailed in the Labour Code) and the strict eligibility conditions for the social security allowance.

# Germany<sup>1</sup>

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April 2019

N.B. Germany is a federal state.

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

**Note on terminology:** German legislation (*Bundeselternzeit- und Elterngeldgesetz (BEEG)*) differentiates two dimensions of Parental leave: 'Elternzeit' refers to job protection rights and the right to work part-time; 'Elterngeld' and 'ElterngeldPlus' refer to Parental leave benefits

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

*Length of leave (before and after birth)*

- 14 weeks: six weeks before the birth and eight weeks following the birth. It is obligatory to take the eight weeks' leave after the birth.
- From week twelve of pregnancy until four months after the birth of a child (including stillbirths), mothers are protected from job dismissal.

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<sup>1</sup> Please cite as: Reimer, T., Erler, D., Schober, P. and Blum, S. (2019) 'Germany country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Beyond the Maternity leave period, pregnant women are also protected from dismissal, workplace hazards and – in the case of asylum seekers – from deportation.

#### *Payment and funding*

- 100 per cent of earnings (of the mean income in the three months before Maternity leave), with no upper limit on payments.
- Maternity leave benefits (*Mutterschaftsgeld*) are usually paid by the mother's health insurance (€13 per day)<sup>2</sup> and the mother's employer, who – if applicable – covers the difference between the money provided by the health insurance and the mother's previous earnings. The benefits are paid direct to the mother by the employer, who can apply for reimbursement at the responsible health insurance institution.
- Benefits for mothers with an income below €390 per month are paid by the mother's health insurance alone and match their prior income.
- Mothers receiving unemployment benefits are also eligible to paid Maternity leave benefits by their health insurer, which match their unemployment benefit.
- Self-employed and non-employed women receive no Maternity leave benefit if they have no public health insurance. However, they may apply for up to €210 per month paid for by state social security.

#### *Flexibility in use*

- Women may continue with paid work or education until the birth of a child, if they explicitly declare that it is their personal decision to do so. During the period of Maternity leave after the birth, however, in general, no paid work is allowed for reasons of health protection. Only women who have had a stillbirth may continue after two weeks if it is their personal decision and if there are no medical concerns.

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

The following are eligible (after meeting the requirement of residency or an employment contract in Germany):

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<sup>2</sup> Since 2006, employers have had to pay a contribution to the mother's health insurance, amounting to approximately 0.2 per cent (the particular amount is assigned by the health insurance) of the gross pay of their female workers (*Umlageverfahren 2*).

- All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €450 per month)
- Students and pupils
- Women in voluntary work
- Self-employed women
- Asylum seekers

Students, pupils, women in voluntary work, self-employed women, and asylum seekers receive (only when secured by family or private insurance) a minimum Maternity leave benefit overall of €210.

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

- In the case of multiple births, premature births and children born with disabilities, the length of leave increases to 12 weeks after birth, plus Maternity leave days that could not be taken before birth in the case of a premature birth.
- In certain circumstances (e.g. death or chronic illness of the parent), other relatives living with the new-born child may receive the benefit.
- Asylum seekers may not be deported during pregnancy and Maternity leave.

## **b. Paternity leave**

No statutory entitlement.<sup>3</sup>

## **c. Parental leave (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)**

*Length of leave (Elternzeit)*

- Up to three years after childbirth for each parent, of which 24 months can be taken up until the child's eighth birthday. This is an individual entitlement and non-transferable. It provides parents with employment protection rights during this period.

*Payment and funding (Basiselterngeld/ElterngeldPlus)*

- An income-related benefit is paid if a parent takes full-time or part-time leave. Parents can choose between (or successively combine)

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<sup>3</sup> However, many German fathers use some of their Parental leave entitlements directly after birth, in a manner similar to Paternity leave.

two types of leave benefit payments: *Basiselterngeld* and *ElterngeldPlus*.

#### *Basiselterngeld*

- Replaces a proportion of former income, if parents take leave to care for their child/ren.
- Paid for a period of 12 (plus two) months after the child is born.
- 'Partner months' (*Partnermonate*): two bonus months are paid if both parents take at least two months of leave.
- Income replacement rate: paid at a level of 65 per cent<sup>4</sup> of the preceding year's net earnings,<sup>5</sup> with a minimum of €300 per month and a maximum of €1,800 per month.
- Flexibility in use: parents can choose to work part-time (up to 30 hours per week).
- Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *Basiselterngeld* benefit period available to employed mothers to 10 months.

#### *ElterngeldPlus*

- Replaces a proportion of the loss in income if parents reduce their working hours to care for their child/ren.
- Duration: paid for a period of 24 (plus four) months and may be used in the first two years after childbirth.
- Partnership bonus (*Partnerschaftsbonus*): four bonus months are paid if both parents work part-time at least four subsequent months, for 25 to 30 hours per week.
- Income replacement rate: paid at a level of 65 per cent (see footnote 4) of last year's net earnings (see footnote 5) for the lost earnings due to part-time hours – at most, 50 per cent of *Elterngeld* payments, i.e. between a range of €150 and €900.
- Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *ElterngeldPlus* benefit period available to employed mothers to 22 months.

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<sup>4</sup> Parents with a previous net income between €1,000 and €1,240 per month receive benefits at a rate of 67 per cent and parents with a previous income of €1,240 and higher receive benefits at a 65 per cent rate, up to the limit of €1,800 per month for the parental benefit (*Elterngeld*) payment. Parents with a net income of less than €1,000 per month receive an increased benefit: for every €2 their monthly earnings are below €1,000, their parental benefit increases by 0.1 per cent. For parents with monthly incomes above €1,240, on the other hand, the income replacement rate is reduced: for every €2 their monthly earnings exceed this sum, their parental benefit decreases by 0.1 per cent, to a minimum rate of 65 per cent.

<sup>5</sup> The net earnings are estimated with fixed social security reduction rates, calculated on the individual's former gross earnings.

- Parental leave entitlements are individual entitlements and both parents can receive their Parental leave benefits at the same time.
- Parents who are not working before birth are eligible to receive the minimum rate of €300 per month. Parents who are long-term unemployed are not eligible for additional payments with parental benefits, as it is credited against social assistance payments.
- There is a supplementary payment for parents with more than one young child (*Geschwisterbonus*): if there are two children under three years of age, or three or more children under six years of age in the household, the parental benefit is increased by 10 per cent (at least €75 per child for *Basiselterngeld* or €37.50 for *ElterngeldPlus*).
- For parents with multiple births, a supplementary payment of either €300 (*Basiselterngeld*) or €150 (*ElterngeldPlus*) per month is paid per additional child.
- The *Basiselterngeld* and *ElterngeldPlus* are funded by the federal government, through general taxation.
- Mothers (or fathers if they are the main caregiver) receive pension credits for child-rearing time (*Kindererziehungszeit*) even if they do not make use of Parental leave. For each child born after 1 January 1992, three years of child-rearing (two years for children born beforehand) are recognised in the pension system. Each year of recognised child-rearing time entails a monthly pension increase of €28.14 in Western Germany and €25.74 in Eastern Germany. Pension credits for child-rearing are currently paid through Germany's contribution-based pension system.

#### *Flexibility in use*

- Parents can choose between *Elterngeld* and *ElterngeldPlus* or combine both types of leave.
- Recipients of *Elterngeld* and *ElterngeldPlus* may work up to 30 hours per week. Then, however, they only receive parental benefit for the lost income: i.e., if a parent worked, for example, 40 hours per week before taking Parental leave, and continues working 30 hours per week thereafter, they receive 65 per cent of the margin between the present and the former income, in addition to their employment income.
- Both parents are entitled to take leave at the same time and both can take up to two leave intervals.

#### *Regional or local variations in leave policy*

- Parental leave legislation is federal. However, two federal states (Bavaria and Saxony) pay a means-tested parental benefit (*Landeserziehungsgeld*) extended to the third year of Parental

leave, ranging from €150 to €300 per month and per child. For more information, see 1d) below.

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

- Parental leave (*Elternzeit*): all parents gainfully employed at the date of birth.
- Parental benefit (*Basiselterngeld & ElterngeldPlus*):
  - all parents not employed more than 30 hours per week
  - parents must live in the same household with the child
  - other people who take over the care, when parents are ill, disabled, or dead
  - adoptive parents and foster parents
  - self-employed parents
  - same-sex couples
  - parents with a net income equal to or less than €500,000 or a single parent with equal or less than €250,000 income
  - citizens of the EU, EWR, and Switzerland if they are employed in Germany or live in Germany (according to EU legislation)
  - citizens of other countries with a permanent residence permit or with a working contract in Germany; asylum seekers are eligible after having lived in Germany for at least three years

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

- Grandparents are entitled to Parental leave if their child, i.e. the parent of their grandchild is younger than 18 years of age or if the parent is still in education or vocational training.

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

- Many collective and individual company agreements allow parents to utilise their Parental leave entitlement within 12 years or, in the public sector, within 18 years after childbirth.

#### **d. Childcare leave or career breaks**

Until July 2015, a cash-for-care benefit (*Betreuungsgeld*) of €150 per month was paid to parents who care for their one-year-old and two-year-old at home and/or do not make use of public childcare facilities. However, the German Constitutional Court declared the *Betreuungsgeld* legislation was incompatible with federal law. However, in two federal states, Bavaria and Saxony, cash-for-care allowances (*Landeserziehungsgeld*) are still granted, available from the 13<sup>th</sup> month

after childbirth and until the child's 3<sup>rd</sup> birthday. The benefits are paid in addition to other social benefits, but not at the same time as Parental leave benefits. In Bavaria, parents get income-related payments up to €150 per month for the first child (for 6 months), up to €200 per month for the second, and up to €300 per month for the third and further children (for up to 12 months): this is capped at €34,000 net household income (€31,000 for single parents, increasing for each additional child by €4,440). They are paid under the condition that parents take their children to health check-ups. In Saxony, parents receive *Landeserziehungsgeld* if they declare they will not use childcare facilities during the second and/or third year after the child's birth. Parents get income-related payments up to €150 for the first child, up to €200 for the second, and up to €300 for the third and further children. Beginning at a net household income of €17,100 (€14,100 for single parents), payments are successively reduced.

## **e. Other employment-related measures**

### *Time off for the care of dependants*

- In case of the sickness of a child (below 12 years of age), working parents with statutory health insurance (not parents with private health insurance) may each take up to ten days of leave per child (20 days for a single parent), receiving 80 per cent of earnings from their health insurer with no upper limit. The maximum annual leave period per working parent is 25 (50) days per year, even in case of three or more children.
- A relative of a care-dependent person is entitled to ten days of short-term leave if that person has an unexpected illness, as well as six months of long-term care leave. Both entitlements are unpaid.
- *Pflegezeit* (caring time) entitles employees with care-dependent relatives to apply for up to ten days of paid leave (over a care-dependent's lifetime) at 90 per cent of their income; a medical certification of care-dependency is required, and the wage replacement is financed by public long-term care insurance. Moreover, employees with care-dependent relatives are entitled to take up to six months of full or partial unpaid caring time. During this period, employees have the legal right to receive an interest-free loan from the Federal Office for the Family and Civil Engagement, in order to compensate for their lost income. *Pflegezeit* does not require the consent of employers.
- *Familienpflegezeit* (family caring time) permits employees, for a period of up to two years, to reduce their working time to a minimum of 15 hours per week, if they need to care for a dependent relative. During this period, employees are paid a lower income, though the reduction in income is less than the reduction

in hours; employees repay the difference by receiving the same amount of reduced earnings for an equivalent period after returning to full-time employment. For example, if employees reduce their working time from 100 per cent to 50 per cent for two years, they will receive 75 per cent of their income during that time and for a further two years after returning to full-time work again. The compulsory long-term care insurance covers additional pension contributions during the caring time, if care is given for at least 14 hours per week and employment is limited to a maximum of 30 hours per week. Since January 2015, *Familienpflegezeit* is a legal entitlement for employees, if they continue to work for at least 15 hours per week.

### *Employment protection*

- During pregnancy and Parental leave, mothers are protected by law against dismissal. Fathers are protected against dismissal during Parental leave, plus eight weeks before their leave period starts.

### *Flexible working*

- Working mothers have a right of 60 to 90 minutes for breastfeeding per day. This time must be fully paid. For homeworkers, 75 per cent of earnings must be paid, at least €0.38 per working day.
- During three years after *Elternzeit*, a parent has the right to reduced working hours of 15 to 30 hours per week (calculated as monthly average). This applies to employers with more than 15 employees.

## **8. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Germany is three years, but most of this is unpaid; leave paid at a high rate runs for 12 months, plus two more months if at least two months' leave is taken by each parent. Since August 2013, there has been a legal entitlement to ECEC for all children from the age of one year (before then, the entitlement for all children, i.e. independent of their parents' employment, only began at three years of age). Thus, there is no gap between the end of well-paid leave and an ECEC entitlement. The entitlement, however, does not specify hours per day or per week; many services in Western Germany still do not offer opening hours that allow for the full-time employment (of both parents), while full-time opening has remained the norm in Eastern Germany.

Levels of attendance at formal services for children under three years of age are at about the average rate for the countries included in this review and OECD countries; but well above the average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

In March 2018, nearly 790,000 children under the age of three were in day care.<sup>6</sup> 33.6 per cent of children up to three years of age were in day care. Two per cent of children up to one year of age were in day care; 36.3 per cent of children between one and two years of age; and 62.9 per cent of children between two and three years old. There is still a considerable gap between East Germany and West Germany: in East Germany 51.5 per cent of children between the ages of one and two were in day care facilities, while the percentage in West Germany was 29.4 per cent.

## **9. Changes in policy since May 2018 (including proposals currently under discussion)**

A change in Maternity leave legislation was passed in 2017, and came partly into effect on January 1 2018, then partly on 30 May 2018 – this was concerning employers' duty to assess and report the hazards of pregnant employees individually and an extension of employment protection during pregnancy.

### **4. Uptake of leave**

#### **a. Maternity leave**

There is a 100 per cent uptake as it is prohibited to work for eight weeks after birth.

#### **b. Paternity leave**

No statutory leave entitlement.

#### **c. Parental leave and parental benefit**

In 2015, 24.1 per cent of mothers with children below the age of six years were on Parental leave (*Elternzeit*), compared to 1.5 per cent for fathers. The proportion of parents on Parental leave is higher when the

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<sup>6</sup> Reference date April 2019  
([https://www.destatis.de/DE/Presse/Pressemitteilungen/2018/10/PD18\\_401\\_225.html](https://www.destatis.de/DE/Presse/Pressemitteilungen/2018/10/PD18_401_225.html))

youngest child is below the age of three: 41.6 per cent of mothers, and 2.5 per cent of fathers.<sup>7</sup>

Parents with children born after 1 July 2015 are entitled to choose between *Elterngeld* and *ElterngeldPlus*. Among all Parental leave applications in 2018, 87.4 per cent concerned *Elterngeld* and 12.6 per cent *ElterngeldPlus* (1.8 per cent were paid as part of the *Partnerschaftsbonus* regulation).

Among all monthly Parental leave benefit payments in 2018, 77 per cent were calculated on former earnings through gainful employment.

The 2007 Parental benefit reform had the explicit aim to raise fathers' uptake of leave, and recently published data by the Federal Statistics Office<sup>8</sup> show that the proportion of fathers taking parental benefit has risen significantly and steadily since its introduction in that year. For births in 2015, parental benefit was taken up by 35.8 per cent of fathers (compared to 3.5 per cent of fathers in 2006, before the new legislation); however, there were substantial regional variations amongst the federal states, from only 24.4 per cent in Saarland to 46.7 per cent in Saxony.<sup>9</sup> The 2014 mean duration of Parental leave benefit used by fathers who took any leave benefits was 3.1 months (compared to the mothers' mean leave of 11.6 months). The parental benefit reform therefore has been successful in raising the uptake of leave by fathers, although 78.9 per cent took no more than their individual two-month entitlement (compared to 0.9 per cent of mothers). By contrast, during this period, only 6.1 per cent of fathers took 11 to 12 months of Parental leave benefits (compared with 90.1 per cent of mothers). The fathers'

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<sup>7</sup> Destatis (2017) *Personen in Elternzeit [Persons in Parental leave]*. Available at:

[https://www.destatis.de/DE/ZahlenFakten/Indikatoren/QualitaetArbeit/Dimension3/3\\_9\\_Elternzeit.html](https://www.destatis.de/DE/ZahlenFakten/Indikatoren/QualitaetArbeit/Dimension3/3_9_Elternzeit.html)

<sup>8</sup> Statistisches Bundesamt [Federal Statistical Office] (2017) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im 4. Vierteljahr 2014 geborene Kinder [Statistics on parental allowance. Completed performance bonuses for children born in the fourth Quarter of 2014]*. Wiesbaden: Statistisches Bundesamt. Available at:

[https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj5229208143234.pdf?\\_\\_blob=publicationFile](https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj5229208143234.pdf?__blob=publicationFile)

<sup>9</sup> Destatis (2019) *Elterngeld - Beendete Leistungsbezüge für Geburtszeiträume - Länder, Geburten, Väterbeteiligung am Elterngeld für im Jahr 2015 geborene Kinder [Completed Parental leave benefits for births in 2015]*. Available at: <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Elterngeld/Tabellen/geburten-vaterbeteiligung-jahr2015.html>

overall share of Parental leave benefit months for children born in 2014 was 8.7 per cent.<sup>10</sup>

#### **d. Childcare leave or career breaks**

In the fourth quarter of 2016, there were 131,386 recipients of the cash-for-care benefit, *Betreuungsgeld*; 94.8 per cent of the monthly benefit was paid to mothers and 90.9 per cent are expected to receive payments for the maximum uptake period of 22 months.<sup>11</sup>

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<sup>10</sup> Destatis (2017) own calculations. Data available at:  
[https://www.destatis.de/DE/  
Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj.html](https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj.html))

<sup>11</sup> Destatis (2017)  
[https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/  
Elterngeld/ ElterngeldGeburtenVj5229208143234.pdf?\\_\\_blob=publicationFile](https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj5229208143234.pdf?__blob=publicationFile)

# Greece<sup>1</sup>

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

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

**Note on leave information:** the information given below is based on: (i) leave arrangements for employees in the private sector that are covered by legislation and the National General Collective Agreements (NGCA) signed between the most representative national employers' organisations (SEV, GSEVEE, ESEE, and SETE) and the General Confederation of Labour, which set the uniform minimum provisions for all workers in the private sector<sup>2</sup>; (ii) leave arrangements for public sector employees that are covered by basic laws and the Code for Civil Servants and relevant legislation.

### ***i. Private sector (responsibility of the Department of Labour, Social Security and Welfare)***

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<sup>1</sup> Please cite as: Hatzivarnava-Kazassi, E. and Karamessini, M. (2019) 'Greece country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Provisions for leave arrangements are also included in other kinds of Collective Labour Agreements (i.e. sectoral, professional, and enterprise), which are signed between employers and confederations of large sub-sectors of the economy (e.g. the banking sector) or enterprises of the wider public sector (e.g. the electricity company). Due to the fact that such agreements cannot include worse provisions than the minimum standards included in the National General Collective Agreement, they usually have improved provisions for working parents.

**a. Maternity leave (basic leave – Άδεια Μητρότητας; special leave for the protection of maternity – Ειδική Άδεια για την Προστασία της Μητρότητας)**

*Length of leave (before and after birth)*

- Basic leave: 17 weeks – eight weeks must be taken before birth and nine weeks after birth. It is obligatory to take the full amount of leave.
- 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, on the condition that these do not exceed those granted to insured persons who belong to the highest insurance class of IKA, the social insurance fund of all employees working under private law contracts, i.e. in effect, there is an upper limit on payment. The leave is funded by IKA and OAED, the Manpower Employment Organisation which is, *inter alia*, the social insurance fund for income protection against unemployment.
- Special leave: minimum daily wage agreed in the National General Collective Agreement and lately determined by law, as well as social insurance coverage. It is funded by OAED.
- Maternity leave (both basic and special) is fully insured and gives entitlement to full pension rights.

*Flexibility in use*

- Basic leave: none, except for when leave can start. If the birth takes place before the time envisaged, the rest of the leave can be granted after the birth, so long as the total time taken remains at 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 1.i.e.), then the special leave is taken after this leave.

*Eligibility*

- Basic leave: to ensure full compensation, 200 working days during the previous two years, irrespective of whether on a fixed-term or permanent contract (or citizenship). Mothers acquiring children through surrogacy are also entitled to receive the post-natal part of the leave.

- Special leave: those insured in IKA-ETAM (the largest social insurance fund) with fixed-term or permanent contracts. Mothers acquiring children through surrogacy are also entitled to receive this leave.
- Self-employed women, who are directly insured in the Social Security Fund for the Self-Employed (OAEE) and the United Fund for the Self-Employed (ETAA), and fully covered for medical and pharmaceutical care at the time of the child's birth, are entitled to get a monthly payment for four months. In the first case, the benefit is €150 per month; in the second case, it is €200 per month. The benefit is granted in a lump sum following an application by the insured mother after the date of birth. The payment is made by the above funds from their own budgets. No other leave rights are available for self-employed parents. Self-employed surrogate mothers, mothers acquiring children through surrogacy, and mothers that adopt children up to two years of age are also entitled to receive this benefit.

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

- None.

## **b. Paternity leave (Άδεια Γέννησης Τέκνου)**

*Length of leave*

- Two working days at the time of the child's birth, paid by the employer.

*Eligibility*

- There are no length of service conditions.
- Regarding access for same-sex couples, there is some uncertainty. The National General Collective Agreement (2008/9) says that all leave provisions that address biological or adoptive parents are extended to foster parents. As foster parents can be same-sex couples, they should be able to access this leave via this route, but the law is not explicit.

## **c. Parental leave (Γονική Άδεια Ανατροφής)**

*Length of leave*

- Four months per child for each parent. Leave is an individual entitlement that cannot be transferred.

### *Payment and funding*

- None.
- Working parents taking Parental leave have full insurance coverage on the condition that they pay the full insurance contribution (of both the employee and the employer). The Parental leave time is considered as a time of insurance for both the establishment of the pension right and the determination of the amount of pension.

### *Flexibility in use*

- Leave may be taken up to the child turning six years of age.
- Leave may be taken in one or several blocks of time, subject to agreement with the employer.
- If both parents work for the same employer, they cannot take leave at the same time and must decide together who is to use the leave first and for how long. The law does not specify whether parents working for different employers can take leave at the same time, but as leave is unpaid, it is unlikely that both parents would take it together.

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

- All employees who have completed one year's continuous or non-continuous employment with their present employer, irrespective of the type of contract they have (i.e. full-time, part-time, fixed-term or any other type of contract).
- Though the leave is for each child, it is necessary that one year of work with the same employer is completed after the end of any Parental leave taken for a previous child.
- Leave is granted by the employer according to a set of priorities: requests for Parental leave from parents of children with a disability or long-term illness or sudden illness and from single parents (due to the death of parent, total removal of parental responsibility, or non-recognition of the child) are dealt with as an absolute priority. So, though the employer cannot refuse Parental leave, they can negotiate with the employee to take it later if other employees who request leave at the same time meet the priority criteria.
- Non-biological parents in same-sex couples are not eligible for this leave.

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

- As leave is allocated per child, the leave period is doubled for parents of twins and tripled for triplets.
- In the case of the death of one parent, or the total removal of parental responsibility, or non-recognition of a child, the amount of Parental leave granted to the other parent is doubled.
- Parents with a disabled child do not get additional Parental leave, but are eligible for carer's leave (see 1.i.e. below).

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

- None.

#### **d. Childcare leave or career breaks**

- A parent can take time off work with full payment, up to an estimated 3.6 months, as part of a scheme which also allows parents to work reduced hours. For more details, see 1.i.e. on 'flexible working.'

#### **e. Other employment-related measures**

*Adoption leave and pay*

- For parents who adopt or foster a child younger than six years of age (with an extension to eight years of age if adoption or fostering procedures are not finished), the same regulations for Parental leave apply as for other parents.
- Adoptive parents of children up to the age of six are entitled to flexible working or a childcare leave (see 1.i.d.).

*Time off for the care of dependants*

- Leave for children's sickness: up to six working days per year per parent of unpaid leave if the parent has one child; up to eight working days if they have two children; and up to 14 working days if they have three or more children. The leave is also granted for other dependent members of the family (e.g. a disabled spouse or adult children, as well as disabled parents or unmarried sisters if their annual income is less than the basic income of an unskilled worker).
- Leave for visiting children's school: four working days' paid leave per year per parent for each child that attends school up to the age of 16, funded by the employer.
- Leave for parents of children with a disability: one hour per day, if the parent asks for it (unpaid and only applied in businesses with more than 50 employees).

- Leave for parents whose children (up to 18 years of age) need regular transfusion or dialysis, have cancer, or need a transplant: up to ten working days' paid leave per year, funded by the employer. This is an individual right. Parents of children up to 18 years of age who have significant learning difficulties, Down's syndrome, or autism are also entitled to this leave.
- Leave for parents due to the hospitalisation of a child (up to 18 years of age), which requires their immediate presence: up to 30 working days' unpaid leave per year, on the condition that the parent has exhausted their normal Parental leave. This is an individual right.
- Leave for widows, widowers, or unmarried parents caring for children: in addition to other leave, six working days' paid leave per year. If the parent has three or more children, the leave is eight working days per year. The leave payment is funded by the employer.

#### *Flexible working*

- Parents are entitled to work one hour less per day for up to 30 months after Maternity leave, with full earnings replacement. This is a family right and both working parents have an independent right to the use of this leave, after deciding who and for how long each will take the leave. If both parents are employees, they address a common declaration to their respective employers, specifying which parent is to use the entitlement; if parents plan to share it, they specify the period each one will use it for within the total entitlement period. The entitlement is granted to fathers in cases where the mother is self-employed, but not if she is not working. This may be taken as: two hours fewer per day for the first 12 months and one hour less per day for another six months; or, with the employer's agreement, in a block or blocks of time of equal time value within the 30-month 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 3.6 months. This leave – titled 'alternative use of reduced hours as leave for the care of children' – is considered part of working time, so is paid and funded by the employer with no upper limit on payment.

#### *Specific provision for (breast) feeding*

This is covered by National Employer-Workers' Agreements.

## **ii. Public sector (responsibility of the Department of Interior)<sup>3</sup>**

### **a. Maternity leave (Άδεια Μητρότητας)**

*Length of leave (before and after birth)*

- Five months: two months must be taken before birth and three after birth. It is obligatory to take the full amount of the leave.

*Payment and funding*

- 100 per cent of earnings, with no upper limit on payment.
- Maternity leave is fully insured and gives entitlement to full pension rights.
- Funded through general taxation.

*Flexibility in use*

- If the birth takes place before the time envisaged, the rest of the leave can be granted after the birth, so long as the total time taken remains at five months. If the birth takes place after the time envisaged, the leave is extended until the actual birth date, without any respective reduction in the post-natal leave.

*Eligibility*

- There are no conditions linked to length of service.

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

- Childbearing mothers who need special therapy and have exhausted their sick leave are granted paid childbearing leave.
- In the case of multiple births, Maternity leave after the birth is extended by one month for each additional child.
- For every child after the third, the length of post-natal leave is extended by two months.

### **b. Paternity leave (Άδεια Γέννησης Τέκνου)**

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<sup>3</sup> The leave entitlements described in this section cover civil servants, employees of public entities, and local government, as well as any other employee in the above bodies not covered by special regulations.

- Two working days' paid leave at the time of the child's birth, funded by the employer.

#### *Eligibility*

- There are no conditions linked to length of service.
- Regarding access to leave by same-sex couples, there is some legal uncertainty. Foster parents can be same-sex and the law refers to foster parents in terms of special leave for adoptive and foster parents (see 1.ii.e.), as well as Parental leave, but there is no mention of foster parents regarding Paternity leave.

### **c. Parental leave (Άδεια χωρίς αποδοχές)<sup>4</sup>**

#### *Length of leave*

- Up to five years per parent. Leave is an individual entitlement that cannot be transferred.

#### *Payment and funding*

- None, except for the case of three or more children where three months of the leave are fully paid by the employer and funded through general taxation.
- Working parents taking Parental leave have full insurance coverage, on the condition that they pay the full insurance contribution (of both the employee and the employer). The Parental leave time is considered as a time of insurance for both the establishment of the pension right and the determination of the amount of pension.

#### *Flexibility in use*

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<sup>4</sup> Public sector workers are also eligible for the Parental leave entitlement that applies to private sector employees (see above), since this leave is based on legislation that applies to both private and public sectors (Law 4075/12, incorporates the EU Directive 2010/18 on Parental leave). Unlike the unpaid Parental leave that exclusively covers public sector employees, this leave safeguards the employees' rights (i.e. it is considered as working time that ensures social security rights and does not affect any other employee rights such as leave rights, professional advancement, pensions etc.) (The Citizen's Ombudsman, Annual Report 2014). The five-year leave provision included in this section was introduced in 2011, as a minor provision in a multi-purpose law; previously the period was two years. It is a provision that gives the opportunity to civil servants to use unpaid leave for 'serious personal reasons.' When the European Directive on Parental leave was first introduced in Greece, an addition was made that allowed civil servants to use this leave as Parental leave.

- Leave may be taken at any time up to the child turning six years old.
- The law does not specify whether parents working for the public sector can take leave at the same time, but as leave is unpaid it is unlikely that both parents would take it together.

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

- An employee can use this leave if their spouse does not make use of the childcare leave at the same time (see 1.ii.d. below).
- An employee can make use of this leave even if their spouse is not working.
- In cases of separation, divorce, widowhood, or birth without marriage, only the parent that cares for the child is entitled to this leave.
- Non-biological parents in same-sex couples are not eligible for this leave.
- There are no conditions linked to length of service.

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

- In the case of three or more children, three months of the leave are paid.
- Parents with a disabled child do not get additional Parental leave, but are eligible for leave for the care of dependants (see 1.ii.e. 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 or μειωμένο ωράριο εργασίας)**

A parent can take nine months of childcare leave with full payment as an alternative option to a scheme which allows parents to work reduced hours (see section 1.ii.e. below on flexible working). The leave is paid by the employer, funded through general taxation, and is granted after the Maternity leave. The leave does not constitute a personal entitlement and can be used by either or both parents within the total nine-month period. For a parent who is unmarried, widowed, divorced, or has a severely disabled child, the leave is extended by one month. In

the case of multiple births, an extra six months is provided for each additional child.

## **e. Other employment-related measures**

### *Adoption leave and pay*

- Adoptive parents as well as foster parents are granted a three-month paid leave during the first six months after the adoption or foster care procedures are completed, if the child is under six years of age. If both parents are employees of the public sector, with a common statement to their respective services, they determine who and at what time intervals each will use this leave. One of the three months can be taken before adoption or fostering.
- We note that adoptive or foster parents have access to Parental leave if the child is under the age of six (with the possibility of expansion up to the age of eight, if adoption or project procedures have not been completed earlier). Adoptive parents of children up to four years of age also have the right to receive care leave. Adoptive fathers can also receive the two-day Paternity leave if the adopted child is younger than two years of age.

### *Leave for parents obtaining a child through surrogacy*

- Parents that obtain a child through surrogacy are entitled a three-month fully paid leave immediately after the birth of the child. If both parents are employees of the public sector, with a common statement to their respective services, they determine who and at what time intervals each will use this leave.

### *Time off for the care of dependants*

- Leave for children's illness: up to four working days of paid leave per year if the employee has one child; up to seven working days of paid leave per year if the employee has three children; up to nine working days of paid leave per year if the employee has four or more children; and up to eight working days of paid leave per year if the employee is a single parent.
- Leave for children's sickness: parents are entitled to one month of non-paid leave in the case of the hospitalisation of their child due to illness or an accident that requires their presence.
- Leave for visiting children's school: up to four working days of paid leave for one child, and up to five working days for two or more children. If the children attend different levels of schools, an extra day is granted. The leave is not a personal entitlement: i.e. if both parents work in the public sector, the total number of days is for both parents to share.

- Up to 22 working days of paid leave per year for employees whose children or spouses need regular transfusion or periodic therapy, or whose children have a serious learning difficulty or Down's syndrome. The leave does not constitute a personal entitlement, so can be taken by either parent or shared by both.
- Leave for employees with children or spouses with a disability: one hour per day, paid.

#### *Flexible working*

- Parents are entitled to work two hours fewer per day if they have children under two years of age, and one hour less per day if they have children between the ages of two and four, with full earnings replacement. As mentioned above (1.ii.d.), there is an alternative option for this leave: nine consecutive months off work after Maternity leave.
- Flexible working does not constitute a personal entitlement and can be used by either or both parents within the total entitlement period, with a common declaration addressed to their respective employers. However, the leave cannot be taken simultaneously by both parents.
- For a parent who is unmarried, widowed, divorced, or severely disabled, flexible working is extended by six months. In the case of the birth of a fourth child, flexible working is further extended by two years. In case of multiple births, flexible working is extended by six months for each child after the first one.
- Adoptive parents of children up to the age of four are entitled to flexible working or, alternatively, childcare leave (see 1.ii.d.).
- An employee supporting a child or partner with a serious disability can work one hour less per day, with full payment.
- All paid leave is funded through general taxation.

#### *Specific provision for (breast) feeding*

This is covered by law.

## **10. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Greece is 72 months in the public sector and 16 months in the private sector. However, leave paid at a high rate only runs for 12 months and six months respectively. There is an entitlement to ECEC at five years of age, and attendance is compulsory for the year before the beginning of elementary school (i.e. from around six years of age). So, there is no gap between the end of post-natal leave and an entitlement to ECEC for public sector workers, but a gap of more than three years for workers

in the private sector. Furthermore, there is a substantial gap, of at least four years, for all workers between the end of well-paid leave and an ECEC entitlement. However, starting from the school year 2018 - 2019 and continuing over the next two years, the gap will be reduced to a little more than two years, as compulsory ECEC attendance is extended from one year to two years. Levels of attendance at formal services for children both under and over three years of age are well below the average both for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **11. Changes in policy since April 2018 (including proposals currently under discussion)**

Law 4590/2019 (article 34) has brought interesting improvements in the leave system of the public sector.

The most innovative development that the above law envisages is the introduction of leave for employees that wish to foster a child. The leave is equal to that for adoptive parents: that is, a three-month fully paid leave. The leave is gender-neutral and this may be due to the fact that fostered children are of different ages at the time when the foster care process takes place, so the presence of the mother is not perceived as crucial as in the case with new-born or very young children. There is, however, a second reason for this gender-neutrality, and this stems from an earlier law (4538/2018) which gives, for the first time, the right to same-sex couples (bound with a co-habitation agreement) to foster children. We note that same-sex couples do not have the right to marry or adopt children.

Law 4590/2019 (article 34) also gives an adoptive father who is an employee of the public sector the right to the adoption leave previously reserved only for mothers.

Under the same law and the same article, employees of the public sector that become parents through surrogate motherhood, are entitled to a three-month fully paid leave. We note that this law is based on another law (voted through a year earlier) that addressed only mothers acquiring children through surrogacy (i.e. they are entitled to receive the post-natal part of the Maternity leave and the six-month special Maternity leave for private sector employees) (Law 4488/2017, article 44). Self-employed surrogate mothers and mothers acquiring children through surrogacy are also entitled to receive the maternity benefit provided to self-employed mothers (Law 4488/2017, article 45).

Finally, Law 4590/2019 (article 34) extends the leave for the care of sick children to up to seven working days (it was previously five) of paid

leave per year, if the employee has three children; up to nine working days (it was previously five) of paid leave per year if the employee has four or more children; and up to eight working days (it was previously six) of paid leave per year if the employee is a single parent.

In a special report on Equal Treatment 2017 (published in December 2018), the Greek Ombudsman notes that there are 'unfair deviations in the protection of workers/employees.' In Maternity and Parental leaves, there are different and often very limiting conditions, depending on the sector of work (public or private) and the type of the contract they have (permanent, unlimited duration, or fixed-term). One such case was the refusal of the Ministry of Education to provide substitute teachers with the right to take the care leave in a block or blocks instead of reduced hours, a matter raised to the Ministry by the Greek Ombudsman. The Ministry of Education responded positively, and with Law 4599/2019 article 26, biological, adoptive, and foster mothers that work in public educational services as substitute teachers, or members of the special teaching personnel, or special assisting personnel with private law contracts are entitled to a paid care leave of three months and 15 days, after the end of Maternity leave or after the completion of adoption or foster care procedures, if they do not use the provision of reduced working hours. Furthermore, the Greek Ombudsman, in the same report, notes that pregnant women or women returning to work from Maternity leave are often discriminated against, something that was very much happening during the years of the crisis, and seems to have continued.

One must also note that, as from February 2019, the minimum wage that was significantly reduced in 2012 (22 per cent for employees over the age of 25 and 32 per cent for employees under the age of 25), under the Memorandum signed between Greece and its lenders, was partly reinstated: i.e. 11 per cent rise for employees over the age of 25 and 27 per cent increase for employees below the age of 25. This means that the special Maternity leave benefit equal to the minimum wage has been raised too.

#### **4. Uptake of leave**

There is no information on the uptake of the various types of leave. Statistics provided by the Labour Inspectors' Authority on private sector employees record people on leave by sex; however, there is no information about how many employees are eligible, but do not make use of their entitlement. Furthermore, these statistics are collected under the equal treatment legislation and do not provide any data on the uptake of leaves that apply exclusively to mothers.

Anyhow, it seems that, regarding leaves where both parents have entitlement rights, it is the mothers who overwhelmingly use the leave. On the basis of data from the Labour Inspectorate's 2016 annual report (the latest available data), we have developed the following table:<sup>5</sup>

Leave category	Uptake of leave	
	In every 1000 male employees	In every 1000 female employees
Care leave (paid)	9	160
Parental leave (not paid)	3	50
Leave to visit the children's school	90	350
Leave due to illness of dependent members	2	40

To become a meaningful indicator, the percentage should refer, of course, to the share of eligible mothers or fathers respectively.

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<sup>5</sup> Hatzivarnava E., (2019), 'Parental and other care leaves: Significant progress, fragmentation and inequalities,' in Karamessini, M. and Symeonaki, M. (forthcoming), *Reconciliation between Work and Family in Greece: The birth, development and assessment of a policy*, Athens: Nissos (in Greek).

# Hungary<sup>1</sup>

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

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

**Note on terminology:** the Hungarian terms for the two elements of the Parental leave arrangements discussed in 1.c. (GYES and GYED) include the word *gondozás*, that is 'care.' By contrast, GYET - available for families with at least three children, after the youngest child is older than three years of age (see 1.d.) - includes the word *nevelés*, that is 'upbringing.' The Hungarian terms for these three leave arrangements (1.c. and 1.d.) literally refer only to the payment element, although, in practice, they cover both leave periods and cash benefits (e.g. GYES is *Gyermekgondozást segítő ellátás*, literally 'allowance to support childcare'<sup>2</sup>). The payment related to Maternity leave, has been re-named as 'infant care payment' (CSED – *Csecsemőgondozási díj*) in 2015.

### a. Maternity leave (*csecsemőgondozási díj*, CSED) (responsibility of the Ministry of Human Capacities)

*Length of leave (before and after birth)*

- 24 weeks: up to four weeks prior to birth. Two weeks are obligatory.

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<sup>1</sup> Please cite as: Gábos, A and Makay Zs. (2019) 'Hungary country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> The name of GYES has been slightly modified since 2016, while keeping the acronym (previously *Gyermekgondozási segély*).

### *Payment (csecsemőgondozási díj) and funding*

- 70 per cent of actual average daily earning, with no upper limit on payments. In cases when there has been previous employment (i.e. the pregnant woman is eligible), but no actual income can be determined on the first day of eligibility (e.g. the pregnant woman is on sick leave for several months, or is self-employed and does not have an actual income), the payment is twice the daily amount of the official minimum wage. In this case, the payment is made by the Treasury, not by the National Health Insurance Fund (NHIF).
- CSED is treated as gross income and taxed at 15 per cent, but family tax credit can be applied; social security (health and pension insurance) contributions are not deducted from the gross amount of CSED.
- Funded by the NHIF (National Health Insurance Fund), which is financed through contributions from employers, employees, and general taxation: employers and employees both pay six per cent of gross earnings.

### *Flexibility in use*

- The starting date can be from four weeks prior to the birth up to the date of birth itself.

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

- All mothers are entitled to 24 weeks' unpaid Maternity leave.
- Employees and self-employed women with an employment record of at least 365 days within two years prior to the birth of a child (and the birth is no later than day 42 after the end of employment) are entitled to the benefit payment during the period of Maternity leave. The 365-day period may include: 180 days of secondary or tertiary school attendance, duration of CSED or GYED (excluding *diplomás GYED*).
- Beyond the employment criteria, citizenship is not linked to eligibility.

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

- If the new-born is cared for in an institute for prematurely born infants for one year, the unused portion of Maternity leave can be taken after the child is home.
- Guardians who care for the child are eligible.
- The father (birth or adoptive) is eligible if the mother dies or is not present in the household due to health-related reasons.

## **b. Paternity leave<sup>3</sup> (responsibility of the Ministry of Human Capacities)**

### *Length of leave*

- 5 days.

### *Payment and funding*

- 100 per cent of father's average daily wage, with no upper limit on payments.
- Funding is the same as for Maternity leave.

### *Flexibility in use*

- Leave can be taken during the first two months of the child's life.

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

- All employed fathers. As same-sex couples are neither allowed to marry nor to adopt, they are not eligible for Paternity leave as a couple.
- There are no conditions linked to length of service.

*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.*

- 7 days in case of twins.

## **c. Parental leave (responsibility of the Ministry of National Capacities)**

There are two types of leave and benefit: (1) for insured parents, *Gyermekgondozási díj* (GYED); and (2) for non-insured parents, *Gyermekgondozást segítő ellátás* (GYES). Both are family entitlements.

### *Length of leave*

- GYED: from the end of the Maternity leave period until the child's second birthday, for insured parents.
- GYES:

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<sup>3</sup> 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. From the end of GYED (child's second birthday) until the child's third birthday, for insured parents.
- b. From birth until the child's third birthday for parents who are not insured.

#### *Payment and funding*

- GYED: benefit of 70 per cent of average daily earnings calculated for the last 180 days prior the birth, up to a limit of 70 per cent of twice the minimum daily wage (HUF149,000 [€459.08]<sup>4</sup> per month; the amount of the benefit is a maximum of HUF208,600 [€642.71]). This is a gross amount: income tax and pension contribution are deducted, but family tax credit can be applied. Funding is the same as for Maternity leave.
- GYES: until the child's third birthday, a flat-rate benefit equal to the amount of the minimum pension, HUF28,500 [€87.81] per month. This is a gross amount from which pension contribution is deducted. For multiple births, 200 per cent of this amount is paid in the case of two children; 300 per cent for three children; then there are similar increases for additional children. Funded by the Treasury from general taxation.

#### *Flexibility in use*

- A parent taking GYED can work unlimited hours after the child turns six months old, while still receiving the full benefit until the child's second birthday (GYED extra). If the parent takes up GYED and works, they can still access public childcare for children under three years of age (*bölcsőde*).
- A parent taking GYES cannot work until the child is six months old, but can then work unlimited hours while still receiving the full benefit until the child's third birthday. If the parent takes up GYES and works, they can still access public childcare for children under the age of three years (*bölcsőde*).

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

- GYED: either of the parents living with the child is eligible as long as they have been employed for at least 365 days within the two years prior the birth of the child; however, only one parent at a time can actually take GYED. Foster parents are not eligible.
- GYED: women who would not be eligible under the above listed criteria, but who have completed two semesters at a higher education institution recognised by the state within the two years prior to the birth of the child (*diplomás GYED*). In this case, they

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<sup>4</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>

are eligible for two years of payment,<sup>5</sup> beginning at the birth of the child. Those studying at BA level (2019) receive a payment of HUF104,300 [€321.36] per month (HUF96,600 [€297.63] per month in 2018), while for those at MA or PhD level (2019), the payment is HUF136,500 [€420.57] per month (HUF126,350 [€389.29] per month in 2018).

- Self-employed parents are eligible if they fulfil all criteria, e.g. in the case of GYED, that they have been insured prior to the birth.
- As same-sex couples are neither allowed to marry nor to adopt, they are not eligible for Parental leave as a couple; if one of the partners has a young child, they are eligible in their own right, but their partner is not.
- GYES: all parents. Guardians are also eligible.

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

- GYED: The duration of the benefit lasts until the children's third birthday in the case of twins.
- GYES: parents of a child with a long-term illness or disability can take leave until the child's tenth birthday (or even longer in discretionary cases); parents of twins are eligible until the children start elementary school, and receive a payment equal to the amount for one child multiplied by the number of twins.
- GYES: can be taken by grandparents from the first to the third birthday of the child, if the child is looked after in their own home, and if the parents agree to transfer their entitlement. Grandparents taking GYES can work fewer than 30 hours per week, or without limitation if the work is done in the home and the child is older than three years of age.
- If a family has another child while still receiving one of the child-raising allowances for their previous child/children (GYED or GYES), they can receive both benefits, including the benefit for the new baby (CSÉD, GYES or GYED).

#### **d. Childcare leave or career breaks**

Either of the parents in a family with three or more children under 18 years of age, may take leave during the period between the third and eighth birthday of the youngest child (*Gyermeknevelési támogatás, GYET*). Benefit payments are made in the same way as for GYES. The person taking GYET can work fewer than 30 hours per week, or unlimited hours if the work is done at home. While GYES and GYED are intended to promote childbirth and support reconciliation between work and child-rearing, GYET is considered an acknowledgement of parenthood as paid

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<sup>5</sup> Since 2018. Prior to this, they were eligible for a one-year payment.

work and, consequently, recipients are credited with social insurance contributions.

From January 1 2019, parents caring for a child facing long-term illness or disability may take *Gyermekek otthongondozási díja* (GYOD). The benefit is provided regardless of the age of the child. The gross amount of the benefit is HUF100,000 [€308.11] per month. If GYOD is provided for one of the children in a family, the other parent can claim GYES for another child in the same family. If both GYOD and GYES are claimed by the same parent, the amount of GYOD is reduced by the amount of GYES. Either of the parents (adoptive or biological) is entitled to GYOD.

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

- The same regulations regarding Maternity and Parental leave apply for adoptive parents as for other parents.

##### *Time off for the care of dependants*

- *Gyermekápolási táppénz* is part of the sick-pay system, the length of which depends on the age of the child: under one year, unlimited; 12 to 35 months, up to 84 days per child per year; 36 to 71 months, 42 days; and six to 12 years, 14 days. Single parents are entitled to a double period of leave. Leave is a family entitlement and sickness benefit is paid at 50 or 60 per cent of actual earnings up to a limit.

##### *Flexible working*

- Mothers are entitled to two paid one-hour breaks per day for breastfeeding until a child is six months old; and to one one-hour break until a child is nine months old. The number of hours is doubled in the case of twins.
- Employers are required to provide part-time employment for parents of children under three years of age if requested. By default, this means a working time of four hours per day, but other arrangements are also possible upon the agreement of the employer and the employee. For parents with three or more children, the possibility is available until the youngest child turns five years old.
- Employed parents rearing children below 16 years of age are eligible to additional days off (for both parents): two days for one child; four days for two children; and seven days for three or more children. As of 1 January 2019, parents working in the Central Administration have double the amount of these days for leave.

## **12. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Hungary is three years per child (except for families with three or more children, where leave can be taken until a child is eight years of age); the last year is paid at a low flat-rate, but until a child is two years old, insured parents taking leave are paid at a high earnings-related level. Attendance in ECEC (*óvoda*/kindergarten) from three years of age is compulsory (for at least four hours per day). Children under three years of age are also entitled to an ECEC service (*bölcsőde*/nursery) place if the parent studies full-time or if the child turns six months old. However, there is a shortage of spaces in Hungary: while legislation is in place, implementation varies. So, although by legislation there is no gap between the end of Parental leave entitlement and the start of an ECEC entitlement, such a gap exists in practice, due to a shortage of places in nurseries. Otherwise, there is a one-year gap between the end of well-paid leave (GYED) and an entitlement for a kindergarten place for three-year-olds.

Levels of attendance at formal services for children under three years of age (i.e. nurseries and other similar forms of institutional care) are well below the average of both the EU countries and the countries included in this review; however, they are above average for children over three years of age (i.e. in kindergartens). For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Recently, the government has adopted a family policy package, called the 'Family Protection Action Plan,' which includes seven measures. Among these are: the grandparents' GYED (non-pensioner grandparents are to become eligible for GYED) and the plan for full enrolment in child care (by 2022, 70,000 places are supposed to be available). The related legislation is an ongoing process.

As noted above, from January 1 2019, parents caring for a child facing a long-term illness or disability may take *Gyermekek otthongondozási díja* (GYOD).

## **4. Uptake of leave**

### **a. Maternity leave**

Statistics<sup>6</sup> are only available on the number of women receiving benefits. The average number of mothers per month was 27,989 in 2017 (26,931 in 2016), which is 12.4 recipients per 1,000 women of fertile age in 2017 (11.8 in 2016). It is supposed that almost all eligible women take the leave.

#### **b. Paternity leave**

The total number of fathers taking leave during 2014<sup>7</sup> was 21,914, using 109,382 days in total: i.e., most fathers taking leave used their full five-day entitlement.

#### **c. Parental leave**

Statistics are only available on the number of recipients of the benefits and the average amount of the benefit per capita. The average monthly numbers in 2017 were: for GYED, 97,470 (91,126 in 2016), or 43.1 recipients per 1,000 women of fertile age (39.9 in 2016); for GYES, 164,297 (162,992 in 2016), or 72.6 recipients per 1,000 women of fertile age (71.4 in 2016); and for GYET, 32,941 (33,381 in 2016), or 14.6 recipients per 1,000 of women of fertile age (14.6 in 2016). There is no information on the proportion of parents taking leave, how long they take, or on the number of fathers taking Parental leave. An estimate can be made for 2015 on the basis that 0.3 per cent of children under one year of age, 11.9 per cent of those between one and two years of age, and 55.7 per cent of those between two and three years of age were in childcare centres that year, so the remainder probably had a parent (most likely the mother) using one of the Parental leave options.

In 2017, the average monthly amount per recipient of GYED was HUF130,087 [€400.81] and of GYES was HUF31,278 [€96.37].

#### **d. Other employment-related measures**

In 2016, the total number of cases on paid leave to care for a sick child was 314,000 (27 per cent of all paid leave cases), while the total number of paid leave days to care for sick children was 1,290,000 (5.1 per cent of all paid sick leave days).<sup>8</sup>

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<sup>6</sup> All statistics in this section are from the Hungarian Central Statistical Office (*Központi Statisztikai Hivatal*) Yearbook of Welfare Statistics (see section 3) and HCSO STADAT online database ([https://www.ksh.hu/docs/hun/xstadat/xstadat\\_eves/i\\_fsp006.html](https://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_fsp006.html)). Data of download: 27 March 2018.

<sup>7</sup> No data for 2015 are available yet.

<sup>8</sup> <http://www.ksh.hu/docs/hun/xftp/idoszaki/pdf/tappenz16.pdf>

# Iceland<sup>1</sup>

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April 2019

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

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

**Note on terminology:** The term *fæðingarorlof* (literally 'birth leave') is used in law to refer to paid Parental leave. Despite the three months' quota of non-transferable individual rights that each parent is entitled to, the law does not apply the concepts of Maternity or Paternity leave, except that it is used in the translation of the title of the law. Sometimes the term *feðraorlof* (Paternity leave) is used in day-to-day conversations about the three months' non-transferable individual rights that fathers are entitled to (the father's quota) even though the law does not make such distinction between the Parental leave of fathers and mothers. Indeed, the law was changed in 2006 to address parents without mentioning the sex of the parent, in order to avoid discriminating on the basis of gender or sexual orientations.

The joint leave referred to in 1.c. under the heading of 'Parental leave' is translated into English by the Icelandic Ministry of Welfare as 'parents' joint rights.'

*Foreldraorlof* refers to the unpaid leave included in 1.d. under the heading of 'Childcare leave,' though it translates literally into 'Parental leave.'

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<sup>1</sup> Please cite as: Eydal, G.B. and Gíslason, I.V. (2019) 'Iceland country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

## **a. Maternity leave (*fæðingarorlof*) (responsibility of the Ministry of Welfare)**

### *Length of leave (before and after birth)*

- Three months to be taken within a 24-month time span: one month may be taken before birth. It is obligatory for mothers to take two weeks of leave following the birth.

### *Payment and funding*

- 80 per cent of the individual's average total earnings for a twelve-month period ending six months before birth, up to a limit of ISK600,000 [€4,229.19]<sup>2</sup> per month.
- The minimum payment to a mother working shorter, part-time hours (i.e. between 25 and 49 per cent of full-time hours) is ISK128,357 [€904.74] per month; and the minimum payment for a mother working 50 to 100 per cent of full time-hours is ISK177,893 [€1,253.90] per month.
- For those working under 25 per cent of full-time hours, and those outside the labour market, the amount is ISK77,624 [€547.14] per month. Students/pupils (75 to 100 per cent of full-time studies) receive a flat-rate payment of ISK177,893 [€1,253.90] per month. As a frame of reference, the minimum wage in Iceland in 2018 was ISK300,000 [€2,114.59] per month.
- Funded by the Maternity/Paternity Leave Fund, which is financed from an insurance levy of 5.4 per cent of wages paid by employers; 0.65 per cent of the revenue goes to this fund.
- Non-employed parents are not entitled to any pension credits while caring for their child. Employed parents taking leave continue to accumulate their pension entitlements (and in indeed all other entitlements) as if they were at work.
- Icelandic citizenship is not required, but activity in the Icelandic labour market for six consecutive months is usually required. Those outside the labour market must have had permanent residence in Iceland for 12 months prior to the birth of the child.

### *Flexibility in use*

- After the two weeks of obligatory leave, a mother wishing to take more leave can choose to take leave on a full-time or part-time basis. It is also possible to take leave in one continuous period or as several blocks of time (i.e. leave can be 'uninterrupted' or 'interrupted'). This must be negotiated with the employer. Parents can be on leave together, part of the time or for the whole period.

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<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using <https://www1.oanda.com/currency/converter/>.

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

- All biological or adoptive parents have individual non-transferable rights to three months' paid Parental leave, regardless of sexuality or marital status. Parents that do not hold sole or shared custody of the child at birth need to have worked out the visiting rights with the custodial parent in order to be able to take paid Parental leave.

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

- In cases where there is only one parent (the other parent has died, in cases of artificial insemination, or an individual adopts or takes a child into their permanent foster care), the parent has a right to nine months' paid Parental leave. In special cases, if one of the parents is in prison or hospital or is unable to take care of the child due to health reasons, it is possible to transfer the rights of that parent to the other parent.
- Maternity leave can be extended by two months if the mother suffers from a serious illness in connection with the birth.
- See also 1.c.

## **b. Paternity leave (*fæðingarorlof*) (responsibility of the Ministry of Welfare)**

*Length of leave*

- 3 months to be taken within a 24-month time span.

*Payment and funding*

- 80 per cent of the individual's average total earnings for a twelve-month period ending six months before birth, up to a limit of ISK600,000 [€4,229.19] per month. For maximum and minimum payments, see 1.a.

*Flexibility in use*

- Same as for Maternity leave, except there is no obligatory period of two weeks' leave that fathers must take after birth.

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

- All biological or adoptive parents have individual non-transferable rights to three months' paid parental leave, regardless of sexual orientation or marital status. Parents that do not hold sole or shared custody of the child at birth need to have worked out the visiting rights with the custodial parent in order to be able to take paid Parental leave.

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

- See 1.c.
- In cases where there is only one parent (the other parent has died, in cases of artificial insemination, or an individual adopts or takes a child into permanent foster care), the parent has the right to nine months' paid Parental leave. In special cases, if one of the parents is in prison or hospital or is unable to take care of the child due health reasons, it is possible to transfer the rights to the other parent.

### **c. Parental leave (responsibility of the Ministry of Welfare)** (see note on terminology at the start of part 1)

*Length of leave (before and after birth)*

- 3 months after birth. These are in addition to the earmarked months (three for each parent) and can be divided between the parents as they like.

*Payment and funding*

- 80 per cent of average total earnings for a twelve-month period ending six months before birth, up to a limit of ISK600,000 [€4,229.19] per month. For maximum and minimum payments see 1.a.

*Flexibility in use*

- The total of nine months' leave (covering maternity, paternity, and joint rights) can be used until 24 months after the birth.
- Parents can choose to take leave on a full-time or part-time basis. It is also possible to take leave in one continuous period or as several blocks of time (i.e. leave can be 'uninterrupted' or

'interrupted'). This must be negotiated with the employer. Parents can be on leave together, part of the time or for the whole period.

*Regional or local variations in leave policy*

- None.

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

- Each parent is entitled to leave. See 1.a. and 1.b. for family circumstances.

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

- In the case of a miscarriage after 18 weeks, the parents are entitled to two sharable months of leave and, in the case of still birth after 22 weeks, each parent is entitled to three months of leave.
- In the case of multiple births, the length of leave increases by three sharable months for each additional birth; it can be extended by the same amount if the child suffers from a serious illness. Leave also increases if the child must stay in hospital for more than seven days after the birth – the leave is extended by the same amount of time that the child is hospitalised for (up to four months).
- If the child is seriously ill or disabled in a way that demands more intensive parental care than is usual, the leave may be extended by up to seven months.
- In cases where there is only one parent (the other parent has died, in cases of artificial insemination, or an individual adopts or takes a child into permanent foster care), the parent has the right to nine months' paid Parental leave. In special cases, if one of the parents is in prison or hospital or is unable to take care of the child due health reasons, it is possible to transfer the rights to the other parent.

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

- Each parent may take four months of non-transferable unpaid leave until the child is eight years old.

**e. Other employment-related measures**

*Adoption leave and pay*

- Regulations on paid Parental leave apply if the child is younger than eight years of age when adopted.

#### *Time off for the care of dependants*

- There are no legal entitlements. The Equal Status Act instructs employers to do what they can to make it possible for employees to fulfil their responsibilities towards their families, but that is all. Most or all unions have negotiated a number of leave days for when children are sick, but there seem to be no instances where unions have negotiated a right to leave in the case of any other close relative being ill.

#### *Flexible working*

- Employers are required by the Equal Status Act to make the necessary arrangements to enable both 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 the case of serious or unusual family circumstances.

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

The maximum period of post-natal leave available in Iceland is 17 months: nine months of paid leave and two periods of four months of unpaid leave (see 1.d. above). There is no legal entitlement to ECEC. However, most municipalities offer ECEC for children but, due to a gap still existing between the end of Parental leave and admission to pre-schools, many parents opt for private child minders or similar solutions to bridge this gap. There are few private child minders and, in most cases, the parents need to bridge the gap without public support.

Levels of attendance at formal services for children both under and over three years of age are well above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

The Icelandic parliament adopted changes to the law on Parental leave in December 2012, with a staged increase from nine to 12 months (using a 5+5+2 system). Following parliamentary elections in April 2013, a new

coalition government came to power. This government deemed state finances to be in such a bad state that the extension of the leave period adopted in December 2012 could not be carried out. The law was therefore revoked.

In 2014, the government appointed two committees on leave and ECEC. One was to examine the possibility of restoring economic compensation during Parental leave to the pre-2008 level and the eventual extension of the leave; while the other was to examine the possibility of increasing the capacity of pre-schools so that they can admit children once Parental leave is over. Both committees have now reported. The first reported in March 2016 and proposed the successive restoration of economic compensation (e.g. an upper limit of ISK600,000 [€4,229.19]) and an extension to 12 months' leave: with five for the mother, five for the father, and two to be shared, to be fully implemented in 2022. The second reported in May 2016 and proposed that all children from 12 months of age should be offered a place in pre-schools. Neither report was debated in the Icelandic parliament prior to the parliamentary elections that took place in October 2016 and led to the formation of a new centre-right coalition government. There was no mention of an extension of leave, but the restoration of the economic compensation to pre-crash level was to be fulfilled.

This government did not last long and new elections were held in October 2017, resulting in a new coalition government straddling the political spectrum: the centre-right Independence Party, the centre Progressive Party, and the Green-Left Party. In its platform, the government stated its commitment to restoring economic compensation during Parental leave and an intention to discuss with the social partners the possibility of extending the leave. The government has now committed itself to extending the leave to 12 months in two phases – adding one month in 2020 and two in 2021. However, nothing has been said about the division of this leave between parents.

It should also be mentioned that the increase in economic compensation has continued and, even though it not yet back up to the pre-2008 level, there is steady movement in that direction.

## **4. Uptake of leave**

### **a. Maternity leave**

In 2016 (the most year for which final figures are available), 99 per cent of women applying for leave used at least the three months available only to mothers. For more details, see 4.c.

### **b. Paternity leave**

See 4.c.

**c. Parental leave** (i.e. parents' joint rights)

In 2016, 82.7 per cent of fathers took a period of leave (Paternity and/or parents' joint rights), taking an average of 88.3 days' leave (compared to 179.9 for mothers). This is a substantial drop in the number of days used by fathers before the economic crisis, which was around 100. In all probability, this is due to the severe cuts in economic compensation. Overall, 13.9 per cent of fathers took some of the parents' joint rights, and 32 per cent took less than their three months of designated Paternity leave; 96.5 per cent of mothers took some period of parents' joint rights, while 1 per cent used less than their three months.

In 2016, 32.6 per cent of men and 34.2 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

# Ireland<sup>1</sup>

**Mary Daly** (University of Oxford) and **Michael Rush** (University College Dublin)

April 2019

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

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

### **a. Maternity leave (responsibility of the Department of Justice and Equality)**

*Length of leave (before and after birth)*

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

*Payment and funding*

- A weekly maternity benefit rate of €245 is paid to qualifying persons for 26 weeks; the remaining 16 weeks is unpaid. Mothers who are already on certain social welfare payments are entitled to half-rate maternity benefit.
- Maternity benefit is funded from the Social Insurance Fund, which is financed by contributions from employers and employees. Pay Related Social Insurance (PRSI) rates vary across different types of employment. However, the majority of employees pay 4 per cent of earnings and employers pay 10.75 per cent.

*Flexibility in use*

- None, except for when leave can be started before birth.

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<sup>1</sup> Please cite as: Daly, M. and Rush, M. (2019) 'Ireland country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

- To be eligible for maternity benefit, an employee or self-employed woman must meet certain conditions relating to payment of Pay Related Social Insurance (PRSI): for example, to have been employed for 39 weeks, during which PRSI was paid in the 12-month period before the first day 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.*

- Fathers are entitled to Maternity leave if the mother dies within 40 weeks of the birth. In these circumstances, the father is entitled to a period of leave, the extent of which depends on the date of the mother's death. If the mother dies within 24 weeks of the birth, he has an optional right to the additional Maternity leave. If the mother's death is over 24 weeks after the birth, the father is entitled to leave until 40 weeks after the birth. The leave starts within seven days of the mother's death.
- In the case of a child who is hospitalised, the mother may postpone her Maternity leave, if she has taken 14 weeks (including at least four weeks since the baby was born) up to a period of six months, with the agreement of the employer.

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

- Members of the Civil and Public and Services Union (CPSU) and other public sector workers are entitled to 26 weeks' Maternity leave at full payment.

## **b. Paternity leave (responsibility of the Department of Justice and Equality)**

*Length of leave*

- 2 weeks (which must be taken consecutively)

*Payment and funding*

- A weekly paternity benefit payment of €245, funded from the Social Insurance Fund.

### *Flexibility in use*

- Paternity leave may be taken at any time within the first 26 weeks following the birth or adoption of a child.

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

- The entitlement to Paternity leave extends to all employees (including casual workers), regardless of how long they have been working for the organisation or the number of hours worked per week.
- Paternity benefit is paid by the Department of Employment Affairs and Social Protection to people who have a certain number of paid PRSI contributions on their social insurance record. It is paid to an employee or self-employed person who is a relevant parent, defined as: the father of the child; the spouse, civil partner or co-habitant of the mother of the child; or the parent of a donor-conceived child. In the case of an adopted child, the relevant parent may include: the nominated parent in a married same-sex couple; the spouse, civil partner, or co-habitant of the adopting mother; or sole male adopter.

## **c. Parental leave (responsibility of the Department of Justice and Equality)**

### *Length of leave*

- 18 weeks per parent per child. Leave is an individual entitlement that cannot be transferred. The one exception is when parents are employed by the same employer, in which case they can transfer a maximum of 14 weeks of their Parental leave entitlement to the other parent, subject to the employer's agreement. Both parents can take this leave at the same time.

### *Payment and funding*

- None.

### *Flexibility in use*

- Leave may be taken up to the child's eighth birthday, and up to their sixteenth birthday in the case of children with disabilities and serious illnesses.
- Leave may be taken in separate blocks of a minimum of six continuous weeks or on more favourable terms, subject to employer's agreement.

- Parents can be on leave together, for part of the period or for the whole period.

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

- All employees who have completed one year's continuous employment with their current employer.
- An extension of the *force majeure* provisions includes people in a relationship of domestic dependency, including same-sex partners.

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

- As leave is allocated per child, the leave period is doubled for parents of twins, and tripled for parents of triplets.
- Parents with a disabled child do not get additional Parental leave, but would be eligible for carer's leave.

*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 upon by both the employer and employee) if the granting of the leave would have a substantial adverse effect on the operation of the business.
- An employee who falls ill while on Parental leave, and as a result is unable to care for the child, may suspend the Parental leave for the duration of the illness, following which period the Parental leave recommences.
- Statutory codes of practice specify the manner in which Parental leave and *force majeure* leave might be taken, and the manner in which an employer can terminate Parental leave.

#### **d. Childcare leave or career breaks**

No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- 40 weeks of leave for adopting mothers or sole male adopters of children under eight years of age, with 24 weeks being paid and 16 weeks being unpaid. Payment and eligibility are the same as for Maternity leave. If the child is under three years of age at the

time of adoption, unpaid Parental leave can be taken before the child reaches five years of age. However, if the child is aged between three and eight years at the time of adoption, the leave must be taken within two years of the adoption order.

- Adoptive leave and/or additional adoptive leave may be split in the event of the hospitalisation of the adopted child, subject to the agreement of the employer.
- New adoptive parents (other than the mother of the child) can get two weeks' statutory Paternity leave from employment or self-employment following the birth or adoption of a child.

#### *Time off for the care of dependants*

- Three days of paid leave per worker within any 12 consecutive months, up to a limit of five days within any 36 consecutive months (treated as *force majeure*).
- Employees with 12 months' continuous service can take a minimum of at least 13 weeks' leave, up to a maximum of 104 weeks' unpaid carer's leave to provide full-time care for a dependant (a child or adult in need of full-time care), either in one continuous period or as several blocks of time. Employees may work up to ten hours per week while on this carer's leave, subject to certain income limits. An employee on carer's leave may be entitled to a means-tested carer's benefit.

#### *Flexible working*

- Breastfeeding mothers are entitled to adjust their working hours or, if breastfeeding facilities are provided at work, to take breastfeeding breaks up until the child is six months old.
- On return from Parental leave, an employee may request a change in their working hours or pattern. Employers must consider such a request, but are not required to grant it.

### **3. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Ireland is 18 months, but most of this is unpaid; leave paid at a standard flat-rate lasts for only six months. Children are entitled to start ECEC from three years of age. However, there remains a substantial gap between the end of leave and an ECEC entitlement, and there is no well-paid leave. Levels of attendance at formal services for children under three years of age are about the average both for the countries included in this review and OECD countries; however, they are well above the average for children over three years of age (mainly because of an early start in school). For

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

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

It is planned to introduce two weeks of paid Parental leave from November 2019. This will be a flat-rate benefit, paid at the same rate as maternity and paternity benefit (currently €245 per week) and will be available to all new parents in employment or self-employment.<sup>2</sup> It is estimated that up to 60,000 parents could benefit from the scheme. The longer-term plan is that the paid Parental leave would increase incrementally to seven weeks by 2021. Employers will have the option of topping up the basic payment, should they wish (as is currently the case with maternity and paternity benefit).

The Parental Leave (Amendment) Bill 2017 proposes extending unpaid Parental leave from 18 weeks to 26 weeks for all parents, and extending the qualifying age of the child from eight to 12 years of age. This was referred to the Senate after receiving Dáil approval in February 2018. It is still under review.

## **4. Uptake of leave**

### **a. Maternity leave**

According to the social protection statistics for 2017 (the latest year for which statistics are available), there were some 22,708 recipients of maternity benefit in 2014, and 21,428 for 2017.<sup>3</sup> The figures are considered to be generally static from year to year, although there has been a fall from 23,947 in 2011. In terms of costs, expenditure on the benefit was of €340 million in 2017.<sup>4</sup>

According to a national study, 'Pregnancy at Work,' conducted 2007-2009,<sup>5</sup> two-thirds of the 23,000 mothers surveyed were in employment. The sample was selected by the Department of Employment Affairs and Social Protection from its database of recipients of the universal child

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<sup>2</sup> 'Up to 60,000 parents a year to gain as new paid Parental leave and benefit available from this November':

<http://www.welfare.ie/en/pressoffice/Pages/PR230419.aspx>.

<sup>3</sup> Department of Employment Affairs and Social Protection (2019) *Statistical Information on Social Welfare Services, Annual Report 2017*. Dublin: Department of Employment Affairs and Social Protection.

<sup>4</sup> Ibid.

<sup>5</sup> Russell, H., Watson, D. and Banks, J. (2011) *Pregnancy at Work: A National Survey*. Dublin: HSE Crisis Pregnancy Programme and the Equality Authority.

benefit. Of these, 92 per cent of mothers took paid Maternity leave, while 41 per cent took unpaid Maternity leave, mostly in addition to paid leave. Taking combined paid and unpaid leave was related to the mother's ability to afford a period of unpaid leave. Women who were self-employed, who worked in temporary/casual jobs, or part-time employment during pregnancy were less likely to take paid Maternity leave.

Nearly half (48 per cent) of employed women received a top-up payment from their employer, in addition to state maternity benefit. Receipt of such payments was higher among women who were already more financially secure. Nearly one-third (32 per cent) of the women surveyed who were in employment experienced problems around Maternity leave, the most common involving the timing or duration of leave, i.e. being pressurised into leaving work earlier or returning to work sooner than desired. The report concluded that the preferred option – among mothers who can afford it – would be for a longer period of Maternity leave than the six months of statutory paid leave.

## **b. Paternity leave**

In the first six months of the new Paternity leave scheme, between September 2016 and February 2017, there were 8,558 paternity benefit applications awarded.<sup>6</sup> The reasons for the relatively low initial uptake (compared to Maternity leave awards) were reported in the media as a combination of the newness of the scheme and an absence of 'wage top-ups' to the (then) €235 paternity benefit for many fathers.<sup>7</sup> On the latest available evidence (2017), there were some 27,200 claims for paternity benefit in that year.<sup>8</sup> Hence, uptake increased rapidly. Köppe (2019) estimates the uptake rate as between 40 and 60 per cent, and calculates that the statutory benefit is equivalent to an average income replacement rate of 53 per cent.<sup>9</sup>

## **c. Parental leave**

Based on the findings of the 'Pregnancy at Work' study (referred to in section 4.a.), only 18 per cent of women returning to work after childbirth in 2007-2009 had requested to take any Parental leave.

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<sup>6</sup> Data supplied directly by the Department of Employment Affairs and Social Protection Statistics Unit.

<sup>7</sup> <http://www.irishtimes.com/business/personal-finance/why-aren-t-more-fathers-taking-paternity-leave-1.2953763>;  
<http://www.irishexaminer.com/ireland/fathers-slow-to-avail-of-paternity-leave-437425.html>

<sup>8</sup> Department of Employment Affairs and Social Protection 2019, op cit.

<sup>9</sup> Köppe, S. (2019) *Ireland's Paternity Benefit: Belated Social Investment*, Working Papers 201905, Geary Institute, UCD, Dublin: Geary Institute.

However, the authors noted that since leave can be taken at any point until the child reaches eight years of age, more women may avail of this entitlement at a later stage. Almost one-fifth (19 per cent) of women who had applied for Parental leave had had their request refused, or leave was granted not in the form originally requested. The study showed that uptake of (unpaid) Parental leave is linked to women's ability to afford it. Women with an unemployed partner were four times less likely to request Parental leave than women with a working partner, indicating the constraint on choice associated with the household's financial position, which is likely to characterise many households during a period of recession. Women with higher earnings were more likely to have requested Parental leave. No information was given in the report on fathers' uptake of Parental leave.

#### **d. Other employment-related measures**

There is no recent information on uptake, with the latest data being from a survey in 2001.

# Israel<sup>1</sup>

**Nadav Perez-Vaisvidovsky** (Ashkelon Academic College)

**April 2019**

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

### **a. Maternity leave (תקופת לידה והורות, *Tekufat Leida VeHorut*, literally 'Birth and Parenthood Period') (responsibility of the National Insurance Institute)**

*Length of leave (before and after birth)*

- 26 weeks: up to six weeks before the birth and the remainder following the birth. It is obligatory to take the first fourteen weeks.

*Payment and funding*

- 100 per cent of the average earnings in the three months or six months prior to birth (the higher of the two) for the first 15 weeks, with an upper limit of five times the average salary (ILS1,481.33 [€359.11]<sup>2</sup> per day). The remaining 11 weeks are unpaid.

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<sup>1</sup> Please cite as: Perez-Vaisvidovsky, N. (2019) 'Israel country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>

- The benefit is paid by the National Insurance Institute, funded by contributions from employers, employees, and the state. Employers pay 3.45 per cent of earnings, and employees pay 0.4 per cent, up to 60 per cent of average earnings; above which payment is 6.75 per cent and 7 per cent respectively up to a limit.

#### *Flexibility in use*

- Women may use the first six weeks of leave before birth. The leave may be shortened to 14 weeks, but no less than that.
- Working is formally not permitted while on leave, and the National Insurance Institute is entitled to revoke benefits for those found to be working when on leave. However, maintaining a connection to the workplace (via email, phone calls and even occasional visits) is considered acceptable for women. Enforcement of this regulation for men sharing their spouses' leave is much more stringent.

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

- All women are entitled to the first 15 weeks of leave (including job protection, if relevant), regardless of employment status.
- Only women who have worked with the same employer for a full year before birth are entitled to a full 26-week leave.
- Entitlement to benefits depends on prior participation in the labour force (and payment of social insurance) for ten out of 14 months or 15 out of 25 months prior to leave. Self-employed women are eligible.

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

- A mother who has been hospitalised for two weeks or more during her leave may extend her paid leave for the hospitalisation period (up to four weeks) or split her leave so that the hospitalisation period will not be included.
- A mother whose baby has been hospitalised for two weeks or more during the leave may extend her paid leave for the

hospitalisation period (up to 20 weeks) or split her leave so that the hospitalisation period will not be included.

- In the case of multiple childbirths, the mother is entitled to an additional three weeks of leave (and benefits) for each child beyond the first.
- When the mother is unable to care for the newborn because of illness or disability, the full leave can be transferred to the father (and only to him). If both pass the eligibility criteria, benefits are then paid to the father, based on his income.
- The mother can transfer part of her leave to her spouse, as long as the following conditions are met:
  - The first six weeks after birth cannot be transferred.
  - Both the mother and her spouse must be eligible for leave and for benefits.
  - The minimum period to be transferred is seven days.
  - The mother must return to work.
  - The mother has to provide written consent to transfer her leave.
  - Mothers in a same-sex relationship cannot transfer their leave to their (female) spouse.
  - One of the transferred weeks may be used by the spouse while the mother is on leave.

#### **b. Paternity leave (חופשת אבהות, Hufshat Abahut)**

Fathers are entitled to be absent from work from the beginning of their spouse's labour and for six calendar days after birth. The first day and last two days are treated and remunerated as sickness leave: workers receive no pay for the first day, and 50 per cent of their daily pay for the other two days, unless covered by collective agreements providing better conditions, and these payments are deducted from each worker's annual allotment of sickness leave days. The second, third, and fourth day is treated and remunerated as annual leave, offering full pay. Fathers that have not accumulated enough sickness leave or annual leave days are not entitled to this leave.

#### **c. Parental leave (Tekufat Leida VeHorut, literally 'Birth and Parenthood Period') (responsibility of the National Insurance Institute)**

*Length of leave*

- Up to one year after childbirth for each parent. Leave is an individual and non-transferable entitlement.

*Payment and funding*

- None.

*Flexibility in use*

- Parents are not entitled to take leave at the same time.
- Both parents can take up to two leave intervals.

*Regional or local variations in leave policy*

- None.

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

- Parents are eligible to a leave period no longer than half of the length of their employment with their current employer: up to one year of leave is allowed for four years of employment.
- Eligibility is granted to the mother's spouse (and not necessarily to the child's father).
- Same-sex couples are eligible.

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

- None.

**d. Childcare leave or career breaks**

No statutory entitlement.

**e. Other employment-related measures**

*Adoption leave and pay*

- For adoptive parents, the same regulations for Maternity leave apply as for other parents, as long as the adopted child is under 14 years of age.
- Same-sex couples must meet the same eligibility criteria.

### *Time off for the care of dependents*

- In the case of the sickness of a child (below 16 years of age), each parent may use up to eight days each year out of their own allotted sick leave (paid by the employer from the second day at 50 per cent of earnings, and 100 per cent from the fourth day). A single parent may use up to 16 days. In the case of malignant disease, the period of leave increases to 90 days (110 days for a single parent).
- Parents of a child with special needs are entitled to 18 days out of their own sick leave (36 days for a single parent).
- In the case of the sickness of a spouse, workers may use up to six days per year out of their allotted sick leave (60 days for malignant disease).
- During the pregnancy of their spouse, a worker is entitled to use seven days of their allotted sick leave to attend medical examinations and treatments related to the pregnancy.
- A worker may use up to six days per year of their allotted sick leave to care for a parent over 65 years of age.

### *Flexible working*

- During the first four months from the end of the Maternity leave, mothers employed full-time are entitled to one paid hour of absence from work per day, in addition to the break times defined by law. The father is eligible for this reduction if the mother is not using it.

## **4. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave in Israel is 12 months, but most of this is unpaid; leave paid at a high rate runs for 3.5 months. There is no entitlement to ECEC. Places in government regulated and subsidised care are hard to come by: the demand for children under three years of age exceeds supply. So, when the initial birth leave of 26 weeks ends, parents have difficulties finding places in regulated ECEC centres, especially when the leave ends in the middle of the school year. Many parents, therefore, have to use the unpaid Parental leave; rely on family assistance; or expensive, unregulated private care.

There is no comparative information on levels of attendance at formal services for children under three years of age; but attendance for children over three years of age is above average both for the countries included in this review and OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **5. Changes in policy since April 2018 (including proposals currently under discussion)**

**None reported.**

### **6. Uptake of leave**

#### **a. Maternity leave**

All eligible women use Maternity leave as it is obligatory: as of 2010, women taking this leave account for 62 per cent of all women giving birth. Only 0.35 per cent of women receiving Maternity leave benefit transfer part of it to their spouse.

#### **b. Paternity leave**

No data exist on the use of the new Paternity leave programme.

#### **c. Parental leave**

No data exist on the use of the unpaid Parental leave.

# Italy<sup>1</sup>

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**April 2019**

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

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

### **a. Maternity leave (*Congedo di Maternità*) (responsibility of the Ministry of Labour and Social Policies and, for public employees, Ministry of Economy and Finance)**

*Length of leave (before and after birth)*

- 20 weeks (five months): at least four weeks can be taken before the birth. However, since 2018 the pregnant woman also has a choice to work up to the childbirth, as long as a specialist doctor certifies that this option does not damage the health of the pregnant woman and the child. Those who choose this option are able to benefit from the five months of mandatory Maternity leave after the birth of the child. It is obligatory to take this leave. Absence from work can take place two months before the childbirth if pregnancy is certified as 'at risk,' or if the Territorial

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<sup>1</sup> Please cite as: Addabbo, T., Cardinali, V., Giovannini, D., and Mazzucchelli, S. (2019) 'Italy country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

Department of Labour certifies that the job is incompatible with pregnancy.

### *Payment and funding*

- 80 per cent of previous earnings with no upper limit for salaried workers. For home helps, self-employed workers, and agricultural temporary labourers, earnings are 80 per cent of conventional earnings determined each year by the law. For non-fixed term workers, Maternity leave depends on accredited contributions, though each professional sector has the potential to determine, with approval by the Ministry of Labour, Health and Social Policies, a higher limit, taking into account income and contribution potential of the professional sector and compatibility with financial availability of the professional fund.
- Funded by the INPS (National Institute for Social Security), financed by contributions from employers and employees at a rate that is related to the sector and to the type of employment contract (for example, in manufacturing it is 0.46 per cent of earnings for employers and 0.28 per cent for employees). Workers on Maternity leave may be paid directly by INPS or by their employer, who is recompensed by the INPS. These contributions maintain pension rights.
- Pension contributions for women taking leave are made by the INPS. Maternity leave periods outside an employment relationship are counted as social security contributions for retirement pensions, provided that the claimant has at least five years of employment and has paid social security contribution at the time of her application.

### *Flexibility*

- For employees and workers enrolled in the Separate Social Security Fund '*Gestione separata*,'<sup>2</sup> 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); or eight weeks before the birth and 12 weeks after. The allowance is accorded to autonomous female workers from eight weeks before the birth to 12 weeks after. Maternity leave, however, is not compulsory for this category. The Jobs Act provides that, in the case of premature birth, which takes

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<sup>2</sup> By Law 335/1995, workers must contribute to a separate Italian National Institute of Social Security (INPS) fund for co-workers in order to obtain the right to a pension. They work on the basis of 'contracts of continuous and co-ordinated collaboration' or under contract for a project 'co.pro.,' that lay between employed and self-employed individuals' contracts.

place before month seven of the pregnancy, the amount of leave not used before birth is added to post-natal leave.

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

- All employees and self-employed women with social security membership, including workers enrolled in *Gestione separata*.

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

- In the case of multiple or premature births, the length of leave increases by 12 weeks.
- In the case of a premature birth, the mother may take unused pre-natal leave after the birth; and if the infant is hospitalised, the mother has the right to suspend her Maternity leave, taking up the leave again once the child is discharged.
- The mother can transfer one day of Maternity leave to the father, or a longer period if certain conditions prevent the mother from using the leave.

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

- Public sector employees receive 100 per cent of earnings.
- In general, national collective agreements guarantee 100 per cent of earnings, with employers paying the additional 20 per cent.

## **b. Paternity leave (*congedo di paternità*) (Ministry of Labour, Health and Social Policies)**

*Length of leave*

- Five days which are obligatory. A further one day of optional leave is available if the mother transfers part of her Maternity leave. Both types of leave are not yet permanent and are still experimental, depending on budgetary approval (e.g. the optional part of the leave was not funded in 2017).

*Payment and funding*

- 100 per cent of earnings with no upper limit.

*Flexibility*

- Leave can be used until five months after childbirth.

- Leave can be taken as separate days.

#### *Eligibility*

- All employees.
- Same-sex couples are not eligible.

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

- Employed fathers, including those who are self-employed and enrolled in *Gestione separata*, may take three months' paid leave after the birth in the following circumstances: the mother's death or severe illness; the child being left by the mother; or the child being in the sole care of the father. An important verdict by the Tribunal of Florence extends the possibility of obtaining Paternity leave, paid at 80 per cent of earnings, to two months before childbirth. This means that the father can take the whole period of Maternity leave in certain circumstances, i.e. if the mother is a housewife, ill or, alternatively, if she is a self-employed worker who cannot take the leave. The Tribunal is a civil court and its decision acts as an important precedent for other Tribunals, but is not automatically binding. 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, the Ministry of Economy and Finance)**

*Length of leave (before and after child's birth)*

- Six months per parent. Leave is an individual entitlement and is non-transferable.
- The maximum total length of leave per family is ten months, unless the father takes at least three months of leave; in which case, the total length of leave can be extended to 11 months, and the father can extend his leave to seven months. During this period, parents receive pension credits, so that they do not suffer a reduced pension because of taking leave.

*Payment and funding*

- 30 per cent of earnings when leave is taken for a child under six years of age; the leave is unpaid if taken when a child is six to twelve years of age.
- Funded in the same way as Maternity leave.
- Pension contributions for parents taking leave are made by the INPS.

*Flexibility in use*

- Leave can be taken at any time until a child is 12 years old.
- Leave can be taken as a single leave period up to a maximum of six months; or as shorter periods amounting to a maximum of six months.
- Leave can be taken on an hourly basis, up to half of the daily hours worked during the month immediately preceding the start of Parental leave; but this 'hourly-based leave' cannot be combined with another kind of permitted absence from work on the same day.
- Parents can take leave at the same time.

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

- All employed parents, except domestic workers and home helps. Self-employed workers are generally entitled to three months, which can be taken only during the first year after child's birth.
- The father is entitled to leave even if the mother is not, for example, if she is a housewife. Circular letter B/12-5-2009 from the Department of Labour, Health, and Social Policies extends the right to fathers to make use of the leave indicated in the act if the mother is a housewife<sup>3</sup>; previously this right was limited to fathers where the mother was self-employed. This change gives equal financial value to domestic work as labour outside of the home.
- Parental leave of three months, to be taken within the first year of the child's life, is available to workers enrolled with *Gestione separata* by the INPS.
- Same-sex couples are eligible.
- Unemployed women are eligible to the maternity allowance granted by the National Social Security Institution for five months in place of the 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 parents*

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<sup>3</sup> Art. 40c, Act of Law n. 151/2001: right to work reduced hours with full earnings compensation for the first 12 months after childbirth.

- 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, and tripled for triplets).
- A single parent may take ten months of leave.

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

- Public sector employees receive 100 per cent of earnings during the first 30 days of leave.

#### **d. Childcare leave or career breaks**

No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- For adoptive and foster parents, the same regulations for Maternity, Paternity and Parental leave apply as for other parents. The period of Maternity leave does not depend on the age of the child adopted and must start within five months of them entering the family; in the case of international adoption, the leave can also be taken for overseas visits in connection with adoption. Paternity leave can be taken within five months of a child's entry into the family or into Italy, in the case of national or international adoption. The Parental leave for adoptive and foster parents can be taken within eight years of the child entering the family but not after their eighteenth birthday; payment, generally, is 100 per cent of earnings for the first 30 days and 30 per cent of earning for the subsequent five months, if taken within three years of the entry of the child into the family.

*Time off for the care of dependents*

- No limit for a child under three years of age; five days per year per parent for a child aged three to eight years. This leave is unpaid.
- Employees are entitled to two years' leave over the course of their entire working life in the case of a serious need in their family: for example, the disability of a child or other relative, even if not co-resident. The order of priority for taking leave is: spouse, parents, children, then siblings of the person who needs care. During the period of leave, the applicant is entitled to receive an allowance of 100 per cent of their previous earnings, up to a ceiling of €47,351 per year.

### *Flexible working*

- Until a child is 12 months old, female employees are entitled to work reduced hours for breastfeeding, with full earnings compensation (one hour less per day if working six hours per day or less; two hours less per day if working longer than six hours). Fathers are entitled to use this benefit in certain conditions, for example: if the mother is self-employed or a 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 of any gender who have parental responsibility for a child under six years of age or a disabled child under 18 years of age have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so [... and must give] a written explanation explaining why.'

### *Leave for female victims of sexualised violence*

- Victims of sexualised violence (as certified by municipal social services or anti-violence centres) employed in the public or private sectors, and who have care responsibilities, may request leave from work for three months, with a right to full pay. For the same period, they are also entitled to switch from full-time to part-time employment. The Italian National Institute of Social Security (INPS) produced an explanatory implementation statement on leave for female victims of gender-based violence in April 2016.

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

The maximum period of post-natal leave available in Italy is 14 to 15 months (depending on bonus months if the father takes Parental leave); however, there is only around four months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children attend ECEC from three years of age. However, despite being recognised as a social right for children and working mothers by Law 1044/1971, provision of ECEC for children under three years of age is much lower and very variable between different regions. Levels of attendance at formal services for children under three years of age are below the average both for the countries included in this review and for OECD countries, but above average for children over the age of three years.

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

### **3. Changes in policy since April 2018** (including proposals currently under discussion)

Following the Budget Law 2019, employed fathers are entitled to five days of compulsory Paternity leave, which is an individual right and independent of the mother's right to Maternity leave. In addition, the mother can transfer one day of Maternity leave to the father (reduced from two days previously): this optional leave is conditional on the choice of the mother to not take the same number of days of Maternity leave.

The 485 Law 145/2018 changed the obligation to use at least four weeks of Maternity leave before the birth, and allowed pregnant women the choice to work up to the birth, as long as a specialist doctor certified that this option did not damage the health of the pregnant woman and the child. Those who choose this option will then be able to benefit from the five months of mandatory Maternity leave after the birth of the child. It is obligatory to take this leave.

#### *Baby-sitting and kindergarten voucher*

€600 per month and could be used instead of mothers' Parental leave to cover baby-sitting or kindergarten costs. The voucher expired at the end of 2018, and it was not renewed.

#### *Kindergarten BONUS*

BONUS to cover the costs of kindergarten or home care (in the case of serious disease) for children up to the age of three. It increased from €1,000 to €1,500 per year and this programme will last for three years. The parent does not need to give up Parental leave to receive the BONUS. In 2019 it will be funded with 300 million Euros.

#### *'Baby Bonus'*

Birth allowance (also known as the 'Baby Bonus') is a monthly allowance for families for each child born, adopted, or in pre-adoptive foster care between 1 January 2018 and 31 December 2019, with an ISEE (Indicatore della Situazione Economica Equivalente - Indicator of the Equivalent Economic Situation) not exceeding €25,000. The allowance is means-tested according to the ISEE of the family of the minor for which the check is requested. With the ISEE under €7,000 per year, the yearly allowance is €1,920 (€160 each month). With the ISEE between €7,000 and €25,000 per year, the yearly allowance is €960 (€80 per month). It has been increased by 20 per cent for the second child.

### *Bonus 'mum tomorrow'*

The Financial Law 2019 confirmed the €800 'mum tomorrow' bonus for women in the seventh month of their pregnancy. The bonus is paid by the INPS for the birth or adoption of a minor (from January 1 2017) at the request of the mother to-be, at the beginning of the eighth month of pregnancy, or pre-adoptive birth, adoption, or foster care.

An important debate in Italy is the location and funding of work-life balance policies, and the link between them and industrial relations. Second-tier, corporate, or territorial bargaining is seen as the place where, with the use of special tax incentives, it is possible to apply work-life reconciliation measures.

## **4. Take-up of leave**

### **a. Maternity leave**

Maternity leave is obligatory for employees. The most recent data (INPS, 2017) for the private sector shows that there were 192,973 beneficiaries, of whom 13,343 were fixed-term employees; 178,432 permanent workers; and 1,198 seasonal workers.

### **b. Paternity leave**

In 2016 in the private sector, 107,530 fathers took compulsory Paternity leave and 867 took optional leave (INPS). There has been a five per cent increase overall in their use: an increase in the compulsory leave beneficiaries and a sharp decrease in those who take the optional leave. However, as the figures show, the majority of fathers do not take advantage of this leave. Monitoring, as well as more information about the right to take Paternity leave, is needed in order to increase the number of fathers taking the compulsory leave.

### **c. Parental leave**

In 2016, Parental leave was used by 308,682 employees (256,115 women and 52,567 men). Over 90 per cent of leave is taken by permanent workers.

The most recent data (INPS, 2017) for the private sector, including agriculture, show that there were 321,593 Parental leave beneficiaries, out of whom 21,685 were fixed-term employees; 299,743 were permanent workers; and 165 were seasonal workers. Amongst them, only 59,255 (18 per cent) were fathers: 7,850 with fixed-term contracts; 51,377 with permanent contracts; and 28 seasonal workers.<sup>4</sup> Regarding

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<sup>4</sup> <https://www.inps.it/webidentity/banchedatistatistiche/congdipe/index01.jsp>

self-employed workers, there were 1,675 Parental leave beneficiaries in 2017.

# Japan<sup>1</sup>

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April 2019

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

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

### a. Maternity leave (*Sanzen-Sango Kyugyo*, literally 'pre-natal and post-natal leave') (responsibility of the Ministry of Health, Labour and Welfare)

*Length of leave (before and after birth)*

- 14 weeks: six weeks before the birth, and the remaining eight weeks after birth – six weeks of which are obligatory.

*Payment and funding*

- Two-thirds of the mother's average daily earnings, which is calculated by dividing her average monthly earnings for the previous 12 months by 30; up to an upper limit that only affects a very small number. If the mother has been employed for fewer than 12 months, the benefit is the lower of the two figures: her monthly earnings for the insured period, or the average monthly earnings of all those insured.
- The benefit payment is tax-free and the recipients are exempted from social insurance contributions.

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<sup>1</sup> Please cite as: Nakazato, H., Nishimura, J. and Takezawa, J. (2019) 'Japan country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

- Funded from the Employees' Health Insurance system, financed by equal contributions from employees and employers. The system includes a variety of insurers, and, although there is a statutory requirement of (at least) equal contributions from employers and employees, contributions by the employer can be made higher by collective agreements etc. Depending on the type of insurers, the state subsidises a small proportion of payments and/or administrative expenses.

*Flexibility in use*

- A woman can return at work six weeks after childbirth if a doctor has confirmed her job will have no adverse effects on her.

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

- All female employees are eligible for Maternity leave, but only those covered by the Employees' Health Insurance system are eligible for Maternity benefit payment (*Shussan-teate-kin*). This means that women enrolled in the National Health Insurance system (including special national health insurance societies) -such as self-employed women, or part-time or casual employees - are not eligible for Maternity benefit. Instead, women who are not covered by the Employees' Health Insurance system are exempted from the National Pension System contributions for four months, counting from the month before childbirth (applicable to births on 1 February 2019 or later).
- Eligibility criteria listed above are applicable regardless of citizenship or residency.

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

- In the case of multiple births, Maternity leave can be taken from 14 weeks before birth.

**b. Paternity leave**

No statutory entitlement.

**c. Parental leave (*Ikuji kyugyo*, literally 'childcare leave') (responsibility of the Ministry of Health, Labour and Welfare)**

*Length of leave*

- Leave can be taken by each parent until a child is 12 months old. It is an individual entitlement. Leave can, however, be extended until the child is 14 months old if both parents take some of the leave, even though each parent is only entitled to 12 months after birth, including the Maternity leave period. A typical situation might be that a mother takes leave until the baby is 12 months old (including 180 days at 67 per cent of earnings, and the remainder at 50 per cent). In this typical situation, the father either starts leave on the same day that the mother finishes or starts his leave some time before that, then returns to work when the baby turns 14 months old. As another example, the mother could take six months' leave after Maternity leave (at 67 per cent of earnings), followed by the father taking another six months (at 67 per cent of earnings), so using the right to take leave up to 14 months after birth if leave is shared.
- A parent who is, or whose spouse is, already on leave can take Parental leave up to the child reaching 18 months of age where (1) admission to a childcare centre had been requested but was not forthcoming; or (2) the spouse of the employee who was expected to take care of the child was not able to do so for reasons such as death, injury, and illness. A parent can take Parental leave up to the child reaching 24 months of age, if they meet the above condition at the time when the child turns 18 months of age. This extension of leave is an individual entitlement, i.e. both parents can take it for the extent to which they are entitled to usual Parental leave.

### *Payment and funding*

- 67 per cent of previous earnings<sup>2</sup> for the first 180 calendar days of Parental leave taken by each parent, up to a limit of JPY447,300 [€3,664.56]<sup>3</sup> with a minimum payment of JPY49,647 [€406.74] per month and a maximum payment of JPY299,691 [€2,455.25] per month; then 50 per cent of earnings with a minimum payment of JPY37,050 [€303.54] per month and a maximum payment of JPY223,650 [€1,832.28] per month. The average monthly earnings of permanent, full-time female employees in 2018 was JPY265,300 [€2,173.50], whereas those of their male counterparts was JPY351,100 [€2,876.43].
- The benefit payment is tax-free and the recipients are exempted from social insurance contributions.
- The benefit payment is reduced if the benefit plus payment from the employer exceeds 80 per cent of the individual's earnings.

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<sup>2</sup> The benefit is calculated based on the earnings in the six months before the leave (bonus is not included in the calculation).

<sup>3</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>.

- Funded from the employment insurance system, financed by contributions from employees, employers, and the state: 0.85 per cent of all wages by employers and 0.5 per cent by employees (with different rates for some specific industries). 4.4 per cent of the benefit payments is subsidised by the state. Leave benefit for employees in the public sector (national or local) are funded by mutual aid associations.

#### *Flexibility in use*

- A parent must generally take Parental leave in one consecutive time period – except in the case of a father who has taken leave during the eight weeks following childbirth (i.e. during the Maternity leave period), in which case, the father can take another period of Parental leave after returning to work.
- Both parents can take leave at the same time, with both receiving benefit payments if they are both covered by employment insurance.

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

- Parental leave only applies to an employee employed on a fixed-term contract when they meet all of the following conditions: (1) they have been employed by the same employer for a continuous period of at least one year; and (2) it is not obvious that their employment contract will end before the child reaches one year and six months of age and will not be extended.
- Workers may be excluded if (1) they have been employed by the employer for less than one year; or (2) their employment is to be terminated within one year (or six months if leave continues until the child reaches one year and six months of age); or (3) they work two days or less per week.
- When a person covered by employment insurance takes Parental leave, they are eligible for a benefit payment if they have contributed to employment insurance for at least 12 months during the two years preceding the date on which the leave started, and if they have worked for 11 or more days in those months.
- A parent is eligible for the benefit payments even when they work for 80 hours or less during each payment period (a month). The payments, however, are reduced according to the extent that the total of the earnings and the benefit payments exceed 80 per cent of the earnings prior to leave.
- Adoptive children by 'special adoption'<sup>4</sup> (including those who are being given care by the worker before the completion of the

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<sup>4</sup> There are two types of adoption in Japan. 'Special adoption' refers to the case of children aged six years or younger whose relationship to their biological

adoption process) are treated in the same way as biological children for the purposes of Parental leave.

- Self-employed workers are not eligible.
- Same-sex couples are not eligible.
- There are no payments aimed at unemployed parents.
- Eligibility criteria listed above are applicable regardless of citizenship or residency.

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

- None.

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

- None.

#### **d. Childcare leave or career breaks**

No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- Although there are no special leave provisions for adoption, adoptive children by 'special adoption'<sup>5</sup> (including those who are being given care by the worker before the completion of the adoption process) are treated in the same way as biological children for the purposes of Parental leave.

*Time off for the care of dependants*

- A short-term family care leave is available for up to five working days (to be taken as half the usual working hours per day) per parent per year for a child under compulsory school age (six years of age) if the child is injured, ill, or needs a health examination; or up to ten working days per year if there are two or more children of this age. The leave is unpaid.

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parents (as recorded on the family register) is ended through adoption. By contrast, children going through 'ordinary adoption' keep their relationship to their biological parents on the family register; this form of adoption is intended to be used to secure and to provide care for children whose biological parents cannot do so.

<sup>5</sup> For the definition of 'special adoption', see footnote 4.

- Long-term family care leave can be taken for a spouse (including de facto), parents, children, parent-in-laws, grandparents, siblings, and grandchildren for each occurrence of a condition where the family member requires constant care for a period of two weeks or more due to serious illness or disability. There is a limit of 93 days over the whole lifetime of each family member in need of this care, which can be divided into three periods or fewer. This leave is paid at 67 per cent of earnings.

### *Flexible working*

- Women with a child under 12 months of age are entitled to unpaid breaks of at least 30 minutes twice a day; breaks are not specifically for breastfeeding, but can be used for other purposes, e.g. leaving early to pick up children from childcare centres.
- Until a child reaches the age of three years, parents have the right to reduce their normal working hours to six hours per day. There is no payment for working reduced hours. This does not apply to workers excluded by collective labour agreements (e.g. those employed for less than one year). Employers are obliged to provide workers excluded by collective labour agreements with the entitlements to other measures, such as flexible working hours.
- Employers may not require an employee with a child below compulsory school age to (1) work more than 24 hours per month or 150 hours per year of overtime; or (2) work night shifts, i.e. between 2200 and 0500 – if the employee requests to not work these hours.

### *Measures to promote leave policy effective in workplaces*

- Under the Act on the Advancement of Measures to Support Raising the Next Generation of Children (introduced as a legislation of specified duration in 2003, and revised in 2014 to be effective from 2015 to 2025), employers were obliged to establish (or to make an effort to establish) action plans for 2015-2025 for improving the employment environment, in order to support balancing work and child-rearing. Under the 2003 Act, employers with more than 100 employees are obliged to establish action plans; while employers with fewer employees are obliged to take steps to establish plans. The government grants certificates to employers whose action plans and achievements meet nine conditions; this allows them to use a certification mark called 'Kurumin' and provides them with preferential tax treatment. These conditions include: at least one male employee took Parental leave during the period of the plan, and the Parental leave uptake rate for female employees during the period of the plan is 75 per cent or over. These conditions are relaxed for smaller companies. Under the revised act, the government grants a special certificate with a

certification mark called 'Platinum Kurumin' to employers whose achievements meet higher conditions, including a leave uptake rate of 13 per cent or more among male employees whose partner has given birth. The employers with this special certificate are exempted from establishing action plans, and, instead, obliged to announce their achievements more than once a year.

- Employers are prohibited from treating employees disadvantageously for taking Parental or family care leave, and they are obliged to take measures to deter actions by other workers that could harm their working conditions for these reasons.
- Employers are obliged to inform each employee individually of statutory and workplaces leave schemes and other work-life balance measures, when they learn that an employee (or their spouse) is pregnant or has given birth.
- Employers are obliged to make an effort to establish leave entitlement (beyond statutory provision) which can be used for the purpose of childcare so that employees taking care of children younger than school age can take care of their children without difficulties.

## **7. Relationship between leave policy and early childhood education and care policy**

The maximum period of well-paid, post-natal leave available in Japan is 14 months (including two months of bonus leave if the leave period is shared by parents), which is nearly eight months for mothers and six months for fathers. If fathers do not use their leave entitlement, the maximum period of well-paid leave is just under eight months. Leave can be extended up to the child reaching 24 months of age, where admission to a childcare centre has been requested but denied for the time being. There is no universal entitlement to ECEC, although there is an obligation for local authorities to estimate the demand and supply of ECEC for children from birth to school age (six years of age) and to make a plan to close the gap through the approval process for various types of ECEC providers. They also match the childcare needs of each family to providers and subsidise childcare fees. Parents can apply for a childcare place for their children from eight weeks after their birth (the end of the Maternity leave period) until they are school age, when the child needs care because the parents are working<sup>6</sup> again, seeking jobs, studying, training, etc. However, there is a significant shortage of childcare places, especially in large cities.

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<sup>6</sup> The definition of 'working' was expanded to include part-time work or other non-standard working styles under the new scheme that started in April 2015.

Levels of attendance at formal services for children under three years of age are slightly below the average both for the countries included in this review and OECD countries; but above average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **8. Changes in policy since April 2018 (including proposals currently under discussion)**

Women who are not covered by the Employees' Health Insurance system and, therefore, are not eligible for Maternity leave benefit are exempted from the National Pension System contributions for four months, from the month before the birth. This change is effective from April 2019 and applicable to the births that took place on 1 February 2019 or later.

An amendment bill to fully subsidise fees for designated ECEC services has been submitted, and will be accepted to be brought into effect in October 2019. All children aged three to five years (and the children up to two years of age in the households exempted from local income tax) who are enrolled in these services are eligible for the subsidies.

## **4. Uptake of leave**

### **a. Maternity leave**

The figures in this section are taken from the 2007 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*),<sup>7</sup> based on a national sample of 6,160 private sector workplaces that employed five or more regular employees. There are no more recent data available – however, because part of Maternity leave is obligatory, it is assumed that there are relatively few variations in uptake.

The average length of pre-natal Maternity leave taken by women who had single pregnancies (from 1 April 2006 to 31 March 2007) was 42.1 days – 72.2 per cent took 42 or fewer days off, and 26.0 per cent took 43 to 98 days off. The average length of post-natal leave taken was 54.5 days – 77.2 per cent took 56 days (8 weeks), 9.9 per cent took 42 to 55 days, and 12.9 per cent took 57 or more days.

### **b. Paternity leave**

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<sup>7</sup> Ministry of Health, Labour and Welfare (2008) *2007 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-19.html>.

The figures in this section are taken from the 2011 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)<sup>8</sup> unless otherwise noted, based on a national sample of 4,097 private sector workplaces that employ five or more regular employees.

Although there is no statutory Paternity leave, 46.8 per cent of the workplaces that were surveyed provided their workers with 'leave for child-bearing of spouse' (*haigusha shussan kyuka*), which can be interpreted as non-statutory Paternity leave. The proportion in 2011 had increased by 10.8 per cent, compared to same survey in 2008. Most workplaces (88.9 per cent) that have this provision entitle their workers to one to five days of leave: 77.6 per cent provide paid leave, and 4.2 per cent provide partially paid leave. The proportion of workplaces that provide paid leave decreased by 5.2 per cent from the 2008 survey (82.8 per cent). Leave was taken up by just over half (52.9 per cent) of the male workers at workplaces that provided this leave, and whose partners gave birth from 1 April 2009 to 31 March 2010.

According to a survey conducted in 2016,<sup>9</sup> 55.9 per cent of fathers whose spouse gave birth in 2015 took some leave, including Parental leave, leave for child-bearing of spouse, and annual leave, within two months after the birth.

### **c. Parental leave**

The figures in this section, unless otherwise noted, are taken from the 2017 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*),<sup>10</sup> based on a national sample of 3,869 private sector workplaces that employed five or more regular employees.

A large proportion (83.2 per cent) of female workers who had given birth between 1 October 2015 and 30 September 2016 had started or applied for Parental leave by 1 October 2016. The proportion had increased by 1.4 per cent from the previous year (81.8 per cent).

The proportion of men was much lower: 5.14 per cent of male workers whose spouse had given birth between 1 October 2015 and 30

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<sup>8</sup> Ministry of Health, Labour and Welfare (2012) *2011 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-23r.html>.

<sup>9</sup> Intage Group (2017) *Dansei no haigusha no shussan chokugo no kyuka shutoku ni kansuru jittai haaku no tameno chousa kenkyu jigyo houkokusho (Report on the research project on fathers' uptake of leave following the child-bearing of their spouse)* commissioned by the Cabinet Office. Available at <http://www8.cao.go.jp/shoushi/shoushika/research/h28/zentai-pdf/pdf/s2.pdf>

<sup>10</sup> Ministry of Health, Labour and Welfare (2018) *2017 Basic Survey of Gender Equality in Employment Management*. Available at: <https://www.mhlw.go.jp/toukei/list/dl/71-29r/03.pdf>

September 2016 had started or applied for Parental leave by 1 October 2017. The proportion increased by 1.98 per cent from the previous year (3.16 per cent).<sup>11</sup>

Nearly a third (31.1 per cent) of female workers who returned to work from leave between 1 April 2014 and 31 March 2015 had taken ten to 12 months of leave, and 27.6 per cent had taken 12 to 18 months of leave. Among male workers who returned to work after taking leave in the same period, more than 80 per cent took less than one month of leave, and 56.9 per cent took under five days.<sup>12</sup>

The figures above do not take into account the number of female workers who had quit their job before the birth of their child. According to the first Longitudinal Survey of Newborns in the 21st Century (2010 cohort), about 36.6 per cent of mothers who had given birth to their first child in 2010 remained in their job six months after the birth.

#### **d. Other employment-related measures**

The 2017 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*) shows the following proportion of workplaces provide other employment-related measures: reduced working hours (60.8 per cent); exemption from overtime work (55.9 per cent); flexitime for childcare (12.9 per cent); starting/finishing work earlier/later (33.6 per cent); providing on-site childcare centre (2.5 per cent); subsidising childcare costs (4.0 per cent); and telework (2.4 per cent). The practical application of these measures varies between workplaces.

Figures related to the use of these measures are only available for the previous year (2015 Basic Survey of Gender Equality in Employment Management). There are striking differences between how male and female workers used the options available to them. In 13 per cent of workplaces providing the reduced working hours option, only female workers used this measure, while just 0.2 per cent both female and male workers used it. In 21.3 per cent of workplaces providing on-site childcare centres, only female workers used them, while 3.7 per cent of both female and male workers used them. In 13 per cent of workplaces providing the reduced working hours option, only female workers used this measure, while just 0.2 per cent of both female and male workers

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<sup>11</sup> Ministry of Health, Labour and Welfare (2017) *2016 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-23r.html>

<sup>12</sup> Ministry of Health, Labour and Welfare (2016) *2015 Basic Survey of Gender Equality in Employment Management*. Available at: <https://www.mhlw.go.jp/toukei/list/dl/71-27-03.pdf>. There are no more recent data available.

used it. In 10.7 per cent of workplaces providing flexible start and finish times, only female workers used them, while 0.8 per cent of both female and male workers used them.

# Korea<sup>1</sup>

**Hyunsook Kim** (Ministry of Health and Welfare, Korea)<sup>2</sup>

April 2019

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

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

### **a. Maternity leave (출산전후휴가) (responsibility of the Ministry of Employment and Labour)**

*Length of leave (before and after birth)*

- 90 calendar days: a minimum of 45 days must be taken after birth. In the case of a delayed birth, additional days are provided to guarantee 45 days' leave after the birth; however, any additional days in excess of the 90 days are not paid. It is obligatory to take leave.
- In the case of a miscarriage or stillbirth, five to 90 days' leave is provided depending on the length of pregnancy.

*Payment and funding*

- 100 per cent of ordinary earnings (i.e. for contractually agreed working hours, excluding bonuses and/or overtime pay) at the

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<sup>1</sup> Please cite as: Kim, H. (2019) 'Korea country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

<sup>2</sup> The opinions expressed and arguments employed herein are solely those of the author and do not necessarily reflect the official views of the Ministry of Health and Welfare, Korea.

time of taking leave, paid by the employer for the first 60 days; then, 100 per cent of ordinary earnings paid by the Employment Insurance Fund with an upper limit of KRW1,800,000 [€1,364.83]<sup>3</sup> for the last 30 days.

- To reduce the financial burden on small- and medium-sized enterprises (SMEs), the Employment Insurance Fund<sup>4</sup> pays for the first 60 days, up to a limit of KRW3,600,000 [€2,729.66]. If an employee's ordinary earnings are higher than the limit for the first 60 days, the employer must pay the difference between the limit and the employee's ordinary earnings for that period. This means that the Employment Insurance Fund pays up to KRW5,400,000 [€4,094.50] on behalf of SMEs, including payment for the last 30 days which is provided for all types of companies. The definition of an SME varies across sectors: for example, in the manufacturing sector, the enterprise must have no more than 500 employees, and in the construction sector no more than 300 in order to be considered as an SME.
- The Employment Insurance Fund for Maternity leave benefit is financed mainly by employers' and employees' contributions, with a small amount of government subsidy.

#### *Flexibility in use*

- Maternity leave can be taken from 45 days before the expected date of delivery. For medical reasons, women who have previously experienced or risk a miscarriage can take the first 45 days at any time.

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

- All female employees, whether permanent or temporary workers, are eligible for Maternity leave; but to be eligible for the Maternity benefit from the Employment Insurance Fund, employees must have been insured for 180 days prior to the commencement of Maternity leave. For those not entitled to the benefit, the employer must pay for the first 60 days.

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<sup>3</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>

<sup>4</sup> Employment insurance (EI) does not cover government officials, teachers (both in public and private schools), part-time workers working fewer than 60 hours per month, or domestic workers. EI also does not cover businesses in the agriculture, forestry, fishery, and hunting sectors with four or fewer employees, nor does it cover small construction firms.

- Self-employed workers are not eligible.

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

- In the case of multiple births, the length of paid Maternity leave increases to 120 days.

## **b. Paternity leave (배우자 출산휴가) (responsibility of the Ministry of Employment and Labour)**

*Length of leave*

- 3 to five days, in order to give some flexibility to the employer in deciding the length of leave.

*Payment and funding*

- 100 per cent of ordinary earnings for the first three days. The remaining two days are unpaid.
- Paid by the employer.

*Flexibility in use*

- Leave can be taken within 30 days after the birth.

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

- All employees whose spouse gave birth.

## **c. Parental leave (육아휴직) (responsibility of the Ministry of Employment and Labour)**

*Length of leave*

- 1 year for each employed parent. Leave is an individual non-transferable entitlement.

*Payment and funding*

- For the first three months of full-time Parental leave, 80 per cent of ordinary earnings, with a minimum of KRW700,000 [€530.77] per month and an upper limit of KRW1,500,000 [€1,137.36] per month. For the remaining nine months, 50 per cent of ordinary earnings, with a minimum of KRW700,000 [€530.77] per month and a maximum of KRW1,200,000 [€800.29] per month.
- For part-time Parental leave, 80 per cent of ordinary earnings with an upper limit of KRW1,500,000 [€1,137.36] per month is applied for the whole period of leave, to encourage employees to use part-time Parental leave.
- In cases where both parents take Parental leave for the same child at different times, the allowance for the first three months of leave taken by the second parent increases to 100 per cent of ordinary earnings, with a limit of KRW2,500,000 [€1,895.60]. This so-called 'daddy months' (아빠의 달) aims to encourage fathers to take Parental leave - as fathers conventionally take leave after the mother - by providing higher benefits when both parents participate in Parental leave consecutively.
- 25 per cent of the Parental leave benefit is paid as a lump sum if the employee returns to the same employer upon expiry of leave, and works for more than six months with the same employer afterwards.
- Funded from the Employment Insurance Fund.

#### *Flexibility in use*

- Leave can be taken until the child reaches the age of eight (or second grade in elementary school).
- Leave can be split once, i.e. it can be taken in two separate periods. In this case, employees can divide Parental leave into one period of full-time leave and one period of reduced working hours; or two periods of full-time Parental leave; or two periods of reduced working hours. However, the total period of leave taken cannot exceed one year.
- Instead of taking Parental leave on a full-time basis, employees can reduce their working hours.<sup>5</sup> Reduced working hours must be a minimum of 15 hours per week and cannot exceed 30 hours per

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<sup>5</sup> This part-time Parental leave is called 'Reduced Working Hours during Childcare Period.'

week. The Parental leave benefit is paid in proportion to the number of working hours.

- Both parents can take leave at the same time, subject to the agreement of both employers. If both parents take leave at the same time, only one parent receives the Parental leave benefit.

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

- Employers can refuse to grant Parental leave to employees who have not worked continuously for their firm for one year.
- In order to receive the Parental leave payment, employees must have been insured for at least 180 days prior to the commencement of Parental leave and take at least 30 days' leave consecutively.
- Self-employed workers are not eligible.
- Same-sex couples are not eligible, as same-sex marriage is not legal.

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

- None.

#### **d. Childcare leave or career breaks**

- None.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- The same Parental leave regulations apply in the case of adoption.

*Time off for the care of dependants*

- Employees can take up to 90 days' unpaid leave per year to take care of a family member on account of illness, accident, old age, etc. This must be taken in blocks of at least 30 days.

*Flexible working*

- All female workers who are within the first 12 weeks, or beyond week 36, of their pregnancies can reduce their working hours by two hours per day, without a reduction in pay. This rule on shorter work hours for pregnant workers, previously applicable only to companies with more than 300 employees, was extended to all businesses in March 2016.
- After childbirth, a female worker is entitled to a 30-minute paid break two times a day to feed a child under 12 months of age (including breastfeeding and bottle feeding).

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

The maximum period of paid post-natal leave available in Korea is 27 months. From 2013 onwards, a childcare subsidy is available for all children aged five years or younger to attend any type of formal ECEC facility, regardless of family income level.

Levels of attendance at formal services for children both under and over three years of age are slightly above the OECD average. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

The upper limit of the Maternity leave allowance for the last 30 days, which is paid by Employment Insurance, was fixed at KRW1,350,000 [€1,023.62] for 15 years, but was increased to KRW1,500,000 [€1,137.36] in 2017, to KRW1,600,000 [€1,213.18] in 2018, and to KRW1,800,000 [€1,364.83] in 2019. This means that the total Maternity leave allowance paid by Employment Insurance on behalf of SMEs for the 90 days was increased to KRW5,400,000 [€4,094.50] in 2018.

In January 2019, payment for the last nine months of Parental leave was increased from 40 per cent to 50 per cent of ordinary earnings. The minimum and maximum limits were also increased from KRW500,000 [€379.12] to KRW700,000 [€530.77], and from KRW1,000,000 [€758.24] to KRW1,200,000 [€909.89], respectively.

From January 2019, the ceiling for the 100 per cent 'daddy months' benefit increased, and was adjusted to KRW2,500,000 [€1,895.60] per month for all children, regardless of birth order. In July 2017, the ceiling was KRW1,500,000 [€1,137.36] for the first child and KRW 2,000,000 [€1,516.48] for the second child and further children. Then, in July 2018,

the ceiling was increased to KRW 2,000,000 [€1,516.48] for all children, regardless of birth order.

## **4. Uptake of leave<sup>6</sup>**

### **a. Maternity leave**

In 2018, the number of employees taking Maternity leave was 76,414: 23 per cent of the total number of births (the provisional number of births in 2018 is 326,900). The number of births decreased from 406,200 in 2016 to 357,700 (provisional) in 2017. There are three main reasons why use of Maternity leave is low: female employment rates are low, so many women giving birth are not employed; the coverage of employment insurance is limited (see footnote 4); and self-employed workers are not eligible.

### **b. Paternity leave**

No information.

### **c. Parental leave**

In 2018, 99,199 employees took Parental leave, an increase on the number taking leave in 2017 (90,110). The number of births in 2017 was 357,771 and 326,900 (provisional) in 2018.

The proportion of male employees among the total number of employees taking Parental leave was 17.8 per cent (17,662) in 2018, compared with 13.4 per cent (12,042) in 2017. This proportion has been rising in recent years, from 2.0 per cent in 2010.

The number of 'daddy months' users increased by 49.8 per cent from 4,409 in 2017 to 6,606 in 2018, with the large majority of users (5,737, 86.8 per cent) being male employees. The remainder were female employees whose husbands had taken Parental leave before them (when these female employees took leave after their husbands, they received the 'daddy months' payment for three months and then normal Parental leave payment for the remaining months). The increased popularity of the 'daddy months' can be attributed to the fact that the period was extended from one month to three months (January 2016),

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<sup>6</sup> The numbers in this section relate to the number of employees taking leave covered by employment insurance. Therefore, the number of persons taking leave who are teachers (private and public), civil servants, part-time workers, etc. are not included. Please see note footnote 4, which explains the coverage of EI.

and the payment level has increased since its introduction. It could also be a result of changing attitudes towards men taking Parental leave.

In 2018, the average duration of Parental leave taken by men was 6.6 months (compared to ten months for women). The proportion of men who used Parental leave for three months or less was 40 per cent, while 39 per cent took between nine and 12 months of leave. For women, the proportions were ten per cent and 73 per cent respectively.

The number of employees taking part-time Parental leave increased by 35.4 per cent from 2,821 in 2017 to 3,820 in 2018; male employees represented 14.4 per cent of all part-time Parental leave takers.

# Latvia<sup>1</sup>

**Natālija Pīlpa** (Ministry of Welfare of the Republic of Latvia)

April 2019

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

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

### **a. Maternity leave (*grūtniecības un dzemdību atvaļinājums*) (responsibility of the Ministry of Welfare)**

*Length of leave (before and after birth)*

- 56 days before and 56 days after the birth of a child. No part of the leave is obligatory.

*Payment and funding*

- For employed women: 80 per cent of the previous earnings calculated based on the average salary on which insurance contributions have been paid for a period of 12 calendar months, ending two months before the month in which the leave begins.
- For self-employed women: 80 per cent of the gross insurance contributions made during the period of the 12 calendar months ending one quarter before the quarter in which the leave begins.
- The average amount of the maternity benefit (in total) during the last 12 months was €1,582.84 and the number of recipients was around 2,446 per month.
- The benefit is paid in two parts: the first part is calculated for the

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<sup>1</sup> Please cite as: Pīlpa, N. (2019) 'Latvia country note,' in in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

56 days before the due date and the second part is calculated for the 56 days after the actual birth date.

- Funded from social insurance.
- Maternity benefit is not taxable.

#### *Flexibility in use*

- None, except for when the leave can be started (not earlier than 56 days before birth). The leave days that were not used before the birth, cannot be used after the birth, i.e. the post-natal leave period cannot exceed 56 days.
- The right to the maternity benefit ends six months from the first day of the first part of the leave (if the eligible person fails to apply until the end of that period, the right cannot be exercised).

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

- All women who are (self-)employed and have paid social insurance contributions for at least 12 months during the last 24 months, before the month in which the leave begins.
- All women who are spouses of a self-employed man and who have joined the social insurance system voluntarily.
- For the period after the childbirth – father of a child or any other person who takes care of a new-born at home and fulfils the social insurance criteria is entitled to paid Maternity leave of 56 or 70 days if:
  - the mother is unable to take care of the child until the 42<sup>nd</sup> post-natal day due to sickness;
  - the mother has refused to take care of the child;
  - the mother has died during childbirth or before the 42<sup>nd</sup> post-natal day;
  - the child is a foundling (the child has been abandoned, and the mother is unknown).

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

- If the mother has required medical supervision due to the pregnancy (no later than at the 12<sup>th</sup> week of the pregnancy) – 14 extra days of leave before the birth of a child are provided.
- In the case of multiple births or complications during pregnancy, childbirth, or the postpartum period, 14 extra days of leave after the birth are provided.
- In a case where employment has ended due to the company's liquidation, leave is provided if the leave has started no later than 210 days after the end of employment.

**b. Paternity leave (*atvaļinājums bērna tēvam*)  
(responsibility of the Ministry of Welfare)**

*Length of leave (before and after birth)*

- 10 calendar days after childbirth.

*Payment and funding*

- For employed men: 80 per cent of previous earnings, calculated based on the average salary on which insurance contributions have been paid for a period of 12 calendar months, ending two months before the month in which the leave begins.
- For self-employed men: 80 per cent of previous earnings, calculated based on the average salary on which insurance contributions have been paid for the period of 12 calendar months, ending one quarter before the quarter in which the leave begins.
- The average amount of the paternity benefit (in total) during the last 12 months was €292.37 and the number of recipients was around 925 per month.
- Funded from social insurance.

*Flexibility in use*

- None, except for when the leave can be started.
- The leave can be divided into parts as agreed with the employer.
- The right to the paternity benefit ends six months from the first day of the Paternity leave.

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

- The father of a child if the application is submitted during the first two months after the birth.
- The same insurance period eligibility criteria needed as for Maternity leave.
- One of the adoptive parents until the child reaches three years of age.
- Same-sex couples are not eligible.

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

- None.

**c. Parental leave (*bērna kopšanas atvaļinājums*)  
(responsibility of the Ministry  
of Welfare)**

*Length of leave (before and after birth)*

- 18 months per parent until the child reaches eight years of age.
- Leave is an individual entitlement, but only one parent may receive payment (for a maximum period of 18 months).

*Payment and funding*

- There are three separate benefits that are paid after the birth of a child: parental benefit, child birth benefit, and child care allowance.

*Parental benefit*

- Only parents who are participants of the social security system and fulfil the insurance period are entitled to the benefit (see Maternity leave-eligibility).
- Parents can choose between two options: 1) if a parent chooses to receive the benefit until a child reaches one year of age, the parental benefit is 60 per cent of the previous earnings, calculated based on the average salary on which insurance contributions have been paid for a period of 12 calendar months, ending two months before the month in which the leave begins; 2) if a parent chooses to receive the benefit until a child reaches 18 months of age, the parental benefit is 43.75 per cent of the previous earnings, calculated based on the average salary on which insurance contributions have been paid for a period of 12 calendar months, ending two months before the month in which the leave begins.
- Funded in the same way as for Maternity and Paternity leave.
- The average amount of parental benefit during the last 12 months was €368.09 per month and the number of recipients was around 25,395 per month – they were mostly women.
- The amount of parental benefit is reduced to 30 per cent of the average gross insurance contributions salary, if the beneficiary continues to work during Parental leave.

*Child birth benefit*

- Paid to one of the parents or the legal guardian of a child, if the child has been taken under guardianship until they reach one year of age.
- The benefit is a lump sum allowance of €421.17 for each child and it is available to all parents (also the parents not paying social insurance).
- The right to the child birth benefit starts on day eight of child's life or the day the guardianship has been granted, and ends six months later.

#### *Child care allowance*

- Paid to one of the parents or the legal guardian of a child if the child has been taken under guardianship.
- The benefit is €171 per month for each child, until a child reaches 18 months of age and then €42.69 per month for each child, until a child reaches 24 months of age,
- The application for the child care allowance should be submitted within the six months since the first day of child's life or the day the guardianship has been granted.
- Unemployed and economically inactive parents who have not received maternity, parental, or child care allowance are entitled to receive the child care benefit of €171 per month for each child until a child reaches 18 months of age, and then €42.69 per month for each child until a child reaches 24 months of age.
- Additionally, one of the parents, guardians, or adoptive parents are entitled to receive the family state benefit:
  - The amount of the family state benefit is €11.38 per month for the first child; €22.76 per month for the second child; €34.14 per month for the third child; and €50.07 per month for the fourth and any other children. The benefit is paid after the child reaches one year of age until they turn 15 years of age (or 20 years of age if a child continues their studies and has not been married). The benefit is paid directly to the child after they reach 18 years of age, if prior to that they have been under guardianship.
  - Families with two or more children are entitled to additional benefit: €10 per month for families with two children; €66 per month for families with three children; €116 per month for families with four children; €166 per month for families with five children; €216 per month for families with six children, and so on. When calculating the number of children in the family, the following children are not counted: children for whom the family state benefit is received by the other parent; children older than 20 years of age; children younger than 20 years of age but have not continued their studies after they turned 15 years of age; children younger than one year of age.
  - Families with disabled children or children diagnosed with

coeliac disease are entitled to additional benefit: €106.72 per month for each child with a disability or coeliac disease.

- Additionally, one of the parents, a guardian, or one of the adoptive parents are entitled to receive the allowance for the care of a disabled child: €213.43 per month for each child with a disability, until the child reaches 18 years of age.

#### *Flexibility in use*

- Both parents are entitled to 18 months of the leave until a child reaches eight years of age. It can be taken on a part-time basis.
- The leave can be used simultaneously by both parents, but only one parent can receive the benefit.
- Only one of the parents can receive the parental benefit for the period of 18 months. Parents are entitled to transfer the benefit right to one another.

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

- One of the parents (adoptive or biological) of the child;
- Child's foster family member;
- Child's guardian or any other person who takes care of a child according to the decision of an orphans' court;
- The eligible person must have the personal identification code, which is given to citizens, persons with the official 'non-citizen' status, refugees, or alternative status.
- One of the same-sex partners is 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 mother*

- None except those mentioned above.

#### **d. Childcare leave or career breaks**

No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- Adoptive parents are entitled to Paternity and Parental leave. Payment and funding are provided on the same grounds as for biological parents.

### *Time off for the care of dependants*

- Parents who have joined the social insurance system (employed, self-employed, or parents whose spouse is self-employed) are entitled to sickness leave and benefit for a child up to 14 years of age: 14 days per sickness episode if a child has been taken care of at home, or up to 21 days if a child has been admitted to hospital;
- Grandparents, foster parents, guardian, or any other person who takes care of a child according to the decision of an orphans' court are also entitled to sickness leave and benefit;
- The sickness benefit is calculated in the same way as the maternity and paternity benefits.

### *Flexible working*

- Pregnant women, women in the post-natal period up to one year after the birth, parents who have a child up to 14 years of age (or up to 18 years of age if a child has a disability), and breast-feeding women are entitled to part-time work with the right to return to a full-time work pattern when they need to do so.
- Pregnant women are entitled to leave the work place for a doctor's appointment.
- Parents who have a child up to 18 years of age are entitled to temporary absence in the case of the sickness of a child or an accident, as well as for a doctor's appointment.
- Parents who have a child up to three years of age (or 18 years of age if a child has a disability) are entitled to annual leave during the summer months as a priority group.
- Parents who have one or two children up to 14 years of age are entitled to additional annual leave – one working day (paid).
- Parents who have three or more children up to 16 years of age (or up to 18 years of age if a child has a disability) are entitled to additional annual leave – three working days (paid).

### *Specific provision for (breast-)feeding*

- Parents (both mothers and fathers) with a child up to 18 months of age are entitled to a paid additional break for feeding their child – at least 30 minutes every three hours (or 60 minutes every three hours, if a parent has more than one child up to 18 months of age). Upon request, parents are entitled to combine these breaks, thus prolonging a lunch break or shortening their working hours.

## **9. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Latvia is three years, but only half of this is paid (at a low earnings-related level). According to the Law on Education, Article 17, municipalities are responsible for ensuring that all children from 18 months of age registered in their area receive ECEC in the institution that is closest to the child's home; a child can also attend an ECEC institution in another municipality and receive the same financial support as those children who attend an institution in the municipality of their place of residence. Unfortunately, there are no municipalities that can offer a place in a municipal ECEC institution for all children: for instance, in September 2017, there were around 1,000 children from the ages of one and a half to four who did not receive a place in a municipal ECEC institution.

Since the uptake of Parental leave is mostly until a child reaches 18 months of age, municipalities provide financial support for fees in private ECEC institutions if no place is available in a municipal service when a child reaches 18 months of age. The amount of allowance is decided by calculating the average expenses for one child per month in a municipal ECEC institution. For instance, in 2018, Riga's municipal allowance was €231 per month, which covers around 60 to 70 per cent of the actual costs. In some municipalities, parents who choose to employ a nanny are entitled to a municipal allowance: the allowance is usually provided for children who are at least 18 months of age, until a place in a municipal ECEC institution is available. The allowance amount offered differs in each municipality. In 2018, only 19 out of 119 municipalities provided such support, and the amounts vary from €43.00 per month in Vecumnieki municipality (one of the 70 smallest municipalities) to €116.00 per month in Riga municipality, and €188.00 per month in Mārupe municipality (one of the 30 largest municipalities).

Levels of attendance at formal ECEC services for children under the age of three are below the average both for the countries included in this review and OECD countries; but above the average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **10.Changes in policy since May 2018 (including proposals currently under discussion)**

There have been no major changes in recent years, except for the additional allowance for families with two or more children that was introduced in 2018. In light of the European Parliament directive, the Council on work-life balance for parents and carers, and the repeal of Council Directive 2010/18/EU, the Ministry of Welfare is planning to perform an in-depth analysis into the possibility of extending Paternity

leave from ten calendar days to ten working days in 2019. Also, an analysis of the gender equality policy from a men's rights perspective is planned in 2020. Such analysis could give a better perspective on ways to promote the uptake of Parental leave among men, hence promoting equal sharing of household and family responsibilities.

## 4. Uptake of leave

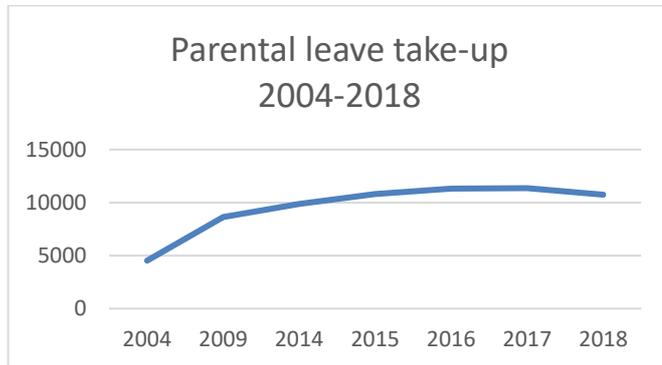
Data on uptake are from the State Social Insurance Agency and the data on the average salaries are from the Central Statistical Bureau.

### a. Maternity leave

100 per cent of pregnant employed women take Maternity leave.

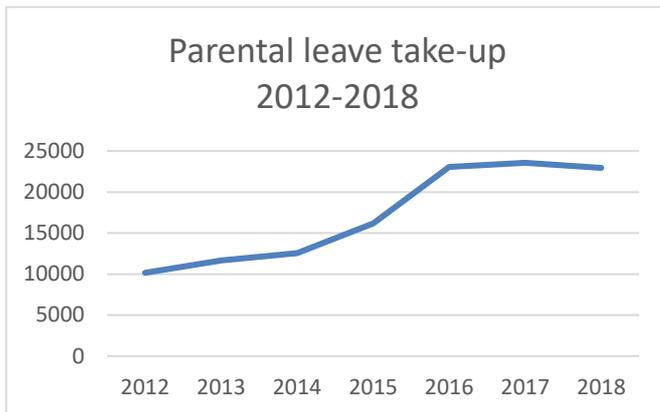
### b. Paternity leave

Paternity leave was introduced in 2002, and since then the uptake has risen every year (over the last five years, 200 more people on average take Paternity leave each year).



### c. Parental leave

The uptake of Parental leave during the last four years has almost doubled. Most of the parents taking this leave are women (81.6 per cent of the total number in 2018). However, more and more men are filing requests for parental benefits: in 2013, only seven per cent of the total number of Parental leave benefit recipients were men, rising to 18.4 per cent in 2018.



Most of the working parents who received parental benefits were men (82.4 per cent in 2016, 79.7 per cent in 2017, and 80.2 per cent in 2018). The most likely reason is the gender pay gap: in 2016, the average salary for men was €1,150, compared with €807.30 for women.

#### **d. Other employment-related measures**

No data available.

# Lithuania<sup>1</sup>

**Ruta Braziene** (Lithuanian Social Research Centre, Institute of Labour and Social Research)

April 2019

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

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

### **f. Maternity leave (*nėštumo ir gimdymo, motinystės atostogos*) (responsibility of the Ministry of Social Security and Labour)**

*Length of leave (before and after birth)*

- 18 weeks (126 calendar days: 70 calendar days before the birth and 56 calendar days afterwards).

*Payment and funding*

- 100 per cent of previous net earnings (calculated based on the individual's earnings in the last 12 months). Since 2017, an upper limit is no longer applied.
- Funded from the Social Insurance Fund, which is funded by contributions from employers and employees. Self-employed people are obliged to pay social insurance contributions. Women taking Maternity leave receive pension credits to maintain their pension rights.

*Flexibility in use*

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<sup>1</sup> Please cite as Braziene, R. (2019) 'Lithuania country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

- None.

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

- All employed mothers who have paid at least 12 months of social insurance contributions during the last 24 months are eligible for Maternity leave. Self-employed women qualify for maternity benefit on the same conditions as employees.

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

- In the case of multiple or premature births or complicated deliveries, 14 extra paid days are provided.

#### **g. Paternity leave (*tévyštés atostogos*) (responsibility of Ministry of Social Security and Labour)**

*Length of leave (before and after birth)*

- 1 month (28 calendar days) within the three months immediately following childbirth.

*Payment and funding*

- 100 per cent of previous net earnings. An upper limit of €1,617.40 is applied.

*Flexibility in use*

- None.

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

- Fathers who have paid at least 12 months of social insurance during the last 24 months.
- Same-sex couples are not eligible.

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

- None.

#### **h. Parental leave (*vaiko priežiūros atostogos*) (responsibility of Ministry of Social Security and Labour)**

### *Length of leave*

- Until the child is three years of age. Leave is a family entitlement and can be shared between parents. They cannot use the leave simultaneously.

### *Payment and funding*

- Parents can choose between two options:
  - 100 per cent of net earnings until the child is 12 months of age. An upper limit of €1,617.40 is applied;
  - 70 per cent of net earnings until the child is 12 months of age, with an upper limit of €1,132.18;
  - 40 per cent of net earnings until the child is 24 months of age, with an upper limit of €646.98.
- The remaining period of leave until the child is three years of age is unpaid.

### *Flexibility in use*

- Parents can work whilst on leave/collecting parental benefit. But, if parents choose to receive 100 per cent of net earnings until the child is 12 months of age and start to work, the benefit is reduced by the amount of income they have received. If parents choose to receive 70 per cent of net earnings until the child is 12 months of age and 40 per cent of net earnings until the child is 24 months of age and they start to work during the first year, the benefit is reduced by the amount of income they have received; during the second year the benefit is not reduced.

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

- Parents are eligible for parental benefit if they have paid social insurance taxes for at least 12 months during the last 24 months; as social insurance is compulsory for all workers, self-employed workers are eligible.
- Same-sex couples are not eligible.
- Unemployed parents are not eligible.

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

- In the case of multiple births, parental benefit increases according to the number of children, but it cannot exceed a ceiling of two average wages in the national economy (currently €1,600 - €1,700).

- The grandparent or any actual caregiver of a child (if parents do not use the leave themselves) is eligible for Parental leave, but not for parental benefit.

#### **i. Childcare leave or career breaks**

No statutory entitlement.

#### **j. Other employment-related measures**

##### *Adoption leave and pay*

- If a person adopts or takes new-born baby into foster care, they are entitled to Maternity leave from the moment of adoption up to the child reaching 70 days of age. Maternity benefit is paid on the same grounds as it is to biological mothers. Adoptive parents or foster caregivers have the same rights to Parental leave and benefit as biological parents.

##### *Time off for the care of dependants*

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

##### *Flexible working*

- The availability of flexible working time arrangements has increased with the implementation of the new labour code (2017). It introduces new types of employment agreements and has brought flexibility to labour relations. The new labour code also describes different flexible working time arrangements, e.g. more flexibility in employment contracts (project-based; job-sharing; seasonal; apprenticeship; and employment contracts for several employers), salaries, employment termination, etc. Concerning working time flexibility, individual arrangements can be requested (though there is no obligation for an employer to agree: e.g. flexible work schedule, individual working regime, overtime, and summary working time).

##### *Specific provision for (breast)feeding*

- According to the Law on Safety and Health at Work (2017), in addition to the general breaks to rest and eat at least every three hours, breastfeeding employees can be given a half-hour break for breastfeeding. Under the mother's request, the breaks for breastfeeding may be joined together and used for shortening the

working day. Breaks for breastfeeding are covered by the worker's average wage.

## **11. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Lithuania is three years, but only the first year is paid at a high earnings-related rate; if the option for a second year of paid leave is taken, the second year is paid at a low earnings-related rate. There is no entitlement to ECEC at any age. Levels of attendance at formal services for children under three years of age are below the average for OECD countries, but about the average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since May 2018 (including proposals currently under discussion)**

In September 2018, the Lithuanian Parliament approved Demography, Migration and Integration Policy 2018–2030 Strategy, and Demography, Migration and Integration Policy 2018–2030 Strategy Action Plan 2019–2021. First goal of the strategy is the development of family-friendly environments, e.g., the development of conditions for family members to reconcile professional and family responsibilities, to improve quality and accessibility of services, and financial support for families.

There has been some discussion about the abolition of Paternity and Parental leave payment ceilings. There has been also a discussion around introducing shared Parental leave between mothers and fathers, of which some must be taken by fathers.

## **4. Uptake of leave**

### **a. Maternity leave**

According to the information provided by the Social Insurance Fund Board (SODRA), 100 per cent of employed women take their full entitlement to Maternity leave.

### **b. Paternity leave**

No information.

### **e. Parental leave**

According to the information provided by the Social Insurance Fund Board (SODRA) 2019, in 2018, mothers accounted for 76.2 per cent of all users of Parental leave, and fathers 23.8 per cent. The number of men taking up Parental leave is increasing every year.

**f. Other employment-related measures**

No information.

# Luxembourg<sup>1</sup>

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**April 2019**

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

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

### **a. Maternity leave (*congé de maternité*) (responsibility of the Ministry of Social Security and the Ministry of Labour)**

#### *Length of leave*

- 20 weeks: eight weeks before the birth and 12 weeks after. It is obligatory to take this leave.

#### *Payment and funding*

- 100 per cent of earnings up to a ceiling of €10,355.50 per month, equal to five times the minimum social wage in Luxembourg.
- The Maternity leave scheme is fully integrated into the National Health Fund and is funded in the same way as all sickness benefits, with funding shared between employers (30 per cent), employees (30 per cent), and the state (40 per cent). More specifically, Maternity leave payments are funded from contributions intended to cover benefits for sick leave. The state contributed 40 per cent of the cost of these benefits; the non-state contributions (amounting to 60 per cent of the cost) were 0.5 per cent of

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<sup>1</sup> Please cite as: Zhelyazkova, N., Loutsch, M., Berger, F. and Valentova, M. (2018) 'Luxembourg country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

earnings, equally divided between employers and employees (i.e. 0.25 per cent of earnings each), although the proportion going towards maternity pay cannot be differentiated.

- Pension contributions are made during Maternity leave.

#### *Flexibility in use*

- None.

#### *Eligibility*

- In order to be granted maternity benefits during Maternity leave, the employee or self-employed worker must have been affiliated with the mandatory sickness and maternity insurance fund for at least six months during the 12 months prior to the Maternity leave.
- No difference is made between workers on long-term or short-term contracts.
- Unemployed people 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; single parent); or delegation of leave to person other than the parents*

- If the birth takes place before the expected delivery date, the part of the pre-natal period not taken is added to the post-natal period. If the birth takes place after the expected delivery date, the post-natal period is still 12 weeks.

### **b. Paternity leave**

- Employees are entitled to Paternity leave expressed in the law by 'leave due to extraordinary circumstances' (*congé extraordinaire*), which gives them the right to take ten working days off in the case of the birth or adoption of a child. The first two days of leave are paid by the employer and cover 100 per cent of earnings; from the third day onwards, the leave is reimbursed to the employer by the state with a limit equal to five times the social minimum wage (€10,355.50 per month).

### **c. Parental leave (*congé parental*) (responsibility of the Ministry of Family Affairs and Integration)**

#### *Length of leave*

- Parental leave is an individual entitlement and each parent can take between four and 20 months, depending on their employment hours and the leave option they choose; see 'Flexibility in use' below for more detail.

### *Payment and funding*

- The benefit paid during Parental leave (replacement wage) is calculated on the basis of income and hours worked on average during the 12-month period preceding the start of the leave and the leave option chosen, e.g. full-time workers taking the full-time leave option (six months or four months) receive between €2,071.10 per month (the minimum social wage) and €3,451.83 (the minimum social wage increased by two-thirds).
- More detailed information on the level of compensation for the range of different leave options is available at: <https://cae.public.lu/fr/conge-parental.html>.
- Funded from general taxation.
- As with other income, replacement income is subject to the applicable social and wage taxation, and so pension contributions will accrue during the leave period.

### *Flexibility in use*

- Parents may choose between different length and payment options, depending on their employment situation:

Parents working 40 hours per week:

- Full-time leave of four or six months
- Part-time leave of eight or 12 months
- Fractioned leave: four months within a maximum period of 20 months
- Fractioned leave: one day per week for up to 20 months

Parents working 20 hours or more per week:

- Full-time leave of four or six months
- Part-time leave of eight or 12 months

*Parents working ten hours per week or on apprenticeship contracts:*

- Full-time leave of four or six months

- Both parents can take leave at the same time.

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

- Parents must be affiliated to the Luxembourg social security system at the time of the arrival of a biological or adopted child, and must have been employed without interruption for at least 12 continuous months immediately preceding the beginning of the Parental leave. The same conditions apply for self-employed

workers, who also belong to the Luxembourg social security system.

- Parents must be working for a minimum of ten hours per week.
- In the case of a change of employer during the 12-month period preceding or during Parental leave, the leave may be granted subject to the agreement of the new employer.
- For parents on permanent contracts with a probationary period, the right to Parental leave cannot take effect and the leave may be requested only after the end of the probationary period.
- Parents whose spouse does not work can take leave, but it must start within three weeks of the birth/adoption of the child.
- Same-sex parents are eligible.
- Workers on short-term contracts are eligible, provided that the end of the short-term contract is subsequent to the end of the Parental leave.
- Unemployed parents 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; single parent); or delegation of leave to person other than the parents*

- None.

#### **d. Childcare leave or career breaks**

- No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- Adoption leave (*congé d'accueil*) is for 12 weeks, paid at 100 per cent of earnings up to a limit (€10,355.50 per month as of 1 January 2019) equal to five times the minimum social wage in Luxembourg, and is available to all working persons who have belonged to a social security scheme at least for the six months preceding the commencement of the leave. This leave applies for adopting a child who has not yet turned twelve years old. In the case of adoption by both spouses, only one has the right to take this leave.
- Eligibility and funding for adoption leave is the same as for Maternity leave.
- Except if the adoptive parent receives the adoption leave described above, the adoptive parent's benefits (or adoptive parents' benefits) form a ten-day leave if they are adopting a child under 16 years of age. Payment rules are the same as for Paternity leave.

### *Time off for the care of dependants*

- In the case of the sickness of a child, employees with dependent children younger than 18 years of age may take working days of leave per child (*congé pour raisons familiales*). The duration of this leave depends on the age of the child:
  - 12 days per child if the child is under four years old;
  - 18 days per child if the child is aged from four years old to fewer than thirteen years old;
  - 5 days per child if the child is aged from 13 years old to fewer than 18 years old and the child is in hospital.
- The age limit of 18 years does not apply to disabled children.
- Leave may be extended under certain circumstances: for example, in the case of a disabled child, the duration is doubled per age range; and for a very serious and exceptional illness defined by law (such as cancer in its terminal state), up to 52 weeks in a reference period of 104 weeks. The leave is paid and funded by the National Health Fund (*La Caisse nationale de santé*).
- Employees on short-term contracts are eligible for this leave.
- Self-employed and unemployed people are not eligible for this leave.
- A dependent child means a child born in or out of wedlock and adopted children.
- Same sex parents are eligible for this leave.

### *Flexible working*

- None.

### *Specific provision for (breast)feeding*

- Upon return to work after Maternity leave, breastfeeding mothers are entitled to breastfeeding breaks: either two breaks of 45 minutes or one break of 90 minutes. These breaks do not lead to any loss of pay.

## **12. Relationship between leave policy and early childhood education and care policy**

With the duration of post-natal Maternity leave increased to 12 weeks in 2017, the total duration of well-paid (full-time equivalent) leave has increased to 14.7 months, provided that both parents in the same family use their right to full-time Parental leave. The period could be longer if they opt for a part-time Parental leave arrangement. Formal and free entitlement to ECEC begins at three years of age, while enrolment is compulsory at four years of age. Other ECEC provision has developed significantly in the last 15 years, including registered childminders, with

an important increase in places in centre-bases services (both subsidised and private). Public funding for parents using these ECEC services depends on family income, the number of siblings, and the number of hours children attend.

Since 2016, Luxembourg has introduced a multilingualism education programme in ECEC services, which gives the right to all children aged from one to four years to attend 20 hours per week, free of charge (children attending childminders and a full-time early education school (*éducation précoce*) are excluded); if children attend a part-time early education school, they have ten hours free of charge.

Levels of attendance at formal services for children under three years of age are well above the average both for the countries included in this review and OECD countries; but above the average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018** (including proposals currently under discussion)

None.

## **4. Uptake of leave**

### **d. Maternity leave**

As Maternity leave is obligatory, all employed women should take up the whole period of leave.

### **e. Paternity leave**

No statutory entitlement. There are no data for how many fathers take the special leave.

### **f. Parental leave**

Luxembourg (the Inspection générale de la sécurité sociale) is currently developing a national methodology to estimate the uptake of Parental leave for all types and sizes of families. The first challenge is to identify eligible parents because administrative data do not explicitly contain such information. The second challenge is to attribute the correct Parental leave to the correct child because administrative data concerning Parental leave benefit do not contain the information about the child who is the imputus of the Parental leave (this is also the case

for administrative data concerning the 'new Parental leave' that has existed since the 1 December 2016). According to the data and the fact that an important share of Parental leave periods are exported (there is a high share of cross-border workers who are entitled to Parental leave), the uptake of Parental leave will be estimated from cohorts of parents of new-born children. This will be irrespective of the date that the Parental leave began (from birth to five years of age for the 'old Parental leave' and from birth to six years of age for the 'new Parental leave'). The uptake of Parental leave will be categorised according to the age of the child when Parental leave begins and other characteristics (e.g., gender and income levels).

Currently, there is only limited information on the proportion of eligible parents using Parental leave. The first available source of uptake rates is the evaluation of Parental leave in Luxembourg completed by KPMG in November 2002.<sup>2</sup> In December 2013, a report for the Luxembourg Ministry of Family and Integration was completed by the Luxembourg Institute for Socio-Economic Research.<sup>3</sup>

The most recent data come from the annual report of the Luxembourg Ministry of Family and Integration, providing a complete overview of the use of Parental leave, 1999 to 2016<sup>4</sup> – although for 2016, the numbers reflect only the use of the previous system, which has since been superseded. The report provides information on number of users of leave and shows a number of trends. The total number of users of Parental leave has increased markedly over the last 15 years. At the end of 1999, only 1,433 parents were on Parental leave, compared to 4,595 at the end of 2015. In particular, the number of men using leave has increased dramatically: from only 90 at the end of 1999 to 1,106 at the end of 2015. The increased participation of men in terms of Parental leave is also evident in the increasing share of male users (calculated as the percentage of all leave users who are male): rising from 6.3 per cent at the end of 1999 to 24.1 per cent in 2015. Nevertheless, women remain the majority of leave users, averaging 79 per cent of all leaves taken over the period 1999-2015.

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<sup>2</sup> KPMG Assurance Advisory Luxembourg (2002) *Etude d'évaluation de l'impact du congé parental au Grand-Duché de Luxembourg [Evaluation study of the impact of Parental leave in the Grand Duchy of Luxembourg]*. Available at: [http://www.gouvernement.lu/salle\\_presse/actualite/2002/12/23biltgen/dossier.pdf](http://www.gouvernement.lu/salle_presse/actualite/2002/12/23biltgen/dossier.pdf)

<sup>3</sup> Valentova, M., Bia, M. (2013) *Le congé parental chez les parents d'enfant unique. Analyse du recours au congé parental par les mères et les pères d'enfant unique, et de son impact sur l'engagement des mères sur le marché du travail. Rapport rédigé pour le compte du ministère de la Famille et de l'Intégration.* [Parental leave use by parents of one child] Liser, Luxembourg.

<sup>4</sup> Ministry of Family and Integration (2016) *Rapport d'Activité 2016*. Available at: [http://www.mfi.public.lu/publications/01\\_rapports-activite/rapp\\_act\\_2016.pdf](http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2016.pdf)

Throughout the period 1999-2015, women were more likely than men to be using the first leave period available for the child, immediately after Maternity leave, while fathers were more likely to be using the second leave (each parent has a six-month period of leave). On average, for the period 1999-2015, 76.2 per cent of men using leave did so in the second leave period, while women more often used the first leave period. Throughout that period, the uptake of second leave periods increased, as both parents in more families took their entitlement. In 1999, 1,383 parents took the first period of leave, compared with only 50 second period leave-takers. By 2015, the total of first period leave-takers had risen to 3,417, whilst second periods leave-takers stood at 1,178. Put differently, the number of men taking the second period of leave had shot up from 30 to 957.

There is also a marked gender difference in whether leave is taken full-time or part-time. Between 1999 and 2015, women taking leave were far more likely to use it full-time (76.2 per cent on average), compared to men (40.2 per cent on average). The general trend for both genders has been an increase in the percentage of part-time users and a decrease in the percentage of full-time users.

After the reform of December 2016, the number of beneficiaries rose rapidly, showing an increase of 74.8 per cent in one year: from 4,720 beneficiaries in December 2016 to 8,251 beneficiaries in December 2017. The new Parental leave benefit is more flexible and the earnings-related Parental benefit is much more attractive than the old flat-rate payment. This mostly attracts fathers, whose share rose to 45 per cent of 2017 beneficiaries, compared to 25 per cent in 2016. They now opt for the full-time leave as much as for the part-time leave. They also favour the new fractioned leave.

#### **g. Other employment-related measures**

There is no information available.

# Malta<sup>1</sup>

**Frances Camilleri-Cassar** (University of Malta)

**April 2019**

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

## **1. Current leave and other employment-related policies to support parents<sup>2</sup>**

### **a. Maternity leave and Special Maternity leave (responsibility of Ministry of Social Dialogue, Consumer Affairs, and Civil Liberties)**

#### *Length of leave*

- 18 weeks: six weeks must be taken following the birth, while a further eight weeks can be taken before or after birth. A further period of up to four weeks may be taken, immediately after these 14 weeks. It is obligatory to take six weeks following the birth.
- Special Maternity leave is granted when suitable alternative work and/or work hours (in terms of health and safety during pregnancy or during the 26 weeks starting from the date of confinement) are not possible. In such instances, the mother is granted leave, up to the time limit stipulated by the statutory Maternity leave.

#### *Payment and funding*

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<sup>1</sup> Please cite as: Camilleri-Cassar, F. (2019) 'Malta country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

<sup>2</sup> There is a distinction between policies in the public administration - which comprises government ministries, government departments and government entities - and those pertaining to the private sector and which do not fall under the Wages Council Wage Regulation Orders (WRO). Policies under the WRO include employees engaged in a contract of service in the private sector, and are outside the scope of this report.

- For Maternity leave, 100 per cent of earnings for 14 weeks with no upper limit on payments, followed by a flat-rate payment equivalent to the statutory minimum wage (€175.84 per week) for the final four weeks. During special Maternity leave, an allowance is paid, equivalent to the rate of the sickness benefit payable under the terms of the Social Security Act.
- Women on Maternity leave or special Maternity leave are entitled to the same rights and benefits which may accrue for other employees of the same class or category of employment at the same place of work, including the right to apply for promotion. Furthermore, the mother is entitled to return to the same job. If, for a valid reason, the position is no longer available, she is entitled to equivalent or similar work and conditions of employment.
- With the exception of bonuses or allowances related to performance or production, all automatic or fixed allowances specifically incorporated into the pay package should not be deducted during such leave.
- Funded by employers (public or private), except for the final four weeks paid at minimum wage level, which is funded by the government, via social security.
- The Maternity Leave Trust Fund was implemented in July 2015 with the aim of addressing discrimination against the employment of women in the private sector. Although employment law prohibits gender discrimination at the stage of recruitment, employers in the private sector are often wary of employing women, due to the possibility of pregnancy and payment for Maternity leave. The fund will be financed through contributions by private companies.
- The premium contribution is calculated at 0.3 per cent of the basic wage of all employees, and the amount collected will go into the fund. Private employers will receive a refund from the Maternity Leave Trust Fund for wages paid to women during their 14 weeks' Maternity leave. The new policy will not change the system of payment to women on Maternity leave (i.e. full wage for the first 14 weeks paid by the employer, and a flat-rate benefit paid by the government for the remaining four weeks of Maternity leave).
- The calculation of the 0.3 per cent is based on the number of employed women, the annual basic wage, probability of maternity, probability of women who exit the labour market before/during/after pregnancy, and the number of women working in the private sector. The fund will be calculated on a three-month, six-month, or 12-month reimbursement system (yet to be established) by the government to employers after their payment for Maternity leave.

*Flexibility in use*

- None, except for eight weeks of leave that can be taken before or after birth.

#### *Eligibility*

- All employees and self-employed women.<sup>3</sup>

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

- In those cases where, owing to a pathological condition arising out of confinement, an employee is unable to resume duties at the end of her Maternity leave, she will be entitled to a further period of absence of up to five weeks, which are deducted from her paid sick leave. Any period of absence in excess of the paid sick leave entitlement is considered sick leave without pay.

#### **b. Paternity leave (public administration)<sup>4</sup> (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)**

##### *Length of leave*

- Five working days after birth (including stillbirths).

##### *Payment and funding*

- 100 per cent of previous earnings with no upper limit on payments.
- Funded by the government (as employer).

##### *Flexibility in use*

- Must be taken up consecutively within 15 days of the birth.

##### *Eligibility*

- All employees.
- Same-sex couples are also eligible.

#### **b. Paternity leave (private sector)**

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<sup>3</sup> A self-employed woman who has recently given birth is eligible for Maternity leave benefit; this benefit is paid for four weeks, in addition to the first 14 weeks, as maternity benefit entitlement.

<sup>4</sup> Manual on Work-Life Balance Measures, March 2019. Available at: [https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual\\_on\\_Work-Life\\_Balance\\_Measures.pdf](https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Work-Life_Balance_Measures.pdf).

*Length of leave*

- 1 working day.

*Payment and funding.*

- 100 per cent of previous earnings with no upper limit on payments.
- Funded by the employer.

*Flexibility in use*

- None.

*Eligibility*

- All employees.

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

- 2 days' leave in the case of multiple births.

**c. Parental leave (public administration) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)**

*Length of leave (before and after birth)*

- 12 months per child. This is a family entitlement: if both parents are public administration employees, they only receive 12 months of leave shared between them (not concurrently).

*Payment*

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if the parent does not return to employment. Any credits for the fourth child (and onwards if required) will be awarded on the condition that the parent returns to employment for the same number of years of credits to be awarded.

*Flexibility in use*

- Parental leave may be taken in one continuous period of 12 months or in continuous periods of four, six, or nine months.
- 4 months may be broken down into periods of one month at a time and taken until the child is eight years old – they may be granted on a full-time or a part-time basis, in a piecemeal way, or a time-credit system.
- Leave may be shared between the parents if both are public administration employees.
- Parents cannot be on leave together.

#### *Eligibility*

- At least 12 months' continuous service.
- Same-sex couples, legal guardians, and foster carers are eligible.

#### *Variations in leave policy*

- Public officers in the positions of head, director, or assistant-director are eligible to four months' unpaid Parental leave instead of the 12 months, and this leave may be taken up to the child's tenth birthday. Any period taken as unpaid Parental leave is calculated as part of the six-year creditable performance required as officer in the respective grade.

### **c. Parental leave (private sector, unless covered by Wage Regulation Orders<sup>5</sup>) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)**

#### *Length of leave (before and after birth)*

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

#### *Payment*

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first

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<sup>5</sup> 31 sectors in the private sector fall under WROs, including: hospitals and clinics, construction, private cleaning services, printing and publishing, seamen, hotels and clubs, etc. Workers covered by Wage Regulation Orders have their own legal entitlements which are amended regularly (e.g. hours of work). The reference to the 'private sector' benefits in this report covers only non-WRO workers. For more information, see: <https://dier.gov.mt/en/Legislation/Pages/Wage-Regualtion-Orders.aspx>; and also <http://www.justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=452>

three children, even if the parent does not return to employment. Any credits for the fourth child (and onwards if required) will be awarded on the condition that the parent returns to employment for the same number of years of credits to be awarded.

#### *Flexibility in use*

- Leave may be taken in blocks of one month, up to the child's eighth birthday.
- Parents cannot be on leave together.

#### *Eligibility*

- At least 12 months' continuous service.
- Self-employed workers and same-sex couples are not eligible.

#### **d. Childcare leave or career breaks (public administration)**

- A one-off five-year career break can be taken until a child is ten years old.

#### *Payment*

- None. However, child credits are awarded to parents and legal guardians who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if the parent does not return to employment. Any credits for the fourth child (and onwards if required) will be awarded on the condition that the parent returns to employment for the same number of years of credits to be awarded.

#### *Flexibility in use*

- The five years must be taken in one continuous block, and may be reduced to multiples of three months.
- If the five years are not fully used, the outstanding leave may be taken for the care of another child/children.
- The career break may be shared by both parents if both are public administration employees.

#### *Eligibility*

- All employees in the public administration. However, female employees must undertake six months' employment either after Maternity or Parental leave, or else immediately after the career break.

#### **d. Childcare leave or career break (private sector)**

- No statutory entitlement, with any career break being at the discretion of the employer.

#### **e. Other family-employment related measures (public administration)**

##### *Adoption leave and pay*

- The same as Maternity leave.

##### *Time off for the care of dependants*

- Public administration workers may apply for up to one year of unpaid leave to care for elderly parents, disabled children or spouses.

##### *Flexible working*

- Employees in the public administration with one year of service may apply to work flexi-time for 12 months. This is renewable every year, with a full-time salary and other benefits. Employees may work different time schedules in winter and summer.
- Employees in the public administration may apply to work reduced hours (i.e., between 20 and 35 hours per week) until their children are 16 years old, with pro-rata payment.
- Alternative work arrangement 'closer to home' is limited to a maximum of 26 weeks from birth confinement.
- Employees in the public administration may apply to work on a teleworking arrangement for 12 months (renewable every year).

##### *Specific provision for breastfeeding*

- Women may take a maximum reduction for breastfeeding of one hour per working day without loss of payment, taken as one 60-minute interval, two 30-minute intervals, or three 20-minute intervals per day.

##### *Specific provision for antenatal visits*

- Release from work up to confinement, with no loss of pay or benefit.

##### *Specific provision for medically assisted reproduction (IVF leave)*

- 100 hours' fully paid leave (60 hours for the receiving person, 40 hours for the other).
- May be taken by both parents concurrently.
- May be taken for every assisted reproductive procedure, up to three times.

*Responsibility leave*

- Unpaid 12 months' leave, renewable yearly to care for dependent elderly parents, children, spouse, or partner in a civil union.

*Special leave*

- Unpaid three-month leave in any period of 12 months for any reason, including work-life balance.

*Marriage and civil union leave*

- 3 consecutive working days no later than the first working day following the marriage or civil union.

**e. Other family-employment related measures (private sector)**

*Adoption leave*

- 4 months' unpaid leave, until the child is eight years old, which may be used in one-month blocks.

*Reduced hours*

- Pro-rata benefits must be based on existing full-time working conditions.

*Flexible working*

- None.

*Specific provision for breastfeeding*

- None.

*Medically assisted reproduction (IVF leave)*

- 100 hours' fully paid leave (60 hours for the receiving person, 40 hours for the other).
- May be taken by both parents concurrently.
- May be taken for every assisted reproductive procedure, up to three times.

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

The maximum period of post-natal leave available in Malta is 76 months for public administration workers who use Parental leave and career breaks; or one year for private sector workers. In both cases, most of the leave period is unpaid, with leave paid at a high rate for just over three months. There is an entitlement to free attendance at ECEC services for children from three months of age who have a parent in full-time education or employment. Consequently, there is no gap between the end of paid leave and an ECEC entitlement (for parents in full-time public administration employment or education). However, all children are entitled to attend ECEC from three years of age, irrespective of whether the parent is economically active, or a stay-at-home parent. Levels of attendance at formal services are well above the average for OECD countries, both for children under and over three years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Two new leave types were introduced: 1) Responsibility Leave (unpaid twelve-month leave, renewable yearly, to care for dependent elderly parents, children, spouse, or partner in a civil union) and 2) Special Leave (unpaid three-month leave during any period of 12 months for any reason, including work-life balance).

In March 2019, Malta signed and ratified the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women.

In January 2019, following the new Work-life Balance Directive by the European Parliament and Council of Ministers, a ten-day Paternity leave proposal was shot down by private sector employers, largely because it was not clear who would fund the measure. Currently, payment for family leave is the responsibility of private sector employers.

## **4. Uptake of leave (public administration)<sup>6</sup>**

### **a. Maternity leave**

In 2018, 852 women (3.7 per cent of the total number of women working in the public administration) took their entitlement to 14 weeks of paid Maternity leave. However, the number fell substantially to 612 women (2.6 per cent of the total number of women working in the public administration) for the remaining low-paid four weeks of Maternity leave. The data must be treated with caution, as it includes all women, irrespective of their age group.

### **b. Paternity leave**

In 2018, 211 men (0.9 per cent of the total number of men working in the public administration) took up their entitlement to Paternity leave. The data must be treated with caution, as it includes all men, irrespective of their age group.

### **c. Parental leave**

There is a clear gender gap in the uptake of unpaid Parental leave. In 2018, the women's share was 97 per cent.

### **d. Childcare leave and career breaks**

In 2018, out of the total number of beneficiaries, women made 94 per cent.

A study of social policy in Malta finds that unpaid family leave is synonymous with career regression, and interruption in national insurance contributions. This, in turn, perpetuates women's financial dependence on men and increases the feminisation of poverty in old age (see Camilleri-Cassar, 2005).<sup>7</sup> Until leave-to-care policies can offer financial compensation for loss of earnings, and are modified to allow time for the equal sharing of care between women and men, gender inequality will persist, both in the workplace and domestic sphere in Malta (Camilleri-Cassar, 2005).<sup>8</sup>

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<sup>6</sup> Family Friendly Measures Survey 2018, Standards and People Division, Office of the Prime Minister, Malta.

<sup>7</sup> Camilleri-Cassar, F. (2005) 'Gender Equality in Maltese Social Policy? Graduate Women and the Male Breadwinner Model,' Agenda, Malta.

<sup>8</sup> Ibid.

### **e. Other family-employment related measures<sup>9</sup>**

In 2018, out of the total number of employees working reduced hours, women made 92 per cent. However, reduced hours need not necessarily be for childcare reasons.

There is a gender balance among employees working flexible hours. Of those working flexible hours, 51 per cent were women, however, this is largely evident in the lower grades.

In 2018, of the total number of workers who were eligible to telework, 85 per cent were women.

In 2018, out of the total number of employees who used the IVF leave, 65 per cent were women and 35 per cent were men. Data on same-sex couples who took up the leave is unavailable.

### **5. Uptake of leave (private sector)<sup>10</sup>**

There is no information available.

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<sup>9</sup> Source: Family Friendly Measures Survey 2018, People and Standards Division, Office of the Prime Minister, Malta.

<sup>10</sup> Based on personal communication with the Department of Industrial and Employment Relations, Malta: <http://dier.gov.mt/en/Pages/home.aspx>

# Mexico<sup>1</sup>

**Cándido Pérez** (Early Institute<sup>2</sup>)

April 2019

N.B. Mexico is a federal state with 31 federal states and Mexico City.

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

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

- a. **Maternity leave (*licencia de maternidad, seguro de maternidad*) (responsibility of the Mexican Social Security Institute [private sector]; Instituto Mexicano del Seguro Social and the State Workers' Social Security and Services Institute [public sector]; and Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado [at federal level])**

*Length of leave (before and after birth)*

- 12 weeks. Two to six weeks of pre-natal leave, and six to ten weeks of post-natal leave. It is obligatory to take the whole period.

*Payment and funding*

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<sup>1</sup> Please cite as: Pérez, C. (2019) 'Mexico country note,' in Koslowski, A. Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

<sup>2</sup> Early Institute is a Mexican think tank constituted by a group of social scientists and lawyers who develop applied research and consultancy, mainly to analyse and inform public policies on childhood. In particular, they contributed to the preparatory work for the introduction of Paternity leave in Mexico (2012).

- 100 per cent of earnings, with no upper limit on payments for the standard period.
- 50 per cent of earnings for a period not exceeding 60 days if Maternity leave is extended.
- Maternity leave is financed by social security on a tripartite basis: employers pay 70 per cent, employees 25 per cent, and the federal government five per cent.
- Maternity leave periods are also taken into account in the calculation of old age and pension benefits.

#### *Flexibility in use*

- In the private sector, by the specific request of an employee, up to four of the six weeks of Maternity leave before birth can be transferred to after the birth: this requires a formal statement from a doctor, and takes into consideration the employer's view, and the type of work that the employee performs. For public employees, Maternity leave must be taken one month before the expected delivery date and two months after the birth.
- Maternity leave is extended for the time necessary in the event that the employed woman is found unable to work due to pregnancy or childbirth.

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

- In the private sector, employees must have contributed to social security for at least 30 weeks in the 12 months before the date on which the Maternity leave starts. When the employed woman does not meet this requirement, it is the statutory responsibility of the employer to pay 100 per cent of the earnings. Employees must not perform any paid work during pre- and post-natal periods.
- Only female employees in the formal economy are eligible for Maternity leave. More than 60 per cent of all employed women have no access to social security since they work in the informal economy. Women who are self-employed have a special and voluntary social security regime (*régimen voluntario*), which does not include Maternity leave insurance.
- Unemployed mothers do not have any Maternity leave benefit.
- Same-sex parents are eligible 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*

- If the child is born with any kind of disability or requires hospital care, leave can be extended up to eight weeks after birth –

however, the mother must show a medical certificate to claim this extension.

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

- Recently, local governments such as Yucatán (2016) and Chihuahua (2017) have extended Maternity leave for public sector employees, from three to four months and from 12 to 14 weeks respectively.

**b. Paternity leave (permiso de paternidad) (responsibility of the Mexican Social Security Institute [private sector]; Instituto Mexicano del Seguro Social and the State Workers' Social Security and Services Institute [public sector]; and Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado [at federal level])**

*Length of leave*

- 5 working days.

*Payment and funding*

- 100 per cent of earnings, paid by the employer.
- Paternity leave is also taken into account in the calculation of old age and pension benefits.

*Flexibility in use*

- None.

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

- As with Maternity leave, Paternity leave only applies to parents in the formal economy, so does not apply to about 60 per cent of male employees, who have no access to social security.
- Unemployed fathers do not have any Paternity leave benefit.
- Same-sex parents are eligible for Paternity leave.

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

- Paternity leave can be extended in cases of serious illness of the child or death of the mother.

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

- Many public agencies and academic institutions grant longer periods of Paternity leave than the legal minimum, usually between ten and 15 days paid at full earnings. Several institutions have joined this positive trend, such as the Ministry of Welfare, the Ministry of the Interior, the Ministry of Foreign Affairs, the Electoral Tribunal of the Federal Judiciary, the Federal Police, the National Workers' Housing Fund, the National Women's Institute, the Human Rights Commission of the Federal District, *El Colegio de la Frontera Sur*, the National Polytechnic Institute, and the governments of Mexico City and Yucatán.

**c. Parental leave**

- No statutory entitlement.

**d. Childcare leave or career breaks**

- No statutory entitlement.

**e. Other employment-related measures**

*Adoption leave and pay*

- In the case of adoption, the mother is entitled to six weeks of paid leave, from the day that she receives the child; the father is entitled to five working days.

*Time off for the care of dependants*

- No statutory entitlement.

*Flexible working*

- None.

*Specific provision for (breast)feeding*

- Mothers can have two fully-paid breaks per day, up to half an hour each, to (breast)feed their child (*periodo de lactancia*), until the child is six months old. These breaks should be in a proper and hygienic place designated by the employer, or, if this is not possible, the mother's working day should be reduced by one hour.

### **13. Relationship between leave policy and early childhood education and care policy**

The maximum period of paid post-natal leave available in Mexico is ten weeks in the private sector and eight weeks in the public sector, paid at a high income-related level. Attendance at ECEC is compulsory from three years of age, but there is no entitlement for younger children. So, for many cases there is a substantial gap of nearly three years between the end of leave and an ECEC entitlement. There is no complete information on the levels of attendance at formal services for children under three years of age, but for children over three years of age, attendance is just below the OECD average. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on cross-country comparisons page.

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Currently there are more than forty proposals concerning leave policy in Congress (both the House of Deputies and the Senate). Mainly, they propose to extend Maternity leave from 12 to between 14 and 20 weeks, and Paternity leave from five days to between eight days and eight weeks. These proposals should be discussed or dropped without discussion during 2019.

### **4. Uptake of leave**

#### **a. Maternity leave**

Maternity leave benefit covered about 13 per cent of the 2,234,039 births in 2017 (author calculations based on data provided by the Mexican Social Security Institute, the Institute for Social Security and Services for State Workers, and the National Institute of Statistics and Geography).

#### **b. Paternity leave**

There is no information available.

#### **c. Parental leave and parental benefit**

No statutory entitlement.

# The Netherlands<sup>1</sup>

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April 2019

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

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

### **a. Maternity leave (*zwangerschaps- en bevallingsverlof*) (responsibility of the Department of Social Affairs and Employment)**

*Length of leave (before and after birth)*

- 16 weeks. Leave must start four weeks before the birth (although up to six weeks can be taken for pre-natal leave), with ten weeks to 12 weeks after the birth. If the birth is later than the expected date of delivery, the longer benefit period preceding childbirth is not deducted from the benefit period after childbirth. It is obligatory to take at least four weeks before and six weeks after the birth.

*Payment and funding*

- 100 per cent of earnings up to a limit equivalent to the maximum daily payment for sickness benefit (€209.26).
- Funded from the unemployment fund, which is financed by employers contributing 4.15 per cent of employees' earnings.

*Flexibility in use*

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<sup>1</sup> Please cite as: den Dulk, L. and Yerkes, M.A. (2019) 'Netherlands country note,' in Koslowski, A. Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Leave can be started between six and four weeks before the expected date of delivery, but pregnant workers are not allowed to work between four weeks before the expected date, and six weeks after the actual date of delivery. After the six weeks' obligatory leave following delivery, mothers are entitled to use the remaining part of their leave in a flexible way (since 2015). They can spread out the remaining period of leave over a maximum of 30 weeks.

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

- All female employees.
- Self-employed women are entitled to 16 weeks' payment up to a maximum of 100 per cent of the statutory minimum wage, depending on the number of hours worked (€1578 per month before taxes for those aged 22 years and older).
- Women in same-sex relationships who give birth 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; single parent); or delegation of leave to person other than the mother*

- Additional leave of up to ten weeks, if the child needs to stay at the hospital for more than one week after the birth.
- Delegation of the leave to the partner if the mother dies.
- Flexible uptake of the last part of the leave (6 weeks after birth, the mother can spread the remaining leave over 30 weeks).
- In the case of multiple births, mothers are entitled to 20 weeks of Maternity leave (eight to ten weeks before the due date and the remaining leave after the birth).

**b. Birth leave (for partners and fathers; *geboorteverlof*) (responsibility of Department of Social Affairs and Employment)**

*Length of leave*

- The length of leave is equivalent to the number of working hours per week per partner/father. For example, a full-time job of 38 hours per week gives a leave entitlement of 38 hours (i.e. one week).

*Payment and funding*

- Paid by the employer at 100 per cent of earnings, with no upper limit on payments.

### *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.
- Self-employed partners/fathers are not entitled to birth leave.
- Men in same-sex relationships 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; single 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)*

- Collective agreements may contain supplementary or restrictive arrangements with respect to the amount of paid birth leave. Collective agreements that went into effect prior to 1 January 2019 remain in effect, but only until 1 July 2019. After 1 July 2019, each employee has the right to birth leave as stipulated in the law.

## **c. Parental leave (*ouderschapsverlof*) (responsibility of Department of Social Affairs and Employment)**

### *Length of leave*

- 26 times the number of working hours per week per parent per child. For example, a full-time job of 38 hours per week gives a leave entitlement of 988 hours (i.e. 26 weeks). Leave is an individual, non-transferable entitlement.

### *Payment and funding*

- None.
- The uptake of unpaid Parental leave has no consequences for unemployment benefits. However, when an employee falls ill during the leave period, they cannot make claims for sickness payment while on leave; this insurance entitlement is restored once the leave period ends. The impact on pensions depends on the specific pension agreement and collective agreement.

### *Flexibility in use*

- Leave can be taken until a child is eight years old. Parents can take leave at the same time, if they choose.
- Parents are granted full flexibility in use unless uptake conflicts with serious business needs.

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

- All employees are entitled to Parental leave, including same-sex couples, parents of foster children, step-children, adopted children (as long as they live in the same household), and employees with temporary contracts.
- Self-employed parents are not entitled to Parental leave.

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

- As the leave is allocated per child, each parent is entitled to additional leave in the case of a multiple birth.

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

- Collective agreements can only supplement legislation. A 2017 study of the 100 largest collective agreements in the Netherlands shows that 16 collective agreements offered partly paid leave (payment varied between 25 and 75 per cent); two collective agreements extended the age of the child up to which leave can be taken to 12 and 13 years respectively; and two collective agreements extended the period of leave. Collective agreements that supplement legislation are mainly found in public administration and the health sector.<sup>2</sup>

## **d. Childcare leave or career breaks**

No statutory entitlement.

## **e. Other employment-related measures**

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<sup>2</sup> Torenvliet, B., Houtkoop, A. and Junger-van Hoorn, E.C. (2018) *Arbeid en zorg 2017. Een onderzoek naar cao-bepalingen gerelateerd aan de Wet modernisering regelingen van verlof en arbeidstijden en de Wet Flexibel Werken*. [Work and care 2017. Research on collective agreements related to the act modernising leave arrangements and working times and the Flexible Working Act] The Hague: Department of Social Affairs and Employment.

### *Adoption leave and pay*

- Each parent is entitled to six weeks' leave when a child is placed for adoption (or long-term fostering), with payment equivalent to Maternity leave.
- Leave can be used flexibly over a period of 26 weeks (four weeks before the child is placed and 22 weeks after), as long as it does not conflict with serious business needs. This leave does not have to be taken in one block.
- For adoptive parents, the same regulations for Parental leave apply as for other parents.

### *Time off for the care of dependants*

- Short-term leave up to a maximum per year of two times the number of working hours per week can be taken to care for a sick child living at home, a sick partner, or parent, other household members, family members, or friends. The employer is required to pay 70 per cent of the employee's earnings. All employees are eligible, subject to three conditions: firstly, an employer can refuse to grant the leave if the interests of the organisation might be seriously harmed; secondly, care must be necessary because of illness; thirdly, care must be provided by the employee involved.
- Employees are also entitled to unpaid long-term leave per year of up to six times their working hours per week to be taken part-time (i.e. 12 weeks at half of the working hours). The leave can be taken in all cases where long-term care is needed. With the agreement of the employer, long-term care leave can also be taken full-time or with reduced hours per week over a longer period, up to a maximum of 18 weeks. The right is conditional: an employer can refuse the leave if the organisation's interests are seriously harmed.
- In addition, a reasonable amount of time off work can be taken by an employee with very exceptional personal circumstances (e.g. a broken water pipe, a death in the family, or a child suddenly taken ill). This so-called emergency leave can last from a few hours to a few days, but terminates after one day if short-term leave (see above) is subsequently taken. The employer is required to pay 100 per cent of the employee's earnings.

### *Flexible working*

- Under the Flexible Working Act 2016, all employees who have completed six months' continuous employment with their present employer have the right to increase, decrease, or adjust their working hours and the right to work from home. These rights are, however, conditional: the employer can refuse to grant the request if the interests of the business or service might be seriously

harmed; and the law does not apply to employers with fewer than ten employees.

*Specific provision for (breast)feeding*

- Mothers returning to work after Maternity leave are entitled to breastfeed or pump breast milk during working hours until their child is nine months old, and are entitled to take breaks of up to 25 per cent of their working hours. Employers are required to offer a suitable room and pay for these hours.

#### **14. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in the Netherlands per family is nearly 15 months, but most of this is unpaid. Leave paid at a high rate runs for a maximum of just 12 weeks. ECEC is offered to children aged two and a half to four years old, who are at risk for language or learning deficiencies. ECEC is the responsibility of municipalities: considerable differentiation exists regarding eligibility and provision. From the age of four there is an entitlement for children to start school, on a voluntary basis, prior to compulsory schooling at age five. There is, therefore, a significant gap between the end of leave and starting school, i.e. nearly three years between the end of leave and an ECEC entitlement, and nearly four years between the end of well-paid leave and an ECEC entitlement. Parents can also make use of formal childcare services, and working parents may be entitled to childcare subsidies.<sup>3</sup> Levels of attendance at formal services for children under three years of age are well above the average both for the countries included in this review and OECD countries (though this includes many children aged two who are attending part-time playgroups). Levels of attendance at formal services are also above the average for children over three years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

#### **15.Changes in policy since May 2018 (including proposals currently under discussion)**

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<sup>3</sup> Yerkes, M.A. and Javornik, J. (2018) 'Creating capabilities: childcare policies in comparative perspective,' *Journal of European Social Policy*, doi:10.1177/0958928718808421.

From 1 January 2019, partners and fathers are entitled to paid birth leave (see 1.b.), which replaces and extends Paternity leave. This leave will be extended by a further five weeks from July 2020 onwards.

In 2018, a new law on innovation and quality in childcare came into effect. The law aims to improve the standard and accessibility of childcare. The law will be implemented in phases. In 2018, several quality measures were introduced, including an improved health and safety policy, and the requirement to have a pedagogical policy plan. In 2019, the child-staff ratio was improved, from one staff member to four children under 12 months of age to 1:3. The child-staff ratio also changed for after-school care: from 1:10 to 1:12 (children seven years of age and older) and 1:11 for children between four and 13 years of age. The law additionally provides guidelines regarding mentors for children (each child should have a mentor in formal care assessing their progress) and for the coaching of pedagogical staff. By January 2023, further educational and training measurements and requirements also need to be implemented.

## **4. Uptake of leave**

### **a. Maternity leave**

No specific study has been done on the uptake 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 delivery, an uptake rate of 100 per cent might be expected. A recent study examined the use of the flexible part of Maternity leave and shows that relatively few women utilise the granted flexibility of the last part of the leave: i.e., after the first six weeks following delivery (at less than two per cent).<sup>4</sup>

### **b. Paternity leave/Birth leave**

Statistics on the uptake of the recently introduced birth leave are not yet available; the information here refers to Paternity leave, as it was available until 1 January 2019 (two days of paid leave). In 2017, 86 per cent of fathers entitled to Paternity leave used the leave. This percentage has remained stable over the years.<sup>5</sup> It is also customary to take up annual holidays or a reduction of working hours in the period after the child is born. Nearly two thirds (66 per cent) of fathers who

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<sup>4</sup> Zwinkels, W. (2018). *Evaluatie flexibele bevallingsverlof [Evaluation flexible Maternity leave]*. Epsilon Research: Ministry of Social Affairs and Employment.

<sup>5</sup> Centraal Bureau voor de Statistiek. *De werk-privébalans van vaders met jonge kinderen. [The work-life balance of fathers with young children]*. The Hague: CBS.

took some form of leave after their child's birth made use of annual holidays or a reduction in working hours. Slightly fewer (62 per cent) made use of the two days of Paternity leave.

### **c. Parental leave**

In 2017, the uptake of Parental leave among mothers was twice as high as for fathers (22 per cent versus 11 per cent), but the duration of leave was 19 months among fathers compared with 14 months among mothers. The long periods of leave reflect the possibility in the Netherlands of taking part-time Parental leave and to spread the leave out over several months. For those taking leave, on average, mothers took nine hours' Parental leave per week and fathers took eight hours per week (2017).<sup>6</sup>

The uptake of Parental leave is not only higher among women, but also among workers with a permanent contract, compared to those with a flexible contract (20 per cent versus five per cent). A recent study indicates that fathers not taking up leave are hindered by financial constraints, worrying about colleagues having to take on more work for them, or a belief that it is not possible to take leave from their job.<sup>7</sup> Uptake of Parental leave is higher among more formally educated and high-income parents, compared to less formally educated and low-income parents. In addition, the use of Parental leave is lower among parents with a non-Western ethnic background, compared to parents with a Western ethnic background and native Dutch parents. Parents with a non-Western ethnic background are less familiar with the entitlement than native Dutch workers. Uptake is also positively related to the number of hours worked and to employment in a large organisation, the education sector, or a governmental organisation; this is related to the fact that collective agreements in those sectors offer partially paid Parental leave.<sup>8</sup>

### **d. Other employment-related measures**

Use of care leave: in 2017, 379,000 female employees cared for a sick child, parent, partner, family member, or friend for a substantial period of time (i.e., longer than two weeks). Workers with informal care responsibilities report that emotional support from their supervisor and

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<sup>6</sup> Portegijs, W. and Brakel, M. van den (2018). *Emancipatiemonitor 2018*. The Hague: SCP/CBS.

<sup>7</sup> Centraal Bureau voor de Statistiek. *De werk-privébalans van vaders met jonge kinderen. [The work-life balance of fathers with young children]*. The Hague: CBS.

<sup>8</sup> Zwinkels, W. (2018) *Verlofregelingen arbeid en zorg naar type arbeidsrelatie [Work and care leave according to type of employment relation]* The Hague: Ministry of Social Affairs and Employment.

colleagues, plus flexible working hours are most beneficial when combining paid work and informal care.<sup>9</sup> Few employees with informal care responsibilities use long-term care leave. 15 per cent of these women made use of some kind of care leave. Of the 309,000 male employees that cared for a substantial period of time, 20 per cent took some kind of leave. Compared to other kinds of leave, employees made use of short-term care leave a substantial amount. Also, annual holidays and a reduction of working hours were taken up regularly; more by men than by women. Long-term care leave was seldom used. Men and women relatively often used other kinds of leave, such as emergency, special, or unpaid leave. Among full-time workers, men giving long-term care took leave more often than women. This is the other way around among part-timers: male part-timers take leave less often than female part-timers. In addition, in 2017, 250,000 female employees dealt with short-term, unexpected care tasks: 26 per cent of these women took care leave, compared to 15 per cent of women giving long-term care. Of the 215,000 men dealing with short-term care situations, 34 per cent made use of leave. Women often used short-term care leave, whereas men more often used annual holidays or reduction of working hours.

The Working Hours Adjustment Act: as is well known, many workers in the Netherlands work part-time. The Netherlands Institute of Social Research has published three reports on part-time work in the Netherlands<sup>10 11 12</sup>. It is clear that part-time work is very popular (and for women even almost 'natural'). Most Dutch employees are satisfied with their amount of working hours, suggesting that part-time work is, in most cases, voluntary.<sup>13</sup> However, a recent study finds that women who are young, working in white- and blue-collar occupations, and/or married/co-habiting are more likely to be in precarious, part-time jobs with short hours.<sup>14</sup> Research indicates that, in general, employers are

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<sup>9</sup> Boer, A. de, Plaisier, I. and Klerk, M. de (2019). *Werk en mantelzorg* [Work and informal care]. The Hague: Sociaal Cultureel Planbureau.

<sup>10</sup> Portegijs, W., Keuzenkamp, S. (Eds.) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk* [Part-time working in the Netherlands]. Den Haag: Sociaal en Cultureel Planbureau.

<sup>11</sup> Portegijs, W. (Ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken* [A picture of part-time working]. Den Haag: Sociaal en Cultureel Planbureau.

<sup>12</sup> Keuzenkamp, S. (Ed.) (2009) *Deeltijd (g)een probleem. Mogelijkheden om de arbeidsduur van vrouwen met een kleine deeltijd baan te vergroten* [Working part-time: (not) a problem?]. Den Haag: Sociaal en Cultureel Planbureau.

<sup>13</sup> Vlasblom, J.D., van Echtelt, P., de Voogd-Hamelink M. (2015) *Aanbod van arbeid 2014, Arbeidsdeelname, flexibilisering en duurzame inzetbaarheid*. [Supply of labour 2014, labour participation, flexibility and sustainable work] Den Haag: Sociaal en Cultureel Planbureau.

<sup>14</sup> Yerkes, Mara A., and Belinda Hewitt. 'Part-Time Work Strategies of Women and Men of Childbearing Age in the Netherlands and Australia.' In *Dualization*

positive towards part-time working at all occupational levels, and rarely reject a request to reduce working hours. However, requests to increase working hours are less common and not always granted.<sup>15</sup>

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*of Part-Time Work – the New Normal?*, edited by H. Nicolaisen, H.C. Kavli, and R. Steen Jensen. Bristol: Policy Press, 2019.

<sup>15</sup> Echtelt, P. Van, Schellingenhout, R. and Voogd-Hamelink, M. de (2015) *Vraag naar arbeid 2015*. [Demand for labour 2015] Den Haag: Sociaal en Cultureel Planbureau.

# New Zealand<sup>1</sup>

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April 2019

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

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

**Note on terminology:** In the New Zealand country note, 'Parental leave' is used as a generic term to cover 'primary carer,' 'partner' and 'extended' leaves, as well as related payments for new parents and eligible carers.

### a. Primary carer leave (paid Parental leave, previously termed 'Maternity leave': see 'note on terminology') (responsibility of the Ministry for Business, Innovation and Employment, with the Inland Revenue as delivery agent for payment)

*Length of leave (before and after birth)*

- 22 weeks. A primary carer can start to take leave from six weeks before the expected date of delivery.

*Payment and funding*

- 100 per cent of earnings, up to a limit of NZD\$564.38 [€326.76]<sup>2</sup> per week before tax. Payment is indexed annually by any

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<sup>1</sup> Please cite as: Morrissey, S. (2019) 'New Zealand country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of currency undertaken for 24 June 2019 using: <https://www1.oanda.com/currency/converter/>.

percentage movement upwards in average ordinary time weekly earnings.

- Self-employed parents who make a loss or earn less than the equivalent of ten hours' pay at the highest rate of the minimum wage, receive a minimum rate of NZD\$165.00 [€95.53] before tax per week. Payment is indexed annually as of 1 July for each year, according to upward movements in average weekly earnings.
- Funded from general taxation.
- No pension credits are accrued during the leave period.

#### *Flexibility in use*

- Primary carer leave can start earlier if it is necessary for the health of the mother or baby, or where a mother cannot continue to perform her job safely or adequately. Where a mother is directed by her doctor or employer to start primary carer leave early, she has the right to take eight weeks' leave after the expected date of birth, with the overall leave period extended accordingly.
- An employer and mother can agree for primary carer leave to start at any other time before the baby is due. Usually, leave commences six weeks before the due date and a mother is entitled to at least eight weeks' leave after birth, where her doctor or employer direct her to take leave before this period. The leave may be extended accordingly, but the payment is only extended where the child is pre-term. This means that a mother may have longer primary carer leave, e.g. 20 weeks, but will only receive 18 weeks' payment (unless pre-term payment applies). Any additional leave is extracted from the total period of extended leave.
- The primary carer is the birth mother who is pregnant or has given birth; her eligible partner/spouse to whom she may transfer any or all of the payment for leave (including *de facto* and same-sex partners); or a person other than the biological mother or her spouse/partner, who takes permanent primary responsibility for the care, development, and upbringing of a child who is under six years of age.
- An employee is able to perform up to 40 hours of paid work, during their Parental leave payment period, if that work is performed on 'keeping in touch' days. These are agreed between employer and employee, and are able to be used from 28 days after the date on which the child is born.
- Where an employee is not entitled to primary carer's leave, but is entitled to Parental leave (primary carer) payments (e.g. they may have multiple employers, work casually, or on a seasonal basis), they may request a period of 'negotiated carer leave.'

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

- The person who is the child's primary carer and who has worked for the same employer for at least an average of ten hours a week (in the six or 12 months immediately before the expected date of delivery), is eligible for primary carer leave. The mother determines who is the 'primary carer,' as she is allocated the leave and signs the documents to transfer it; the 'primary carer' can be someone who is not a biological parent to the child (i.e. same-sex partner or relative).
- An employee meets the eligibility for Parental leave payment if they have been employed for at least an average of ten hours a week for any 26 of the 52 weeks preceding the expected date of delivery.
- Self-employed people similarly meet the eligibility for Parental leave payments where they have been self-employed for at least ten hours a week for any 26 of the 52 weeks preceding the expected date of delivery.
- Any eligible primary carer is entitled to these provisions, irrespective of whether their partner/spouse is eligible for any entitlements.

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

- A person eligible for Parental leave payments is also entitled to an additional payment – the pre-term baby payment – of up to 13 weeks where their child is born alive before the end of the 36<sup>th</sup> week of gestation (depending on the number of weeks that it is born prior to the 36<sup>th</sup> week).
- An employee who receives a pre-term baby payment may also work up to a total of three hours multiplied by the number of weeks in the payment period, in addition to the 'keeping in touch' days available during the Parental leave payment period.
- Where an eligible mother has a child who is subsequently adopted, both the adoptive parent/s and the birth mother may access the leave and payment.
- In certain circumstances (e.g. death of the mother), the spouse/partner may receive the payment.
- Special (unpaid) leave of up to ten days can be taken by a mother before primary carer's leave, for reasons connected with the pregnancy (e.g. for ante-natal checks).

**b. Partner's leave (previously termed Paternity/Partner leave: see 'note on terminology') (responsibility of the Ministry for Business, Innovation and Employment)**

*Length of leave*

- 1 or two weeks (five or ten working days) depending on eligibility.

#### *Payment and funding*

- No direct payment, although an eligible spouse/partner can transfer their entitlement of the statutory payment.

#### *Flexibility in use*

- Leave can be taken at any time in the period between 21 days before the expected date of delivery and 21 days after the actual date of birth.
- If agreed between an employee and employer, leave can start at any other time.

#### *Eligibility*

- Employees may take partner's leave if they are the spouse or partner of the primary carer of a child, and they have worked for the same employer continuously for at least an average of ten hours a week in the six or 12 months immediately before the expected date of delivery. If they have met the hours test, in the six months immediately before the baby's expected due date, they are eligible for one week of leave. A spouse/partner who meets the hours requirement, and has worked for the same employer for 12 or more months continuously, is entitled to two weeks' leave.
- Self-employed workers, who have been self-employed for a minimum of ten hours per week, in the six or 12 months immediately before the expected date of delivery, are eligible.
- Same-sex parents are eligible.

### **c. Extended leave (responsibility of the Ministry of Business, Innovation and Employment)**

#### *Length of leave*

- Up to 52 weeks' leave may be taken in the 12 months after birth, including any primary carer leave (previously referred to as Maternity leave). Partner leave (previously referred to as Paternity/partner leave) is additional. Extended leave is a family entitlement.

#### *Payment and funding*

- None. There are also no pension credits.

### *Flexibility in use*

- Leave may be shared by both the eligible primary carer and their eligible partner/spouse. They can take their leave at the same time or consecutively.
- Extended leave may be taken as one or more periods of leave and can be started following primary carer leave, partner's leave, or after a period of return to work. However, the right to the leave ends when the child is six months or one year of age, (or six months or one year after the employee becomes the primary carer of a child), depending on the length of leave applicable.

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

- Extended leave of 26 weeks is available to employees who have worked for the same employer for an average of at least ten hours per week, in the six months immediately before the baby's expected due date, or the date a parent assumes the care of a child under six years of age that they intend to adopt.
- Extended leave of 52 weeks is available to those employees who have worked for the same employer for 12 months. Where one partner is only eligible for 26 weeks, they are not able to use more than that length of the extended leave entitlement, but when combined with a partner eligible for 52 weeks, the longer leave period is available to that partner.
- Self-employed workers are eligible.
- Same-sex parents are eligible.

### *Variation in extended leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; single 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 – these are most commonly found in the public sector. These agreements are in addition to, and cannot override, statutory provisions overall.

## **d. Childcare leave or career breaks**

No statutory entitlement.

## **e. Other employment-related measures**

### *Adoption leave and pay*

- Spouses/partners intending to adopt have the same leave entitlement as other parents. Eligible spouses/partners who are jointly adopting a child under the age of six years can nominate which parent will receive the payment.
- Note that Parental leave, including payments, are also available to eligible permanent primary carers other than the biological parents and formal adoptive parents.

### *Time off for the care of dependants*

- After the first six months of continuous employment, an employee may take up to five days of sick leave per year, at 100 per cent of earnings from their employer, with no payment limit. This leave can be used in the case of the illness of the employee/spouse/partner/dependant.

### *Flexible working: the right to request and the duty to consider*

- All employees have the statutory right to request a variation to their hours of work, days of work, or place of work. A request can be made at any time, for any purpose or reason, and there are no limits on how many requests can be made in any period. Furthermore, there is no requirement for an employee to tell an employer the reason for the request. Employers have a duty to consider a request, and are able to refuse a request on one or more of the recognised business grounds, or if it conflicts with a collective employment agreement. An employee can make a formal complaint only where they consider an employer has made a wrong decision about their eligibility to apply for flexibility, or where the employer has not complied with the statutory, described process for considering a request.

### *Specific provision for (breast)feeding*

- Employees are entitled to breaks to breastfeed but there is no requirement that these breaks should be paid.<sup>3</sup>

## **16. Relationship between leave policy and early childhood education and care policy**

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<sup>3</sup> Section 69Y from the Employment Relations Act 2000. Available at: <http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM1940663.html>.

The maximum period of post-natal leave available in New Zealand is 12 months, but some of this is unpaid. Leave is paid at an earnings-related rate for only 22 weeks. There is an entitlement to ECEC from three years of age, though only for part-time nursery education (for a maximum of six hours' attendance per day and 20 hours per week). So, there is a two-year gap between the end of leave and an ECEC entitlement, and a gap of over two and a half years between the end of paid leave and an ECEC entitlement (reducing to two and a half years from 1 July 2020, when paid Parental leave is increased to 26 weeks). Levels of attendance at formal services for children both under and over three years of age are above the average for both the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **17.Changes in policy since April 2018**

The period of primary carer or paid Parental leave was increased from 18 weeks to 22 weeks on 1 July 2018. A further increase to 26 weeks will occur from 1 July 2020.

The Best Start tax credit (BSTC) was introduced from 1 July 2018. It is a new component of the Working for Families tax credits (WfFTC) that is designed to help families with the costs in a child's first three years of life. It replaces the previous Parental tax credit (PTC), which paid up to NZD\$220 [€127.38] per week for the first ten weeks after birth (70 days), and, like the PTC, it cannot be received at the same time as paid Parental leave.

BSTC provides up to NZD\$60 [€34.73] per week (NZD\$3,120 [€1,806.41] per year) and it may be received when the PPL period has ended, or from birth if there is no eligibility for paid Parental leave. In the child's second and third year (but not the first year), BSTC is means-tested, and the amount reduces by 21 cents for every dollar the family income goes over the threshold of NZD\$79,000 [€45,739.20]. If the family income is under NZD\$79,000 [€45,739.20], the amount remains to NZD\$60 [€34.73] per week (NZD\$3,120 [€1,806.41] per year).

## **18.Uptake of leave**

Parents and employers were surveyed in 2005/2006 about their experiences of using leave around the birth/adoption of a child.<sup>4</sup> Overall, two-thirds of all women in paid work took a period of leave around the birth/adoption of a child. For more information on these data, please see

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<sup>4</sup> Department of Labour (2007) *Parental Leave in New Zealand; 2005/2006 evaluation*. Wellington; Department of Labour.

previous editions of the Leave Review. The government does not currently routinely collect data regarding uptake of leave.

A survey of public sector employees regarding uptake of leave by partners was conducted in 2017.

**a. Maternity leave/primary carer's leave**

No data.

**b. Paternity leave/partner's leave**

No data.

**c. Parental leave/extended leave**

No data.

# Norway<sup>1</sup>

**Berit Brandth** and **Elin Kvande** (Norwegian University of Science and Technology)

April 2019

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

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

### **a. Mother's quota (*mødrekvoten*) (responsibility of the Ministry of Children and Families)**

N.B. There is no separate Maternity leave: the information below is for that part of Parental leave reserved for women before and after birth, and for which the term *mødrekvoten* or mother's quota is now used. Although it is treated separately here, it is, in effect, part of the longer *foreldrepengeperioden* (parental money) period.

In addition, leave of up to 12 weeks is available for pregnant women who must stop 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.

#### *Length of leave*

- 18 or 22 weeks, depending on payment level (see 'payment and funding' below): three weeks before the birth and 15 or 19 weeks following birth. It is obligatory to take six weeks' leave after birth for health reasons.

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<sup>1</sup> Please cite as: Brandth, B. and Kvande, E. (2019) 'Norway country note,' in Koslowski, A., Dobrotić, I., Blum, S., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: [http://www.leavenetwork.org/lp\\_and\\_reports/](http://www.leavenetwork.org/lp_and_reports/)

### *Payment and funding*

- 18 weeks at 100 per cent of earnings or 22 weeks at 80 per cent of earnings, up to a limit of six times the basic national insurance benefit payment (i.e. NOK96,883 [€10,018.60]<sup>2</sup> per month), funded from general taxation.
- Parents who, for a temporary period, are not employed in order to care for children below school age, may receive some pension credits. Parental leaves are not affected by any reduction in pension credits as leaves are wage compensated.

### *Flexibility in use*

- After the first six weeks, it can be flexibly used as part-time leave in combination with part-time work, or split up into smaller blocks of time.

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

- All women employed for six of the last ten months prior to delivery, and who have earned at least half the basic national insurance benefit payment over the previous year, are eligible for leave.
- Self-employed workers are eligible.
- Non-employed women receive a one-off payment of NOK83,140 [€8,597.47] per child. This payment is also given to non-employed women when the child is adopted.

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

- If the mother or child is ill and hospitalised after delivery, leave payment can be postponed.
- For multiple births or adoptions, the Parental leave period is prolonged. Parents to twins get 66/80 weeks and parents to triplets get 95/115 weeks.

## **b. Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour and Social Affairs)**

### *Length of leave (before and after birth)*

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<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>

- 2 weeks after birth – ‘daddy days’ (plus father’s quota, see section 1.c.).

#### *Payment*

- ‘Daddy days’ are unpaid by government: payment depends on individual or collective agreements, and most employed fathers are covered by such agreements.

#### *Flexibility in use*

- Paternity leave is flexible in a number of ways. Firstly, it can be used by someone else who will assist the mother (i.e. grandparents) if the parents do not live together. Secondly, the law does not inform as to when the leave must be taken other than ‘in connection with the birth.’ This is normally interpreted as two weeks before or two weeks after the birth. There is, however, an opportunity to move the leave if the situation requires it. Thirdly, the leave may be split up. The father may, for instance, use a day or two to be present at birth, go back to work, and then take the rest when mother and child come home from the hospital. Fourthly, it can be used by foster or adoptive parents when taking over the care of the child.

#### *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; single parent) or delegation of leave to person other than the father.*

- Leave can be transferred to someone else if the father does not live with the mother, since the purpose of the leave is to assist the mother. (See above regarding flexibility.)

### **c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children and Families)**

#### *Length of leave (before and after birth)*

- 46 or 56 weeks, depending on payment level (see ‘payment and funding’ below) plus a further three weeks before the birth, i.e. a total of 49 or 59 weeks. Of the post-natal period, 15 or 19 weeks are for mothers (*mødrekvoten* or mother’s quota) and 15 or 19 weeks are for fathers (*fedrekvoten* or father’s quota). The

remaining 16 or 18 weeks is a family entitlement (*fellesperioden* or shared period) and may be taken by either parent. See 'flexibility' below for options available to parents.

### *Payment and funding*

- Parental money may either be taken for 49 weeks at 100 per cent of earnings or for 59 weeks at 80 per cent of earnings, up to a limit of six times the basic national insurance benefit payment (i.e., NOK96,883 [€10,018.60] per month (regulated on 1 May each year). When employees are included in collective agreements, the employers pay the difference between wages and the cap.
- Non-employed women receive a flat-rate payment of NOK83,140 [€8,597.47] per child.
- Funded from general taxation.

### *Flexibility in use*

- For all the different parts of leave (e.g. mother's quota, father's quota), it is possible to choose a longer period of leave paid at 80 per cent of earnings, or a shorter period of leave paid at 100 per cent of earnings.
- After the first six weeks, it is possible for the mother to postpone parts of the parental money period, as long as it is taken during the first three years after the birth of the child, and the parent receiving the money is employed full-time during the postponement period. Hospitalisation and vacation may also qualify for postponement.
- After the first six weeks, it is also possible for one or both parents to combine all or part of the parental money period with part-time work. If parents take less than the full benefit payment, this will prolong the period of parental money. Both parents may choose to combine the parental money period with part-time work (for instance, each working part-time) at the same time. A written agreement from the employer is required in both cases. There is also a requirement that non-eligible mothers have returned to employment or study (*aktivitetskrav*), in order for the father to take the family entitlement part of leave (see below).
- Father's quota and mother's quota: this period of leave (15/19 weeks) is not transferable to the other parent, except in certain circumstances, i.e. if the parent is ill or otherwise unable to care for the child, or if the mother and father do not live together.
- Father's quota may not be taken in the first six weeks of the parental money period, except for multiple births or adoption. Otherwise, fathers are free to choose at what time to use it during the first three years after the child's birth. They can also choose whether to take the quota as part-time leave, as well as whether

to split it or use it in one block. This flexible use requires agreement with the employer.

- The family entitlement part may also be taken as one block of time, as part-time, or split into shorter blocks of time within the three-year period.
- Both parents may take leave at the same time, except during the period of obligatory leave for the mother (i.e., three weeks before birth and six weeks after) and during the period of shared leave, when mothers are required to go back to work or studies in order for the father to take it. During the period of the father's quota, there is no requirement for what mothers can do (i.e., both parents may be on leave together). Taking leave at the same time shortens the period of paid leave.

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

- The main eligibility rules are the same for fathers and mothers. They must be employed for six of the last ten months prior to the birth, and earn at least half the basic national insurance benefit payment over the previous year.
- The eligibility rules for the family entitlement and father's quota are somewhat different. The father can use the 16/18 weeks of paid leave (the family entitlement) even if the mother is not eligible; but the mother is required to take up work or study (at least 75 per cent of full-time hours). For the father's quota, the mother must also have been eligible, but there is no requirement that eligible mothers (employed for six of the last ten months prior to the birth) go back to work. According to data from 2011,<sup>3</sup> 87 per cent of fathers were eligible. Most of the remainder were not eligible because the mother was not entitled to leave (being, for example, a student or unemployed), or themselves being unemployed.
- Self-employed workers are eligible for the same leave benefits as employees.
- Same-sex parents are eligible. When two women become mothers, the non-biological mother must have been officially recognised as a mother in order to have the rights to leave. Her rights are the same as a father's rights to leave. If two men have a child together through surrogacy, the biological father normally gets the whole leave if he is officially approved as a father. The other father may get paid Parental leave if he adopts the child (as a step-father) and if there are leave days left. The three-year period within which leave must be taken may present a challenge,

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<sup>3</sup> Kitterød, R.H., Halrynjo, S., and Østbakken, K. M. (2017) *Pappaperm? Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor?* [Fathers who do not take paternity allowance - how many, who and why?]. Report 2017:2, Oslo: Institute for Social Research.

as they cannot apply for leave before the child is born and the adoption processes may take a long time. The 15-week quota for the second father is transferable to the first father. If both fathers are adoptive parents, they may choose which of them starts the leave period at the time of the care order.

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

- For multiple births or adoptions, the Parental leave period is prolonged: parents of twins get 66/80 weeks and parents of triplets get 95/115 weeks.
- If the child dies during the Parental leave period, parents will receive payment for six weeks of the period that is left.
- Single mothers who are eligible for Parental leave will automatically receive the father's quota. However, if the parents agree, they may apply for the non-residential father to use the father's quota.

#### **d. Childcare leave or career breaks**

- Each parent has the right to one year of unpaid leave after the parental money period.
- Parents with a child between one and two years of age are entitled to receive a cash benefit ('cash-for-care' scheme) on condition they do not use a publicly funded ECEC service. The full benefit is NOK7,500 [€775.57] per month. Children who use ECEC on a part-time basis receive a reduced benefit (e.g. if parents do not use a place, they receive 100 per cent of the benefit; if they use a place for up to 20 hours per week, they receive 50 per cent of the full benefit). The main criteria for eligibility, therefore, is not parental employment status, but parents not using a particular service.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- The same regulations apply as for parents having their own children, except for the three weeks of leave reserved for mothers before birth. The period is divided into non-transferable mother's and father's quotas and a family entitlement to be shared. Parents adopting from abroad may decide when to start the Parental leave period. Parents adopting children from abroad who are not eligible for Parental leave receive a cash benefit of NOK83,140 [€8,597.47]

### *Time off for the care of dependants*

- Each parent of one or two children under 12 years of age has a right to: ten working days' leave per year when the child/ren are sick (or the childminder or grandparent is ill and the children are not attending kindergarten), or 15 working days' leave per year if they have more than two children. Single parents have the right to 20/30 days' leave per year. For severely or chronically sick children, there are extended rights to leave until the child is 18 years old.
- Employees who care for terminally ill family members in the home have the right to care leave for 60 days. There is also a right to leave for ten days every year to give necessary care for sick parents or spouses/partners.
- Leave is paid by the employer at the same rate as sickness benefit, i.e., at 100 per cent of earnings.

### *Flexible working*

- Parents have a right to part-time work to care for children, until they are ten years old.

### *Specific provision for (breast)feeding*

- The Work Environment Act grants all breastfeeding mothers the right to breastfeeding breaks of up to one hour per day for children under one year old. This leave is paid by the employer.

## **19. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Norway is just over three years. About two years of this is unpaid (except for the recipients of 'cash-for care,' see section 1.d., but they may not use publicly-funded ECEC services or, if they do, only part-time). Leave paid at a high earnings-related rate runs for 13 months (59 weeks at an 80 per cent wage). There is an entitlement to ECEC from one year of age, available on a full-time basis at kindergartens (though if the child is born later than September 1, there might not be a place ready until one year later). So, there is no gap between the end of leave and an ECEC entitlement in theory. However, a child must be born before the beginning of September, in order to be guaranteed a place in August (start of the school year) the next year. Levels of attendance at formal services for children both under and over three years of age are above the average for both the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **20.Changes in policy since April 2018** (including proposals currently under discussion)

The Conservative party government (in coalition with three other parties), which was elected in September 2017, increased the mother's and father's quotas to 15 weeks, after having included the Liberal party as their coalition partner. This made the rest of the Parental leave period, the family entitlement, much shorter. This new regulation was introduced on 1 July 2018. The aim has been a division of the leave into three equal parts. From 1 January 2019, it has become possible to extend the mother's and father's quotas by one month, by choosing 80 per cent wage compensation (instead of 100 per cent). The total length of the leave remains the same, which means that the shared part of the leave is reduced by ten weeks (if the 100 per cent compensation rate is chosen).

The decision to divide the paid Parental leave period into three equal parts has instigated a vigorous public complaint against it. Arguments concern negative effects of reduced leave for mothers. Several political parties want to reverse this decision, but the Prime Minister has said it will not happen under the current government.

Leave for born/adopted twins or triplets was extended, with parents who have three or more children in one birth/adoption receiving a double leave. It was announced in April 2019 that extended leave in the case of premature births will be implemented from 1 July 2019.

## **21.Uptake of leave**

### **a. Maternity leave**

Nine out of ten mothers have the right to parental money; the remainder do not meet the eligibility conditions.<sup>4</sup> Mothers not eligible for parental money receive a one-off payment. This is a heterogeneous group of mothers, but with an overrepresentation of immigrant mothers.<sup>5</sup>

### **b. Paternity leave**

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<sup>4</sup> Grambo, A.C. and Myklebø, S. (2009) *Moderne familier – tradisjonelle valg. En studie av mors og fars uttak av foreldrepermisjoner. [Modern families - traditional choices. A study of mother's and father's Parental leave episodes]*, Oslo: Nav.

<sup>5</sup> NOU 2017:6 Offentlig støtte til barnefamiliene.

The share of fathers who take time off work around the birth of the child is approximately the same as for the father's quota: 89 per cent. This figure includes fathers taking time off work in various ways, including Paternity leave, but also annual leave and other options. These survey data are not recent. There is no official, aggregated registration of the use of Paternity leave.

### **c. Parental leave**

In the years prior to the introduction of the father's quota, fewer than four per cent of fathers took some Parental leave. Only a few years later, the uptake rate was over 70 per cent (representative sample; own research from 1997), and data from public records later showed that about 90 per cent of eligible fathers take leave of some length.<sup>4</sup> Comparable figures over time are hard to obtain because of changes in the way statistics are presented, and because the leave length changes frequently.

Although the length of the father's quota has varied over the last decade, most fathers (seven out of ten) have taken exactly the number of weeks represented by the father's quota, regardless of its length (NAV, 2017<sup>6</sup>). So, when the father's quota was 60 days, 70 per cent took exactly this period. The same happened when the quota was extended to 70 days in 2013. Then, after the quota was reduced to 50 days in 2014, again 70 per cent of fathers took the reduced quota days. Figures based on public records in 2011 show that 18 per cent of the Parental leave days were taken by fathers: in 2013, fathers took 46 days on average, and in 2014, 49 days; then, with the reduction of the quota's length to ten weeks/50 days in July 2014, fathers' average uptake decreased to 47 days. These figures from this natural experiment show that if the aim of policy is greater equality in leave-taking between mothers and fathers, changing the length of the father's quota is essential. In 2014, when the father's quota was reduced, mothers' leave use increased accordingly.

As the father's quota was lengthened, flexible use increased. In 2014, 25 per cent of eligible fathers took their father's quota part-time, combining leave and work. This figure was slightly reduced in 2015 and 2016. Also, as the quota has lengthened, parents rarely stay home together for the whole period, but it is quite common to stay home together part of the time.

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<sup>6</sup> Parliamentary report based on Schou, L. (2017) Fedrekvoten – uttak og holdninger. *Arbeid og velferd*, 3: 81-95. See also: NAV statistics, downloaded 6 June 2019. <https://www.nav.no/no/NAV+og+samfunn/Statistikk/Familie+-+statistikk/Nyheter/7-av-10-fedre-tar-ut-nøyaktig-fedrekvoten>

The shareable Parental leave is, for the most part, taken by mothers. Figures from register data show that 14 per cent of eligible fathers took less than the father's quota, and only ten per cent took more in 2011.<sup>7</sup> As the quota became longer, fewer fathers took the shareable leave. Father's use of this leave is, in part, dependent on the mother and her willingness to share: mothers who have invested in education and have strong ties to working life (e.g., work full-time and have higher-status work) are thus most likely to share. This means that fathers are more likely to take some Parental leave, when mothers have: a high level of formal education, high income and work status, and full-time employment.

However, some characteristics of the father are also associated with use of leave. Although social class differences are small, the father's level of education has some influence, particularly on the length of the leave. The eligible fathers least likely to use the quota are fathers with long working hours, in managerial positions, or with a partner who works part-time. Moreover, fathers' sharing of the Parental leave also depends on their relationship to work. Fathers must sometimes negotiate with their employers when they want to take more leave than the father's quota, and the view that Parental leave is really for mothers is still to be found among some employers.

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<sup>7</sup> See Kitterød, R.H., Halrynjo, S., and Østbakken, K. M. (2017) *'Pappaperm? Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor?'* [Fathers who do not take paternity allowance - how many, who and why?]. Report 2017:2, Oslo: Institute for Social Research.

# Poland<sup>1</sup>

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April 2019

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

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

### a. Maternity leave (*urlop macierzyński*) (responsibility of the Ministry of Labour and Social Policy)

*Length of leave (before and after birth)*

- 20 weeks. No more than six weeks can be taken before the birth; it is obligatory for the mother to take at least 14 weeks.
- In the case of the death of a baby before the end of the eighth week, the mother has the right to eight weeks of leave in total, and to at least seven days after the death of a child who was older than eight weeks of age.

*Payment and funding*

- 20 weeks at either 80 per cent or 100 per cent of the mother's average earnings for the 12 months before the birth, with no upper limit on payments. If the mother (of a single child) chooses to take the 100 per cent option, any Parental leave taken afterwards will be paid at 100 per cent for the first six weeks, then at 60 per cent for the remaining 26 weeks; if she chooses the 80 per cent option, any Parental leave will also be paid at 80 per cent.

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<sup>1</sup> Please cite as: Kurowska A., Michoń, P., and Godlewska-Bujok, B. (2019) 'Poland country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Funded from the Social Insurance Fund, financed by contributions by employees (2.45 per cent of earnings), self-employed workers, and other insured persons, with some additional finance from the state to cover pension contributions. There is no contribution from employers.

*Flexibility in use*

- No longer than 21 days after the birth. The insured mother may declare if she wants to take the 80 per cent option, i.e. an option of combined Maternity and Parental leave, for the total of 52 weeks of leave (see Parental leave).
- The mother can share this leave (80 per cent option) with the father according to the rules of Parental leave (see below). The mother may share the leave with other members of her family, if they are employed or insured.

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

- Insured workers, including all employees and self-employed women covered by social security insurance at the start of leave.
- There is no explicit ruling about eligibility for same-sex couples.

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

- In the case of multiple births, the Maternity leave part (20 weeks for one birth) is extended to 31 weeks for twins, 33 weeks for triplets, 35 weeks for quadruplets, and 37 weeks for quintuplets.

**b. Paternity leave (*urlop ojcowski*) (responsibility of the Ministry of Labour and Social Policy)**

*Length of leave*

- Two weeks.

*Payment and funding*

- 100 per cent of average earnings for the 12 months before the birth, with no upper limit on payments.

*Eligibility*

- Insured workers, including all employees and self-employed men covered by social security insurance at the start of the leave. Not transferable to mothers or other members of the family.

- Same-sex couple eligibility remains unclear: there have not yet been cases in Poland where two men have had the legal status of being the father of the same child.

#### *Flexibility in use*

- It can be taken any time during the 24 months after the birth of a child. The leave can be taken in two separate parts.

### **c. Parental leave (*urlop rodzicielski*) (responsibility of the Ministry of Labour and Social Policy)**

#### *Length of leave*

- 32 weeks per family. This is a family entitlement.

#### *Payment and funding*

- Payment depends on the payment option chosen by the mother taking Maternity leave. If, during Maternity leave, she opts to be paid at 100 per cent of earnings, the first six weeks of Parental leave (eight weeks in the case of numerous births) are also paid at 100 per cent, and the next 26 weeks (maximum) of the Parental leave benefit are paid at 60 per cent of the mother's (or father's if he takes the leave) average earnings for 12 months before the birth, with no upper limit on payments. However, if the mother opts for being compensated 80 per cent of earnings, the Parental leave benefit is paid at the same level.
- Funding is the same as for Maternity leave (see above).

#### *Eligibility*

- Insured workers, including all employees and self-employed people covered by social security insurance at the start of leave.
- Parental leave must be taken immediately after Maternity leave, and only after the full statutory length of the Maternity leave has been taken. In a case when the mother (even if she is uninsured) does not want to or cannot take care of a child, an employed father or another employed member of the family may take the leave. Whilst Maternity leave is dependent on the mother's eligibility, a mother's non-eligibility does not cause the loss of the eligibility of an employed father or employed other member of the family (i.e. grandmother, uncle, etc.).
- There is no explicit ruling about eligibility for same-sex couples.

#### *Flexibility in use*

- The parents must decide, during the three weeks after the birth, if they want to use the Parental leave directly after the Maternity leave.
- Up to a 32-week period can be taken as one continuous period of leave, or as up to 4 separate periods (but two of them must be taken continuously for a period of over 14 weeks), each no shorter than eight weeks. However, up to 16 weeks of Parental leave can be used in the time which is not immediately after the previous part of the leave. Parents can use the leave until the end of the calendar year in which the child turns six years old.
- Parental leave can be combined with part-time working (maximum half of full-time hours), with payment proportional to the working time. For the remainder, up to full time, a maternal benefit is paid.
- In the case of working parents, the leave can be proportionally extended up to 64 weeks. For example, if a parent combines part-time employment with the leave for eight weeks, the leave will be extended for an additional four weeks of full-time leave.
- Both parents can take leave at the same time. The overall length of leave must not exceed 32 weeks in the case of a single child.

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

- In a case of multiple births, Parental leave is extended to 34 weeks, regardless of the number of children born.

#### **d. Childcare leave (*urlop wychowawczy*) (responsibility of the Ministry of Labour and Social Policy)**

*Length of leave*

- Up to 36 months can be taken as childcare leave. It is not dependent on the Parental or Maternity leave; it is dependent on the period of work with the employer (over six months). Parents can use the leave until the end of calendar year in which the child turns six years old. Out of this, 34 months are a family entitlement, with one month as an individual entitlement for the mother and another month for the father.
- Up to 36 months for a disabled child. The same rules as for regular childcare leave applies, except for the age of eligibility – which is extended up to the child turning 18 years old.

*Payment and funding*

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego*) of PLN400

[€93.86]<sup>2</sup> per month is paid for 24 months to parents taking leave as a supplement to family benefit, if monthly household income per capita does not exceed PLN674 [€158.15]. Since 1 November 2017, the threshold has been PLN764 [€179.26].

- Funded from general taxation.

#### *Flexibility in use*

- Leave can be taken until the end of calendar year in which the child turns six years old.
- Parents can take leave in one continuous period or in a maximum of five separate blocks.
- Parents can take leave at the same time.
- Both parents have an individual, non-transferable right to one month of the leave. However, it could be transferable due to certain circumstances, such as the father being unknown, the other parent dying, etc.
- During the leave period, parents may be employed and claim parental allowance (if they are eligible), if working does not prevent them from caring for their children. A working parent can switch employment while on leave.

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

- Employees with a work record of at least six months.

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

- The basic payment can be extended to 36 months where there is more than one child.
- Leave may be extended for another 36 months if a child is disabled or chronically ill and requires care, but can be taken no later than the child's 18th birthday. A means-tested payment of PLN400 [€93.86] per month is made in these cases, and the payment period can be extended up to 72 months.

### **e. Other employment-related measures**

#### *Adoption leave and pay*

- The same regulations as for parents having biological children.
- Parental allowance is paid if the adopted child is seven years old or younger.

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<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using:  
<https://www1.oanda.com/currency/converter/>

### *Time off for the care of dependents*

- 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 of age 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*

- An employee has the right to apply for flexible forms of work or telework if they are:
  - a pregnant employee or a pregnant employee's spouse in case of a complicated pregnancy;
  - an employee who is the parent of a child who has a certificate confirming a serious and irreversible impairment or an incurable, life-threatening disease that arose in the pre-natal period of the child's development (or during the delivery referred to in article four, paragraph three of the Act of 4 November 2016 on support for pregnant women and families, 'For life' (OJ 2016, item 1860));
  - an employee who is the parent of a child with a disability certificate, as specified in the provisions on the vocational and social rehabilitation and employment of disabled people;
  - an employee who has made a decision about the need for early support for their child – i.e., special education or a ruling on the need for revalidation and education classes, referred to in the Act of 14 December 2016 - Educational Law (OJ 2018, item 996 and 1000);

The right to apply for flexible forms of working time is also available to employees whose children have already turned 18 years of age.

The employer has the right to not accept the application submitted by the employee if it is not possible due to the organisation of work, or the type of work performed by the employee. In which case, the employer must inform the employee about the reason for refusal.

### *Specific provision for (breast)feeding*

- Mothers who work at least four hours per day and breastfeed are entitled to breastfeeding breaks at work, which are included in

their working time. The number of breaks depends on the number of hours at work, and the length of the break depends on the number of children. A mother of one child working full-time would be allowed two breaks per day of 30 minutes each. Breaks could be combined and granted at the beginning or end of the working day.

## **f. Other non-employment-related measures**

### *Parental benefit*

- Individuals who are not eligible to receive maternity benefit (thus also parental allowance) are eligible for parental benefit. The benefit is therefore addressed particularly to unemployed people, students, and people working on some types of civil law contracts (uninsured). However, also inactive mothers and fathers (those not officially registered as unemployed) will be eligible for this benefit. The benefit is not means-tested.

### *Eligibility*

- The first 14 weeks of parental benefit are available only for mothers.

### *Payment*

- PLN1000 [€234.64] per month.
- It is important to stress that if the maternity benefit or Parental leave benefit in a given month is lower than PLN1,000 [€234.64], the difference will be paid to the parents. It is especially important for low paid parents who decide to receive compensation at 100 per cent for 26 weeks or 60 per cent for 26 weeks. In the case of minimum wage earners, their Parental leave benefit will be lower than PLN1000 [€234.64], thus the difference will be covered by social insurance.

### *Length of the benefit payment*

- 52 weeks for one child; 65 weeks for twins; 67 weeks for triplets; 69 weeks for quadruplets; and 71 weeks if five or more children were born.

## **22. Relationship between leave policy and early childhood education and care policy**

The maximum period of paid post-natal leave available in Poland is four years, but most of this is means-tested and low paid; leave paid at a

high rate runs for 12 months (in a case of single child). Since September 2017, there has been an entitlement to ECEC for children aged three and older. Therefore, there is a two-year childcare gap between the end of the well-paid Parental leave and ECEC entitlement. Levels of attendance at formal services for children both under and over three years of age are below the average for both the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

## 23. **Changes in policy since May 2018** (including proposals currently under discussion)

None reported.

## **4. Uptake of leave**

### **a. Maternity leave**

The Social Insurance Institution (*Zakład Ubezpieczeń Społecznych, ZUS*) collects data on Maternity, Parental, and Paternity leave benefits. It must be stressed that the data on Maternity leave benefit and Parental leave benefit collected for 2012-2013 and 2014-2018 are not comparable, because until 2014, the data were only collected for employers with more than 20 employees.

In 2018, 737,800 individuals took Maternity leave, Paternity leave, or Parental leave; in 2017, it was 707,800. While men took mostly Paternity leave (see below), women took Maternity leave and Parental leave. Altogether, women took 97 per cent of all benefit days paid for by ZUS for Maternity, Paternity, and Parental leave.

### **b. Paternity leave**

According to ZUS, in 2017, 174,200 Paternity leave benefits were paid out (for at least one day), and in 2018 that number rose to 196,000. The average payment was PLN136.57 [€32.04] per day in 2018, and in 2017 it was PLN128.74 [€30.21] per day. On average, fathers used 13.2 days of Paternity leave in 2016, 12.6 days in 2017, and 12.3 days in 2018.

### **c. Parental leave**

The data indicate that Parental leave is mostly taken by women. Recent numbers of parents taking Parental leave benefit are 406,600 (2017) and 419,900 (2018) – of which 99 per cent (402,400 and 415,500

respectively) were women. The Parental leave benefit on average amounted to PLN70.99 [€16.66] per day in 2017 and PLN72.56 [€17.03] per day in 2018. It was lower for women, reflecting the gender pay gap: on average, women received 67 per cent of the benefit paid to men in 2017, and 63 per cent in 2018.

#### **d. Childcare leave (*urlop wychowawczy*)**

According to ZUS, in 2015, every month (on average), the childcare leave benefit was paid to the parents of 53,300 children.

There are no regular and coherent government statistics and analyses on the use of childcare leave and childcare allowances. In particular, the available official statistics do not show the incidence of childcare leave among parents entitled to take leave, the proportion of parents who receive childcare allowance, or the average duration of leave. Furthermore, despite the fact that fathers have been entitled to childcare leave since 1996, no data about their uptake are collected. A representative, although already outdated, picture of the uptake of childcare leave comes from analyses of data collected in the second quarter of 2005, using a module added to the Labour Force Survey.<sup>3 4</sup>

In the largest Polish survey, *Diagnoza Społeczna* (published 2011 and 2013), the respondents were asked to select a solution that would facilitate the reconciliation of work and family responsibilities.<sup>5</sup> In 2011, a longer Maternity leave was most often given as the best solution for reconciling work and family life, both by women (26 per cent) and by men (20 per cent). In 2013, this view was given by 24 per cent and 19 per cent respectively. However, in comparison to 2011, in 2013, other answers had a higher response: flexible working time (indicated by more than half of women and men), childcare facilities for children below the obligatory school age, and higher childcare leave benefit. It seems that, after the changes in the leave policy, the respondents now stress the need for developing childcare facilities (the participation rate is rather low in Poland) and increasing the allowances for those who care for children at home. However, the most important change is in the social attitude towards flexible working time. The comparison of men's and women's responses leads to the conclusion that women are more interested in the development of childcare facilities, while for men

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<sup>3</sup> 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.

<sup>4</sup> Matysiak, A. (2007) 'Organizacja czasu pracy i opieki' ['Work and care'], in: I.E.Kotowska, U. Sztanderska, and I. Wóycicka I. (eds.) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne [Economic and educational activities and family]*, Scholar Publishing Company.

<sup>5</sup> Czapiński J. and Panek T. (eds.) (2011) *Diagnoza społeczna. [Social Diagnosis]*. Available at: <http://www.diagnoza.com/index.html>.

childcare allowance is a tool for reconciling work and family life.

Similarly, long periods of Maternity leave or childcare leave are often discussed as a way of encouraging women to have more children. In 2012, 27 per cent of Poles indicated 'longer Maternity leaves' as a way to achieve this aim<sup>6</sup>; while, in 2013, almost half of Polish society considered 12 months of leave (Maternity and Parental) after birth to be an effective means for encouraging young women to have children.<sup>7</sup> By the same token, Polish society does not consider Paternity leave to be an important policy tool. It is worth noting, however, that academic studies show how the Polish Maternity leave extensions that have taken place in the past did not influence child-bearing among Polish women.<sup>8</sup> Furthermore, analyses of multiple conditions for child-bearing in Poland, plus the socio-economic context of recent changes, undermine the chances for the recent reform to bring significant change in fertility rates in Poland.<sup>9</sup>

Nevertheless, the 2013 extension of Maternity leave, and introducing six months of Parental leave, gained much support in Polish society: 91 per cent of adult Poles rated it as beneficial.<sup>10</sup> But, most people (58 per cent) did not think men were interested in taking the Parental leave part. After the extension of Maternity leave, two other measures to support the reconciliation of work and family have considerable support: flexible working hours (55 per cent of men and 57 per cent of women) and childcare facilities for children under seven years of age (33 per cent of men and 37 per cent of women).<sup>11</sup>

### **Parental benefit for non-employed parents**

<sup>6</sup> CBOS (2012) *Polityka państwa wobec rodziny* [State policy towards the family] (No. BS/67/2012). Warszawa: CBOS.

<sup>7</sup> CBOS (2013) *O roli kobiet w rodzinie* (No. BS/30/2013) [The role of women in the family]. Warszawa: CBOS.

<sup>8</sup> Kurowska A. and Słotwińska-Roślanowska E. (2013) 'Zatrudnienie a pierwsze i drugie urodzenia wśród kobiet w Polsce' ['Employment and the first and the second births among Polish women'], *Studia Demograficzne*, Vol.163, No.1: 37-51. Available at:

[https://www.researchgate.net/publication/266684882\\_Zatrudnienie\\_a\\_pierwsze\\_i\\_drugie\\_urodzenia\\_wsrod\\_kobiet\\_w\\_Polsce](https://www.researchgate.net/publication/266684882_Zatrudnienie_a_pierwsze_i_drugie_urodzenia_wsrod_kobiet_w_Polsce)

<sup>9</sup> Kurowska A. (2013) 'Ocena zasadności założeń reform urlopów i zasiłków związanych z opieką nad małym dzieckiem', *Problemy Polityki Społecznej. Studia i Dyskusje*, Vol. 21, No.2: 155-170. Available at:

<http://www.problemy polityki społecznej.pl/images/czasopisma/21/Kurowska%20PPS%2021-13-12.pdf>

<sup>10</sup> CBOS (2013a) *Postawy prokreacyjne kobiet* (No. BS/29/2013) [Attitudes to women's fertility], Warszawa: CBOS.

<sup>11</sup> Czapiński, J. and Panek, T. (2013) 'Diagnoza społeczna 2013: warunki i jakość życia Polaków' ['Social Diagnosis 2013: conditions and quality of life of Poles'], Quarterly of the University of Finance and Management in Warsaw (special issue), vol.7.

The parental benefit, introduced from 1 January 2016, is provided to women who have given birth to a child and who do not receive maternity benefit or parental benefit. In 2017, expenditure on parental benefits amounted to PLN1,044.60 million [€245.104 million] and accounted for 10.6 per cent of all expenses for family benefits: on average, the benefits were collected by 94,900 people. Compared to the previous year, there was an increase in both the amount and the monthly average of parental benefits paid out (by 21.1 per cent and 21.6 per cent respectively).

# Portugal<sup>1</sup>

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

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

**Note on terminology:** a new labour law came into effect in May 2009 and major changes were introduced in leave policy (see details in 2009 review). 'Maternity leave' was replaced by the 'Initial Parental leave'; 'Paternity leave' and optional Parental leave for fathers was replaced by 'Fathers-only Parental leave'; and a 'sharing bonus' was introduced (see below).

a. Initial Parental leave (*Licença Parental Inicial* – formerly 'Maternity Leave', see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

*Length of leave (before and after birth)*

- 120 or 150 calendar days, depending on payment level (see 'payment and funding' below). It is mandatory for the mother to take 42 calendar days (six weeks) following the birth (Mothers-

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<sup>1</sup> Please cite as: Wall, K. Leitão, M. and Correia, R.B. (2019) 'Portugal country note,' in Koslowski, A., Dobrotić, I., Blum, S., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

only Initial Parental leave (*Licença Parental Inicial Exclusiva da mãe*); 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*

- Initial Parental leave: 120 days at 100 per cent of earnings or 150 days at 80 per cent of earnings, with no upper limit on payments. A sharing bonus is allocated if each parent takes at least 30 consecutive days of leave or two periods of 15 consecutive days once the other parent returns to work: 150 days are paid at 100 per cent of earnings or 180 days at 83 per cent of earnings, with no upper limit on payments.
- If parents decide to divide the 30 days of the fifth month of Initial Parental leave, in order to stay at home simultaneously (each for a maximum of 15 days), payment remains at 80 per cent of earnings for each parent (see 'flexibility in use' below).
- Monthly payment corresponds to an average of all gross earnings during the first six of the last eight months immediately prior to leave. Previously, this monthly payment included holiday benefits, Christmas benefits, and other extras, but since 2012, the government has excluded these benefits from that average. Therefore, parental benefit now corresponds more closely to previous monthly earnings, whereas before it could be significantly different. Nevertheless, while on leave, parents continue to receive more than when they are working, since they are exempted from paying taxes (social security contributions and IRS) during the leave period. Parents continue to accrue pension credits and other entitlements during the leave period.
- Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefits as compared to the mainland, in order to compensate for the higher cost of living.
- When the level of earnings is very low, there is a minimum payment of €11.62 per day (120 days or 120+30 days' shared leave), €9.30 per day (150 days' non-shared leave), or €9.59 per day (150+30 days' shared leave).
- Parental leave benefit is funded by the social security system, financed by contributions from employers, employees, self-employed workers, and voluntary forms of social security. For employed workers, the total amount of this contribution is 34.75 per cent of the employee's gross monthly salary. Employers contribute with 23.75 per cent and employees 11 per cent.
- Non-employed parents receiving either the social parental benefit or unemployment benefit can claim pension credits regarding their leave period; apart from these two situations, non-employed

parents are not eligible for paid leave or pension credits for child-rearing.

### *Flexibility in use*

- Mothers have the option to take up to 30 days of their Mothers-only Initial Parental leave before birth;
- Initial Parental leave may be taken in the following ways:
  - One of the parents (after the mother's mandatory period) may take all 120 days at 100 per cent of earnings or all 150 days at 80 per cent of earnings, i.e. there is no sharing of leave;
  - Parents may divide 150 days at 100 per cent of earnings between themselves, on the condition that the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or vice versa;
  - Parents may divide 180 days at 83 per cent of earnings between themselves, on the condition that the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or vice versa;
  - During the fifth month, parents can share a maximum of 30 days, in order to stay at home together, but each parent can only stay at home with the other parent for a maximum of 15 days. Therefore, this option of staying at home together will shorten the total amount of leave time, from five to four and a half months, or from six to five and a half months.
- When parents want to take leave at the same time and both work for the same employer in a small company, the employer's agreement is needed.
- Initial Parental leave of 120 or 150 days can be divided between parents, but cannot be taken at the same time by both parents, except in the case just mentioned above: a maximum of 30 days during the fifth month can be divided between the parents (15 days for each), so that they can stay home together.
- Other forms of paid work are not permitted while on paid leave.
- Single parents cannot use the other parent's entitlements.

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

- All female employees with a record of six months of social security contributions (continuous or intermittent – the latter is only possible if the period without contributions is less than six months). Mothers who have no record of contributions or insufficient contributions are entitled to a monthly benefit (social parental benefit), but only if their family income is below 80 per cent of the Index of Social Support (€435.76 in 2019). The amount and duration of this benefit is:
  - For non-shared leaves, €343.12 for 120 consecutive days (64 per cent of IAS) and €274.50 for 150 consecutive days;

- For shared leaves, benefit is paid at €343.12 for 150 consecutive days (66 per cent of IAS) and €283.07 for 180 consecutive days.
- The father's eligibility to use or to share Initial Parental leave is the same as the mother's, however it depends on the mother working or being eligible for other reasons (e.g. low family income, unemployment benefit). For example, if the mother is not eligible at all, the working father can only take his Fathers-only Parental leave of 15 obligatory and 10 optional working days (see 1.b.). If the mother works but the father does not and is not eligible for other reasons (e.g. low family income, unemployment benefit), the mother is still eligible for Initial Parental leave.
- The sharing bonus only applies if both parents work or are eligible for other reasons (e.g. have a low family income, receive unemployment benefit).
- Self-employed workers (who contribute to social security) and unemployed people (who are receiving unemployment benefit) are eligible.
- Even though same-sex marriage was introduced in Portuguese law in 2010, followed by same-sex adoption in 2016, leave legislation (2009) does not yet acknowledge same-sex couples' rights as parents.
- Eligibility does not differ for leave and for benefits.

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

- In the case of multiple births, the leave period is extended by one month for every additional child.
- In the case of death, mental illness, or the physical incapacity of the parent who is taking leave, the other parent is entitled to the (remaining) leave to which the other parent would have otherwise been entitled (this is referred to as 'Initial Parental leave in the event of one of the parents being prevented from taking leave'). A minimum of 30 days' leave is granted to the father in the case of the mother's death, mental illness, or physical incapacity.
- A working grandparent is entitled to 30 days' leave, following the birth of a grandchild of an adolescent still living at home.
- In cases of poor health or health risks posed by work to the mother and foetus, the pregnant mother is entitled to receive maternity benefits before the birth, for as long as the risk lasts (this leave is known as 'health risk leave/benefit during pregnancy'). This leave does not reduce the 120, 150, or 180 days of Initial Parental leave, requires a medical certificate, and is paid at 100 per cent of earnings.
- In the case of premature births, or the hospitalisation of the child or the parent who is taking leave during the period after childbirth,

the leave period can be suspended at the request of the parent, for as long as hospitalisation lasts. That allows parents to ask for a sick child care benefit (see 'Other employment-related measures' below).

- In cases of 'specific risks' – (i.e. 'night work' from 10pm until 7am and 'exposure to specific agents, processes or working conditions,' both as specified by law) – during pregnancy, after birth, and while breastfeeding, women may interrupt their work and are entitled to a 'leave/benefit for specific risks,' paid at 65 per cent of their salary. This interruption requires a medical certificate acknowledging the danger to the mother's health or safety and to the child's development, as well as an employer's declaration expressing the impossibility of giving the working mother/pregnant woman another schedule or function. This leave does not reduce the 120, 150, or 180 days of Initial Parental leave.

b. Fathers-only Parental leave (*'Licença Parental Exclusiva do Pai'* – formerly Paternity leave, see note on terminology)  
(responsibility of the Ministry of Solidarity and Social Security)

*Length of leave*

- 25 working days, 15 of which are mandatory.

*Payment and funding*

- 100 per cent of gross earnings with no upper limit.
- Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefit compared to the mainland.
- Non-employed parents receiving either social parental benefit or unemployment benefit can claim pension credits regarding their leave period; except for these two situations, non-employed parents are not eligible to leave, payment, or pension credits for child-rearing.

*Flexibility in use*

- Five of the 15 mandatory days must be taken consecutively immediately after birth; the other ten days must be taken during the first month after birth; the other ten optional days must be taken while the mother is on Initial Parental leave.
- **The law states that 15 days are compulsory. The ATC (Authority for Labour Conditions) carries out inspections in the workplace and has had to provide new protocols and**

**training for inspectors, who are now required to be attentive to all aspects of Parental leave uptake and not only Maternity leave (enforced since 1976).**

- **A new legal proposal is now under scrutiny to change the mandatory/optional ratio from 15 mandatory days/10 optional days to 20 mandatory days/5 optional days (see 'changes in policy since April 2018' below).**

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

- As Initial Parental leave. Fathers who have no record or have insufficient contributions are entitled to the obligatory paid leave of 15 working days, as well as to the ten optional working days as long as they meet the low income/flat-rate criteria. Daily payment is €11.62, corresponding to 80 per cent of 1/30 of IAS (€435.76 in 2019).

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

- The 15 mandatory days of leave will be increased by two days for every additional child in the case of multiple births. The same applies for the ten optional days which the father can take, while the mother is on Initial Parental leave.

c. Additional Parental leave (*'Licença Parental Complementar'* – formerly Parental leave, see note on terminology)  
(responsibility of the Ministry of Solidarity and Social Security)

*Length of leave*

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

*Payment and funding*

- Unpaid, except if taken immediately after Initial Parental leave, when paid at 25 per cent of average earnings for three months for each parent.
- Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefit.
- Pension credits can be claimed by those on Additional Parental leave.

### *Flexibility in use*

- Leave may be taken up to the child's sixth birthday.
- Leave can be taken in the following ways: a) on a full-time basis for three months; b) on a part-time basis for 12 months per parent; c) on an alternating basis (i.e. working part-time or full-time, up to a maximum of three months' full-time equivalent per parent); or d) interpolated absences from work, if they are negotiated by collective bargaining.
- If the three months are taken as unpaid Parental leave, they can be taken by both parents at the same time; but paid leave can only be taken by one parent at a time.
- When both parents work for the same employer, the employer has the right to postpone the leave of one of the parents.

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

- As Initial Parental leave. However, paid Additional Parental Leave is not available to parents receiving social parental benefit, nor to parents receiving unemployment or social unemployment benefits.

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

- None.

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

- None.

### **d. Childcare leave or career breaks**

- After Additional Parental leave, and only if this leave has been taken, one of the parents may take up to two years of childcare leave (*Licença para assistência a filho* – formerly known as Special Parental leave) on a full-time basis, extended to three years when there is a third or subsequent child. The leave is unpaid. However, unlike Additional Parental leave, which is an individual entitlement, this special leave can only be taken by one parent who must prove that the other partner is employed or incapable of working. Moreover, while parents on Additional Parental leave continue to be considered as employees with full rights and guarantees, as if they were working (for example, they continue to be entitled to

holidays which they can take at the end of the leave period), in the case of childcare leave (and in the case of leave to care for disabled or chronically ill children, see below), there is a suspension of the work contract. This means that all of the employee's rights and guarantees are suspended, and only the right to return to their job is safeguarded. The period of childcare leave is also taken into account in the calculation of old age and invalidity pensions. Non-employed parents are not eligible to leave, payment, or pension credits.

## **e. Other employment-related measures**

### *Adoption leave and pay*

- In cases of the adoption of a child under 15 years old, the adopting parents are entitled to Initial Parental leave, including the sharing bonus. In the case of multiple adoptions, leave will be extended by 30 days for every subsequent child adopted. In the case of the death of the adopting parent, leave may be transferred to the spouse, who can take, as an alternative, a minimum of 14 days' leave.
- Adoptive fathers are not entitled to the Fathers-only Parental leave (15 compulsory days plus 10 optional days).

### *Time off for the care of dependants*

- Up to 30 days per year can be taken to care for sick children under the age of 12 years, with no age limit in the case of a child who is chronically ill or disabled; an additional 15 days per year can be taken to care for sick children above the age of 12 (if older than 18 years of age, the child must belong to same household). This is a family entitlement to be divided between parents as they choose and is paid at 65 per cent of earnings (minimum payment of €11.62 per day, 1/30 of the Index of Social Support, IAS). Both entitlements are increased by one day for every second and subsequent child. If a child under the age of 12 is in hospital care, this entitlement lasts for as long as the child is in hospital.
- Up to 15 days' unpaid leave per year to care for a spouse or a close relative (parents, grandparents, siblings – even if they are not living in the same household). Employees in the public sector are entitled to a benefit of 65 per cent of their earnings, per day.
- An extra 15 days of unpaid leave per year to care for a disabled or chronically ill spouse.
- Grandparents are also entitled to take leave from work in order to substitute parents in caring for sick children: they may take the same number of days parents are entitled to, or take the remaining days that parents have not taken from their leave entitlement.

- When there is a disabled or chronically ill child, including an adopted child or step-child in the household, one of the parents is entitled to six months' leave (referred to as leave to care for a disabled or chronically ill child; *Licença para assistência a filho com deficiência ou doença crónica*), which may be extended to four years. This leave can only be taken by one of the parents and it is paid at 65 per cent of earnings; the maximum payment per month is equivalent to two times the amount of IAS (€871,52). Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent.

### *Flexible working*

- If there is a disabled or chronically ill child below one year of age, one of the parents may apply for a five-hour reduction in their weekly working hours, if the other parent is still employed.
- Parents are entitled to four hours of absence (per school term) to go to their children's school, until children reach 18 years of age, with no reduction in their earnings.
- Adopting parents are entitled to be absent at work (up to three times) to attend meetings related to the process of adoption.
- Fathers are entitled to leave work (up to three times) to be present in pre-natal appointments.
- Parents with children below 12 years of age (no age limit in the case of a child who is chronically ill or disabled, living in the same household) are entitled to flexible work arrangements, which means that the employee may choose, within certain limits, when to start and finish their daily work. Employees may work up to six consecutive hours and up to ten hours daily, as long as the normal weekly hours of work are fulfilled. Both parents are entitled to this flexible working schedule for an employee with family responsibilities.
- Where there are children below 12 years of age (no age limit in the 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 in the following ways: working part-time for five days per week, or working three full days per week. Employers and employees can agree on other arrangements. Part-time work may be extended to up to two years (three years in the case of third and subsequent children, four years in the case of chronically ill or disabled child).
- Parents working part-time or in a flexible working regime, cannot be penalised in their evaluation and career progression.
- Parents with children below three years of age are entitled to teleworking (working from home). If their function fits this working

regime and the company has the resources, employers cannot oppose this option.

#### *Specific provision for (breast)feeding*

- Parents are entitled to two hours' nursing leave per day during the first year after the birth, with no reduction of earnings. It is referred to as 'breastfeeding or nursing leave' (*Dispensa para Amamentação e Aleitação*) to make it more gender neutral, since the work time reduction may be used by parents of any gender. The entitlement to be absent from work to nurse is financially supported by the employer, since there is no benefit/compensation by the social security system. Parents must apply for it, and employers are obligated to comply. 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 either parent, 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. When mothers are breastfeeding, the two hours' reduction can last for as long as the child is breastfed.

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

The maximum period of total post-natal leave available in Portugal is three years (including two years of unpaid childcare leave and six months at 25 per cent of previous earnings). Leave paid at a high rate lasts for up to six months, depending on the sharing options. Since 2015, there is an entitlement to Early Childhood Education and Care (ECEC) from four years of age, in public pre-school education, available for eight hours per day. There is a gap of around one year between the end of maximum leave taken and public ECEC entitlement, and of three and a half years between the end of well-paid leave and public ECEC entitlement. However, both publicly subsidised and private nurseries are available for children from the age of four months and coverage rates for children, from birth to three years of age, in formal childcare have increased steadily over the last two decades (from 19.8 per cent in 2000 to 49.1 per cent in 2017), even though there has been a small inflection in this trend since 2016, mostly due to population growth. An extension of the entitlement to public education from three years of age is proposed from 2020, but not yet legislated.

Levels of attendance for children under three years of age are above the average for both the countries included in this review and for OECD countries; and around average for children over the age of three years. (See 'relationship between leave and ECEC entitlements' on cross-country comparisons page.)

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Since March 2016, when obligatory fathers-only leave increased from ten to 15 days, there were no changes to Portuguese Parental leave legislation in terms of length or benefits.

There have been changes in legislation in terms of time off to take care for sick children or grandchildren for self-employed parents and grandparents. This change was legislated in 2018, but only came into effect on 1 January 2019.

A government proposal from 2017, concerning a five-day increase in obligatory fathers-only leave from 15 to 20 working days, without extending the total period of fathers-only leave, is currently in consultation with social partners.

Recent public and political debates have been highlighting gender equality in leave policies. Regarding gender equality in work-family balance, proposals aim to reinforce fathers' entitlements (leave time) and fathers' uptake rates, rather than increase Parental leave time in general or payment for the three months of Additional Parental leave (currently paid at 25 per cent of earnings).

Meanwhile, a recent proposal (January 2018) from a left-wing political party has been discussed and will soon be voted on in parliament. It seeks to promote gender equality in all types of leave, namely: equal leave entitlements between biological parents, adoptive parents, and in same-sex parent families. The main claims of this proposal are:

- the introduction of a Fathers-only Parental leave in the case of adoption on the same conditions as for biological fathers;
- equal Parental leave entitlements in the case of same-sex couples;
- an increase of five days in compulsory Fathers-only Parental leave (currently at 15 working days), as well as an increase of five days in fathers-only optional leave (currently at ten working days);
- payment at 90 per cent of earnings (instead of the current 83 per cent) for parents who share at least 30 consecutive days (or two periods of 15 consecutive days each) of the total of 180 days of Initial Parental leave;

- payment at 100 per cent of earnings regarding leave for specific risks (currently paid at 65 per cent of earnings);
- payment at 100 per cent of earnings (currently paid at 65 per cent of earnings) regarding 30 days per year to care for a sick child up to 12 years of age or 15 days to care for a sick child above 12 years of age.

## 4. Uptake of leave

### a. Initial Parental leave (formerly Maternity leave)

There are no definitive figures on the number of births for 2018, but a slight increase is estimated compared with 2017 (about 86,827 in comparison to 86,154 births in 2017, 87,126 in 2016, and 85,500 in 2015). Portugal's fertility rate is still the lowest of all the countries in the European Union and the increase registered since the years of economic crisis (2011-2014: the birth rate dropped significantly from 101,381 births in 2010 to 82,367 births in 2014) is very modest and insufficient to achieve demographic balance.

After decreasing between 2011 and 2014 (down from 81,027 to 66,991) the total number of paid Initial Parental leaves reversed its downward trend and increased slightly in 2015 (72,185) and in 2016 (73,736). In 2017, the number of paid Initial Parental leaves seems to have resumed its downward trend, decreasing to 70,072, but in 2018, the number of leaves increased again to 72,674, in consonance with the increase in the number of births in the past year.

These figures include: parents with a sufficient record of social security contributions entitled to 80 to 100 per cent of earnings compensation (60,949); as well as parents with no record or an insufficient record of social security contributions (11,725) who are only entitled to a flat-rate benefit (see 1.a. for benefit eligibility). The latter represented 16.13 per cent of the total number of paid Initial Parental leaves in 2018 (18.6 per cent in 2016 and 17.9 per cent in 2017). In fact, since it was first introduced in 2008, the number of social Initial Parental leaves (paid to parents with an insufficient record of social contributions) reveals a decrease (down from 16,887 in 2008 to 12,522 in 2017, and 11,725 in 2018).

In 2018, Parental leave benefit taken by parents with a sufficient record of social security contributions (entitled to 80 to 100 per cent of earnings) represents about 70 per cent of the total number of births, while the flat-rate Parental benefit (parents with no record or an insufficient record of social security contributions) represents about 13.5 per cent in relation to total number of births. All in all, it is estimated

that 83.7 per cent of parents were eligible for Parental benefit in 2018 (up from 81.7 per cent in 2017).

### **b. Initial Parental leave and sharing bonus**

Since it came into effect in May 2009, data on the sharing bonus shows a strong initial increase in uptake in 2009 and 2010 (from 596 fathers who shared Maternity leave in 2008 to 16,426 fathers sharing Initial Parental leave in 2010). This was followed by a slow but steady increase until 2017: 17,036 fathers took leave on their own for 30 or more days during the five or six months of Initial Parental leave in 2011; 17,744 in 2014; 20,941 in 2015; 22,919 in 2016; and 24,109 in 2017. In 2018 there was a decrease in the absolute number of shared Parental leaves (23,584), so that in 2018 32.4 per cent of Initial Parental leaves were taken with the sharing bonus (i.e. the father took at least 30 days of leave alone, without the mother, or vice versa), compared with 35.3 per cent in 2017, 31.7 per cent in 2016, 29.5 per cent in 2014, and 22 per cent in 2011). These numbers reveal a break in the upward trend in uptake of shared Initial Parental leave.

Initial Parental leave taken with the sharing bonus must be shared between both parents. Although only the first six weeks have to be taken by the mother, in practice nearly all parents divide the leave between themselves by allocating four or five months to the mother and one month (the last month of Initial Parental leave, when the mother goes back to work) to the father. Among these couples, in 2018, 71.2 per cent (16,710) chose the longer leave period (six months paid at 80 per cent of earnings), compared to 60 per cent in 2010; while 28.8 per cent (6,753) preferred the five-month option paid at 100 per cent of earnings. This would seem to indicate that parents are choosing to stretch the period of leave to six months, even if they receive a slightly lower level of earnings compensation.

Initial Parental leave taken without the sharing bonus is nearly always taken up by mothers. The major leave-taking pattern (63 per cent) is five months paid at 80 per cent of earnings (since it is taken without the sharing bonus); 37 per cent of mothers take the four-month period paid at 100 per cent of earnings. However, there is a difference between mothers receiving parental benefit and mothers receiving social parental benefit (see 1.a.): the latter tend to opt for the four-month period (84.1 per cent), while the others take the five-month period.

### **c. Fathers-only Parental leave (formerly Paternity leave)**

In 2016, mandatory Fathers-only Parental leave changed from ten to 15 working days. In 2018, uptake numbers and percentages seem to have

increased slightly: 74.1 per cent of fathers (64,377) took this compulsory leave, compared to 70.2 per cent in 2017.

Uptake of the mandatory leave is still not at 100 per cent for three main reasons: statistics exclude employees with special social protection regimes (e.g. civil servants, bank workers); some employees still do not fit eligibility criteria (they do not have a sufficient record of social contributions or their family income is not as low as required by the flat-rate benefit); and labour inspection services only recently began to control uptake of leave by fathers leading to lack of implementation by some employers.

The same trends may be observed for the 15 additional leave days (the optional 'father days' introduced in 1999). Ever since, it has been following a rising trend (with the exception of the economic crisis period) reaching 53,268 fathers in 2017 (61.3 per cent) and 56,544 fathers in 2018 (65.1 per cent). Nowadays, most fathers who take the 15 working days' mandatory fathers-only leave also take the ten working days fathers-only optional leave.

These percentages are based on the number of fathers who take leave in relation to an estimated number of births for 2018. If, again, uptake is calculated in relation to the total number of Initial Parental leaves granted, then estimated proportions in 2018 rate 88.6 per cent for the 15 obligatory days (87 per cent in 2017), and 77.8 per cent for the ten optional days (76 per cent in 2017).

#### **d. Additional Parental leave (formerly Parental leave)**

Uptake of Additional Parental leave (at 25 per cent of average earnings, if taken immediately after the Initial Parental leave) is still low; despite increasing between 2009 and 2017, in 2018 there has been a decrease. In 2009, only 1,215 parents took paid Additional Parental leave; in 2017, uptake reached its maximum to date, with 8,073 leaves, followed in 2018 by a drop to 7,123, which represented about 11.7 per cent of all parents.

# Romania<sup>1</sup>

**Alexandra Macht** (Oxford Brookes University) and **Raluca Popescu** (University of Bucharest)

April 2019

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

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

### a. Maternity leave (*concediul de maternitate*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)

#### *Length of leave*

- 18 weeks (126 calendar days). This is made up of pre-natal birth leave (*concediul de sarcină*) and post-natal confinement leave (*concediul de lăuzie*). Mothers can take either nine weeks before birth and nine weeks after birth, or the entire period of 126 days after the birth.
- It is obligatory to take at least six weeks of post-natal leave.

#### *Payment and funding*

- The benefit amounts to 85 per cent of the mean monthly gross income obtained in the last six months before Maternity leave, with no upper limit on payments. The calculation of the payment takes into account the mother's previous breaks from employment, including: unemployment, medical leave, the most recent educational certificates issued by a national institution, and any other Maternity leave and benefit payments made in the past.

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<sup>1</sup> Please cite as: Macht, A. and Popescu, R. (2019) 'Romania country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Maternity benefits are not taxed and are funded by the national budget for social health insurance (*Fondul național unic de asigurări sociale de sănătate*).

#### *Flexibility in use*

- Mothers are required by law to take six weeks (42 days) of post-natal leave, out of the available 18 weeks of Maternity leave. The remaining 12 weeks (84 days) can be renounced if the mother prefers to not take them.
- If the mother dies during childbirth or during her post-natal leave, the remainder of the leave is transferable to the father of the child.

#### *Eligibility*

- Maternity leave is given to women who are Romanian or EU citizens, have their residency in Romania, and contribute to the social security system, irrespective of their occupational status (e.g. as employees; self-employed; unemployed; workers on short-term contracts).
- Maternity leave is also given to pregnant women who have stopped their social insurance contributions for reasons beyond their control, but who are giving birth in the nine months preceding the date when they have stopped contributing towards social insurance.
- Since LGBTQ+ marriage or LGBTQ+ adoption are not legally recognised in Romania, there is no provision for same-sex parents. Even if sexual orientation rights have been technically recognised by law since 2000, same-sex relationships do not have equal legal status.

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

- If the child is stillborn or dies during the confinement leave, the maternity benefit is paid for the entire duration of the leave.
- According to Law Nr. 25 from the Code of Work published in 2004, pregnant women and mothers can also take Maternal Risk leave for the protection of their own and their child's health and safety. The maternal risk benefit is completely supported with funds from the Unique National Fund of Health Insurances (F.N.U.S.S), and is calculated at 75 per cent of the average insured gross earnings over the last six months. The Maternal Risk leave is complementary to Maternity leave (meaning that the mother can take both).

**b. Paternity leave (*concediul de paternitate*)  
(responsibility of the Ministry of Work, Family, Social  
Protection and Elderly People)**

*Length of leave*

- 5 working days.
- There is the possibility of extending the leave by a further ten days, if the father attends an infant-care course (*curs de puericultură*). This extension is granted only once and only for one child (either the first-born or the child that the father makes the application for). If the father is a medical professional with prior knowledge of childcare he can submit an application for leave extension, rather than attend the full course.

*Payment and funding*

- 100 per cent of earnings, with no upper limit on payment. The benefit is paid by the employer.

*Flexibility in use*

- Leave can be taken at any time after the birth until the baby is eight weeks old.
- Additional time is given for multiple births.
- Paternity leave is the full right of the father, and it is granted irrespective of whether the father is married to the mother or not.

*Eligibility*

- Paternity leave is given to fathers who are Romanian or EU citizens, have their residency in Romania, and contribute to the social security system, irrespective of their occupational status (e.g. employees; self-employed; unemployed; workers on short-term contracts).
- Paternity leave is granted upon request, during the first eight weeks from the child's birth, and after the beneficiary obtains the child's birth certificate, which stipulates his role as the child's father.
- If the father has gained a certificate of completion for a childcare course, demonstrating basic care knowledge, the length of the Paternity leave is increased by ten days to a total of 15 days of Paternity leave – the father can benefit from this increase only once. The course and certificate are prepared by the family doctor, in maternity wards, by other health state services, or private consultancies which are recognised by the state. The condition of implementing the uptake of an infant care course to complement

a Paternity leave, tries to increase the father's knowledge and involvement in caring for the infant, since fathers are expected by policy-makers to be less skilled in infant care. However, the usual practice is for couples to take these courses together, even if men's participation is increasing, especially in urban areas.

**c. Parental leave (*concediul de creştere al copilului, CCC*)  
(responsibility of the Ministry of Work and Social Justice)**

*Length of leave*

- Until the child is two years of age. Leave is a family entitlement.
- If both parents are eligible for the leave, one month must be taken by the non-claiming parent in the first year of leave, or the total amount of paid leave is reduced to 11 months. This strategy is meant to foster more gender equal arrangements.

*Payment and funding*

- 85 per cent of earnings over the last 12 months. Monthly benefit is calculated at 2.5xISR<sup>2</sup> and cannot be lower than RON1,250 [€263.95]<sup>3</sup> nor higher than RON8,500 [€1,794.88].

*Flexibility in use*

- At least a month from the total Parental leave available can be granted to the parent who is eligible for leave but has not requested the right to leave. For example, if the mother is the one who has requested Parental leave, a month out of this period will be given to the father (this being deducted from the mother's leave) or vice versa. In the time during which one partner is on the 'compulsory' month of Parental leave, the other partner can either return to work or can opt for unpaid leave.
- A labour market insertion incentive, which applies to both parents, has been implemented with the government's intention to improve work-life balance and to promote gender equality. This incentive is given to whoever is taking Parental leave, however, in order to receive the benefit, the parent should return to work at least 60 days before the child is two years old. The insertion incentive is RON650 [€137.26] per month and is given until the child is three years of age (or four years in the case of children with a disability). The same amount will be received by those who have not

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<sup>2</sup> This abbreviation stands for the 'Social Reference Indicator' (Indicatorul Social de Referință) and describes the reference point established by the state in relation to which benefits are calculated.

<sup>3</sup> Conversion of currency undertaken for 24 June 2019, using:  
<https://www1.oanda.com/currency/converter/>

contributed to the social security fund before birth, but have been enrolled in the labour force before the child reaches two years of age.

- Parents who return to work from Parental leave cannot be dismissed in the first six months (this is also known as 'the grace period'); the 'grace period' can only be revoked if the mother engages in illegal behaviours (i.e. fraud).

### *Eligibility*

- Both parents are eligible for leave if they have paid national insurance contributions in the last 12 months; this also applies to those who are currently unemployed, due to the employment history from which contributions are calculated. The Parental leave benefit is awarded if the parent fulfils the following criteria: is a Romanian citizen, or an EU citizen, with a residency in Romania; is living together with the child/ren; and does not hold state-incurred debts in the local budget for any of the goods owned in their property.
- The Parental leave benefit for the month that can be given to the other partner is calculated according to which parent takes the leave: so if the mother takes a month of leave, then this is calculated according to the father's salary; if the father takes the leave, then this is calculated according to the mother's salary.
- Parental leave and Parental leave benefit are given for each birth, on a case-by-case basis, for each of the situations mentioned (adoption, placement, guardianship, etc). This can be taken by both parents, so either the mother or the father. The only leave exclusively given to the mother is pregnancy leave and confinement leave (the latter of which is issued for up to 126 days).

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

- Parental leave is extended until the child is three years old in the case of a disability.
- In the case of twins, triplets, or other multiple pregnancies, or if there is more than one child under three years of age, an additional monthly benefit of RON1,250 [€263.95] is granted to the parent taking childcare leave.

### **d. Childcare leave or career breaks (*concediul de odihnă*) (responsibility of the Ministry of Work and Social Justice)**

No statutory entitlement.

### **e. Other employment-related measures**

#### *Adoption leave and pay (concediul de acomodare)*

- The maximum length of this leave is up to one year.<sup>4</sup> Adoption leave has the same features as Parental leave, although it is not conditioned by the child's age as Parental leave is (which must be taken from the child's birth until the child is two years old).
- The adoptive parents must be employed and be insured in the state system of social benefits.
- The benefit is paid at 3.4xISR or RON1,700 [€358.98]. The benefit begins from the day when the adoption was legally approved in the Court of Law.

#### *Time off for the care of dependants*

- Leave for the care of a chronically sick child is an entitlement for parents until the child is seven years old; or until 18 years of age if the child is disabled. Parents can choose which one will take the leave, if the parent who chooses to care for the child fulfils all of the eligibility criteria. Adoptive parents, foster parents, and legally-named guardians can also apply for leave and receive the leave benefit.
- The leave benefit is paid at 85 per cent of the earned income and is awarded for 45 days per year for one child – if there are surgical complications or additional health problems, the extent of the medical leave can be prolonged at the discretion of the child's doctor. The benefit is awarded based on a certificate received from the family doctor, alongside the child's birth certificate.

#### *Flexible working*

- None.

#### *Specific provision for (breast)feeding*

- Mothers who are breastfeeding can take 120 working days of Maternal Risk leave: this is given at the end of their post-natal leave and paid at 75 per cent of the average insured gross earnings over the last six months.

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<sup>4</sup> This includes the legal period of entrusting the child to the adoptive parents, which is currently set at 90 days. Adoption can be approved by the court only if the child has already been entrusted for a period of 90 days to the person or family who wishes to adopt them, so that the court can reasonably judge the family relationships which could be developed going forwards.

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

The maximum period of post-natal leave available in Romania is up to the age of two (or three years if the child has a disability). Children are entitled to an ECEC place from any age; however, there is a shortage of places, as services for very young children are under-developed. Although, by legislation, there is supposed to be no gap between the end of Parental leave and the start of an ECEC entitlement, such a gap exists in practice – parents needing childcare predominantly rely on informal support provided by grandparents and other relatives. Levels of attendance at formal services are below the average for both the countries included in this review and OECD countries, both for children under and over three years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

The government issued a statement in December 2018 proposing to change how parental benefits are given to parents who apply for another benefit within 12 months (i.e. because of another birth soon after the preceding one). Irrespective of the gender of the parent, this second benefit is calculated according to either earnings from the parent's interim job (between the two births); or income from the initial benefit, whichever is higher. The measure is created to help parents receive at least the same financial support for their second leave.

In July 2018, the local administration of Bucharest introduced two programmes to enhance benefits for mothers: a) birth grants – these are for eligible mothers who reside in Bucharest and grants are worth RON2000 [€422.33], designed to help cover the costs of the birth; b) maternal vouchers – for pregnant women who are resident in Bucharest, with vouchers worth RON2000 [€422.33] and designed to alleviate the costs of pregnancy care (these can be used in both the public and the private health system).

## **4. Uptake of leave**

According to the latest ANAPIS<sup>5</sup> report published for the period between January and September 2018, 174,681 people received a child-rearing

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<sup>5</sup> The National Agency for Benefits and Social Inspection Report. Available at: [http://www.mmuncii.ro/j33/images/Documente/Familie/RaportariPrivindIncludiuneaSociala/28012019\\_Raport\\_9I\\_2018.pdf](http://www.mmuncii.ro/j33/images/Documente/Familie/RaportariPrivindIncludiuneaSociala/28012019_Raport_9I_2018.pdf)

benefit in this period, while 90,190 people received an insertion incentive: these numbers are higher than in previous years. There were 472 adoption leave beneficiaries. Lastly, 9,296 people received a Parental leave benefit for disabled children. Data has not been provided by gender.

**a. Maternity leave**

Since the first 42 days (post-birth) of Maternity leave are compulsory, all employed women should take up this portion of leave.

**b. Paternity leave**

According to statistical data released by the Ministry of Work,<sup>6</sup> there has been an increase in the number of fathers taking up paid leave and the benefit incentive for work in recent years. Unfortunately, the data provided this year are not disaggregated by gender and, therefore, we cannot confirm the trend identified in previous years.

**c. Parental leave**

The law encourages both parents to share one month out of the 24 months allowed, so that they will not lose this period of leave (i.e. if this one month is not taken up by the other parent, Parental leave is shortened). Moreover, the parent who takes this shared leave period and goes back to work receives a continuity of payment while on leave, so there is no economic penalty. However, there is no data on how many parents actually use this shared month.

**d. Other employment-related measures**

None reported.

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# Russian Federation<sup>1</sup>

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April 2018 – N.B. this country note has not been updated to April 2019 (including currency conversion)

N.B. The Russian Federation is a federal state, comprising 85 regions.

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

### **a. Maternity leave (*отпуск по беременности и родам*) (responsibility of Ministry of Labour and Social Protection)**

*Length of leave (before and after birth)*

- 140 calendar days, including 70 calendar days before and 70 calendar days after childbirth.

*Payment and funding*

- 100 per cent of average earnings, calculated on basis of employment during the 24 months before taking leave.<sup>2</sup> There is an upper limit for maternity benefits based on the ceiling on

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<sup>1</sup> Please cite as: Sinyavskaya, O. (2018) 'Russian Federation country note,' in Blum, S., Koslowski, A., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> In 2013, women had a choice as to how they could calculate their benefits: either based on one year of income or based on two years of income. From 2014 onwards, all benefits have been calculated on the basis of their income for the two years prior to taking Maternity leave.

earnings for social insurance contributions: established by the state on an annual basis, the mother's actual number of worked days, and the length of the leave. For women applying for leave in 2018, the ceiling for social insurance contributions in 2016 was RUB718,000 [€9,696.93],<sup>3</sup> i.e. slightly lower than the one in 2017: RUB755,000 [€10,196.63]. From 1 January 2018, the ceiling is RUB815,000 [€11,006.96]. Hence, the ceiling for the benefit will be RUB282,493 [€3,815.20], where 730 is the maximum standard number of working days over two years and 140 days is the length of the leave. It corresponds to RUB61,341 [€828.44] per month. If the woman worked fewer than 730 days before taking her leave, the calculation includes only the actual number of days she has worked.

- From 1 January 2018 to 30 April 2018, the minimum amount of maternity benefit cannot be lower than RUB43,675 [€589.85] where RUB9,489 [€128.15] is a level of minimum wage per month from 1 January 2018.
- From 1 May 2018, the minimum amount of maternity benefit cannot be lower than RUB51,380 [€693.91], where RUB11,163 [€150.76] is a new level of minimum wage per month from 1 May 2018.
- Funded by the National Social Insurance Fund, which is largely financed from employers' contributions, supplemented by transfers from the federal budget.<sup>4</sup>
- From February 2018, unemployed women who have lost their jobs due to the closure of their workplace in the preceding 12 months, and who are registered at the unemployment office, can receive Maternity leave benefits at the level of RUB628.47 [€8.49] per month (this was RUB613.14 [€8.28] in 2017). However, they cannot receive unemployment benefits at the same time as receiving maternity benefits. As a comparison, in 2018, the amount of unemployment benefits established at the federal level, varies from a minimum of RUB850 [€11.48] to a maximum of RUB4,900 [€66.18] per month<sup>5</sup>: this is financed and administered by regional authorities.
- Full-time students receive the benefit included in their amount of student benefit (funded by the federal budget). For the 2017/2018 academic year, a minimum amount of student benefit is RUB539

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

<sup>4</sup> The national social insurance fund has a separate budget, which is separate from the federal budget. Employers pay particular social insurance contributions from their payroll to this fund. However, in some cases the federal budget can co-finance Maternity leaves: e.g. for students, unemployed women, etc.

<sup>5</sup> Minimum and maximum amounts of unemployment benefits have been the same since 2009.

[€7.28] per month, for students of primary and secondary vocational institutions, and RUB1,484 [€20.04] for university students. Not all students receive the same payment: the conditions and the size of the benefit are regulated by each educational institution.

#### *Flexibility in use*

- None.

#### *Regional or local variations in leave policy*

- There are no official statistics about regional variations in practice.
- Regional authorities can, however, introduce additional payments during the period of Maternity leave. For instance, the Moscow government increases benefits for officially registered unemployed mothers discharged from their work as a result of business closure, during the 12 months before they registered at the unemployment office.
- According to the legislation, Maternity leave is paid by employers. However, in 2016-2017<sup>6</sup> in 33 regions of the Russian Federation, Maternity leave was paid by regional or local Social Insurance Fund offices.

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

- All insured women (including registered self-employed workers) and women who work as military personnel.
- Unemployed women discharged as a result of business closure during the 12 months before registration at the unemployment office.
- Full-time students.
- Women who have adopted a child, if they belong to any of the categories listed above.

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

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<sup>6</sup> From July 2011 – Karachayevo-Circassian Republic, Nizhny Novgorod Region; from July 2012 – Astrakhan, Novgorod, Kurgan, Novosibirsk, Tambov Regions, Khabarovsk Territory; from January 2015 – Republic of Crimea and Sevastopol; from July 2015 - Republic of Tatarstan, Belgorod, Rostov, Samara Regions; from July 2016 - Republic of Mordovia, Bryansk, Kaliningrad, Kaluga, Lipetsk, Ulyanovsk Regions; from July 2017 – Republic of Adygea, Altai Republic, Republic of Buryatia, Republic of Kalmykia, Altai Territory, Primorye Territory, Amur, Vologda, Magadan, Omsk, Oryol, Tomsk Regions, and the Jewish Autonomous Region.

- In the case of multiple births, the length of leave increases to 84 days before the birth, and to 110 days after.
- In the case of a complicated delivery, the length of leave increases to 86 days after birth.

## **b. Paternity leave**

No statutory entitlement.

## **c. Parental leave (отпуск по уходу за ребенком) (responsibility of Ministry of Labour and Social Protection)**

### *Length of leave*

- Until three years after childbirth. Leave is a family entitlement, which can be taken by only one person.

### *Payment and funding*

- 40 per cent of average earnings during the two years preceding the birth, paid until a child is 18 months of age, with a minimum payment of RUB3,065.69 [€41.40] per month for the first child from February 2017 to January 2018, and RUB3,142.33 [€42.44] per month from February 2018 onwards. The payment is RUB6,131.37 [€82.81] per month for the second child and any other subsequent children from February 2017 to January 2018, and RUB6,284.65 [€84.88] from February 2018 onwards. There is a ceiling for Parental leave payments, based on the ceiling for social insurance contributions, established by the state on an annual basis. The amount is calculated by taking 40 per cent of the ceiling for these social insurance contributions for a selected two-year period (for leaves calculated in 2018, earnings in 2016-2017 are taken into account; including ceilings of RUB718,000 [€9,696.93] in 2016 and of RUB755,000 [€10,196.63] in 2017), divided by 730 (the maximum standard number of working days over two years) and multiplied by 30.4 (the average number of calendar days per month). The maximum payment is RUB24,536.57 [€331.38]<sup>7</sup> per month in 2018.
- For employed parents with children between 18 and 36 months of age, a payment of RUB50 [€0.68] per month is also provided. Women who became unemployed while on Parental leave because

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<sup>7</sup> Minimum and maximum values can be increased to regional coefficients established by law for regions with higher level of costs of living (e.g. the Far North or Far East regions).

their employer closed the business, and those who do not receive unemployment benefits, are also eligible.

- For unemployed people who have lost their jobs during Parental leave due to business closure, during the 12 months prior to them registering as unemployed, Parental leave benefit is calculated on basis of their earnings during the 12 months before their unemployment. These unemployed people must choose either to receive unemployment benefit or Parental leave benefit. The maximum payment for unemployed mothers who have lost their jobs due to the closure of their workplace during the preceding 12 months, and who are registered at the unemployment office (mothers or fathers) is limited to a monthly payment of RUB12,262.76 [€165.61] (from February 2017 to January 2018) or RUB12,569.33 [€169.75] (from February 2018 onwards). This also applies to full-time students.
- Other unemployed or inactive parents are provided with the minimum payment (i.e. RUB3,065.69 [€41.40] per month for the first child from February 2017 to January 2018, and RUB3,142.33 [€42.44] per month from February 2018 onwards, and of RUB6,131.37 [€82.81] per month for the second and subsequent children from February 2017 to January 2018, and RUB6,284.65 [€84.88] from February 2018 onwards).
- If a woman has a right to both paid Parental leave benefits and Maternity leave benefits (e.g., if she is pregnant with a second child), she must choose which benefit to receive. The payments are not taxable, since they are social benefits. However, women get minimum pension rights during this period (on a minimum wage basis).
- Payments for insured workers are funded by the Social Insurance Fund and for those who are not insured (e.g. students, unemployed people), the funds come from the federal budget.

#### *Flexibility in use*

- Parents taking leave may work part-time.

#### *Regional or local variations in leave policy*

- There are no official statistics about regional variations in practice.
- The 85 regional governments can increase the federal level of Parental leave benefits within the minimum and maximum levels set by the central government, which, in 2017, were RUB3,065.69 [€41.40] per month and RUB23,120.66 [€312.26] respectively (and from February 2018 onwards are RUB3,142.33 [€42.44] and RUB24,536.57 [€331.38]). There is further scope for regional variations, e.g. regional governments may provide additional payments from regional budgets; or link payments to the order of births, increasing payments with each subsequent child; or target

special groups of the population; and/or make these payments means-tested. For instance, the Moscow government has introduced additional payments for some categories of unemployed women, single parents, families where both parents are unemployed, families with many (three or more) children, and poor families. Furthermore, regional governments are encouraged to introduce additional payments for the care of a child between 18 and 36 months of age.

#### *Eligibility*

- Any insured caregiver (in proportion to previous earnings).
- Uninsured parents (at a minimum level).

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

- Leave can be delegated to grandparents or any other guardian caring for the child.
- Unemployed parents have the right to choose between unemployment or Parental leave benefit: the former is for a shorter period but may be paid at a higher rate, depending on various conditions.

#### **d. Statutory child or carer leave or career breaks**

No statutory entitlement.

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

- The same regulations as for other parents, without pre-birth paid leave.

##### *Time off for the care of dependants*

- The length of paid leave to care for a sick child under the age of 15 (or under the age of 18 in the case of children with a disability or HIV, or severely sick children) varies according to the previous employment record of a parent/carer and the age of the child. Sick leave for taking care of a sick child can be taken by any relative (parents or grandparents). For a child under the age of seven, up to 60 days' leave may be taken per year, with 45 days for a child aged seven to 14 years old (up to 15 days each time). For instance, a family with two children, one below seven years of age and another between seven and 14 years of age, can have up to

105 days of sick leave per year. Payment is made at 60 per cent of average earnings with an employment record under five years, 80 per cent with an employment record of five to eight years, and 100 per cent with an employment record over eight years, under a limit for social insurance contributions for a selected two-year period (for leaves calculated in 2018, earnings in 2016-2017 are taken into account, including ceilings of RUB718,000 [€9,696.93] in 2016 and of RUB755,000 [€10,196.63] in 2017).

### *Flexible working*

- Before Maternity leave or immediately afterwards, employed women are entitled to an annual paid vacation, regardless of length of employment.
- Mothers of children younger than 18 months of age, are entitled to take breaks during work to rest and feed their children, with no reduction in earnings. These should be taken no less than once every three hours, and for no fewer than 30 minutes.
- Employees with two and more children under the age of 14; parents of disabled children under the age of 18; and single parents with children younger than 14 years of age may receive annual unpaid leave of up to 14 days.
- Mothers of children under 18 years old, working in rural areas can have one additional unpaid day off per month.
- The written agreement of an employee with children below three years of age (or below five years of age in the case of single parents) should be obtained in order for them to work overtime, during weekends, or for business trips.
- All regulations are established in the Labour Code and costs are carried out by employers.

### *Vocational training/re-training*

- Special programmes aimed at vocational guidance and training/re-training of women on leave with children under three years of age are established at regional level. In 2014, 16,300 women on leave with a child under three years of age received vocational training, and 16,700 women received vocational guidance from local employment offices (in 2013, there were 13,300 women and 13,200 women, correspondingly). There is no data on the number of women in vocational training/re-training for subsequent years.

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

The maximum period of post-natal leave available in the Russian Federation is three years, but the last 18 months are unpaid, and most of the first 18 months are paid at a relatively low rate – only the first ten weeks after birth are paid at a relatively high rate. Officially, there is an entitlement to ECEC from two months of age, which means there is no gap between the end of well-paid leave and an ECEC entitlement. The government officially supports the development of formal childcare for children from three to seven years of age; however, there are no statistics on formal childcare use or on waiting lists for children under one year old. At regional level, additional restrictions can be introduced on the child's registration/entry to kindergarten, based on their age (e.g., places in kindergartens can be limited to children older than two or three years of age).

The Russian Federation is not included in the comparative data on ECEC attendance in the OECD Family Database. It does, however, appear in the TransMonEE Database covering countries in Central and Eastern Europe and the Commonwealth of Independent States. According to this database, there was a decline (2005 to 2010) in levels of formal childcare coverage for children under three years of age living in Russia; then levels increased slightly, in 2012/2013, to 17.8 per cent, which was higher than in many Central European countries, but below the average for OECD countries (for more details see the table: 'Relationship between leave and ECEC entitlements'). According to the TransMonEE Database, in 2013/2014, the enrolment ratio for children from birth up to two years of age declined again to 17.1 per cent, then in 2014/2015 increased again up to 18 per cent (for context: this is almost two times less than the average enrolment for OECD in 2014). There is no information available for subsequent years.

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

From 2018, minimum and maximum amounts of maternity and parental benefits were increased. Besides, from January 1 2018 a new targeted child allowance has been set for families with parental salaries below 150 per cent of regional subsistence minimum (where the child has been born from January 2018 onwards). The allowance is paid from childbirth until a child turns 18 months of age, set at RUB10,500 [€141.18] per month in 2018, RUB10,800 [€145.86] in 2019, and RUB11,100 [€149.91] in 2020.

## **4. Uptake of leave**

### **a. Maternity leave**

Although it is not obligatory, it is assumed that almost all eligible women take Maternity leave.

### **b. Paternity leave**

There is no statutory entitlement.

### **c. Parental leave**

No recent information is available. Since benefits for caring for a child from birth to 18 months of age are available for both insured and uninsured persons (and can be combined with part-time employment), it can be assumed that the uptake is 100 per cent. According to Rosstat data, in 2014, the number of insured people on paid Parental leave to care for a child under 18 months of age was 2,466,921, and the number of uninsured people receiving benefit for caring for a child under 18 months of age was 1,600,482.

# Slovak Republic<sup>1</sup>

**Daniel Gerbery** (Comenius University)

April 2018 – N.B. this country note has not been updated for 2019.

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

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

### **a. Maternity leave (*materská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)**

*Length of leave (before and after birth)*

- 34 weeks: six to eight weeks of pre-natal leave; and 26 to 28 weeks of post-natal leave.

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

- 75 per cent of daily earnings calculated based on the previous year. There is a ceiling of two times the national average monthly wage.<sup>2</sup> If maternity benefit is lower than parental allowance (see 1.c. below), then an additional payment is made to cover the difference.
- Payment is made from sickness insurance contributions, collected by the Social Insurance Agency, plus employers and employees (each of whom pay 1.4 per cent of earnings). Self-employed workers pay 4.4 per cent of declared earnings.

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<sup>1</sup> Please cite as: Gerbery, D. (2018) 'Slovak Republic country note,' in Blum, S., Koslowski, A., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> The average wage in 2017 was €954.

### *Flexibility in use*

- Leave can start from six to eight weeks before birth.
- Mothers can choose the beginning of their Maternity leave, within the limits defined by the law.
- Fathers can claim maternity benefit, based on the mother's agreement (provided that the mother doesn't receive maternity benefit or parental allowance). In order to claim this maternity benefit, fathers must care for the child personally and have paid sickness insurance for a total of 270 days in the previous two years. During this time, they are not allowed to work. In this case, maternity benefit is paid, after at least a period of six weeks from the birth. Fathers can take a leave for maximum of 28 weeks.
- If the mother decides to go back to work, in order for the father to claim her maternity benefit, he has to be personally be at home with the child and care for them. The aim of this stipulation is to prevent the father from taking the maternity benefit (which would be higher, as men get higher wages on average) and continue working.
- If the mother dies, fathers can still claim maternity benefits.
- There is no provision for same-sex couples to share leave.

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

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 days, during the two years before the birth. The same applies to self-employed persons and insured persons in the voluntary sector.

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

- Maternity leave is extended to 37 weeks for single mothers and 43 weeks in the case of multiple births.
- In the case of foster carers, there are 28 weeks (31 weeks for single people, and 37 weeks for persons caring for at least two new-born children).
- In the case of a stillbirth, the mother is granted a maximum of 14 weeks of Maternity leave.

## **b. Paternity leave**

No statutory entitlement. There is an option for the father to take maternity benefit as part of the provision for Maternity leave, after six weeks from the birth of the baby (see 1.a.).

### **c. Parental leave (*rodičovská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)**

#### *Length of leave*

- Until the child reaches three years of age.
- If the child has a long-term health problem or disability, the age limit increases to six years.
- Leave is a family entitlement, which only one parent may use.

#### *Payment and funding*

- A parental allowance (*rodičovský príspevok*) of €214.70 per month is available to all families who meet the eligibility conditions, whether or not they take Parental leave.
- Parental allowance is funded from general taxation. The period of caring for a child (up to the age of six years, when compulsory education begins) is covered by pension contributions, which are paid by the state.

#### *Flexibility in use*

- Parents can work full-time or part-time while receiving parental benefit.
- Only one parent is entitled to parental allowance.

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

- The parents must be permanent or temporary residents in the Slovak Republic in order to be eligible.
- Parental allowance is provided from the birth of the child, if parents are not eligible for maternity benefit.
- The parental allowance is not provided to parents if their older child (up to three years of age, or up to six years of age if they have a long-term health problem or disability) has been removed from their personal care. In such cases, the Local Office of the Labour, Social Affairs and Family provides an allowance to a foster parent for that child.

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

- Parental leave and parental allowance can continue until a child is 6 years old if the child has a long-term health problem or disability.
- Parental allowance is increased by 25 per cent per child in the case of multiple births.

- Parental allowance is reduced by 50 per cent if any older child under parental responsibility is absent from compulsory education.

#### **f. Childcare leave or career breaks**

No statutory entitlement.

#### **g. Other employment-related measures**

##### *Adoption leave and pay*

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

##### *Time off for the care of dependants*

- Employees can take ten days of leave per episode of illness, either to care for a sick relative at home (including a sick child) or to take care of a child under the age of ten for other reasons (e.g. if the child's school is closed). They receive an earnings-related benefit (*ošetrovné*) paid at a 55 per cent of the assessment base for a maximum of ten calendar days. There is no limit to the number of episodes tolerated, so long as these do not exceed ten days per year.

##### *Flexible working*

- None relating to leave provision.

##### *Specific provision for (breast)feeding*

- None.

##### *Other measures*

- A childcare allowance (*Príspevok na starostlivosť o dieťa*) is available to cover some of the costs of childcare. It is provided to one of the parents (whether foster or biological) if they work or take part in secondary or tertiary education. The allowance is provided in three forms. The first is where childcare is provided by official providers, where it is paid up to the level of officially declared costs, with an upper limit of €280 per month. The second is where childcare is provided by other persons or relatives, where it is paid at €41.10 per month, without the need to declare childcare costs. The third is where childcare is provided by the kindergarten, established by the municipality or local administrative authority, which is included in the official network

of schools and school facilities. It is paid at the maximum level of €80. The allowance is paid up to the age of three (or six in the case of a child with a long-term health problem or disability).

## **5. Relationship between leave policy and early childhood education and care policy**

Slovakia is among the OECD countries with the lowest employment rate for mothers. ECEC services in Slovakia favour older children, with the highest enrolment rates among children aged four and five. This reflects the upper age limit for Parental leave, but also a shortage of places in kindergartens – due to their limited capacity, kindergartens prioritise older children who should be in the process of preparation for compulsory education. At the moment, massive investments into ECEC services for young children, based mainly on EU funds, are being implemented. The maximum period of paid post-natal leave available in Slovakia is three years, but this is paid at a low earnings-related level or at a flat-rate. There is no entitlement to ECEC during this three-year period. Levels of attendance at formal services for children under three years of age are very low, well below the average both for the countries included in this review and for OECD countries. Levels of attendance for children over three years of age are much higher, but still below both averages. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **6. Changes in policy since April 2017 (including proposals currently under discussion)**

New amendments to the Act on Social Services No. 448/2008 have been made to improve conditions in childcare facilities for very young children (under three years of age), coming into effect on 1 January 2018. While, originally, the Act defined this type of childcare provided by state facilities as a tool to support work-life balance, and restricted access exclusively to working parents, since 2018, childcare facilities for children under three years of age can also be used by unemployed parents. The condition is that there are available places that cannot be used by parents reconciling family and work responsibilities. The newly amended act defines an obligation for providers to join a register of social service providers and it re-defines qualification requirements for staff. In addition, the level of some family benefits has been increased, but to a very limited extent.

The Ministry of Labour, Social Affairs and Family has declared a significant increase in social benefits for people with disabilities and their (informal) caregivers. Since July 2017, the government has increased the amounts of nursing allowance (*príspevok na opatrovanie*) paid to

people who care for long-term dependent relatives – as well as a personal assistance allowance, paid to severely disabled people who are dependent on personal assistance.

## **7. Uptake of leave**

### **a. Maternity leave**

Nearly all mothers take Maternity leave as it is obligatory. The number of fathers accessing maternity benefits has increased. In March 2017, 1,767 men received maternity benefit and they represent seven per cent of all recipients. Compared to the previous year, this number has increased by 837 fathers. Newer data are not available.

### **b. Paternity leave**

There is no statutory leave entitlement.

### **c. Parental leave**

There is no information on Parental leave use. Parental leave allowance is paid to all families. The number of men receiving parental allowance is persistently low.

# Slovenia<sup>1</sup>

**Nada Stropnik** (Institute for Economic Research, Slovenia)

**April 2019**

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

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

### **a. Maternity leave (*materinski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)**

*Length of leave (before and after birth)*

- 105 calendar days (15 weeks): four weeks (28 days) before the birth and 11 weeks following the birth. It is obligatory to take 15 days of leave.

*Payment and funding*

- 100 per cent of average basic income on which Parental leave contributions were paid during the 12 months prior to the leave. The last of these 12 months is defined as the penultimate one before the month of the first application for leave. Not all income on which the contributions were paid is counted into the basic income (e.g. in-work benefits and other income received in addition to basic earnings). If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage<sup>2</sup> [€323.55 a month] is factored in for the missing period.

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<sup>1</sup> Stropnik, N. (2019) 'Slovenia country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> The uprated minimum wage as of 2006 is used as the basis wherever referred to in this overview.

There is no upper limit, and the minimum is 55 per cent of the minimum wage [€323.55].

- Women who are not insured at the time when the leave starts, but who have been insured for at least 12 months in the last three years before the start of Maternity leave, receive 55 to 105 per cent of the minimum wage [approximately €324 to €618] per month, depending on the period they have been insured for, in the last three years.
- Non-employed parents do not receive pension credits for child-rearing but employed parents do (i.e. those who were receiving earnings compensation during the leave).
- Funded partly from Parental Protection Insurance that forms part of Social Security Insurance. Contributions to Parental Protection Insurance are 0.1 per cent of gross earnings for employees and the same for employers. As much as 92 per cent of the total financing of the Maternity/Paternity/Parental leave earnings compensations is financed from the central government budget.<sup>3</sup>

#### *Flexibility in use*

- The part unused before the birth may be claimed after childbirth if the birth took place before the envisaged date.

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

- The person must be covered by Parental Protection Insurance (which is part of social security) just prior to the first day of the leave. This insurance covers persons on employment contracts (both permanent and fixed-term, either full-time or part-time); the self-employed (including persons performing agricultural activities); and temporary agency workers. For the unemployed, see the 'payment and funding' section.

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

- Leave (77 days or fewer) can be delegated to the father or another person who nurses and cares for a child if the mother dies, abandons the child, or is not able to nurse and care for the child (medical certificate is needed).
- The father or one of the grandparents is also entitled to Maternity leave with the mother's (and father's) consent, in cases where the mother who gives birth to the child is younger than 18 years of age and has the status of an apprentice, a pupil, or a student.

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<sup>3</sup> MISSOC – Mutual Information System on Social Protection (update as of 1 July 2018). Available at: <https://www.missoc.org/>.

In that case, Maternity leave lasts 77 days minus the age of the child (in days) when the father or the grandparent commences Maternity leave.

**b. Paternity leave (*očetovski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)**

*Length of leave*

- 30 calendar days.

*Payment and funding*

- 100 per cent of average monthly earnings (or other base on which Parental Protection Insurance contributions were paid) during the 12 months prior to the leave, up to a ceiling of 2.5 times the average salary in Slovenia [approximately €2,900 net per month]. Not all income on which Parental leave contributions were paid is counted towards the basic earnings (e.g. in-work benefits and other income received in addition to basic earnings). If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage [€323.55 per month] is factored in for the missing period.
- Non-employed fathers (i.e. those who did not receive earnings compensation during the leave) do not receive pension credits for child-rearing, but employed fathers do.
- Funding is the same as for Maternity leave.

*Flexibility in use*

- Paternity leave may be taken as full-time or part-time leave. The duration of leave does not change, if taken part-time.
- For children born from 1 May 2018 onwards, at least 15 days of leave may be taken until one month following the end of Parental leave. Up to 15 days of the total of 30 days of Paternity leave may be taken until the child completes the first year of primary school.

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

- As for Maternity leave.
- The father is not entitled to Paternity leave if: there was a stillbirth; he was legally deprived of his parental right or prohibited from contacting the child; if, according to the Centre for Social Work's opinion, he has evidently shown no intention to care for the child or is otherwise neglecting his parental

responsibilities; or if he is not able to nurse and care for the child (medical certificate is needed).

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

- If the father does not use Paternity leave, the following persons are entitled to it: mother's husband or co-habiting partner; partner of either sex in the registered same-sex partnership; and other persons who are nursing and taking care of the child. The same applies to the spouse, co-habiting partner, or partner in the registered same-sex partnership of the person using Maternity leave.

**c. Parental leave (*starševski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)**

*Length of leave*

- 130 calendar days per parent. Leave is an individual entitlement.

*Payment and funding*

- As for Paternity leave (see 1.b.).
- 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 is taken first), see 1.a.
- Non-employed mothers/parents (i.e. those who did not receive earnings compensation during the leave) do not receive pension credits for child-rearing, but employed parents do.
- Funding as for Maternity leave.

*Flexibility in use*

- The mother may transfer 100 days of her entitlement to the father (30 days are the mother's exclusive right), while the father may transfer all 130 days of his Parental leave to the mother.
- The parents must agree upon the use of Parental leave, in writing, 30 days prior to the expiry of Maternity leave. If the parents cannot reach an agreement, or their decision is not to the benefit of the child, the Centre for Social Work decides on this matter by considering the best interests of the child.
- At least 185 days must be taken as a continuous full-time or part-time leave: in the case of part-time leave being taken, the

duration of leave is not extended proportionately. Up to 75 days may be taken at any time until the child completes the first grade of elementary school (full-time or part-time), but not more than twice a year, with each section lasting at least 15 days.

- Parents can combine Parental leave (20 hours per week for the mother, 20 hours per week for the father) and take it at the same time.
- In rare cases, where the father is unknown and his entitlement cannot be transferred to the mother, a single mother is entitled to all 260 days of Parental leave.

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

- As for Maternity leave.

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

- In the case of a premature birth, the leave is prolonged by as many days as the pregnancy was shortened.
- In the case of multiple births or adoption of multiple children, Parental leave is extended by 90 days for each additional child. It is also extended by 90 days in the case of the birth of a child in need of special care.
- Leave is extended by 30 days if parents already have at least two children who have not yet completed the first grade of primary school; by 60 days if they have three such children; and by 90 days if they have four or more such children.
- Additional leave for premature or multiple births, or if parents have two or more younger children, is a family entitlement (i.e. the parents must decide which of them will take the leave).
- A person other than a parent who nurses and cares for the child is entitled to Parental leave, reduced by the number of days the parents have already used.
- If the mother is below 18 years of age and is an apprentice, pupil, or student, one of the grandparents (who is insured for Parental leave) may take the leave with the parents' consent.

*Parental benefit for persons who are not eligible for insurance-based leave and earnings compensation*

- Parents who are not eligible for insurance-based Maternity/Paternity/Parental leave and earnings compensation, are entitled to flat-rate parental benefit. Both the parent and the child must have permanent residence status and reside in Slovenia. The benefit amounts to €252.04 per month and is received for 365 days from the birth of a child. The mother is

entitled to parental benefit for the first 77 days after the birth of the child. The father is entitled in this period only if the mother abandons the child, is not able to nurse and care for the child (medical certificate is needed), or dies. After 77 days, parental benefit is the right of one of the parents and is used according to their written agreement. Another person nursing and caring for the child, as well as fulfilling the same conditions as the parent, is entitled to the parental benefit, too – namely for 365 days minus the number of days the parents have already used.

#### **d. Childcare leave or career breaks**

- No statutory entitlement.

#### **d. Other employment-related measures**

##### *Adoption leave and pay*

- All adoptive parents have the same entitlements to Parental leave as other parents (see section 3).
- There are 30 days of Parental leave in the case of the adoption of a child who has completed the first grade of primary school and is below 15 years of age.

##### *Time off for the care of dependants*

- An insured person is entitled to take leave to care for an immediate co-resident family member who is ill (spouse and children, biological or adopted). Generally, seven working days of leave may be taken for each episode of illness per family – however, 15 working days may be taken for a child of up to seven years of age or a child who is moderately, severely, or very severely mentally and physically disabled. In exceptional cases, if required due to the health condition of the sick family member, the period may be extended to 14 and 30 working days respectively, or longer in extreme cases (up to six months).
- Leave is paid at 80 per cent of the individual's average earnings in the preceding calendar year. It cannot be lower than the guaranteed wage [approximately €238] or higher than the wage which the person would receive if they were working.

##### *Flexible working*

- A parent who is taking care of a child below three years of age (or 18 years of age if the child has 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 of

full-time working hours. There is no payment, but social security contributions,<sup>4</sup> based on the proportional part of the minimum wage, are paid for the hours not worked.

- A parent who is taking care of two children may extend the right to work part-time until the younger child completes the first grade of elementary school, with social security contributions paid based on the proportional part of the minimum wage for the hours not worked. One year of this entitlement is a non-transferrable right for each of the parents.

#### *Specific provision for (breast)feeding*

- Breastfeeding mothers who work full-time have the right to a break during working time lasting no less than one hour per day, until their child is 18 months of age. Payment amounting to a proportion of the minimum wage is made until the child is nine months old; during the remaining period, only social security contributions are paid, based on the proportional part of the minimum wage.

#### *Other*

- A parent leaving the labour market in order to take care of four or more children – and who has been insured for Parental leave or has been an active job searcher for at least 12 months in the last three years – is entitled to have social security contributions (based on the minimum wage) paid from the state budget, until the youngest child completes the first grade of primary school.

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

The maximum period of post-natal leave available in Slovenia is 12.1 months.<sup>5</sup> Post-natal leave paid at a high earnings-related rate runs for a year. There is an entitlement to ECEC from the end of Parental leave, available on a full-time basis in centres. So, there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children both under and over three years are above the average both for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

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<sup>4</sup> Social security contributions include pension credits.

<sup>5</sup> This is a summary of Maternity leave and Parental leave (Paternity leave can be taken after Parental leave). For Slovenia, the time periods are: 77 days of Maternity leave (28 days must be taken before the foreseen delivery date); 30 days of Paternity leave; and 260 days of Parental leave. The sum is 367 days or 12.06 (12.1) months.

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Cuts in earnings compensation introduced during the economic crisis were abandoned on 1 January 2019: 1) maternity earnings compensation without a ceiling; 2) paternity and parental earnings compensation rate returned from 90 per cent to 100 per cent; 3) paternity and parental earnings compensation ceiling returned from two times to 2.5 times the average salary in Slovenia.

### **4. Uptake of leave**

#### **a. Maternity leave**

As Maternity leave is obligatory, all employed women should take up some (normally all) leave.

#### **b. Paternity leave**

Roughly four in five fathers take up to (and close to) 15 days of Paternity leave, while fewer than one in five leave-takers took more than 15 days<sup>6</sup> – mainly because their earnings were not (fully) compensated during the rest of the leave before 2016. A considerable number of fathers made use of their right to additional paid days<sup>7</sup> (five days in 2016, ten in 2017, and 15 in 2018). In mid-2018, one in five leave-takers took all 30 days of Paternity leave, available from January 2018 (one in four took 16 to 30 days). The first 15 days are usually taken when the mother and child come home from the hospital.<sup>8</sup>

#### **e. Parental leave**

Some fathers take Parental leave, but mothers take it more variably: some take the entire Parental leave allocation, some take a good portion

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<sup>6</sup> The proportions quoted in this section relate to all fathers and are thus higher for eligible fathers.

<sup>7</sup> Stropnik, N. (2018), 'Thirty days of (fully) compensated Paternity leave in Slovenia from January 2018,' *ESPN Flash Report 2018/7*, European Social Policy Network, European Commission, Brussels, February 2018. Available at: <http://ec.europa.eu/social/main.jsp?advSearchKey=ESPNFlash&mode=advancedSubmit&catId=22&policyArea=0&policyAreaSub=0&country=0&year=0>.

<sup>8</sup> Stropnik, Nada (2018), 'Fathers' rights and uptake of leaves in Slovenia,' Peer review on 'Instruments to foster long-term paternal involvement in family work,' Berlin, 4-5 October 2018. Available at: [https://ec.europa.eu/info/publications/mlp-gender-equality-seminar-long-term-paternal-involvement-family-work\\_en](https://ec.europa.eu/info/publications/mlp-gender-equality-seminar-long-term-paternal-involvement-family-work_en).

of it, while very few do not take it (usually due to health reasons). The share of fathers taking some of the leave increased from around five per cent in the mid-2000s to six to seven per cent in 2012–2016.<sup>9</sup> This shift may have been the result of the introduction of Paternity leave in 2003 that led to fathers' higher awareness of their rights, as well as their increased readiness to take over the care of a very young child. Considering the full earnings compensation while taking leave (available until the end of May 2012), the reasons for fathers' low participation may be found in the traditional division of tasks within the family; societal attitudes (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.<sup>10 11</sup> Paternity leave provisions and fathers having the same entitlement to Parental leave as mothers, do not significantly influence mothers' earlier return to work after their leave period. Since fathers usually take only part of the leave (if any at all), women's professional careers continue to be affected by their absence from work as a direct result of taking up Parental leave.

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<sup>9</sup> MLFSAEO (2019), 'Statistika – Družinski prejemki, zavarovanje za starševsko varstvo' ['Statistics – Family benefits, parental protection insurance'], Ljubljana: Ministry of Labour, Family, Social Affairs and Equal Opportunities. Available at: [http://www.mddsz.gov.si/si/ouveljavljanje\\_pravic/statistika/druz\\_prejemki\\_za\\_varovanje\\_sv/#c18828](http://www.mddsz.gov.si/si/ouveljavljanje_pravic/statistika/druz_prejemki_za_varovanje_sv/#c18828), own calculations.

<sup>10</sup> Rakar, T., Stropnik, N., Boškić, R., Dremelj, P., Nagode, M., and Kovač, N. (2010), *Raziskava o vplivih veljavnih ukrepov družinske politike na odločanje za otroke* [Research on the impact of family policy measures on deciding to have children], Ljubljana: Social Protection Institute of the Republic of Slovenia. Available at: <http://www.irssv.si/publikacije/leto-2010/index.html>

<sup>11</sup> Hrženjak, M. (Ed.) (2016), *Spremembe očetovstva: moški med delom in starševstvom* [Changing fatherhood: men between employment and parenthood], Ljubljana: Mirovni inštitut.

# South Africa<sup>1</sup>

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**April 2019**

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

**Note on leave information:** South Africa is governed as a constitutional democracy with a three-tiered interdependent governmental structure – i.e. national, provincial and local. Leave entitlement in the South African contexts is primarily through one main statute that applies to the whole country, namely, the Basic Conditions of Employment Act (BCEA) (Act No. 75 of 1997, as amended). Though there are nine provinces in South Africa, they do not have the authority to develop or amend any leave provision standards. The BCEA sets the minimum standards for leave provision in the country, except for the following exclusions: the National Defence Force, National Intelligence Agency, or SA Secret Service, and workers who work fewer than 24 hours per month. There are two other mechanisms that can have an influence on leave determinations, and those are: a collective agreement (in terms of section 213 of the SA Labour Relations Act (LRA), (Act 66 of 1995 as amended.) and sectoral determinations.

## Collective agreements

A collective agreement is a written agreement concerning terms and conditions of employment (or any other matter of mutual interest): it is concluded by, on the one hand, one or more registered trade unions, and, on the other, one or more employers or one or more registered employers' organisations – section 213 of the LRA.

## Sectoral determinations

A sectoral determination is not an agreement: it is a determination made by the Minister of Labour, in terms of Chapter Eight of the BCEA, and,

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<sup>1</sup> Please cite as: Kasselmann, H. (2019) 'South Africa country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

before making a sectoral determination for employees in an area or sector, the Minister of Labour is required to direct the Director-General: Labour to investigate conditions of employment in the sector or area concerned.

Please take note that collective agreements and sectoral determinations are, indeed, separate legal instruments governed by two different acts (the LRA and the BCEA) – as such, they have different purposes. Lastly, it is to be noted that neither the LRA nor the BCEA make provision for the extension of a collective agreement to non-parties by means of the promulgation of a sectoral determination in terms of the BCEA.

The Minister of Labour, in terms of the BCEA (as mentioned above), must make – and has made – a number of sectoral determinations to make provision for unique circumstances in the following industries: contract cleaning sector, civil engineering sector, learnerships, private security sector, domestic workers, wholesale and retail sector, children in the performing arts. This does not include leave provisions: the determination only refers to working hours. There are also sectoral determinations for the taxi sector, forestry sector, farm work sector, and hospitality sector, plus the ministerial determination for the small business sector (for businesses with fewer than ten employees). Many of these determinations contain leave provisions identical or a little better than those in the BCEA.

The leave provisions in the BCEA and sectoral determinations are minimum standards provided, but these standards may be improved upon through two different modes. The first is that an employer can decide to increase the leave days that they want to give their employees. The condition is that the leave cannot be less than prescribed by the BCEA or the sectoral determinations. Many employers have also done this, i.e. leave policies of different employers indicate that they are giving between 15 and 30 working days' leave to employees. It is also common practice for employers to use leave as a retention and reward strategy, in as far as they provide more leave to employees who have working for them longer and, as a reward, they increase or provide a set number of days with a long service award.

The second mode of determining leave is the collective bargaining process, usually in statutory forums, referred to as bargaining councils. Information and data on leave provisions in bargaining council agreements is difficult to obtain, as there does not appear to be an accessible or central database housing the agreements of all the bargaining councils in South Africa. Bargaining council agreements are also not necessarily a reliable indicator of employer provision, because bargaining councils do not exist for all industrial sectors. Even in those sectors that do have bargaining councils, not all employers in the industry are necessarily members of the bargaining council or are

covered by the scope of the collective agreements specific to their environment.

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

### **a. Maternity leave (responsibility of the Department of Labour)**

*Length of leave (before and after birth)*

- In South Africa, employees have a statutory entitlement to four consecutive months of unpaid Maternity leave.
- The four months' Maternity leave is compulsory for the birth mother, and can only be reduced if a doctor certifies that the employee may return to work earlier.
- Maternity leave is not gender specific. According to section 25 of the BCEA Act<sup>2</sup> which governs Maternity leave in South Africa: 1) 'an employee is entitled to Maternity leave' and 2) 'an employee may commence Maternity leave.'
- An employee may commence Maternity leave:
  - at any time from four weeks before the expected date of birth, unless otherwise agreed;
  - or on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health, or that of her unborn child.

*Payment and funding*

- Statutory Maternity leave is unpaid, but there are benefits that can be claimed from the Unemployment Insurance Fund (UIF).<sup>3</sup>

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<sup>2</sup> Nowhere in the act is 'an employee' defined in gendered terms; the act is silent on identifying an employee as female. The result of this is that, in the case of *Mia v. State Information Technology Agency (Pty) Ltd*, the Labour Court in Durban found that the failure of an employer to grant Maternity leave to a male employee in a duly registered civil union following the birth of a child through a surrogacy agreement, constituted unfair discrimination. The employer refused the male employee four months' paid Maternity leave in line with company policy, on the grounds that he was not female and that their policy does not govern birth by surrogacy – see Van Bever Donker, K. (2015, December 1). Case Law: Maternity Leave for Men. Labour law for Managers: Practical Handbook, pp. C 35/001 - C 35/010.

<sup>3</sup> UIF payments are based on the number of 'credit days' an employee has accumulated in four years. An employee must work six days to receive one credit day at the UIF. This means that for every six days the employee works, they can claim one day's pay from the UIF. The employee would need to accumulate 238 credit days to receive the full benefit.

If an employee has been contributing to the UIF, the employee will be able to claim benefits for a maximum period of 17.32 weeks or four months (section 24 of the BCEA). This claim is subject to the number of credit days an employee has. If an employee has worked and contributed for four continuous years, the employee will be entitled to the full amount of credit days for payment over the whole period of Maternity leave.

- The Unemployment Insurance Fund scale of benefits is contained within Government Gazette No. 588 (Dept of Labour, 2017). The value of the benefit pay-out by the fund has been amended. The changes in the amounts are an increase in the annual rates, from ZAR178,464 [€10,921.20]<sup>4</sup> to ZAR212,539 [€13,006.50]; an increase in the monthly amount to ZAR17,712 [€1,083.90]; and an increased weekly amount of ZAR4,087 [€250.11]. Income tax is not payable on benefits received from the UIF.
- Employers are not legally obliged to pay employees, but it is common practice amongst employers to provide some form of maternity benefits to employees while on Maternity leave. These benefits vary from employer to employer. Employers may expect the employee to sign a service agreement when they receive any maternity benefits.
- If an employee receives maternity benefits in terms of a collective agreement, contract of employment or any other legal means, the UIF benefit will only cover the shortfall between the benefit received and their normal monthly salary. This is done so that the total amount the employee will receive from the UIF and other sources cannot exceed their normal monthly salary. Employees must apply for Maternity leave benefits at a labour centre at least eight weeks before the expected date of the birth (section 25 of the Unemployment Insurance Act).
- Compulsory contributions to the UIF are made by employers and employees on a monthly basis, and each contributes one per cent of the employee's earnings, up to a maximum combined contribution of ZAR148.72 [€9.10] per month.
- The main exception concerns employees working in national and provincial government. Public service employees are entitled to four months of Maternity leave (under the terms of the June 2018 determination: 'Leave of Absence in the Public Service'). Although this does not explicitly state that leave is fully paid, it can be assumed to be so, because contract workers are entitled to fully paid Maternity leave under this determination.
- Companies still pay the pension and medical contribution for employees on Maternity leave.

### *Flexibility in use*

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<sup>4</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>

- Women who have miscarriages or give birth to stillborn babies in their third trimester are entitled to six weeks' leave afterwards, regardless of whether they have already gone on Maternity leave (section 25 (4) of the BCEA).
- There is no distinction between live and still births in the granting of maternity benefits if the pregnancy has lasted at least 24 weeks.

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

- The Unemployment Insurance Act (UIA) and Unemployment Insurance Contributions Act apply to all employers and employees, except for: employees working fewer than 24 hours per month for an employer; learners (including students and those on apprenticeships); public servants; and foreigners working on contract (who have a work permit and contribute to the fund); employees who get a monthly state pension; and workers who only earn a commission. Non-residents and undocumented migrants will also not qualify as they would not be contributing to the fund.
- The BCEA regulating Maternity leave specifically excludes employees of the South African National Defence Force (SANDF), the National Intelligence Agency (NIA), and the South African Secret Service (SASS).
- The UIA excludes public servants. Maternity leave and maternity pay for these employees is regulated by the determinations reached in the public service bargaining council (see 'additional note' below).
- Independent contractors and self-employed women are not eligible for Maternity leave or maternity pay.
- Entitlement to maternity pay is determined by an employee's status as a contributor and is not affected by whether her partner is working or not.
- There are differences in terms of eligibility for Maternity leave (BCEA) and maternity payments (UIA); however, both acts require an employee to be working for more than 24 hours per month, in order to receive Maternity leave and maternity pay.

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

- Premature birth: if the baby is born prematurely but after maternity pay has started, maternity payments will not be affected and will continue to be paid in the normal way. If an employee's baby is born before maternity pay has started, she must inform her employer of the birth as soon as possible.

- Pregnancy-related sickness: if an employee is sick during her pregnancy before she starts her Maternity leave, the normal rules relating to notification procedures, medical certification, sick leave, and sick pay entitlements will apply. Where the employee is absent from work due to a pregnancy-related illness at any time after the start of the fourth week before her child is due, employers may reserve their right to require the employee to start her Maternity leave immediately. All other episodes of sickness will be dealt with under the employer's attendance and sickness management policies.
- Sick leave: Maternity leave is not treated as absence due to illness. Employees are not entitled to receive sick pay.

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

- Employees in the public service are entitled to four months' Maternity leave and can apply for an additional 184 calendar days of unpaid leave. Since January 2013, an employee falling under the public service bargaining council is entitled to up to eight working days of pre-natal leave per pregnancy, in order to attend medical examinations. The determination does not specifically state that these absences are paid, but it could be interpreted to be so, given the wording of the determination in general.<sup>5</sup>
- A 2012 survey of wage agreements collected from trade unions, bargaining councils, and sectoral determinations – covering a diverse range of industries and over 900 bargaining units – showed that employers offered Maternity leave ranging from the statutory minimum of four months in sectoral determinations to 5.1 months in bargaining council agreements.
- The percentage of employers offering maternity pay (as a percentage of basic wage) ranged from 20 per cent in sectoral determinations to 47.7 per cent in bilateral agreements.<sup>6</sup>
- Employees are entitled to return to the specific post (or comparable post) that they left before going on Maternity leave. It would be considered discriminatory to dismiss a woman for any reason related to her pregnancy, a right which is protected by the unfair dismissal provisions of the Labour Relations Act.

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<sup>5</sup> Department of Public Service and Administration. (June 2018). 'Determination and Directive on Leave of Absence in the Public Service, June 2018.' 33. Pretoria: Government Printer.

<sup>6</sup> The last published report was in 2013, still only reflecting the 2012 survey. See also 'flexible working' (section 1.e.) for the code of good practice titled 'Protection of Employees during Pregnancy and After the Birth of a Child' (Government Gazette, 1998) and Eisley, T. (Ed.). (2013, March) *Bargaining Monitor*, Vol.27, No.179, from The Labour Research Service. Available at: [http://www.lrs.org.za/docs/LRS\\_BM\\_Strategic%20Bargaining%20in%202013.pdf](http://www.lrs.org.za/docs/LRS_BM_Strategic%20Bargaining%20in%202013.pdf)

## **b. Paternity leave**

- Paternity leave in South Africa is taken up in section 3 of the Labour Laws Amendment Act, No. 10 of 2018 promulgated on 27 November 2018. It is important to note that the term 'Paternity leave' is not used in the Labour Amendment Act, but, according to our definitions, the measure is to be classified as Paternity leave rather than Parental leave.
- Section 25A provides for ten consecutive days of unpaid leave for an employee, when the employee's child is born.
- This section also includes when an adoption order is granted or when a child is placed in the care of a prospective adoptive parent.
- In section 25A (5), payment is provided for parental benefits from the Unemployment Insurance Act, 2001 (Act No. 63 of 2001). Section 8(c) of the Labour Laws Amendment Act provides, in subsection (cA), for parental benefits to be paid at a rate of 66 per cent of the earnings of the beneficiary at the date of application.

## **c. Parental leave**

- None. (But see adoption leave and commissioning parental leave as described in section e.)

## **d. Childcare leave or career breaks**

- None (though some companies may provide such leave as part of their retention strategy).

## **e. Other employment-related measures**

### *Adoption leave and pay*

- Section 3 of the Labour Laws Amendment Act provides for adoption leave to be added to the BCEA, section 25B, and allows for an eligible employee who is adopting a child to take time off when a child is placed with them for adoption. The provisions apply to married couples, couples in a civil partnership, unmarried couples (same and opposite sex), and single people who adopt. This applies to placements for children younger than two years of age. Adoption leave is extended to an individual or to one member of an adopting couple.

- An eligible employee is entitled to adoption leave of at least ten weeks consecutively.
- If the employee is a foster parent, who is also approved as a prospective adopter, and a child is placed with the employee in a 'foster to adopt' situation, they will have the same entitlement to adoption leave and pay.
- The partner of an individual who adopts, or the other member of a couple adopting jointly, may be eligible for adoptive Parental leave and pay.
- An employee who is the primary carer is entitled to paid leave associated with the adoption of a child, and the payment of parental benefits are determined by the minister, subject to the provisions of the Unemployment Insurance Act, 2001 (Act No. 63 of 2001). Section 8(c) of the Labour Laws Amendment Act provides, in subsection (cB), for adoptive benefits to be paid at a rate of 66 per cent of the beneficiary's earnings at the date of application.

#### *Commissioning Parental leave*

- Section 3 of the Labour Laws Amendment Act provides for adding section 25C to the BCEA and provides a commissioning parent in a surrogate motherhood agreement with at least ten consecutive weeks of leave, or with commissioning Parental leave, as described in section 25A of the BCEA.
- Section 25C(6) describes it as follows: 'if a surrogate motherhood agreement has two commissioning parents, one of the commissioning parents may apply for commissioning Parental leave and the other commissioning parent may apply for the Parental leave referred to in section 25A: provided that the selection of choice must be exercised at the option of the two commissioning parents.'
- An employee who is the primary carer is entitled to paid leave associated with the adoption of a child and the payment of commissioning parental benefits, as determined by the minister, subject to the provisions of the Unemployment Insurance Act, 2001 (Act No. 63 of 2001).
- Section 8(c) of the Labour Laws Amendment Act provides, in subsection (cC), for commissioning parental benefits to be paid at a rate of 66 per cent of the beneficiary's earnings at the date of application.

#### *Public service employees*

- Employees in the public service are entitled to leave of 45 working days when adopting a child under the age of two, due to the June

2018 determination regulating leave in the public service. Section 4 of the determination now also includes surrogacy leave and adoptive leave (Department of Public Service and Administration, June 2018). Although this determination does not explicitly state that adoption leave is fully paid, it can be assumed to be so because contract workers are entitled to fully paid adoption leave under this determination. These employees are permitted to extend this leave by 184 calendar days of unpaid leave.

- Surrogacy leave for public servants has been divided in two categories:
  - (1) for the commissioning parent who, from 8 June 2018, may take four consecutive calendar months' paid leave, commencing from the date of the birth.
  - (2) for the surrogate mother, who will be entitled to six consecutive weeks' Maternity leave. The determination is silent on payment for the surrogate mother.

#### *Time off for the care of dependants*

- An employee in the private sector is entitled to family responsibility leave when the employee's child is born (not including the birth mother); when the employee's child is sick; or in the event of the death of the employee's spouse or life partner, or the employee's parent, adoptive parent, grandparent, adopted child, grandchild, or sibling. This leave is fully paid by the employer and is available for a maximum period of three days in a 12-month period (five days for domestic workers). An employee must have been employed for longer than four months and work at least four days per week to qualify for this leave. This leave is an individual entitlement that cannot be shared by spouses, if one spouse chooses not to use their leave.
- Evidence from a 2012 survey found that employers offered improvements on the three-day statutory minimum period of family responsibility leave, ranging from 3.8 days to 4.3 days.<sup>7</sup>
- According to the public service determination,<sup>8</sup> employees in the public service are permitted to utilise family responsibility leave as follows. With effect from 1 January 2013, employees are entitled to the following family responsibility benefits:
  - five working days' family responsibility leave per annual leave cycle to be used if the employee's spouse or life partner gives birth to a child; or the employee's child, spouse or life partner is sick;

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<sup>7</sup> Easley, T. (ed.). (2013, March) *Bargaining Monitor*, Vol.27, No.179, from The Labour Research Service. Available at: [http://www.lrs.org.za/docs/LRS\\_BM\\_Strategic%20Bargaining%20in%202013.pdf](http://www.lrs.org.za/docs/LRS_BM_Strategic%20Bargaining%20in%202013.pdf).

<sup>8</sup> Department of Public Service and Administration, June 2018

- five working days leave' per annual leave cycle to be used if the employee's child, spouse or life partner or an employee's immediate family member dies.
- With effect from 20 May 2015, an employee who has any children with severe special needs shall be granted five working days' family responsibility leave per calendar year.
  - Severe special needs are defined as a child who has a mental, emotional, or physical disability, certified by a medical practitioner, which requires health and related services of a type or amount beyond that required by children generally. For the purposes of this provision, 'child' means the employee's offspring of any age. An application for family responsibility leave should be supported by reasonable proof to demonstrate the severe special needs of the employee's child.
- Total family responsibility leave cannot exceed five days. The determination does not stipulate that this leave is paid, but it can be assumed to be so because it specifically refers to the fact that if employees have used their family responsibility leave, they can apply for available annual leave or apply for a further 184 calendar days, to be utilised as unpaid leave. This is subject to the approval of the head of department.
- By virtue of a ministerial determination regulating conditions of employment in small businesses, employers who employ fewer than ten employees are permitted to reduce the amount of annual leave granted to an employee by the amount of family responsibility leave granted to that employee.

### *Flexible working*

- No general statutory entitlement.
- Codes of good practice are guidelines for employers and do not have the status of legislation. The code of good practice regarding the protection of employees during and after pregnancy<sup>9</sup> provides that employers must consider granting rest periods to employees who experience tiredness associated with pregnancy, and should also consider that tiredness associated with pregnancy may affect an employee's ability to work overtime. It further recommends that employers identify and assess any workplace hazards which may impact the pregnant mother and/or foetus, and consider appropriate action. The code of good practice titled 'Integration of Employment Equity into Human Resource Policies and Practices' adds that an employer should provide reasonable accommodation

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<sup>9</sup> Government Gazette (1998) Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child. Pretoria: Government Publishers.

for pregnant women and parents with young children, including health and safety adjustments and ante-natal care leave.

- The code of good practice regarding the arrangement of working time adds that arrangements should be considered to accommodate the special needs of workers, such as pregnant and breastfeeding workers, and workers with family responsibilities.
- The code of good practice titled '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 for working time arrangement 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. The code of good practice titled 'Protection of Employees during Pregnancy and After the Birth of a Child' states that arrangements should be made for pregnant and breastfeeding employees to be able to attend ante-natal and post-natal clinics during pregnancy, as well as after the birth of the child. The code also recommends that arrangements be made for employees who are breastfeeding to have breaks of 30 minutes twice a day to breastfeed or express milk, for the first six months of a child's life.

#### *Specific provision for (breast)feeding*

- None.

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

The maximum period of paid post-natal leave available is four months, paid at 38 per cent to 66 per cent of earnings. There is no entitlement to early childhood education and care (ECEC) and the compulsory school age is seven. The 2017 General Household Survey (Statistics South Africa, 2017, p. 10)<sup>10</sup> indicates that approximately 42.8 per cent of children up to the age of four attended day care or educational facilities outside their homes.

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

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<sup>10</sup> Statistics South Africa (2017). *General Household Survey*. 10. Pretoria: Stassa.

According to the South African media, history was made in the South African Parliament on 27 November 2018, when a private member's bill was signed into an act by the President of South Africa. The Labour Laws Amendment Act, proposed by ACDP MP Cheryllyn Dudley, aims to give fathers the opportunity to take Paternity leave. The purpose of this act is to augment the BCEA to provide for this leave, adoption leave, and commissioning Parental leave, as well as for providing payment of parental benefits from the Unemployment Insurance Fund. The act makes provision for Paternity leave, Adoption leave, as well as commissioning Parental leave.

Paternity leave: Section 25A of the BCEA was promulgated by s3 of the Labour Law Amendment Act and provides for ten consecutive days of leave for the father of a new-born child. The term 'Paternity leave' has not been used in the act (there it is labelled as 'Parental leave'). Subsection 5 describes the UIF payment set by the minister.

Adoption leave: Section 25B of the BCEA was promulgated by s3 of the Labour Laws Amendment Act and provides for at least ten consecutive weeks of leave for an employee who is adopting a child below the age of two. Subsection 5 describes the UIF payment set by the minister. Section 26A(1)(b) provides the right to parental benefits for adoption leave for a child below the age of two.

Commissioning Parental leave: Subsection 25C of the BCEA was promulgated by s3 of the Labour Laws Amendment Act and provides for at least ten consecutive weeks of leave for an employee who is a commissioning parent in a surrogate motherhood agreement. Again, subsection 5 describes the UIF payments set by the minister. Section 26A(1)(c) provides the right to parental benefits for a parent of a child who has been born because of a surrogate motherhood agreement. The Unemployment Insurance Act of 2001 has also been amended to include payments to adoptive parents as envisaged by the inclusion of parental and commissioning parental benefits.

## **4. Uptake of leave**

### **a. Maternity leave**

In the Quarterly Labour Force Survey 2018,<sup>11</sup> quarter four indicates that there are 22,668,000 people employed in South Africa. Of these, 13,992,000 have access to Maternity or Paternity leave: equating to

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<sup>11</sup> Statistics South Africa. (2018). *Quarterly Labour Force Survey*, Quarter 4: 2018

61.72 per cent of employees that were entitled to some form of Maternity or Paternity leave for that year (Statistics South Africa, 2018). However, there are no available figures for the take up of Maternity leave.

### **b. Paternity leave**

There is no information on the uptake of family responsibility leave used for this purpose or for the uptake of Paternity leave provided.

### **c. Parental leave**

There is no information on the uptake of Parental leave provided.

# Spain<sup>1</sup>

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**April 2019**

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

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

### **a. Maternity leave (*Permiso y prestación por nacimiento y cuidado del menor de la madre biológica*) (responsibility of the Ministry of Labour and Social Security)**

*Length of leave (before and after birth)*

- 16 weeks: six weeks are obligatory and must be taken following the birth, while the remaining ten weeks can be taken before or after the birth.

*Payment and funding*

- 100 per cent of earnings up to a ceiling of €3,751.20 per month, unchanged since 2017. This allowance is tax-free.
- A flat-rate benefit (€537.84 per month or €17.84 per day) is paid for 42 calendar days to all employed women who do not meet eligibility requirements (unchanged since 2016).
- Financed by social insurance contributions from employers and employees. As a rule, employers pay 23.6 per cent of gross earnings and employees pay 4.7 per cent, to cover common contingencies which include pensions, sickness, and leaves

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<sup>1</sup> Meil, G., Lapuerta, I., and Escobedo, A. (2019) 'Spain country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

(*contingencias comunes*), with an additional contribution paid to cover unemployment. In the case of public servants, all contributions are paid by their employer.

#### *Flexibility in use*

- Leave taking can be anticipated until four weeks before the foreseen birth date. This provision also applies in the case of international adoption if parents must move to the country of origin of the child.
- The first six weeks must be taken full-time after the birth (or the judicial decision of adoption or foster care). The ten remaining weeks can be taken, in agreement with the employer, part-time and/or spread over the first year on a weekly basis. Employers must be informed at least 15 days in advance.

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

- All employed women (whether employee or self-employed; working on open-ended or fixed-term contracts; working full- or part-time) are entitled to Maternity leave. However, conditions must be met in order to qualify for the earnings-related Maternity leave benefit (non-eligible employees receive a flat-rate payment for 42 calendar days after delivery): the mother needs to be making social security contributions at the beginning of the leave; or be receiving an unemployment contributory benefit; or be in the first year of the Parental leave, and have contributed to social security for at least 180 days in the previous seven years (or 360 days during working life). Women under 21 years of age do not need to have had a previous period of social security contribution, and women between 21 and 26 years of age need only 90 days in the previous seven years, or 180 days during their working life. This requirement is more flexible for women who work part-time. Self-employed mothers are exempt from paying social security contributions while on Maternity leave.

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

- In the case of the birth, adoption, or fostering of a child or children with a disability, mothers have the right to one extra week of leave for a new child from the second one onward, and to family benefits from an additional lump-sum benefit.
- In the case of a premature birth or infant hospitalisation, Maternity leave is extended up to 13 weeks.
- If the baby dies, Maternity leave is not reduced.

- Only for public employees: if the mother dies, the other parent can take the Maternity leave entitlements, independent of the mother's previous employment situation and entitlements.
- Employed mothers have the right to transfer up to four of their 16 paid weeks of Maternity leave to the father, on these conditions: that mothers take six weeks after giving birth; that their partner fulfils contributory requirements; and that the transfer does not endanger the mother's health. Leave can be completely or partly transferred, so both parents may share full- or part-time leave simultaneously.
- The non-contributory benefit is extended to 14 calendar days (from 42 to 56 calendar days) for single mothers, large families, multiple births, or disabilities.
- In the case of adoption and foster care, each parent has the right to six weeks of full-time leave just after the judicial or administrative decision, then 12 additional weeks must be shared between both parents during the first year. Each parent can take a maximum of ten additional weeks, full-time or part-time. Public employees can take these weeks spread over the first year on a weekly basis, while employees in the private sector must take them in a block during the first year. In the case of international adoptions, which require moving to the home country of the child, public employees can take an additional two-month paid leave at a lower rate. Same-sex parents have the same rights as heterosexual parents.

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

- Employed and self-employed pregnant women and mothers breastfeeding babies less than nine months old are entitled to be relocated to another workplace, if working conditions are not compatible with women in such circumstances or it is a risk for the baby. If this cannot be reasonably accommodated, the working contract or activity must be interrupted, and leave can be taken with payment of 100 per cent of earnings. Such leave correspondingly lasts until the beginning of Maternity leave or until the baby reaches the age of nine months.
- Several regional and local governments have improved entitlements for public sector employees. For example, women working for the municipality of Madrid have a right of up to eight additional weeks of Maternity leave and those working for the regional government of Madrid have a right of up to ten calendar days.

**b. Paternity leave (*permiso y prestación por nacimiento y cuidado del menor del progenitor distinto de la madre*)**

## ***biológica*) (responsibility of the Ministry of Labour and Immigration)**

### *Length of leave (before and after birth)*

- 8 weeks for all employed fathers (including self-employed) after childbirth, adoption, or foster care.

### *Payment and funding*

- 100 per cent of earnings, paid by the Social Security Fund with the same ceiling as for Maternity leave. This benefit is tax-free. Paternity leave is funded the same as Maternity leave.

### *Flexibility in use*

- Two weeks must be taken full-time immediately after the birth. The six remaining weeks can, in agreement with the employer, be taken part-time and/or spread over the first year on a weekly basis.
- In the case of adoption or foster care, six weeks must be taken full-time after the judicial or administrative decision, and the remaining time can be taken full- or part-time in one block during the first year (see Maternity leave).
- Employers must be informed at least 15 days in advance. In a case where both parents work for the same employer and they decide to take leave at the same time, the employer can restrict the use.

### *Regional or local variations in leave policy*

A number of regional and local governments' improved entitlements for public sector employees before the last leave reform – promoted by the Socialist government in March 2019 – came into effect. However, these local and regional entitlements might be overcome by the changes introduced in this reform.

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

- Same conditions 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 father*

- Leave is extended by one extra week per child from the second one onward, in the case of multiple births (or adoption or fostering) or if the child has a disability.

- The entitlement is gender neutral, to encompass gay and lesbian couples: this leave can be taken by the member of the couple who did not use the Maternity leave (or most of it) (see 1.e. below).
- In the above-mentioned case of public employees in Catalonia, single mothers who assume the sole custody of the child can use the extra month for fathers at the end of Maternity leave.

*Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents*

- See 'regional or local variations' for improved conditions offered by some regional governments or municipalities for their employees.
- This leave cannot be transferred to the other parent.

**c. Parental leave (*Excedencia por cuidado de hijos*) (responsibility of the Ministry of Employment and Social Security)**

*Length of leave (before and after birth)*

- Each parent is entitled to take leave until three years after childbirth. Leave is an individual right. During the first year, return to the same job position is protected. After the first year, job protection is restricted to a job of the same category.

*Payment and funding*

- None. Since 2011, all employees taking leave are credited with social security contributions for the whole period, which affects pension accounts, health cover, and new Maternity or Paternity leave entitlements. However, unemployment benefits and sickness leave are excluded.

*Flexibility in use*

- There are no limits to the number of periods of leave that can be taken until the child is three years old, with no minimum period required.

*Regional or local variations in leave policy*

- Today, only two out of 17 regional governments – *Comunidades Autónomas* – provide flat-rate benefits to increase the use of Parental leave. Five regional governments (Balearic Islands, Murcia, Castilla-León, Castilla-La Mancha, and Navarre) abolished

their benefits between 2010 and 2013 because of the economic crisis.

- Basque Country offers €277.08 per month in 2019 for families with an annual income below €20,000 per person (€232.92 for families with an annual income above the threshold). The amount of the benefit has not been updated since 2012 and income ceilings were introduced in 2015.
- La Rioja provides €250 per month in 2019, but restricted to families with an annual income below €40,000 (or €50,000 in the case of large families). The amount of the benefit has remained stable since 2003, when it was introduced, but the income ceiling has been increased.

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

- All employees. Employees on temporary contracts can only claim leave that is shorter than their contract period. Unemployed and self-employed workers are not eligible.

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

- The period of job-secured leave is extended to 15 or 18 months in large families – defined as those with three or more children, or with two children, one of whom has a disability.
- The period of job-secured leave is also extended up to a maximum of 18 months when both parents use the Parental leave equally.

*Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents*

- If both parents work for the same company, the employer can put restrictions on both parents using leave at the same time, if this is justified for production reasons.
- In the public sector, the job position is protected for two years, and in the third year within the same municipality.

*Pension credits*

- For the calculation of the retirement or permanent disability pension, parents who have left employment, voluntarily or not, between the ninth month before birth (third in case of adoption or fostering of a minor) and the sixth year after, are given 260 days

(nine months) from the social security credits per child,<sup>2</sup> until all children reach the maximum limit of five years. These credits apply not only for calculating the aforementioned pensions, but also for all other social security benefits (except for the minimum payment period) and covers only the period spent outside of employment. It also applies to all births, after or before the law took force. Only one of the parents has the right to these pension credits; in the case of dispute, it is attributed to the mother.

#### **f. Childcare leave or career breaks**

- Unpaid career breaks are recognised in the labour and public employees' regulations (*excedencia voluntaria*). The only protection offered is claiming the right of return to an equivalent job before the end of the leave, once there is a vacancy. This job protection works much better in the public sector 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 of age or older children with additional needs (e.g. disabilities, international adoptions).
- Either parent can benefit from the Maternity leave entitlement in the case of an adoption.
- Public sector employees involved in an international adoption have the right to two months of paid leave: these include basic payment without benefits, and the process requires that the adoptive parents stay in the country of origin of the future adoptive child.

##### *Specific provision for (breast)feeding*

- During the first nine months of the child's life, adoption, or foster care (12 months in the public sector), employees (both parents) are entitled to one hour of absence during the working day without a loss of earnings. This part-time leave (*permiso de cuidado del lactante*) was originally meant to support breastfeeding, but is defined now as period of nursing care. It is an individual, non-transferable entitlement. Self-employed parents are excluded. The period can be divided into two half-hours or be replaced by a half-hour shortening of the normal working day, or by an equivalent period on full-time days. The public sector and many collective

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<sup>2</sup> Regulated by RD 1716/2012. Available at:  
<https://www.boe.es/buscar/doc.php?id=BOE-A-2012-15765>

agreements allow for a full hour shortening of the normal working day. By consolidating this entitlement, parents can, in practice, extend Maternity (or Paternity) leave by two to four weeks (depending on the terms established by collective or company agreements). In the case of multiple births (or multiple adoptions or fostering) this leave is recognised for each child, although the length can vary depending on collective or company agreements, in the case of using it on a full-time basis. This absence is paid for by the employer. In the private sector, if both parents make use of this leave equally and in the same way, they can extend the leave until the child's first birthday. In this case, the wage reduction during this period is compensated by social security funds.

#### *Leave to care for sick children*

- Parents are entitled to full-time or part-time leave (with a minimum reduction of 50 per cent of working time) to take care of a seriously ill child under 18 years of age during the period the child is in hospital or in need of continuous treatment at home (with certification by the public health service); 109 types of illness are included. The scheme is paid at 100 per cent of the individual's earnings (subject to the same ceiling as Maternity leave) from professional sickness insurance schemes, with previous contributory requirements as for Maternity and Paternity leave. This entitlement is extended to parents working part-time, in which case leave must be at least equivalent to 25 per cent of full-time hours. The leave is an individual right, but only one of the parents is entitled to take leave at any one time. Parents can alternate its use on a monthly base. In the case of divorce, when there is no agreement, the parent with legal custody has the right to take this leave; if they have joint custody, it is the one who makes the claim first.

#### *Flexible working*

- The law also guarantees that employees can postpone their annual holidays and use them after Maternity or Paternity leave, so that they do not lose them.
- A working parent can reduce their working day by between an eighth and a half of its normal duration, in order to care for a child under the age of twelve or to look after a disabled child (*reducción de jornada por guarda legal*). Employees may decide, within their usual work schedule, the extent and period of the working time reduction. It is defined as an individual right and there is no payment, but workers taking this part-time leave are credited with up to two years' full-time social security contributions (which affect pension accounts, unemployment benefits, and new leave entitlements). In addition, public employees are guaranteed some

working time flexibility to adapt (for example) to school hours. Self-employed parents are excluded from this right.

- Since 2000, a number of regional governments have introduced payments to parents reducing their working hours. For example: Basque Country, Navarre, La Rioja, Galicia, Castilla La Mancha or Castilla-León have provided flat-rate payments to support this measure, proportional to the working time reduction (though Navarre abolished these payments in 2011, and Castilla-Leon and Castilla La Mancha in 2012). Since 2002, public sector employees in Catalonia (both fathers and mothers) can reduce their working hours by a third with a 20 per cent earnings reduction, or by a half with a 40 per cent earnings reduction, if they have a child under six years of age or care for a disabled relative. Since 2012, they have been able to consolidate this reduction in working time as a full-time leave during the first year in order to extend, in practice, their Maternity or Paternity leave.
- Parents of children under the age of twelve have the right to request an adaptation of their working time, including teleworking, to guarantee their right to balance working and family life. Employers can reject the request, but have to justify it based on objective reasons.

#### *Time off for the care of dependants*

- 2 days' leave per employee, per event (*permiso por enfermedad grave de un familiar*) to care for a seriously ill child or for other family reasons (serious illness, hospitalisation, or death of a relative to a second degree of consanguinity or affinity), paid by the employer. The entitlement is extended to four days if travelling is required for work. However, there is no agreement on what 'serious illness' means. For public sector employees, this entitlement is extended to three days (five days if travelling is required) for the care of first-degree relatives (e.g. partner, children or parents, including in-laws).
- Each employee may take up to two years of leave (*excedencia por cuidado de un familiar*) or reduce working hours by between an eighth and a half (*reducción de jornada por cuidado de un familiar*) to take care of a dependent relative (up to the 'second degree of consanguinity or affinity') due to severe illness, disability, accidents, or old age. Workers taking leave are credited with social security contributions, which affect pension payments, health cover, and new leave entitlements, for the first year of full-time or part-time leave.
- Public sector 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 part-time for up to one month without a loss in earnings in the case of a very serious illness for a first-

degree relative (child, partner or parent including in-laws); they can also benefit from extra flexibility in working time, as do parents of children under 12 years of age.

- In cases of chronic dependency, one person can become an informal carer to another and receive a payment if both are co-resident. It varies depending on the region of residence, the relative's level of dependency recognised by a public agency, and the household income (e.g. in the case of Navarre, one of the regions with the highest benefits, the payments are between €60 and €542.85 per month in 2019). The payment is claimed by the dependent relative. Since 2019, informal carers have been credited with social security contributions for the minimum base, which affect pension accounts and health cover. These social security contributions were temporarily abolished during the financial crisis.

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

The maximum period of post-natal leave available in Spain is three years, but most of this period is unpaid; leave paid at a high rate ends after Maternity and Paternity leave (around five months after the birth, including the consolidation of reduced working hours related to breastfeeding leave or *permiso de cuidado del lactante*, see section 1.e., or six and a half months if fathers split Paternity leave).

The 2006 Spanish Education Law (*Ley Orgánica de Educación*), modified in 2013 by the Law for the Improvement of Educational Quality (*Ley Orgánica para la Mejora de la Calidad Educativa*), provides an entitlement to ECEC from three years of age onwards, and nearly all children over this age attend early education. Therefore, there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of approximately two and half years between the end of well-paid leave and this *de facto* entitlement. Levels of attendance at formal services for children both under and over three years of age are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page. In 2018, a tax allowance of up to €1,000 was introduced for payments made to formal care services for children below the age of three, which adds up to other direct allowances paid by many regional governments.

## **3. Changes in policy since April 2018** (including proposals currently under discussion)

Substantial changes have taken place during the last year. In July 2017, Paternity leave had been extended from four to five weeks as a consequence of a government agreement among two right-wing parties. In June 2018, a new left-wing coalition gained government, being one of the coalition agreements to equal the length of Maternity leave and Paternity leave, making them individual and non-transferable rights. A new law was introduced in March 2019<sup>3</sup> fixing the terms and calendar of this leave reform. The length of the Paternity leave will be increased gradually over the period 2019 to 2021. The new law facilitates the use of both leaves by reducing the conditions to get access to benefits and allowing their use over a period of 12 months on a weekly basis. Names have also changed (the terms 'Maternity' and 'Paternity' have been omitted), using instead the terms 'birth, adoption or foster care leave' and, for the payments, 'birth and caring benefit.' The law also redefined the breastfeeding leave from a family right, in which only one parent can use it, to an individual and non-transferable entitlement.

## **4. Uptake of leave**

### **a. Maternity leave**

After a long period of continuous coverage increases (from 31 per cent of total births in 1995 to 68 per cent in 2009) due to growing maternal employment and better attention being paid atypical employment situations, coverage has been decreasing to 66 per cent in 2014 (as a consequence of the economic crisis and atypical employment). Since then, a slow increase can be observed, reaching 68 per cent in 2017. It is worth highlighting that, in the context of serious economic crisis and very high general unemployment, maternal employment is hardly diminishing while the female activity rate in central adult age groups has sharply increased. According to the survey *The social use of leave in Spain, 2012* (see section 5.c. in the 2014 Annual Report), 80 per cent of mothers aged 25 to 60, who were in paid employment when pregnant, benefited from Maternity leave, with this percentage being higher among younger women than among older ones (89 per cent for those aged less than 40 and 72 per cent for older women). This result is very close to that obtained using official statistics: 85.6 per cent of mothers, who were active in the labour market at the birth of the child, benefited from Maternity leave in 2014 (authors' own calculations). Fathers share some Maternity leave in around one-quarter of adoption cases (27.5 per cent in 2005), but around two per cent of all such leaves (2.1 per cent in 2016 and 1.9 in 2018).

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<sup>3</sup> See: 'Real Decreto-ley 6/20019, de 1 de marzo, de medidas urgentes para la garantía de la igualdad de trato y de oportunidades entre mujeres y hombres en el empleo y la ocupación.' Available at: <https://www.boe.es/boe/dias/2019/03/07/pdfs/BOE-A-2019-3244.pdf>

In 2018, an average of 6,895 women per month were on leave because of a risk during pregnancy, with an average duration of 90.5 days, equivalent to 0.2 per cent of all live births in 2017. Since 2008 (the first year for which there are available uptake data), there has been a steady increase in the number of women who take this kind of leave (from 2,546 per month to 6,895 in 2018), while the average number of days of leave taken has decreased (from 120 to 90.5 in the same period). The number of women per month taking leave for breastfeeding because of a potential risk (introduced in 2007) reached a mean of 75.5 per month in 2018. The mean number of days of leave was 139.8 days.

## **b. Paternity leave**

255,531 fathers benefited from Paternity leave in 2018, 3.4 per cent less than in 2017. This decrease is probably due to the decrease in birth rate (there are no official data yet on births for 2018), as uptake rates have been increasing steadily since its introduction, from 53.9 per cent in 2008 to 67.3 per cent in 2017 (authors' own calculations, based on the ratio number of fathers who took a leave to total number of births). According to the survey *The social use of leave in Spain, 2012* (see section 5.c. in the 2014 Annual Report), the uptake rate among those eligible for Paternity leave is much higher: 74 per cent of men who became fathers after the introduction of this leave, and were working at that time, report having used it.

Those who were working when they fathered a child and did not take it are mostly men who work without a contract or are self-employed. The difference between uptake rates can be attributed to the high proportion of unemployment among young adults (the proportion of unemployed men aged 30 to 34 years increased from 9.2 per cent in 2008, to 25.9 percent in 2012, and was still 13.3 per cent in 2018), as well as to the fact that the social security institution does not register the Paternity leave of some public servants.

## **g. Parental leave**

In 2017, 43,899 people started some period of Parental leave (8.3 per cent more than in the previous year, the maximum reached since data have been available). This corresponds to 11.2 per cent of the births in that year, but still higher than in the recent past (in 1995 it was only 1.7 per cent). However, this represents only 3.6 per cent of children under three years of age; the age is relevant since leave can be taken until children turn three years old. Fathers made up 7.7 per cent of users, 0.3 per cent more than in 2016.<sup>4</sup>

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<sup>4</sup> Ministerio de Empleo y Seguridad Social (2016) *Anuario de Estadísticas del Ministerio de Empleo y Seguridad Social, 2015*. Available at: <http://www.empleo.gob.es/es/estadisticas/contenidos/anuario.htm>

According to the survey *The social use of leave in Spain, 2012*,<sup>5</sup> only 0.5 per cent of men aged 25 to 59 who were working when they became fathers made use of Parental leave, compared to 10.4 per cent of women. In most cases, leave was taken for the first child (69 per cent); and women mostly took it just after Maternity leave (64 per cent) for a maximum of one year (85 per cent), and most commonly for six months or less (46 per cent), i.e. until a childcare arrangement was available. After leave, all men returned to a full-time job, but only 55 per cent of women did so, while a third returned to part-time job or part-time leave (35 per cent), and seven per cent gave up paid work altogether or lost their jobs (three per cent).

#### **h. Other employment-related measures**

The fact that Parental leave and working time reduction are not paid limits their use, even among those who have a secure job. The influence of payment can be seen from the high and gender-equal use of the fully-paid working time reduction of one-third of usual working hours, for parents of children under one year old – this was available for public sector employees in Catalonia between 2002 and 2012 (see section 3 in the 2013 Annual Report); otherwise the use of unpaid working time reductions is limited.

According to the survey *The social use of leave in Spain, 2012*, 19.9 per cent of women and 1.8 per cent of men aged 25 to 59 years, employed at the time when they became parents, made use of the right to reduce their working hours. As in the case of Parental leave, most working time reduction is taken for the first child (61 per cent among those with two or more children) and, among women, mostly taken just after Maternity leave (55 per cent) or during the first year of the child's life (79 per cent). Men reduce their working hours mostly for less than one year (72 per cent), while women tend to do it for a longer period (61 per cent for more than one year).

According to the Spanish Social Security Statistics,<sup>6</sup> the number of parents who have taken the leave to care for seriously ill children (introduced in 2011) has increased from 1,114 in 2012 to 3,136 in 2018. The mean number of days of leave taken has risen sharply from 176.9 to 412 during this period.

Unpaid leave to care for dependent relatives has been available from 2001 onwards. Between 2001 and 2005, about 9,000 employees have

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<sup>5</sup> Meil, G. (2014) See sections 5.b. and 5.c. in the 2014 Annual Report.

<sup>6</sup> [http://www.seg-social.es/Internet\\_1/Estadistica/Est/Otras\\_Prestaciones\\_de\\_la\\_Seguridad\\_Social/index.htm](http://www.seg-social.es/Internet_1/Estadistica/Est/Otras_Prestaciones_de_la_Seguridad_Social/index.htm)

used it: 82 per cent were women, with a median duration of 62 days, and 18 per cent were men with a median duration of 55 days (Escobedo and Navarro, 2007). Since 2005, the number of users has grown, increasing from 3,332 in 2005 to 11,234 new users in 2017, 12.1 per cent more than in 2016. The proportion of male users remained stable, at around 15 to 16 per cent over the period.

The statistical yearbook of the Ministry of Labour does not provide details on the duration, nor on the extent to which the leaves to care for dependent relatives are connected to the benefit for informal carers (introduced since the 2006 Spanish law to support dependents). In January 2018, 32.5 per cent of all benefits provided under this law were used for paying informal family carers (384,504 benefits, 27.2 per cent more than one year previously). However, it seems difficult to link care leave to benefits, because these usually require a long administrative process.

# Sweden<sup>1</sup>

**Ann-Zofie Duvander** (Stockholm University) and **Niklas Löfgren** (Swedish Social Insurance Agency)

**April 2019**

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

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

### **a. Maternity leave (pregnancy benefit: *graviditetsspenning*) (responsibility of the Ministry of Social Affairs)**

- It is obligatory for women to take two weeks' Maternity leave before or after delivery; they can decide whether to take part of the paid parental insurance benefit during this period of leave. Pregnant women can take indefinite leave paid at 77.6 per cent of earnings, if a job is a risk to the foetus and no other work can be made available. If a job is physically demanding and therefore hard for a pregnant woman to perform, the Swedish Social Insurance Agency is likely to grant eligibility of up to 50 days of leave during the last 60 days of pregnancy, paid at 77.6 per cent of income. This benefit is called pregnancy benefit and the woman will need a physician's certificate. If she is not granted pregnancy benefit, she may start using Parental leave benefit during the last weeks of pregnancy (see footnote for Parental leave).
- The Parental leave law §4 (under Maternity leave) states the right to breastfeed the child, but there are no further details about how this impacts work (for example, how often, for how long, and so on).

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<sup>1</sup> Please cite as: Duvander, A.-Z., and Löfgren, N (2019) 'Sweden country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

**b. (Paternity leave) Temporary leave in connection with a child's birth or adoption (*tillfällig föräldrapenning i samband med barns födelse eller adoption*) (responsibility of the Ministry of Social Affairs)<sup>2</sup>**

*Length of leave*

- 10 days. Designed to be used for the other parent (or carer) to attend delivery, to care for older siblings while the mother is in the hospital, to stay over in the hospital in a family room after childbirth, and/or to participate in childcare when the mother comes home. Most often this is used by the father of the child and was previously called 'daddy days' (*pappadagar*).

*Payment and funding*

- 77.6 per cent of earnings up to an earnings ceiling of SEK341,250.60 [€32,053.20]<sup>3</sup> per year (see section 1.c. for information regarding eligibility and further details). Payments come from the Swedish Social Insurance Agency.
- Funding for all forms of Parental leave is obtained from statutory contributions from employers and the self-employed. Employers pay 2.6 per cent on all employees' earnings, while all self-employed workers pay 2.6 percent on their earnings as well.<sup>4</sup>

*Flexibility in use*

- Leave can be used at any time during the first 60 days after childbirth.

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

- All employees are eligible, regardless of time spent in employment, but a person is required to have a sickness benefit qualifying income (SGI).<sup>5</sup>

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<sup>2</sup> Referred to as 'Paternity leave' in reviews before 2014; now revised to provide a literal translation of 'entitlement,' which is considered gender-neutral.

<sup>3</sup> Conversion of currency undertaken for 24 June 2019, using:  
<https://www1.oanda.com/currency/converter/>

<sup>4</sup> Tax authorities, see:

<https://www.skatteverket.se/foretagochorganisationer/arbetsgivare/arbetsgivaravgifterochskatteavdrag/arbetsgivaravgifter.4.233f91f71260075abe8800020817.htm>

<sup>5</sup> Swedish Inspectorate for the Social Insurance (2016). 'Sickness benefit qualifying income.' Report 2016:10. Stockholm, at [www.inspsf.se](http://www.inspsf.se). Swedish report with English summary.

- The benefit is gender-neutral and attributed to the second parent or another close person, if the second parent is unknown.

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

- Leave is increased in the event of multiple births (e.g., doubled in the case of twins).
- Co-habiting adoptive parents get five days each at the time of adoption. A single adoptive parent gets ten days. Benefits are conditional on the child being under ten years of age at their adoption (leave can only be used up until the child is ten years of age, or 12 years if the parents obtained custody from 2014 and onwards).

**c. Parental leave (*föräldrapenning*) (responsibility of the Ministry of Social Affairs and Ministry of Employment) <sup>6</sup>**

*Length of leave (before and after birth)*

- Each parent is entitled to take full-time leave from work until their child is 18 months old, regardless of whether they are using paid benefits.
- Parents with joint custody are eligible for 240 days of Parental leave benefit each; some days may be transferred between them while others are non-transferable (see below). There is thus one legislation concerning the right to leave (18 months, see above) and another granting benefits (240 days).
- For each parent, 195 of the 240 leave days are income-based (see below). For children born 2016 or later, 90 of these days are reserved and cannot be transferred to the other parent (often called a 'mother's quota' and a 'father's quota'). The remaining 105 income-based days for each parent can be transferred to the other by signing a consent form.
- For each parent with joint custody, 45 days of the 240 total leave days are paid at a minimum level (see below). These days can be transferred to the other parent by signing a form.
- Starting with children born from 1 January 2014, either form of paid leave can be used up until the child turns 12 years old (though only 96 days can be used after the child turns four years old). For children born before this date, parents may use the paid leave up until a child's eighth birthday or until the end of the first school year.

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<sup>6</sup> Ministry of Social Affairs has responsibility over the parental benefit and Ministry of Employment has responsibility over the legislated right to leave from work.

- There is an extra pension supplement for the parent who earns the least income during the child's first four years. This supplement to the pension-qualifying amount is aimed to compensate the parent who takes the largest responsibility for childcare and therefore must scale back their work, or who temporarily exits the labour market.<sup>7</sup>

#### *Payment and funding*

- For parents who are eligible for income-related benefit (see below), 195 days of leave are paid at 77.6 per cent of earnings, up to an earnings ceiling of SEK455,000 [€42,737.50]<sup>8</sup>; the remaining 45 days are paid at a flat-rate payment of SEK180 [€16.91] per day. Parents who are not eligible to income-related leave receive a flat-rate of SEK250 [€23.48] per day for 240 days.
- All Parental leave benefit, income related and flat-rate, offer pension credits.
- Funding is the same as for temporary leave in connection with birth and adoption.

#### *Flexibility in use*

- The length of leave is counted in calendar days (rather than weeks or months) to enhance flexibility of use. It is thus possible to use the benefit during weekends. To get 77.6 per cent of earnings, seven days of benefit per week are needed.
- Parents can take paid leave days full-time, part-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 part-time leave and four days of quarter-time leave). Parents cannot work while on paid or unpaid leave unless they are not taking the leave full-time.
- Paid and unpaid leave can be combined to enable parents to stay at home longer.
- Parents can take leave in one continuous period or in several blocks of time. While, officially, employees taking Parental leave have the right to stay away from work for a maximum of three periods each year, many employers allow for more periods.
- Both parents can take up to 30 days of paid leave at the same time, until the child reaches one year of age. These days have been labelled 'double days' (*dubbeldagar*). Parents cannot use any

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<sup>7</sup> Swedish Pension Agency (2014) Orange report 2014. Annual report of the Swedish Pension System. Stockholm. Available at: <https://secure.pensionsmyndigheten.se/download/18.3c07b8ed14fbdb77cd57cd1/1446806348928/Orange+Report+2014+eng.pdf>

<sup>8</sup> The ceiling for Parental leave is higher than for temporary leave in connection with a child's birth or adoption to encourage use of Parental leave by fathers.

of the mother's quota or father's quota when using double days. Parents must use the remaining 105 income-based days that they are each entitled to if they want to stay home at the same time.

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

- The benefit requirements are both residence-based and employment-based in Sweden. All parents living in Sweden are entitled to paid Parental leave. Paid leave at 77.6 per cent of earnings requires parents to have had an income of over SEK250 [€23.48] per day for 240 days before the expected date of delivery or adoption. A parent remains qualified to receive the same compensation for Parental leave if an additional child is born or adopted within 30 months of the birth or adoption of an earlier child. This is economically significant mainly to parents who reduce working hours (and income) after the first child, since it keeps them at a higher benefit level for the second (or subsequent) child. This is commonly referred to as the 'speed premium.'
- Self-employed persons contribute to the social security system with a separate tax and are eligible for the same leave benefits as employed persons.
- Parents are entitled to paid Parental leave even if their partners are unemployed.
- Same-sex parents have the same rights as opposite-sex parents and the Parental leave is gender-neutral in its construction.

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

- Families with multiple births are entitled to additional paid leave (in the case of twins, an additional 90 days at 77.6 per cent of earnings and an additional 90 days at a flat-rate of SEK180 [€16.91] per day). For each additional child in a multiple birth, parents are entitled to an additional 180 days at 77.6 per cent of earnings.
- In the case of sole custody, the parent with custody receives all of the Parental leave days (i.e., 480 days). However, in most cases of parents who are living apart, parents share joint custody and, thus, both share rights to leave. Of all children up to two years of age, 95 per cent have two original parents with joint custody.<sup>9</sup>

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<sup>9</sup> See data in Statistics Sweden's database, [http://www.statistikdatabasen.scb.se/pxweb/sv/ssd/START\\_LE\\_LE0102\\_LE0102X/Vardnad/?rxid=67663b18-ed2c-45be-8526-7b45f6cc3f34](http://www.statistikdatabasen.scb.se/pxweb/sv/ssd/START_LE_LE0102_LE0102X/Vardnad/?rxid=67663b18-ed2c-45be-8526-7b45f6cc3f34).

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

- Additional Parental leave pay (*föräldralön*) has been negotiated in collective bargaining agreements in the public sector and is commonplace in the private sector. A common collective agreement is that the employer pays ten per cent extra under the ceiling (i.e., workers receive 90 per cent of earnings) and/or up to 90 per cent of income above the ceiling.<sup>10</sup>

## **e. Other employment-related measures**

*Specific provision for (breast)feeding*

- None.

*Time off for the care of dependants*

- Temporary Parental leave (*tillfällig föräldrapenning*) is available for 120 days per child, per year, for children under the age of 12, and for children aged 12 to 15 years, with a physician's certificate. This is paid at 77.6 per cent of earnings, up to an earnings ceiling of SEK348,756 [€32,758.20] per year; it is a family entitlement and it can be used to care for sick children. Sixty of these days can also be used to stay at home with young children if the regular caregiver is sick. Since 2001, it can be offered to someone outside the family if they are an eligible person in the social insurance system. The ten days of temporary Parental leave associated with birth or adoption (see section 1.b.) also come under this category of temporary Parental leave.
- Parents whose children are sick or functionally disabled for more than six months can apply for care allowance (*vårdbidrag*) from the birth of the child until the child reaches the age of 19. Parents may receive a maximum of SEK9,479 [€890.35] per month for extra care obligations, such as paying for a caregiver or as compensation for reduced work hours.

*Flexible working*

- Until a child reaches the age of eight 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.

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<sup>10</sup> [Swedish inspectorate for the Social Insurance \(2018\) Utvecklingen av kollektivavtalade ersättningar sedan 2000-talets början \[Development of extra payments from collective agreements since 2000\] Report 2018:14.](#)

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

The maximum period of paid post-natal leave available in Sweden is around 16 months, with 13 months paid at a high rate. There is an entitlement to ECEC from one year of age, available in centres or at licensed family day carers, on a full-time basis for employed parents or a part-time basis if the parents are not employed. Consequently, there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children both under and over three years of age are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

In December 2017, a major commission on Parental leave published proposals for changes in Parental leave legislation.<sup>11</sup> The commission proposed among other things: 1) increasing the amount of each parent's quota to five months with five months to share between them; 2) stricter age limits for when Parental leave can be used; 3) abolishing the speed premium and temporary leave in connection to a child's birth or adoption; and 4) providing for the possibility to transfer two months of leave to someone other than the two primary parents. No new laws have yet been enacted so far.

There are some minor changes from 1 January 2019. The following changes in legislation are of importance for very few parents on rare occasions:

- Both parents are able to use Parental leave benefit to visit the healthcentre for mothers.
- Parents are able to use Parental leave benefit to facilitate the child's pre-school start, also for the time when the child is not in the parent's care.
- Temporary Parental benefit can be used for courses on how to take care of a child.

## **4. Uptake of leave<sup>12</sup>**

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<sup>11</sup> Jämställt föräldraskap och goda uppväxtvillkor för barn – En ny modell för föräldraförsäkringen [Gender-equal parenthood and good conditions for child-rearing – a new model for Parental leave] *Statens Offentliga Utredningar* 2017:101).

<sup>12</sup> All uptake statistics from Social Insurance in Figures 2018. Accessible in English at <https://www.forsakringskassan.se>.

### **a. Maternity leave**

In 2018, 25,794 women received Maternity leave benefits for an average of 39 days. Since there were 115,832 births in 2018, this suggests that 22 per cent of pregnant women took Maternity leave.

### **b. Temporary leave at the birth or adoption of a child**

In 2018, 89,360 individuals took temporary Parental leave at the birth or adoption of a child. Approximately 77 per cent of fathers, same-sex partners, or other designated persons took this leave. Of all leave users, only 1.1 per cent were women. Men took on average 9.6 of the ten eligible days.

### **d. Parental leave and child-rearing benefit**

Almost all families use paid Parental leave in Sweden. For children born up to the end of 2013, it has been possible to use this benefit until a child reaches the age of eight or after the first school year has ended. In 2018, most Parental leave days were taken by women during the first year of the child's life, while men tended to take leave when the child was between the ages of one and three. However, most leave days are taken before children reach the age of two; all children are entitled to an ECEC place from 12 months of age.

In 2017, the majority of women (88 per cent) and men (95 per cent) who took Parental leave were entitled to benefits at the earnings-related compensation level, as opposed to the low, flat-rate level. Approximately 19 per cent of all days used were on the lower flat-rate. Foreign-born parents and young parents, especially mothers, are more likely than native-born parents to have access to only the low, flat-rate payment. The average cash benefit was 30 per cent higher for fathers. Fathers received benefits of SEK812 [€76.27] (when flat-rate days included SEK656 [€61.62]) per day in 2018, while the average mother received benefits of SEK702 [€65.94] (when flat-rate days included SEK 513 [€48.19]).

For children born in 2001, parents used 92 per cent of the 360 days that are paid at a high, earnings-related rate, and 69 per cent of the days that are paid at a low, flat-rate level. Parents of a foreign background are less likely than native Swedes to use all their available days. The great majority of fathers of children born in 2004 (88.3 per cent) took Parental leave at some stage before their child's eighth birthday, mainly

starting when their children were 13 to 15 months of age.<sup>13</sup> Fathers of children born in 2008 took, on average, 106 days of Parental leave during the eight years they could use the leave, while mothers took 342 days (76 per cent).

In 2016, 45 per cent of Parental leave benefit recipients were men, compared to 55 per cent who were women; on average, mothers took 86 days and fathers 40 days during that year. For children born in 2013, fathers had taken, on average, 69 days by the time their children were two, while mothers had taken 276.<sup>14</sup> While mothers still take more Parental leave, the proportion of total days used by men has slowly increased. In 2002, fathers took about 12 per cent of all Parental leave days used in that year; by 2017, it had increased to 28 per cent. The percentage of couples that are sharing Parental leave equally (40 to 60 per cent) is very slowly increasing. For children born in 2013, 14.1 per cent of couples equally shared leave that year.<sup>15</sup>

Fathers with higher formal education take more Parental leave, as do fathers whose partners have higher levels of formal education. For children born in 2013, by 2015, fathers whose jobs required higher formal education had taken an average of 112 days of Parental leave, while mothers had taken 108. An important exception is men in management jobs who took an average of only 58 days, but this has increased more for men in this job than most others.<sup>16</sup> Fathers who work in the private sector are less likely to take leave, perhaps because they more often lack extra compensation, as a result of collective agreements. Self-employed fathers take 27 fewer leave days than wage-earning fathers. Mothers who are self-employed take 46 fewer days than wage-earning mothers, but the proportional difference is much less for mothers than fathers. Groups who take little or no leave include those born outside Sweden and unemployed fathers (who typically have low benefit levels).<sup>17</sup>

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

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<sup>13</sup> Försäkringskassan [Swedish Social Insurance Agency] (2010) *Outnyttjad föräldrapenning [Unused Parental leave]*. Socialförsäkringsrapport 2010:14. Available at: [www.forsakringskassan.se](http://www.forsakringskassan.se)

<sup>14</sup> Försäkringskassan [Swedish Social Insurance Agency] (2016). *Föräldrapenning och yrke. Korta analyser 2016:1*. [Parental leave and occupation – Short analyses].

<sup>15</sup> Försäkringskassan [Swedish Social Insurance Agency] (2013:8) *De jämställda föräldrarna [Equal parents]*.

<sup>16</sup> Försäkringskassan [Swedish Social Insurance Agency] (2016). *Föräldrapenning och yrke. Korta analyser 2016:1*. [Parental leave and occupation – Short analyses].

<sup>17</sup> Anxo, D., Ericson, T. (2015) 'Self-employment and Parental leave.' *Small Business Economics* 45 (4), 751-770.

leave; though the second month had a less dramatic effect than the first.<sup>18</sup> Still, only 44 per cent of fathers had taken their two reserved months by 2015, for children born in 2013.<sup>19</sup> No study has so far investigated the effect on use by the introduction of the third reserved month in 2016.

#### **d. Other employment-related measures**

Mothers are more likely than fathers to work (long) part-time hours (34 hours or fewer per week); 22 per cent of all mothers with children from birth to 17 years of age worked part-time in 2012, compared to only five per cent of employed fathers.<sup>20</sup> In 2015, 21 per cent of women aged 20 to 64 and working part-time, reported doing so in order to care for children, compared to ten per cent of men.<sup>21</sup> Part-time employment among mothers has declined during the last ten years. No official statistics are kept concerning how many parents working part-time are doing so by exercising their entitlement to work reduced hours.

Temporary Parental leave to care for sick children is used somewhat more by mothers, who took 62 per cent of all days taken in 2016. On average, mothers took 8.5 days and fathers 6.8 days, this being highly dependent on the age of the child, as most days are used during the first years of their life, and after regular Parental leave has ended.

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<sup>18</sup> Duvander, A. and Johansson, M. (2012) Ett jämställt uttag? Reformer inom föräldraförsäkringen [Equal use? Reforms within Parental leave insurance] Rapport 2012:4. Inspectorate of Social Insurance. Available at: <http://www.inspsf.se/>. See also Duvander, Ann-Zofie, and Mats Johansson (2014) Parental leave use for different fathers. A study of the impact of three Swedish Parental leave reforms, 349-369 in Rostgaard, T. and Eydal, G. (Eds.) *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Policy Press, and Duvander, Ann-Zofie, and Mats Johansson (2012) What are the effects of reforms promoting fathers' Parental leave use? *Journal of European Social Policy*, 22, (3): 319-330.

<sup>19</sup> Försäkringskassan [Swedish Social Insurance Agency] (2016). Föräldrapenning och yrke. Korta analyser 2016:1).[Parental leave and occupation – Short analyses].

<sup>20</sup> Statistics Sweden (2013) *Allt fler mammor jobbar heltid*. Article 2013:31. Available at: [www.scb.se](http://www.scb.se)

<sup>21</sup> Statistics Sweden (2016) Lathund – Gainful Employment Table LF09.

# Switzerland<sup>1</sup>

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**April 2019**

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**Note on federal, cantonal, and communal government:**

Switzerland is a federal state with three political levels: the communes, the cantons, and the Confederation. In principle, family policy follows the principles of federalism and subsidiarity: the Confederation cedes responsibility for many areas of family policy to the cantons and the communes, insofar as they are able to perform these tasks, and retains an ancillary and enabling role. The Swiss Constitution defines the areas of responsibility of the Confederation. Pursuant to article 116 of the Swiss Constitution, in fulfilling its tasks, the Confederation shall take due account of the needs of the family and may legislate on family allowances; this article also provides the legal basis for maternity insurance.

Family policy may be organised very differently from one canton to another. Various cantons have also set up special family commissions. In their respective areas of responsibility (e.g., schools, childcare), many cantons and communes also implement family policy measures. Many non-governmental organisations are, in part, subsidised by the state and carry out specific tasks related to family policy. The division of responsibilities among political levels and the number of actors involved is, therefore, complex. For instance, each political level intervenes in early childhood education and care: for example, though most childcare services stem from the market, they are regulated and partially subsidised by the communes and/or the cantons. Finally, the federal level is also involved through a temporary programme, which

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<sup>1</sup> Please cite as: Valarino, I. and Nedi, R. A. (2019) 'Switzerland country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

subsidises new childcare initiatives and the creation of additional places for pre-school children.

The Swiss political system is a direct democracy: through referendums and initiatives, citizens may challenge any law passed by parliament and propose amendments to the federal constitution. In the case of an amendment proposed to the federal Constitution, a referendum is mandatory.

Note on Leave policies in private law vs. public law: the information provided in this report refers, unless explicitly stated, to the rules applicable for persons working under private law contracts. Leave policies in the public sector of the Confederation, the cantons, and the communes may vary considerably.

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

### **a. Maternity leave (*Congé et allocation de maternité*) (responsibility of the Federal Department of Home Affairs, namely the Federal Social Insurance Office)**

*Length of leave (before and after birth)*

- Statutory leave is 14 weeks, starting on the day of delivery.<sup>2</sup> It is obligatory to take eight weeks' leave. In practice however, many collective agreements provide for 16 weeks' paid leave.
- Between the weeks nine and sixteen after birth, women covered by the Employment Act cannot be compelled to return to work. However, only 14 weeks are covered for payment by the statutory Maternity leave insurance.
- Employed women can be exempt from work before birth for medical and health reasons and, in this case, salary payment continues for a limited period, provided the employment relationship has lasted for or was concluded no longer than three months prior, and that the employee has proved her incapacity to work, which is usually done through a medical certificate.

*Payment and funding*

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<sup>2</sup> In country notes prior to 2017, the length of statutory leave reported was 16 weeks. The right not to return to work up to 16 weeks after giving birth is guaranteed by the Employment Act. However, the Employment Act does not apply to all companies and all workers (it excludes, for instance, home workers and public administrations). As of 2017, we therefore report 14 weeks of statutory Maternity leave.

- The maternity compensation covers 80 per cent of earnings for 98 days, i.e. 14 weeks, up to a ceiling of CHF196 [€176.46]<sup>3</sup> per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350 [€6,617.38] and the maternity compensation in that case amounts to CHF5,880 [€5,293.91]. The annual income ceiling for employed and self-employed workers is CHF88,200 [€79,408.60].
- The leave is funded by the Loss of Earnings Compensation fund, which also provides benefits for people carrying out military service, civil defence, or civil service. It is financed by equal contributions from employees and employers, each paying 0.225 per cent of earnings (0.45 per cent of earnings in total).
- Maternity leave allowances are considered as income and taxed accordingly. The period spent on Maternity leave counts for the establishment of pension credits.

#### *Flexibility in use*

- In principle, there is no flexibility in leave and compensation: the claim for compensation starts on the day of the delivery.
- However, if the new-born child needs to stay for at least three weeks in the hospital and a medical certificate has been presented, mothers can choose to start the maternity compensation upon the child's arrival at home. Following case law, employers are obliged to pay the salary during these weeks until the maternity compensation takes over.

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

- Eligible for maternity compensation are: employed women, whether employed under a fixed-term or open-ended contract; self-employed workers; women working in their husbands' or partners' businesses (or that of a family member) and who are paid a salary; and women who are on unemployment, sickness, accident, or invalidity benefits or allowances are also entitled to maternity compensation.
- For maternity compensation, women must have a record of nine months of contribution to Old Age and Survivors Insurance; and must have worked for a minimum of five months, during the nine months preceding the birth.
- If the maternity compensation criteria are not met, a mother may make a claim against her employer for the continued payment of

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<sup>3</sup> Conversion of currency undertaken for 24 June 2019, using: <https://www1.oanda.com/currency/converter/>.

her salary, based on article 324a of the Swiss Code of Obligations.<sup>4</sup> Moreover, certain cantons provide for specific maternity benefits for mothers who do not meet the federal eligibility criteria.

- Only biological mothers are eligible.
- Eligibility does not require citizenship or permanent residency. A permission to work will however be a prerequisite, since only employed or self-employed women are entitled to maternity compensation.

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

- None (this is currently only available to birth mothers<sup>5</sup>).

#### *Regional, local and sectorial differences in leave policy*

In the canton of Geneva, all working mothers are granted 16 weeks of Maternity leave, paid at 80 per cent of earnings. A cantonal Loss of Earnings Compensation fund pays for the two additional weeks, which are not covered by federal dispositions.

The canton of Fribourg has an additional maternity contribution targeted at all resident mothers, including adoptive and stay-at-home mothers (the latter meaning women who have not been previously attached to the labour market). The daily allowance of CHF32.50 [€29.26] is paid over 98 days (equivalent to CHF975 [€877.82] per month for 3.2 months) if the income is below CHF2,475 [€2,228.30] for single mothers or CHF3,300 [€2,971.07] for both parents. The income ceiling is increased by CHF350 [€315.11] for each additional child living in the same household.

The Confederation, cantonal public employers, and communes are not subject to the basic legislation, but to specific regulations of their own. However, these regulations generally provide more generous maternity benefits for their employees, i.e. 16 weeks of leave at full earnings or even variation for multiple births, as in the canton of Jura. A minority of cantonal employers grant four additional weeks for mothers who are breastfeeding, bringing their leave up to 20 weeks. Employees working for the Confederation are entitled

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<sup>4</sup> Bundesgesetz betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünfter Teil: Obligationenrecht, SR 220 [Federal Act on on the Amendment of the Swiss Civil Code (Part Five: the Code of Obligations)]).

<sup>5</sup> A draft act is under preparation in order to enable fathers to benefit from maternity allowances in the event the mother dies after giving birth to a child. Also, the Swiss Federal Council has been mandated inter alia to draft a provision providing for a longer maternity compensation in the case of a new-born having to stay more than three weeks at the hospital (see also section 3).

to 16 weeks of Maternity leave. Maternity compensation for this period corresponds to 100 per cent of the salary.

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

Maternity leaves are often supplemented by collective agreements, which grant full wage replacement and/or extended lengths of leave (approximately two additional weeks, i.e. 16 weeks of paid Maternity leave). Companies, which often take out private supplementary insurance for such cases, cover these expenses. According to representative survey data (N = 3,575), in 2016 this concerned 43 per cent of surveyed companies, with public employers and large companies (> 200 employees) being over-represented.<sup>6</sup>

## **b. Paternity leave**

No explicit statutory entitlement.

Article 329, paragraph three of the Swiss Code of Obligations specifies that the employer 'must allow the employee the customary hours and days off work,' in addition to vacation leave, which is generally understood as time off granted to employees for personal reasons. That provision is considered the gateway for a short Paternity leave.<sup>7</sup> The length of the Paternity leave can be regulated through the mutual agreement of the parties involved in the employment relationship, a collective agreement, or the standard employment contract. If nothing is regulated, custom and practice will determine the length. Some legal authorities consider between one and two days as an appropriate length for Paternity leave.<sup>8</sup> Article 329, paragraph three applies regardless of whether an employee is working under a fixed-term or open-ended contract. It can be assumed that only biological fathers can deduce a leave right from this article.

Eligibility, due to Article 329 of the Swiss Code of Obligations, is limited to the biological father of the child.

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<sup>6</sup> Rudin, M., Stutz, H., Bischof, S., Bannwart, L., and Jäggi, J. (2017). *Erwerbsunterbrüche vor der Geburt [Work interruption before birth]* (185). Bern: Büro BASS. (67-70) Retrieved from

[https://www.buerobass.ch/fileadmin/Files/2018/BSV\\_2018\\_ErwerbsunterbruecheGeburt\\_Schlussbericht.pdf](https://www.buerobass.ch/fileadmin/Files/2018/BSV_2018_ErwerbsunterbruecheGeburt_Schlussbericht.pdf)

<sup>7</sup> Pärli, K. (2016), *Eltern im Arbeitsverhältnis [Parents in the Employment Relationship]*, FamPra.ch 2016, 933 ff.

<sup>8</sup> Rehbinder, M. and Stoeckli, J.F. (2010), *Art 319–330b OR. Der Arbeitsvertrag: Der Einzelarbeitsvertrag [Art 319–330b CO. The Employment Contract: The Individual Employment Contract]*, Berner Kommentar, Bern: Schulthess, art. 329 no. 20; Subilia, O., and Duc, J.L. (2010), *Droit du travail, éléments de droit suisse*, Lausanne: Schulthess Press, art. 329 no. 15.

It is unclear whether or not the employer has to pay the employee during Paternity leave in the absence of a provision in the collective agreement, the standard employment contract, or an agreement by both parties<sup>9</sup>. To be on the safe side, employers are advised to pay their employees' Paternity leave days.

There is no representative national data on the number of leave days granted to fathers or on if they are paid. Approximately half of the employed population is covered by a collective labour agreement in Switzerland. It is estimated that 27 per cent of collective labour agreements provide at least one day of paid Paternity leave and/or give access to an unpaid Parental leave, ranging between three months and two years.<sup>10</sup>

Nowadays, all public employees working for the Confederation or the cantons are entitled to paid Paternity leave. The length generally varies between three days and three weeks.<sup>11</sup>

### c. Parental leave

No statutory entitlement.

There is some indication that a minority of companies in the private sector grant their employees unpaid Parental leaves.<sup>12</sup> Many cantonal public employers also grant unpaid Parental leaves – ranging from a few days up to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants).<sup>13</sup>

The years spent out of the labour market to care for children under 16 years of age are credited for old-age pension to the parent who was the main carer during this time (it is split between parents, if both were equally responsible). The amount corresponds to three

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<sup>9</sup> Streiff, U./ von Kaenel, A./ Rudolph, R. (2012), *Arbeitsvertrag, Praxiskommentar zu Art. 319-362 CO [Employment Contract, commentary of art. 319–362 OR]*, 7th edn., Zürich: Schulthess, art. 329 no. 12.

<sup>10</sup> Swiss Federal Council (2013), *Congé de paternité et congé parental. Etat des lieux et présentation de divers modèles [Paternity and Parental leave. Status and presentation of various models]*. Available at: <https://www.bsv.admin.ch/bsv/de/home/sozialpolitische-themen/familienpolitik/vereinbarkeit/elternsurlaub.html>, 12 ff.

<sup>11</sup> For an overview, see: Pärli (Fn 10), 949 ff.

<sup>12</sup> Swiss Federal Council (FN 10), 14.

<sup>13</sup> Swiss Federal Council (FN 10), 15 f. ; Fuchs, G. (2008) *Prestations en cas de maternité et initiatives parlementaires sur les congés et prestations offerts aux parents (notamment congé paternité, congé parental et congé d'adoption): rapport sur la situation actuelle dans l'administration fédérale, les cantons et quelques municipalités [Maternity allowances and parliamentary initiatives about Parental leaves and benefits (Paternity leave, Parental leave and adoption leave) : report on the current situation at the federal administration, the cantons and several municipalities]*. Available at: <http://www.equality.ch/f/publications.htm>, 14 ff.

times the amount of the minimum annual retirement pension. It increases the average annual income from which the retirement pension is calculated (up to a ceiling) when individuals reach retirement age. This reformed Parenting Credit system, regulated in article 52f of the Ordination to the Federal Old Age and Survivor's Insurance, was implemented in January 2015.<sup>14</sup>

#### **d. Childcare leave or career breaks**

No statutory entitlement.

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

- There is not yet an explicit statutory federal entitlement. However, a parliamentary initiative from 2013 demanding the introduction of 12 weeks' adoption leave pay has been accepted and a draft regulation is currently being processed.<sup>15</sup>
- Currently, adoption leave is subject to the involved parties' agreement or to the collective employment agreements. The applicable collective agreement for the Swiss Federal Railways grants, for instance, ten days' adoption leave.<sup>16</sup> If nothing is regulated, the right to take a few days off for adoption can be based on Article 329, paragraph three of the Code of Obligations.<sup>17</sup>
- Some cantons<sup>18</sup> have implemented gender-neutral adoption allowances for all working parents, available to only one of the adoptive parents. The cantons of Vaud and Geneva entitle adoptive parents to 14 and 16 weeks of pay, respectively, at 80 per cent of the salary. Such cantonal allowances are provided only if one of the parents interrupts their employment. For each birth or adoption, parents in the canton of Vaud are also awarded a unique contribution of CHF1,500 [€1,350.49]. The canton of Fribourg provides a flat-rate benefit for adoptive mothers of

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<sup>14</sup> Verordnung über die Alters- und Hinterlassenenversicherung (AHVV) [Ordination to the Federal Old Age and Survivor's Insurance], SR 831.101

<sup>15</sup> Parliamentary Initiative Romano Marco, 13.478.

<sup>16</sup> Available at [http://gav.arbeitsrechtler.ch/SBB\\_GAV\\_2015.pdf](http://gav.arbeitsrechtler.ch/SBB_GAV_2015.pdf)

<sup>17</sup> Cardinaux, B. (2015). *Leistungen bei Vaterschaft: eine Aufgabe des Staates? [Paternity benefits: a task of the state?]*, in: Belser, E. M. and Waldmann, B. (eds.), *Mehr oder weniger Staat? Festschrift für Peter Hänni zum 65. Geburtstag* [More or less state? Commemorative publication for Peter Hänni for his 65th anniversary]. Berne: Stämpfli Press, 456.

<sup>18</sup> More information can be found in the corresponding cantonal laws - the following page contains a link to all cantonal online legislation catalogues: <http://www.lexfind.ch>.

CHF32.50 [€29.26] per day (equivalent to CHF975 [€877.82] per month), paid for 3.2 months.

- In the public sector, at present, about half of the cantons offer their employees paid adoption leave between two days and 16 weeks in length.<sup>19</sup>

#### *Specific provision for (breast)feeding*

- During the child's first year, the time taken by mothers to breastfeed or express milk during a working day counts as working time. Salary payment is mandatory within the following limits: for a working day of up to four hours, 30 minutes minimum; for a working day over four hours, 60 minutes minimum; and for a working day over seven hours, 90 minutes minimum.<sup>20</sup>

#### *Time off for the care of dependants*

- Following article 36, paragraph three of the Employment Act,<sup>21</sup> parents are entitled to three days per illness episode, to care for their sick child, upon presentation of a medical certificate. When two people share parental responsibilities, only one benefits from this provision (parents should decide who receives the leave, depending on the solution which suits them best), unless the condition of the child demands the presence of both parents. This leave is also meant to support single parents or working parents to organise prolonged childcare, if that is needed. Salary payment is granted based on article 324a of the Code of Obligations that provides for wage continuation in the case where an employee is prevented from working by personal circumstances for which they are not at fault, such as illness.<sup>22</sup> Nevertheless, for that provision to apply, the employment relationship must have lasted for more than three months or have been concluded three months prior.
- Article 324a of the Code of Obligations remains applicable to parents of seriously ill children who have to care for them for a prolonged, yet limited period of time. In the first year of service, the employer must pay at least three weeks' salary; in the following years, the length will depend on what is the customary

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<sup>19</sup> For more information, see: Pärli (Fn 7), S. 953.

<sup>20</sup> Art. 60 Verordnung 1 zum Arbeitsgesetz (ArGV 1) [Ordination 1 to the Employment Act], SR 822.111.

<sup>21</sup> Bundesgesetz über die Arbeit in Industrie, Gewerbe und Handel, Arbeitsgesetz, ArG [Federal Employment Act on work in the industry, trade and commerce], SR 822.11.

<sup>22</sup> Portmann, W./Rudolph, R (2015), *Basler Kommentar Obligationenrecht I [Basel Commentary of the Code of Obligations I]*, 6th edn., Basel: Helbing Lichtenhahn Press, art. 324a no. 47.

practice of the canton or what has been contractually agreed to between the parties of an employment contract.

### *Flexible working*

- There is no statutory entitlement to reduced or flexible working hours for employed parents. However, the Employment Act states that the employer should consider the employee's 'family responsibilities' when fixing work and rest hours. Family responsibilities are defined as the education of children up to 15 years of age and the charge of other family members in need of care.
- Some collective labour agreements specifically include the right to reduced working hours for parents and there is some indication that a significant proportion of companies allow flexible working hours.<sup>23</sup>
- The Confederation grants its employees the right to reduce their working time by 20 per cent, however the lowest part-time work allowed is at 60 per cent hours.<sup>24</sup>

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

The maximum period of paid post-natal leave available in Switzerland is just over three and a half months, all paid at a high rate of income replacement, with the possibility of an additional two weeks of unpaid leave. In the majority of Swiss cantons (17 out of 26 as of 2015), statutory provision for two years of ECEC programmes is available, with the implementation of an inter-cantonal agreement for the harmonisation of education systems (HarmoS). Obligatory schooling now starts when children reach four years of age, while in the rest of the country it starts between five and seven years of age.<sup>25</sup> ECEC attendance rate for children under three years of age is slightly above

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<sup>23</sup> See Bühler, S. (2004) *Bébés et employeurs - Comment réconcilier travail et vie de famille. Version abrégée de l'étude comparative de l'OCDE portant sur la Nouvelle-Zélande, le Portugal et la Suisse : aspects suisses* (Vol. 1f). Berne: Secrétariat d'Etat à l'économie. [Babies and Bosses – Reconciling Work and Family Life. Summary version of the OECD comparative study on New Zealand, Portugal and Switzerland: Swiss aspects (Vol. 1f)].

<sup>24</sup> Art. 60a of the Bundespersonalverordnung (BPV) [Federal Personnel Ordination (FPO), SR 172.220.111.3.

<sup>25</sup> With HarmoS, pre-primary or elementary programmes are included in obligatory schooling. See EDK. (2015). *Bilan 2015. Harmonisation des éléments visés par l'art. 62, al. 4, Cst. dans le domaine de la scolarité obligatoire*. Bern: Swiss Conference of Cantonal Ministers of Education: [https://edudoc.ch/static/web/arbeiten/harmos/bilanz2015\\_bericht\\_f.pdf](https://edudoc.ch/static/web/arbeiten/harmos/bilanz2015_bericht_f.pdf).

the OECD-28 average,<sup>26</sup> while for children over three years of age, levels of attendance are well below the average for both the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018 (including proposals currently under discussion)**

Maternity leave will be improved for mothers of children who must stay in hospital for at least three weeks directly after birth. Until now, upon presentation of a medical certificate, mothers could choose to postpone the start of their maternity compensation upon the child's arrival at home. However, due to the ban on mothers' employment during the first eight weeks after delivery, mothers could face economic uncertainty in this difficult period. A motion proposing that the payment of maternity allowances be prolonged by the length of hospitalisation of the child was accepted by both chambers of the parliament. In November 2018, the Federal Council published a proposition of law amendment: maternity allowances will be prolonged by 56 days (maximum) if a new-born is hospitalised for at least three weeks. The law amendment will be submitted to the parliament.

Several other parliamentary propositions were submitted regarding Maternity leave.

A motion submitted in September 2018 asks that breastfeeding breaks be financed through the Loss of Earnings Compensation Act (LECA), similarly to maternity allowances. Currently, according to the Employment Act, breastfeeding time is considered as working time and is therefore financed by employers (see section 1.e.). In November 2018, the Federal Council recommended the rejection of this proposition. The motion will be submitted to the parliament.

In March 2019, a Socialist MP submitted a motion to increase the maximum daily allowances during Maternity leave. The LECA regulates allowances in case of military or civil service and, since 2005, in case of maternity. Yet, the maximum amount of allowances differs in case of military and civil service (245.-/day) and in case of maternity (196.-/day). The motion considers this difference to be discriminatory and asks that the same compensation conditions be applied to women on

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<sup>26</sup> According to OECD data, for 2014 the rate was 38 per cent in Switzerland for children from birth to two years of age and 34.4 per cent for OECD-28. Available at: [http://www.oecd.org/els/soc/PF3\\_2\\_Enrolment\\_childcare\\_preschool.xlsx](http://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.xlsx).

Maternity leave as to people performing their military or civil service duties.

Around the same time (March 2019), another Socialist MP submitted a parliamentary initiative aiming to improve maternity protection. A recent report mandated by the Federal Social Insurance Office found that about three per cent of women are dismissed after Maternity leave. Results are based on representative survey data of women who had a child in 2016, were eligible for Maternity insurance, and were interviewed about one year after they gave birth (N=2,809).<sup>27</sup> At a national scale, this would represent about 2,500 women who are dismissed every year after Maternity leave. Another report, published by the Federal Gender Equality Office, examined 190 cantonal judgements, issued from 2004 to 2015, related to the Federal Act on Gender Equality.<sup>28</sup> Results show that 41 judgements concerned discrimination in case of pregnancy or maternity, and that in most cases it had led to employer dismissal when employees had returned from Maternity leave. The parliamentary initiative suggests increasing the length of maternity protection from 16 weeks (i.e., the current duration of protection against dismissal according to the Code of Obligation, starting from the day of birth of the child) to 32 weeks. The initiative has not yet been addressed in the parliament.

A parliamentary initiative in favour of adoption leave, which would be financed through the Loss of Earnings Compensation Act, was accepted in 2015. However, the drafting of the law has since then been delayed, jeopardising its implementation. In March 2019, a small majority (102 votes against 93) rejected the filing of the initiative, which means that the law will be further debated by the National Council's Committee for Social Security and Health.

In May 2016, a popular initiative in favour of a paid Paternity leave of four weeks minimum, financed through the Loss of Earnings Compensation Act (the same as for Maternity leave) was launched. In July 2017, the requested number of signatures necessary for a national vote to take place was collected (the Federal Chancellery counted 107,075 valid signatures). In October 2017, the Federal Council recommended rejecting the initiative. In August 2018, the Council of

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<sup>27</sup> Rudin, M., Stutz, H., Bischof, S., Bannwart, L., and Jäggi, J. (2017). *Erwerbsunterbrüche vor der Geburt* (185). Bern: Büro BASS. Retrieved from: [https://www.buerobass.ch/fileadmin/Files/2018/BSV\\_2018\\_ErwerbsunterbruecheGeburt\\_Schlussbericht.pdf](https://www.buerobass.ch/fileadmin/Files/2018/BSV_2018_ErwerbsunterbruecheGeburt_Schlussbericht.pdf)

<sup>28</sup> Lempen, K., and Voloder, A. (2017). *Analyse de la jurisprudence cantonale relative à la loi sur l'égalité entre femmes et hommes (2004-2015)*. Rapport de recherche (45). Berne: Bureau fédéral de l'égalité entre femmes et hommes BFEG. Retrieved from: [https://www.unige.ch/droit/files/7215/0169/2406/analyse-LEg\\_2017-lempen.pdf](https://www.unige.ch/droit/files/7215/0169/2406/analyse-LEg_2017-lempen.pdf)

States' Committee for Social Security and Health decided by eight votes against five to prepare a counter-project to the popular initiative. The popular initiative in favour of a four-week paid Paternity leave was considered too long and that it would negatively impact the competitiveness of the Swiss economy and compromise companies' organisation. The counter-project proposes instead a two-week paid Paternity leave, to be taken during the child's first six months of life. The draft counter-project will be submitted to the parliament for vote in autumn 2019. If the counter-project is accepted by the parliament, the Swiss electorate will have to choose between a two-week paid Paternity leave, a four-week paid Paternity leave, or none at all.

## 4. Uptake of leave

### a. Maternity leave

Approximately 70 per cent of women giving birth meet the eligibility criteria for maternity allowances and benefit from them. It is estimated that the majority of recipients take up the maximum length of paid leave (98 days).<sup>29</sup> The number of recipients has been increasing since Maternity leave was introduced, probably because of an increase both in births and female employment. In 2005, 31,110 mothers (this figure is for six months only, since the law came into force on 1 July) benefited from allowances; rising to 57,920 in 2006; 64,090 in 2008; 71,610 in 2010; 79,640 in 2015; and 81,440 in 2016.<sup>30</sup> For the first time since the implementation of the law, the number of beneficiaries has decreased slightly, with 81,310 beneficiaries reported in 2017. Maternity benefit expenditure decreased by 1.5 per cent between 2016 and 2017, to a total of CHF834 [€750.87] million spent in 2017.

In 2017, the average amount of the daily indemnities granted to mothers was CHF124 [€111.64] per day, well below the ceiling of CHF196 [€176.46]. According to Sottas and Millioud, in 2006, 80 per cent of leave recipients were married, 15 per cent were single, and five per cent were divorced. The majority of recipients were employees (83

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<sup>29</sup> Sottas, G., Millioud, P. (2008) 'Allocations pour pertes de gain en cas de maternité - premier aperçu'. ['Loss of earning compensation allowances for maternity - first overview'] *Sécurité sociale*, vol. 5: 304-307. The available administrative data provide information for calendar years. For this reason, the average length of leave is under-estimated because some recipients receive part of their allowances in one year and the rest in another.

<sup>30</sup> In 2015, the Swiss Statistical Office changed its way of counting recipients for loss of earnings compensation allowances. The figures reported in previous country notes to 2015 edition, are therefore different. A yearly evolution is available at this link:

<https://www.bsv.admin.ch/bsv/fr/home/assurances-sociales/eo-msv/statistik.html>

per cent); 14 per cent were self-employed; and three per cent were inactive (eligible because they previously received unemployment, health, or disability benefits).

Employed women tend to take a longer Maternity leave than the legal minimum of 14 paid weeks following childbirth. A survey conducted in 2012 with 335 employed women who had had a child in the last five years, revealed that over 60 per cent of them had taken leave that exceeded 14 weeks. But, for only half of them, this additional leave was paid by the employer, while for 37 per cent of the sample, this leave was unpaid.<sup>31</sup>

## **b. Paternity leave**

There is no explicit statutory leave entitlement in private law. On a federal level, according to the Human Resource Centre of the Confederation, since the introduction of Paternity leave of ten days, there has been a 100 per cent uptake of Paternity leave among civil servants of the federal administration.<sup>32</sup>

## **c. Parental leave and parental benefit**

No statutory leave entitlement.

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<sup>31</sup> Aeppli, D. C. (2012) *Wirkungsanalyse. Mutterschaftentschädigung [Analysis of effects. Maternity benefits]*. 95. Available at:

[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjghYuyxsXhAhVCPFAKHbcBAN0QFjAAegQIAxAC&url=https%3A%2F%2Fwww.bsv.admin.ch%2Fdam%2Fbsv%2Fde%2Fdokumente%2Ffeo%2Fstudien%2Fwirkungsanalyse\\_mutterschaftsentschaedigung.pdf.download.pdf%2Fwirkungsanalyse\\_mutterschaftsentschaedigung.pdf&usg=AOvVaw28WvbJQziCxGBkzN-m7wMs](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjghYuyxsXhAhVCPFAKHbcBAN0QFjAAegQIAxAC&url=https%3A%2F%2Fwww.bsv.admin.ch%2Fdam%2Fbsv%2Fde%2Fdokumente%2Ffeo%2Fstudien%2Fwirkungsanalyse_mutterschaftsentschaedigung.pdf.download.pdf%2Fwirkungsanalyse_mutterschaftsentschaedigung.pdf&usg=AOvVaw28WvbJQziCxGBkzN-m7wMs)

<sup>32</sup> Swiss Federal Council (Fn 10), 14, footnote 45.

# United Kingdom<sup>1</sup>

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

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

### **a. Maternity leave (responsibility of the Department for Business, Energy and Industrial Strategy)<sup>2</sup>**

*Length of leave (before and after birth)*

- 52 weeks. A woman can start to take her leave from 11 weeks before the beginning of the week the baby is due. It is obligatory to take leave during the two weeks after childbirth.

*Payment and funding*

- 90 per cent of woman's average earnings for six weeks with no upper limit and a flat-rate payment of either GBP£148.68 [€166.52]<sup>3</sup> or 90 per cent of average gross weekly earnings (whichever is lower) for the next 33 weeks. The remaining 13 weeks are unpaid.
- This payment is administered by employers. Employers of medium and large businesses can claim back 92 per cent from the Exchequer

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<sup>1</sup> Please cite as: O'Brien, M., Atkinson J., and Koslowski, A. (2019) 'United Kingdom country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> See <https://www.gov.uk/maternity-pay-leave>

<sup>3</sup> Conversion of currency undertaken for 24 June 2019, using <https://www1.oanda.com/currency/converter/>

and small business employers can claim back 103 per cent. This is done through reductions to the amount of National Insurance contributions paid by employers to HM Revenue & Customs.

#### *Flexibility in use*

- The mother can opt to start her leave at any point from 11 weeks before the beginning of the week the baby is due until the baby is born.
- Mothers can choose to return to employment from two weeks after childbirth (or four, if they work in a factory).
- Up to ten 'keep in touch with work' days can be spent working for the employer during the period of statutory Maternity leave, without it affecting Maternity leave or pay.

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

- For all UK, EU-27, and European Economic Area (EEA) citizens' access to employment benefits is based on only employment status, length of service, and an earnings threshold. For others, access to employment benefits requires a visa first.<sup>4</sup> There are a range of visas including general work visas, short-term work visas, and study visas. Different employment benefit rules apply for each visa type.
- Asylum seekers are not normally allowed to work whilst their claim is being considered.<sup>5</sup> They may apply for permission to work, and so be eligible for employment benefits, if they have not received an initial decision on their claim within 12 months, but this will only be considered if that delay was through no fault of the claimant.
- Women must have 'employee' employment status – not 'worker,' self-employed, or contractor employment status.<sup>6</sup> Under UK employment law, women who have 'worker,' 'exclusively self-employed,' or 'contractor' employment status are not eligible to receive Maternity leave or pay. Family rights to leave are contingent on employment status.
- All female employees are eligible for 26 weeks' ordinary Maternity leave, plus a further 26 weeks of additional Maternity leave (AML).
- Female employees who have worked for their employer continuously for 26 weeks, up to the 15<sup>th</sup> week before the week the baby is due, and who meet a minimum earnings threshold, are eligible for statutory maternity pay (SMP), as described above.

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<sup>4</sup> <https://www.gov.uk/browse/visas-immigration/work-visas>

<sup>5</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/583192/Permission-to-work-v7.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583192/Permission-to-work-v7.pdf)

<sup>6</sup> See: <https://www.gov.uk/employment-status>

- Reasons for ineligibility for SMP include: being exclusively self-employed, not satisfying the continuous employment rule, or having a stillborn baby before the 24th week of pregnancy (DWP, 2015).
- Women who are not eligible for SMP may be eligible for a maternity allowance (MA) of 39 weeks at the flat-rate of GBP£148.68 [€166.52] or 90 per cent of average gross weekly earnings (whichever is the lowest). Women who have recently left work, changed jobs, or are self-employed may be eligible for this payment. To qualify, they must have worked for 26 weeks out of the 66 preceding the expected week of childbirth, and have earned at least GBP£30 [€33.60] per week on 13 of these weeks. Self-employed women must complete a National Insurance claim for Class 2 NICs through self-assessment (DWP, 2015).

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

- Since 5 April 2015, employed mothers have had the right to transfer all Maternity leave to the father, except for the two weeks of obligatory leave, i.e. up to 50 weeks. This period of leave is termed 'shared Parental leave' (SPL).<sup>7</sup> There is no requirement for a woman to return to employment before the father can begin taking SPL. Instead, the mother must commit to an employment return date in the future, when she will end her Maternity leave.<sup>8</sup>
- SPL can only be taken in one-week (seven-day) blocks of time. It cannot be taken in a day mode or on a flexible part-time basis, although parents can take alternating weeks and there is provision for parents to take leave together.
- Each parent can alter leave arrangements up to three times (in continuous or discontinuous blocks) before the end of week 52 (unpaid from week 40).
- Employers are only legally obliged to agree to continuous block arrangements.
- Statutory shared parental pay is available for eligible employees meeting prescribed qualifying requirements, although income replacement levels will not be any greater than the current Maternity leave provision and does not include the period of 90 per cent of earnings as with statutory maternity pay, i.e. partners taking statutory shared Parental leave will be paid at the lesser of 90 per cent of earnings, or the flat-rate of GBP£148.68 [€166.52] during the first 37 weeks. The remaining 13 weeks of the first year are unpaid.

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<sup>7</sup> See: <https://www.gov.uk/shared-parental-leave-and-pay>

<sup>8</sup> The total period that both parents can be on the shared leave together would be six months, although the policy does not stipulate that parents can both be on leave at the same time.

In order to qualify for SPL, an individual will need to meet a length of service qualifying criterion (currently 26 weeks' service with the same employer by the 15<sup>th</sup> week before the expected week of childbirth); have a partner who meets an economic activity test (i.e. have worked for 26 weeks out of the 66 weeks before the expected week of childbirth and have earned at least GBP£390 [€436.80] in total in 13 of the 66 weeks); and be working for the same employer when they want to take leave. Permission is not required from employers. If an employee passes the continuous employment test and the other parent or partner passes an economic activity test, the employee is entitled to SPL.

- Entitlements for adopters and intended parents in surrogacy cases are more closely aligned with the rights available to birth parents, e.g. no qualifying period for leave; enhanced pay to 90 per cent of earnings for the first six weeks; and time off to attend introductory appointments. Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay.
- Married couples (including same-sex couples), civil partners, joint adopters, the child's other parent, and partners living with the parent and the child – who share responsibility for the child – are all eligible for SPL.

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

- Some employers make additional provisions that go beyond the statutory minimum. For example, research conducted in 2018 found that just over two-thirds of employers in all sectors offered some enhancement on statutory maternity pay.<sup>9</sup> Additional contributions are more common in large establishments, public administration and defence, the public sector, and those with a union presence.

#### **b. Paternity leave (responsibility of the Department for Business, Energy and Industrial Strategy)<sup>10</sup>**

*Length of leave*

- 1 or two weeks<sup>11</sup> (here, a week is the same amount of days that the individual normally works in one week).

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<sup>9</sup> Department for Business, Innovation and Skills (2014) *The Fourth Work-Life Balance (BIS Research Paper No184)*. London: Department for Business, Innovation and Skills. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398557/bis-14-1027-fourth-work-life-balance-employer-survey-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398557/bis-14-1027-fourth-work-life-balance-employer-survey-2013.pdf).

<sup>10</sup> See: <https://www.gov.uk/paternity-pay-leave>.

<sup>11</sup> Stipulated as such by the government, except if the father normally works two or three days per week, he would receive four or six days leave, and if the

### *Payment and funding*

- Flat-rate payment of GBP£148.68 [€166.52] per week, or 90 per cent of average weekly earnings, if that is less.
- Funded as for Maternity leave, with employers able to claim back some, or all, of the payments from HM Revenue and Customs.

### *Flexibility in use*

- It cannot start until the baby is born and must finish within 56 days of the baby's birth, or within eight weeks of the due date if the baby is born prematurely.
- The leave must be taken in one go.

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

- For eligibility of UK, EU-27, and EEA citizens, as well as asylum seekers, please see Maternity leave/eligibility. Men must have 'employee' employment status not 'worker,' 'self-employed,' or 'contractor' employment status. Under UK employment law, men who have 'worker,' 'exclusively self-employed,' or 'contractor' employment status are not eligible to receive Paternity leave or pay. Family rights to leave are contingent on employment status.
- Employees must meet three conditions: they are the biological father of the child or also the child's adopter or the mother's husband, partner or civil partner; they expect to have responsibility for the child's upbringing; they have worked continuously for their employer for at least 26 weeks by the end of the qualifying week (i.e. the 15<sup>th</sup> week before the baby is due) and remain employed at the time of the child's birth.  
Men must be earning at least GBP£118 [€132.16] per week (before tax), i.e. the earnings threshold.
- Reasons for ineligibility for SPP are the same as for employees claiming SMP, but there is no paternity allowance (equivalent to maternity allowance, MA), for those men who are not eligible for SPP.

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

- In the case of premature births, the period in which leave can be taken is extended until eight weeks after the child was due (that is, the requirement to finish Paternity leave within 56 days of the baby's birth is not applicable).

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father works seven days, he would receive 14 days. Available here: <https://www.gov.uk/paternity-pay-leave/leave>.

- The individual receives the same amount of leave for multiple births.

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

Some employers go beyond the statutory minimum. Unpublished research conducted by the CIPD in 2016 found that 10 per cent of employers offered a longer period of Maternity leave than the statutory minimum. The same study found that 32 per cent of employers offered paternity pay that went beyond the statutory minimum.<sup>12</sup> Additional contributions are more common in large establishments, the public sector, and those with a union presence. Employment sector differences were not significant, except that employers in the hospitality, health, and social work industries were the least likely to offer Paternity leave pay enhancements.

### **c. Parental leave (responsibility of the Department for Business, Energy and Industrial Strategy)**

#### *Length of leave*

- 18 weeks per parent per child, where each parent can take 18 weeks' Parental leave, for each child, but not more than four weeks per child in any one calendar year.
- Leave is an individual, non-transferable entitlement.
- Only four weeks of leave may be taken in any one calendar year for each child, unless an employer agrees otherwise (i.e. the 18 weeks cannot be taken in one continuous period of time).<sup>13</sup>

#### *Payment*

- None.

#### *Flexibility in use*

- Leave may be taken in blocks or in multiples of one week, up to, and for no more than, four weeks per year unless the employer agrees otherwise.
- Leave may be taken up until the child's 18<sup>th</sup> birthday.

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

- For eligibility of UK, EU-27, and EEA citizens, as well as asylum seekers, please see Maternity leave/eligibility. All employees who

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<sup>12</sup> [www.cipd.co.uk/Images/labour-market-outlook-focus-on-working-parents\\_tcm18-17048.pdf](http://www.cipd.co.uk/Images/labour-market-outlook-focus-on-working-parents_tcm18-17048.pdf).

<sup>13</sup> [www.gov.uk/parental-leave](http://www.gov.uk/parental-leave).

have completed one year's continuous employment with their present employer and who have, or expect to have, parental responsibility for a child.

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

- As the leave is per child, each parent of twins is entitled to 36 weeks.

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

- The statutory scheme is referred to as a fall-back scheme, since the intention is that 'wherever possible, employers and employees should make their own agreements about how Parental leave will work in a particular workplace.'<sup>14</sup>
- Employers may postpone granting leave for up to six months in situations where leave-taking would cause significant disruption to the business.

#### **d. Childcare leave or career breaks**

No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- Providing they meet the eligibility criteria for Maternity leave, and its derivative SPL, an adoptive parent (or one of the parents in a joint adoption) is eligible for 52 weeks of adoption leave, paid at 90 per cent of the main adopter's average earnings for six weeks with no ceiling, then a flat-rate payment of either GBP£148.68 [€166.52] or 90 per cent of average gross weekly earnings (whichever is lower) for the next 33 weeks. The remaining 13 weeks are unpaid. There is also a right to paid Paternity leave for an adopter not taking adoption leave (if they meet the Paternity leave eligibility criteria).

*Time off for the care of dependants*

- Employees may take time off to deal with an emergency involving a dependent. A dependent could be a spouse, partner, child, grandchild, parent, or someone who depends on the individual for care.<sup>15</sup> The

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<sup>14</sup> Ibid. BIS. (2014).

<sup>15</sup> [www.gov.uk/time-off-for-dependants](http://www.gov.uk/time-off-for-dependants)

legislation does not define what is 'reasonable,' since this will depend on the situation.<sup>16</sup> There is no entitlement to payment.

#### *Flexible working: the right to request and the duty to consider*

- All employees have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours or work flexi-time). Employees need to have worked for their employer continuously for 26 weeks before applying. Employers have a legal duty to consider these requests and may refuse them only on one or more business-related grounds that are set out in the legislation.<sup>17</sup>

#### *Specific provision for (breast)feeding*

- None.

#### *Antenatal appointments and care*

- Pregnant employees are permitted paid time off for antenatal care. Fathers are permitted time off to attend two antenatal appointments, but it does not have to be paid time off. Potential adopters are allowed time off to attend two adoption appointments.

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

The maximum period of paid post-natal leave available in the UK is 13.9 months, but most of this is unpaid or low paid; leave paid at a high rate is only available for six weeks of Maternity leave. Leave provision is the same across the UK as it is part of the national government's responsibility for employment policy, but early childhood education and care policy is devolved to England, Scotland, Wales, and Northern Ireland, and so more heterogeneous. Each have distinct education systems, including early childhood education and care.

In September 2017, for England and parts of Wales, access to universal free childcare was expanded to 30 hours (1,140 hours per year) for children aged three and four, from a previous level of 15 hours (ten hours per week during term-time in Wales). A similar expansion will occur in Scotland by 2020, which currently has 600 hours per year. Policy discussions are underway, but have stalled for Northern Ireland, which has the lowest UK ECEC levels: two and a half hours of free childcare every day during term-time. Children aged two whose parents

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<sup>16</sup> Ibid.

<sup>17</sup> [www.acas.org.uk/media/pdf/1/7/The-right-to-request-flexible-working-the-Acas-guide.pdf](http://www.acas.org.uk/media/pdf/1/7/The-right-to-request-flexible-working-the-Acas-guide.pdf)

pass a means test, or qualify through their benefit or legal status, also have a similar entitlement. So, there is a gap of between four and 16 months between the end of leave and a universal ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and the same entitlement. Levels of attendance at formal services for children under the age of three are average, and for children over three years of age are above the average both for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018** (including proposals currently under discussion)

In February 2018, the UK government launched a campaign, *Share the Joy*, to encourage more parents to take up the offer of shared Parental leave in their child's first year.<sup>18</sup> However, there continues to be national debate about the effectiveness of this campaign, given inherent design problems embedded within SPL.<sup>19</sup>

In March 2018, the House of Commons all-party Women and Equalities Committee published a report, *Fathers and the Workplace*, following the national consultation in 2017.<sup>20</sup> One of its recommendations included consideration of a new 'use-it-or-lose-it' three-month benefit, available to fathers and second parents in their baby's first year – if taken forward, this measure would represent a paradigm shift in UK leave policy:

'we recommend that, as part of its review of shared Parental leave in 2018, the Government undertake an analysis of the costs and benefits of an alternative policy of 12 weeks' Paternal leave and pay to replace shared Parental leave.' (37)<sup>21</sup>

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<sup>18</sup> See: <https://sharedparentalleave.campaign.gov.uk/> and <https://www.gov.uk/government/news/new-share-the-joy-campaign-promotes-shared-parental-leave-rights-for-parents>

<sup>19</sup> Atkinson, J. (2017) 'Shared Parental Leave in the UK: can it advance gender equality by changing fathers into co-parents?' *International Journal of Law in Context* Vol.13 No.3: 356-368.; O'Brien M., Twamley K. (2017) 'Fathers Taking Leave Alone in the UK – A Gift Exchange Between Mother and Father?' In: O'Brien M., Wall K. (eds.) *Comparative Perspectives on Work-Life Balance and Gender Equality*. Life Course Research and Social Policies, vol 6. Springer, Cham.

<sup>20</sup>

<https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/358/358.pdf>

<sup>21</sup> Ibid.

Over the year, concerns have grown about inequalities in eligibility to Maternity and Paternity leave, in light of the growth of insecure and self-employment in the UK, following the Taylor Review of Modern Working Practices (2017). Recommendations to increase access are included in the *Fathers and the Workplace* report:

'Fathers who are employees should be eligible for two weeks' Paternity leave as a day-one right, similar to Maternity leave. Fathers who are agency workers should be eligible for paternity pay with the same eligibility requirements as agency worker mothers have for maternity pay. Self-employed fathers should be eligible for a Paternity Allowance, similar to Maternity Allowance.'

(36)

A report<sup>22</sup> using nationally representative data has shown that there are significant minorities of the UK working population who are not eligible to receive basic paid Maternity or Paternity leave. 27 per cent of employed fathers who have had a child in the last year were not eligible for paid Paternity leave due to their employment status: either self-employment (20 per cent), or not earning enough to reach an earnings threshold < 6 months (7 per cent). A smaller minority (16 per cent) of employed mothers who have had a child in the last year were also not eligible for paid Maternity leave because their earnings fell below the economic activity test earnings threshold (7 per cent); were self-employed (7 per cent); or did not meet the continuous employment condition (2 per cent). Even four per cent of new mothers were not eligible for the basic maternity allowance payment designed as a fall-back.

In terms of ECEC, the roll out of 30 hours' free childcare (September 2017) and other measures to improve ECEC have been problematic. In March 2018, a cross-party treasury committee published an unanimously agreed Report on Childcare,<sup>23</sup> in which it makes a series of recommendations to the government. These include: remove age restrictions on childcare support for parents in training to improve productivity; keep childcare voucher scheme open until winners and losers of discontinuing it are known; pay a higher hourly rate to local authorities for 30-hour free childcare scheme; and improve awareness of tax-free childcare scheme and quality of website.

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<sup>22</sup> O'Brien, M., Connolly, S., Aldrich, M., Cook, R., and Speight, S. (2017) Inequalities in Access to Paid Maternity & Paternity leave & Flexible Working. Modern Fatherhood Report. Available at: [www.modernfatherhood.org/publications/inequalities-in-parental-leave-full-report/](http://www.modernfatherhood.org/publications/inequalities-in-parental-leave-full-report/)

<sup>23</sup> From: <https://publications.parliament.uk/pa/cm201719/cmselect/cmtreasy/757/75702.htm>

The Scottish Parliament set up a cross-party group on shared parenting, which seeks to identify, examine, and promote policy and practice that supports parents in sharing parenting responsibilities. There is increasing interest in Parental leave policies becoming devolved as part of devolved social security reform in Scotland.<sup>24</sup>

#### 4. Uptake of leave

The UK government does not routinely collect data for uptake of leaves. This section relies on the most recent publicly available national data: i.e., the *Maternity and Paternity Rights and Women Returners Survey 2009/10*.<sup>25</sup> This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provides a detailed, statistically representative, updated picture of Maternity and Paternity leave, statutory maternity and paternity pay (SMP and SPP), occupational maternity and paternity pay (OMP and OPP), and maternity allowance (MA). It assesses the impact of changes brought about as a result of the Work and Families Act 2006, and examines mothers' return to work decisions, alongside the availability of family friendly employment practices. Telephone interviews took place with 2,031 mothers and 1,253 fathers who had worked in the 12 months prior to the birth of their child, 12 to 18 months after the birth. A further source is the UK government's *Fourth Work-life Balance (WLB4) Employee Survey (2012)*,<sup>26</sup> which was carried out in early 2011, though this survey was not as focused on early parenthood as the *Maternity and Paternity Rights and Women Returners Survey*. The *Millennium Cohort Study* and *Growing up in Scotland* surveys also provide some indication of leave uptake. These studies conduct interviews with parents of representative cohorts of children born in a given time period.

Early government estimates from the Department for Business, Energy and Industrial Strategy using HM Revenue & Customs data reports of employer claims are showing a very low uptake of SPL by fathers and co-parents (of between two and eight per cent of eligible parents). A survey conducted amongst expectant mothers in two antenatal clinics in London corroborated the estimate of eight per cent. This study also showed that eligibility for SPL is associated with ethnicity, education, and home ownership, indicating worrying inequalities in access.<sup>27</sup> Other

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<sup>24</sup> <https://www.parliament.scot/msps/shared-parenting.aspx>

<sup>25</sup> Chanfreau, J., Gowland, S., Lancaster, Z., Poole, E., Tipping, S., and Toomse, M. (2011) *Maternity and Paternity Rights and Women Returners Survey 2009/2010* (Department of Work and Pensions Research Report No 777). Available at: [www.gov.uk/government/publications/maternity-and-paternity-rights-and-women-returners-survey-200910-rr777](http://www.gov.uk/government/publications/maternity-and-paternity-rights-and-women-returners-survey-200910-rr777)

<sup>26</sup> [www.esds.ac.uk/doc/7112/mrdoc/pdf/7112\\_employee\\_survey.pdf](http://www.esds.ac.uk/doc/7112/mrdoc/pdf/7112_employee_survey.pdf)

<sup>27</sup> Twamley, K. and Schober, P. (2019) 'Shared Parental leave: exploring

sources, using a freedom of information request, suggest an uptake of one per cent of eligible parents.<sup>28</sup> However, just because parents meet the eligibility criteria for SPL does not mean that they are actually in a position to take it up. Research conducted in 2016 by My Family Care and the Women's Business Council provides more grounds for optimism.<sup>29</sup> Of the respondents to the small survey (unrepresentative) who had had a baby or adopted a child in the previous 12 months, over 30 per cent of men and 20 per cent of women had used SPL. These figures do need to be treated with caution, however, they do suggest that uptake of SPL could be higher amongst couples who have recently had a baby or adopted. In addition, there is public discussion about discrimination against fathers, with respect to their lack of access to occupational Maternity leave enhancements.

#### **a. Maternity leave**

According to the 2009/2010 survey, the mean length of Maternity leave taken by women increased from 32 weeks in 2006 to 39 weeks in 2008; that is, by approximately two months in the space of two years. The Work and Families Act's (2006) policy goal of lengthening the utilisation of paid statutory Maternity leave (SMP) and maternity allowance (MA) from 26 weeks to 39 weeks was successful. However, results show that the remaining period of unpaid leave (i.e. from week 40 to week 52) was less attractive to mothers: just under half (45 per cent) made use of this leave. Duration of maternity pay and length of Maternity leave taken are positively associated, particularly for economically disadvantaged women. Those taking the shortest paid leaves (up to 39 weeks of Maternity leave) were low-earners, part-time workers, and the self-employed; while those taking the longest leave were high earners and those in full-time employment.

The Maternity and Paternity Rights and Women Returners Survey 2009/2010 did not collect systematic data on the exact timing of women's return to work, but by 12 to 18 months after childbirth, three out of four (77 per cent) mothers had returned to employment. As in previous surveys, mothers' decisions to return to work was mainly motivated by economic considerations. The factors with the strongest association with returning to work included: employer size and sector,

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variations in attitudes, eligibility, knowledge and take-up intentions of expectant mothers in London' *Journal of Social Policy* 48(2): 387-407.

<sup>28</sup> See: Sarah Gordon, *Financial Times*, September 17, 2017. Accessed at <https://www.ft.com/content/2c4e539c-9a0d-11e7-a652-cde3f882dd7b>; <https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformation/maternityandpaternityleave>

<sup>29</sup> <https://www.myfamilycare.co.uk/resources/white-papers/shared-parental-leave-where-are-we-now/>

duration of pre-birth job, type of maternity pay received, family structure, and mothers' educational levels.

Most mothers who had worked before childbirth had received some type of maternity pay: 42 per cent of mothers received statutory maternity pay (SMP) only; 32 per cent received SMP and occupational maternity pay (OMP), the most generous pay package; four per cent received OMP only; 11 per cent received maternity allowance only; and 11 per cent of mothers received no maternity pay. This last group had the least advantageous employment conditions.<sup>30</sup>

## **b. Paternity leave**

The 2009/2010 UK-wide survey showed that 91 per cent of fathers took time off around the time of their baby's birth. Of those taking time off, 49 per cent took statutory Paternity leave only; 25 per cent took statutory leave plus other paid leave; 18 per cent took other paid leave only; and five per cent took unpaid leave. Those taking statutory Paternity leave were most likely to take the statutory two weeks (50 per cent); 34 per cent took less than two weeks; and 16 per cent took more than two weeks. The odds of taking Paternity leave were significantly higher for men working in the public sector and where there were family-friendly arrangements available in the workplace. Analysis of Scottish cohort data (*Growing up in Scotland*) for 2011 found that 78 per cent of fathers took some type of leave soon after the birth of their child and that this was more likely to be Paternity leave than annual leave.<sup>31</sup> The information is reported by mothers and so might not be directly comparable with other studies. Some employers supplemented statutory Paternity leave payment: 39 per cent of fathers received full pay for less than two weeks; 33 per cent for two weeks; and nine per cent for more than two weeks. Large private and public sector organisations were most likely to give full payment for longer periods of Paternity leave. Small- and medium- sized private sector employers were most likely to pay the minimum statutory rate.

## **c. Parental leave**

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<sup>30</sup> These updated findings are in line with the earlier survey by Smeaton, S. and Marsh, A. (2006) *Maternity and Paternity Rights and Benefits: Survey of Parents 2005 (Employment Relations Research Series, No. 50)*. London: Department of Trade and Industry. Available at: <http://www.berr.gov.uk/files/file27446.pdf>.

<sup>31</sup> Scottish Government (2015), *Fathers in the Early Years: how do they balance their work and family life?*, Scottish Government Publication; Koslowski, A & Kadar-Satat, G. (2018) Community, Work & Family DOI: 10.1080/13668803.2018.1428174

Provision and uptake of statutory Parental leave data are not systematically reported in the 2009/2010 survey. Instead, paid and unpaid informal Parental leave is reported on as a form of family-friendly arrangement. Findings show that in their first post-birth job, five per cent of mothers used 'fully paid' Parental leave; one per cent 'partly paid' Parental leave; and five per cent unpaid Parental leave. For employed fathers, 17 per cent used 'fully paid' Parental leave, six per cent 'partly paid' Parental leave; and seven per cent unpaid Parental leave. Although the data are not comparable with the 2006 survey, they do suggest a rise in uptake of Parental leave by mothers and fathers in the post-natal period.

Findings from the *Fourth Work-life Balance (WLB4) Employee Survey* (2012) show that only 11 per cent of parents with a child under six years of age had reported taking Parental leave. Employers were asked whether they were aware of the increase in the amount of unpaid Parental leave that parents can take from 13 weeks to 18 weeks, which came into force in March 2013 under the Parental Leave Directive (2010/2018/EU). A third of employers (33 per cent) – covering 57 per cent of the workforce in establishments with five or more employees – were aware of the increase in unpaid Parental leave. It is noted that fieldwork for the survey took place from May to September 2013, clearly quite soon after the changes came into effect.

Across all employers surveyed, around one in seven (14 per cent) had at least one employee that had taken unpaid Parental leave to look after their children in the previous 12 months. This incidence of unpaid Parental leave is unchanged from *WLB3* in 2006 (also 14 per cent). Uptake of Parental leave was less common than that of Maternity or Paternity leave, and has remained unchanged since 2006.

#### **d. Other employment-related measures**

Information on the uptake of other employment-related entitlements, such as use of flexible working, is taken from survey evidence since there is no requirement for employers to report on this. Results from *WLB4* show that 79 per cent of employees stated that they were aware of the right to request flexible working, a significant increase from the baseline period in 2006 where only 42 per cent of employees stated that they were aware of its introduction.<sup>32</sup> However, at both time periods, the awareness of the right to request flexible working was lower in those employed in routine and manual occupations.

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<sup>32</sup> 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 2011, 22 per cent of employees reported requesting a change to working arrangements in the last two years (most commonly, women, parents, and those with caring responsibilities). From employees' perspectives, requests were not accepted in 13 per cent of cases. For a further eight per cent, the outcome was uncertain. Although the methodology was different, this refusal rate is higher than that reported by employers in an earlier survey (40 per cent of employers report receiving requests in the previous 12 months, with only nine per cent of these requests refused).<sup>33</sup>

Between *WLB2* and *WLB3*, the reported levels of uptake had grown as flexible working was becoming more established. In 2013, flexible working was more widely established and mature, with at least one form of flexibility available in nearly all organisations. Since *WLB3* in 2007, there have not been great increases in employers reporting either uptake or availability of flexible working, except for the uptake of working reduced hours for a limited period. In this survey, flexible working was more likely to be available and taken up in larger organisations, in the public sector, in establishments where there was a higher proportion of female workers, and establishments where there was a union presence. These employers were also more likely to offer more forms of flexibility.

Overall, 40 per cent of employers offering any flexible working practices had received at least one request to work flexibly in the last 12 months, the same proportion as reported in *WLB3* (most common in female-dominated sectors). Most employers (75 per cent) who had received requests to change working patterns in the last 12 months reported that the proportion they had been able to accept had stayed the same over the last 12 months; 19 per cent reported an increase; and three per cent reported a decrease. These are similar proportions to those reported by employers in *WLB3*. As in *WLB3*, most establishments (91 per cent) had accepted all requests, with only nine per cent turning any down, and the majority of these only turning down one request. The major reason was that most establishments (65 per cent) had not received any requests for flexible working from men in the last 12 months. It is noted that just over half (56 per cent) of employers who had turned down requests for flexible working in the past 12 months stated that at least three-quarters of the flexible working requests rejected were made by men. As reported in the *WLB3* employee survey, male employees are therefore less likely to make a request and more likely to be turned down when they do. According to the *WLB4* employee survey (2012), 30 per cent of employees with an ill child had worked

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<sup>33</sup> Hayward, B. Fong, B., and Thornton, A. (2007) 'The Third Work-Life Balance Employer Survey: Main Findings.' Department for Business, Enterprise and Regulatory Reform, Employment Relations Research Series, 86. London: BERR.

flexibly – most commonly reported for those employees in the private sector and in professional/managerial occupations.

# United States<sup>1</sup>

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**April 2019**

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

**Note on United States leave policy:** United States is a federal state. There is no statutory right to any of the types of leave or other statutory measures covered in the other country notes in this review. The federal Family and Medical Leave Act (FMLA) of 1993 provides leave for a variety of reasons including: childbirth or the care of a new-born child up to the age of 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 them unable to work their regular schedule. The federal Department of Labor is responsible for the FMLA. In addition, six states and one territory offer all or some employees the statutory right to partly compensated leaves for family reasons. These areas cover 26 per cent of the US population.

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

*Length of leave (before and after birth)*

- The FMLA provides up to 12 weeks in a 12-month period. Leave is an individual entitlement (for those who are eligible, see below).

*Payment and funding*

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<sup>1</sup> Please cite as: Engeman, C. and Petts, R. J. (2019) 'United States country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Leave under the FMLA is unpaid and job-protected, meaning that employees are guaranteed a return to the same or similar position with the same employer.

#### *Flexibility in use*

- FMLA leave may be taken in one continuous period or divided into several blocks of time.

#### *Regional or local variations in leave policy*

Seven states, the District of Columbia, and Puerto Rico have adopted paid leave insurance for pregnancy and/or family caregiving. All leave rights and benefits are granted as individual entitlements. For cross-national comparative purposes, we note that there are no nationality/citizenship-based eligibility requirements. Any eligibility requirements concern employment (i.e., number of weeks or hours worked, employer size, etc.). We also note that since the Supreme Court struck down state-level same-sex marriage bans in June 2015, leave to care for one's spouse includes married, same-sex couples, and leave to care for children, including children of same-sex couples where there is legal guardianship. Some states cover leave to care for children for employees standing in *loco parentis* – or acting as parents regardless of legal guardianship. This is noted in the descriptions of state provisions below.

- California was the first state to implement a comprehensive paid family leave (PFL) law in 2004, covering all private sector employees. Some public sector employees are covered and self-employed persons can opt in. PFL insurance allows covered employees, regardless of gender, to receive wage replacement benefits for up to six weeks. Leave is partially paid at 60 to 70 per cent of earnings, depending on income, up to a maximum of US\$1,252 [€1,101.03]<sup>2</sup> per week in 2019. Leave is paid for childbirth, adoption, or care of a seriously ill child, grandchild, parent, parent-in-law, grandparent, spouse, or domestic partner. The definition of 'parent' under the law includes individuals serving as a parent to a child without reference to legal guardianship. PFL was created by extending the State Disability Insurance (SDI) programme to cover family caregiving needs. The SDI provides 52 weeks of wage replacement benefits for leave related to employees' own temporary disability, serious illness, or non-work-related injury. PFL and SDI benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase. The average weekly benefit for family

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<sup>2</sup> Conversion of currency undertaken for 24 June 2019, using <https://www1.oanda.com/currency/converter/>

care in December 2018 was US\$670<sup>3</sup> [€589.21]. As an insurance programme, the PFL and SDI programmes do not provide rights to job protection. Job protection is provided under other laws, such as the FMLA or the California Family Rights Act. Under a separate law, pregnant employees have the right to an additional four months of job-protected leave for disability due to pregnancy, childbirth, or related health condition (if they work for an employer with five or more employees). They can receive wage replacement under SDI, typically for four weeks prior to and six weeks after childbirth (and this is in addition to six weeks of benefit payments under the PFL for bonding). Additional weeks can be granted with proper physician certification in cases of difficult pregnancies.

- Hawaii provides up to 26 weeks of partial wage replacement under its Temporary Disability Insurance (TDI) programme for leave to address health issues related to pregnancy and childbirth (certified by a health professional). Benefits are 58 per cent of average weekly wages, paid up to a limit which is set annually. In 2018, that ceiling was US\$620<sup>4</sup> [€545.24]. To be eligible for TDI benefits, employees must be employed and have worked for at least 14 weeks, for at least 20 hours per week for those 14 weeks, and have earned at least US\$400 [€351.77] in the year preceding leave. Hawaii is the only state with a TDI programme that has not extended its TDI programme to cover leave for family caregiving.
- Massachusetts adopted paid family medical leave in 2018. The programme provides: up to 12 weeks to care for a new-born, newly adopted, or newly placed foster child; up to 20 weeks to address one's own serious medical condition, including pregnancy- and childbirth-related health issues; up to 12 weeks to care for a family member (i.e., parent, spouse, child, domestic partner, grandparent, grandchild, sibling, parent-in-law, and domestic partner's parent); up to 26 weeks to address issues related to the military deployment of a family member or a family member's serious illness or injury incurred in active military duty; and up to 26 weeks of combined medical and family caregiving leave. Employees standing in *loco parentis* to a child can take leave to care for the child. The wage replacement rate is 80 per cent of average weekly wages, up to 50 per cent of the state-wide average weekly wage (AWW), plus 50 per cent of wages beyond that amount up to a cap of US\$850 [€747.51] per week. Eligible employees begin making payroll contributions to the fund in July 2019 and can start receiving benefits in January 2021 (but for family caregiving purposes, benefits start in July 2021). To be eligible, employees must work at least 15 weeks and earn at least US\$4700 [€4,133.26] in the 12-month period prior to taking

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<sup>3</sup> [https://www.edd.ca.gov/about\\_edd/pdf/qspfl\\_Avg\\_WBA.pdf](https://www.edd.ca.gov/about_edd/pdf/qspfl_Avg_WBA.pdf)

<sup>4</sup> <http://labor.hawaii.gov/dcd/frequently-asked-questions/tdi/>

leave. The programme covers all private sector and most public sector employees.<sup>5</sup> Self-employed individuals can opt in.

- New Jersey implemented paid family leave insurance in 2009. The legislation extends the state's existing TDI system (which previously provided paid leave to address medical issues related to pregnancy and childbirth) to provide workers with up to six weeks of benefits, paid at 67 per cent of prior wages, up to US\$650 [€571.62] per week in 2019. Benefits cover leave to care for a parent, spouse, child, domestic or civil union partner, or partner's child, including care for a child for an employee with a parent-child relationship regardless of legal guardianship. The measure is financed by employee payroll deductions. Average weekly benefit for family care in 2017 was US\$538<sup>6</sup> [€473.13]. It covers all private sector employers, and some public employees.<sup>7,8</sup> Benefits payments for paid family leave do not run concurrent with TDI benefit payments for leave related to pregnancy and childbirth. Under TDI, pregnant employees can receive wage replacement for four weeks prior to the anticipated delivery date and six weeks after delivery. TDI benefits pay 67 per cent of the employee's AWW with a cap of US\$650 [€571.62] per week in 2019.<sup>9,10</sup>
- New York implemented its paid family leave programme in January 2018. The programme provides job-protected, paid leave to care for a new child, a seriously ill parent, spouse, domestic partner, child, grandparent, or grandchild, or to relieve family pressures when a spouse, domestic partner, child, or parent is called to active military service abroad. Employees standing in *loco parentis* to a child can take leave to care for the child. In 2019, the programme provided job protection and wage replacement for ten weeks. In 2021, the duration should increase to 12 weeks, at which point the programme will be fully phased-in. Benefits pay 55 per cent of an employee's AWW, capped at 55 per cent of the state-wide AWW, which in 2019 came to a maximum of US\$746.41<sup>11</sup> [€656.41]. When fully implemented in 2021, the programme will provide 67 per cent of the employee's

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<sup>5</sup> <https://www.mass.gov/info-details/paid-family-medical-leave-for-employees-faq>

<sup>6</sup>

<https://myleavebenefits.nj.gov/labor/myleavebenefits/assets/pdfs/FLI%20Summary%20Report%20for%202017.pdf>

<sup>7</sup> <https://myleavebenefits.nj.gov/worker/fli/>

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[http://lwd.dol.state.nj.us/labor/forms\\_pdfs/tdi/FLI%20Summary%20Report%20for%202015.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/FLI%20Summary%20Report%20for%202015.pdf)

<sup>9</sup> <https://www.nj.gov/labor/ea/rates/ea2019.html>

<sup>10</sup>

<https://myleavebenefits.nj.gov/labor/myleavebenefits/worker/tdi/index.shtml>

<sup>11</sup> <https://paidfamilyleave.ny.gov/2019>

AWW, capped at 67 per cent of the state-wide AWW. The paid family leave programme is funded entirely through employee payroll deductions. Employees are eligible to participate after having worked for their employer for 26 weeks full-time or 175 days part-time. In addition to the paid family leave programme, the TDI programme provides up to 26 weeks for pregnancy and childbirth, paid at 50 per cent of average weekly wages up to a cap of US\$170 [€149.50] per week. Benefit payments cover leave for medical issues related to pregnancy and/or childbirth, and requires the submission of medical reports. This leave is managed through the TDI programme, which is jointly funded by employees and employers.<sup>12</sup> Self-employed individuals can opt in to the insurance programmes.

- Rhode Island's paid family leave programme (referred to as Temporary Caregiver Insurance) was implemented in 2014. The legislation provides job protection and extends the state's existing TDI programme to provide four weeks of paid leave to care for a new child or a parent, spouse, child, domestic partner, grandparent, or parent-in-law with a serious health condition. The programme is financed by employee payroll deductions and provides 60 per cent of previous weekly earnings, with a minimum of US\$98 [€86.18] per week and a maximum of US\$852 [€749.26] per week in 2019.<sup>13</sup> It covers all private sector employees and some public sector employees. In 2018, the average weekly benefit was US\$551 [€484.56] for caregiving.<sup>14</sup> Pregnant employees qualify separately for job-protected paid leave through the TDI programme. TDI covers leave to address medical issues related to pregnancy and childbirth (child bonding is covered by the temporary caregiver insurance). The benefit rate is 4.62 per cent of previous earnings in the highest-earning quarter of the employee's base period (i.e., first four of previous five quarters of employment). In 2019, the minimum benefit rate was US\$98 [€86.18], and the maximum rate was US\$852 [€749.26].
- Washington adopted paid family leave insurance in 2017. Employees began contributing to the insurance fund in 2019, and, starting in 2020, the programme will provide wage replacement during leave to: care for a new-born, newly adopted, or newly placed foster child; or a parent, spouse, domestic partner, child, grandchild, grandparent, or sibling with a serious health condition; or to address issues related to a family member's active military duty. Employees standing in *loco parentis* to a child

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<sup>12</sup>

<http://www.wcb.ny.gov/content/main/DisabilityBenefits/Employer/introToLaw.jsp>

<sup>13</sup> [http://www.dlt.ri.gov/News\\_Releases/NR062818.htm](http://www.dlt.ri.gov/News_Releases/NR062818.htm)

<sup>14</sup> <http://www.dlt.ri.gov/lmi/pdf/tdi/2018.pdf>

can take leave to care for the child. Leave can also be used to address an employee's own health issues, including those related to pregnancy or childbirth. Benefits pay 90 per cent of the employee's average weekly wages for employees who earn 50 per cent or less of the state-wide AWW. Employees who earn more receive 90 per cent of their AWW, up to 50 per cent of the state-wide AWW, then 50 per cent of their AWW that exceeds 50 per cent of the state-wide AWW. Benefits are paid for up to 16 weeks for combined self-care and family caregiving, or for up to 18 weeks to address a serious pregnancy-related health condition combined with family caregiving needs. To be eligible, employees must have worked at least 820 hours in four out of five previous quarters. Rights to job protection cover only employees in establishments of 50 or more employees, plus require 12 months and 1,250 hours of employment. Self-employed individuals can opt in.

- The District of Columbia passed the Universal Paid Leave Amendment Act in December 2016, which provides eight weeks of paid Parental leave for a new-born, newly adopted, or newly placed foster child; six weeks of family leave to care for a parent, spouse, child, domestic partner, grandparent, or sibling; two weeks of medical leave to address one's own serious health condition; and up to eight weeks in total of combined medical and family caregiving leave. Employees standing in *loco parentis* for a child can take leave to care for the child. The Act covers all private sector employers covered by the D.C. Unemployment Compensation Act. Self-employed individuals can opt in. In July 2019, employees will contribute to the fund through payroll deductions and, beginning in July 2020, employees can receive benefits. Leave is job-protected, and benefit payments are 90 per cent of the employee's AWW, up to a cap of US\$1,000 [€879.42] per week.<sup>15</sup> For employees with average weekly wages above US\$1000 [€879.42], the wage replacement rate is 80 per cent.<sup>16</sup> Beginning in 2021, the maximum benefit will be increased annually to account for inflation.<sup>17</sup>
- Puerto Rico's Working Mothers Act (1942) provides an eight-week Maternity leave at 100 per cent of earnings that must begin one to four weeks prior to the expected delivery date. A female

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[https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/PFL%20Employee%20FAQ\\_0.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/PFL%20Employee%20FAQ_0.pdf)

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[https://does.dc.gov/sites/default/files/dc/sites/does/page\\_content/attachments/PFL%20Sample%20Benefit%20Amount%20Chart.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/PFL%20Sample%20Benefit%20Amount%20Chart.pdf)

<sup>17</sup> <http://www.nationalpartnership.org/research-library/work-family/paid-leave/state-paid-family-leave-laws.pdf>

employee who adopts a child under the age of six is entitled to the same leave benefits as a mother who gives birth.<sup>18,19</sup>

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

- The federal FMLA covers all employees (including foreign workers who have a valid work visa<sup>20</sup>) who: work for a covered employer (see 'additional note' below); and who have worked for that employer for at least one year (even if not for a continuous period); and at least 1,250 hours over the preceding 12 months.
- FMLA defines a child as a biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*.<sup>21</sup> As such, a same-sex parent may take leave under FMLA to care for their child, even if they are not an adoptive parent.
- Because of the qualifying conditions, only about 58 per cent of workers in private firms are eligible for federal FMLA, with lower coverage for low-wage workers, workers with young children, and working welfare recipients.<sup>22</sup>

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

- None.

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

- The majority of US workers lack access to paid family leave from any source. The 2011 *American Time Use Survey* provided detailed information on employees' access to paid family leave, through statutory provision in the states that provide paid leave, collective bargaining agreements, or individual workplace policies. Twenty-eight per cent of employees indicated they had access to paid leave for childcare, while 43 per cent had access to leave to care for an ill family member.<sup>23</sup> Only 17 per cent of workers in the United States have access to paid family leave through their employers; 16 per cent of private sector employees have access to paid family

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<sup>18</sup> <http://www.oslpr.org/download/en/2000/0120.pdf>

<sup>19</sup> <http://www.oslpr.org/download/en/2000/0425.pdf>

<sup>20</sup> <https://www.dol.gov/whd/regs/compliance/FactSheet62/whdfs62I.pdf>

<sup>21</sup> <https://www.dol.gov/whd/fmla/adultchildfaqs.htm>

<sup>22</sup> Council of Economic Advisors (2014). *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

<sup>23</sup> An update of this survey was conducted in 2017, but data was not released until after this report was completed (Summer 2018).

leave through their employers; and 25 per cent of state and local government workers do.<sup>24</sup>

- Federal FMLA exempts private employers and non-profit organisations with fewer than 50 employees within a 75-mile radius (all public sector employees are covered).

#### *Flexible working*

- None.

#### *Specific provision for (breast)feeding*

- The Fair Labour Standards Act, amended by the Affordable Care Act in 2012, requires that an employer with 50 or more employees must provide its hourly workers with: a reasonable break for an employee to express breast milk for her nursing child up to one year after the child's birth; and a place, other than a bathroom, that is private and free from intrusion to be used by an employee to express breast milk.
- The Fifth Circuit of the federal Court of Appeals recently decided that discriminating against a female employee because she is lactating or seeking to express breast milk may constitute sex discrimination under the Pregnancy Discrimination Act and Title VII of the Civil Rights Act.

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

There is no statutory entitlement to leave or ECEC. Levels of attendance at formal ECEC services for children under three years of age are above average both for the countries participating in this review and for OECD countries, but below average for children over three years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2018** (including proposals currently under discussion)

The 5 February 2018 marked the 25<sup>th</sup> anniversary of the Family and Medical Leave Act (FMLA). There have been no notable federal policy changes since 1993. President Trump has proposed including funding for six weeks of paid family leave in the 2019 budget. However, the programme would be left to each state to establish a programme suitable for their particular workforce and economy, and does not

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<sup>24</sup> U.S. Department of Labor (2018). *National Compensation Survey: Employee Benefits in the United States – March 2018*. Bulletin 2789.

include provisions for paid leave to care for family members. In addition, two bills have been introduced that offer paid family leave provisions. The Cradle Act would enable new parents to take up to four to 12 weeks of leave (earning 55 per cent to 80 per cent of their income) after the birth or adoption of a child. Funding for this leave would be drawn from social security and would require deferral of social security (retirement) benefits for twice the amount of time that leave was taken (e.g., one month of leave would result in a two month deferral of social security). The Family and Medical Insurance Leave Act (FAMILY Act) was also reintroduced to Congress in 2019. This legislation would provide 12 weeks of paid leave for the care of a newborn or adopted child, care for an ill family member, or for a serious health condition. Funding would come from employer and employee contributions to a national insurance fund. Employees would receive up to 66 per cent of their monthly earnings, with maximum monthly benefits being capped at \$4000 [€3,517.67] initially. This legislation has been introduced in the past but has not been enacted.

Some states and local governments have passed laws to establish new paid family leave insurance programmes. As mentioned above, New York became the fourth state to offer paid family leave when its programme went into effect in January 2018, and Washington and Massachusetts<sup>25</sup> have passed paid family leave policies within the last year that will go into effect in 2020 and 2021, respectively. Several U.S. cities passed paid family leave legislation in 2017-2018, such as Jacksonville, Indianapolis, and Albuquerque. Currently 22 of the largest 40 U.S. cities offer paid family leave to municipal employees.

Some states with paid family leave insurance programmes have expanded their programmes since April 2018. In February 2019, the New Jersey governor signed a bill that increased the wage replacement rate to 85 per cent of previous weekly wages, with a cap of US\$860 [€756.30] per week. The bill also increased benefit duration from six weeks to 12 weeks. These changes go into effect on 1 July 2020. In California, a bill was introduced in January 2019 (AB 196 Gomez) to increase wage replacement levels for family leave to 100 per cent of previous earnings for employees with US\$100,000 [€87,941.80] or less in annual earnings.

Additionally, 20 states have introduced legislation on paid family leave in recent years, and 11 states have legislation on paid family leave that is still under consideration by state legislatures. An additional five states have passed legislation that provides paid family leave to state employees.

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<sup>25</sup> <https://www.mass.gov/info-details/paid-family-medical-leave-for-employees-faq>

## 4. Uptake of leave

A 2012 survey found that only 16 per cent of US workers eligible for the federal FMLA took leave for any covered reason. Of these, about half took leave for their own illness; 21 per cent took leave for reasons related to a new child; and the remainder took leave to care for an ill family member (which could be a spouse or child).<sup>26</sup> Though the law provides *de facto* Parental leave entitlements, studies have found it has had generally small effects on mothers' likelihood of taking time off from work at childbirth,<sup>27 28</sup> and little or no effects on time off taken by new fathers.<sup>9 10</sup> This suggests there are limits to the extent to which families are willing and able to use unpaid leave. In contrast, evidence suggests that workers are much more likely to use paid leave. A recent report shows that among workers who have access to paid family or Parental leave, 87 per cent of women and 59 per cent of men use at least half of the paid Parental/family leave that they have access to (66 per cent of women and 36 per cent of men use all available paid leave).<sup>29</sup> Also, implementation of California's PFL law increased the leave-taking of new fathers by 46 per cent and new mothers by 13 per cent.<sup>30</sup>

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<sup>26</sup> Klerman, J. A., Daley, K., and Pozniak, A. (2013). *Family and Medical Leave in 2012: Technical report*. Washington, D.C.: Abt Associates.

<sup>27</sup> Han, W.J. and Waldfogel, J. (2003) Parental leave: The impact of recent legislation on parents' leave-taking. *Demography*, vol.40 (1): 191-200.

<sup>28</sup> 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.

<sup>29</sup> <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/2017%20Employee%20Benefits%20Report.pdf>

<sup>30</sup> Bartel, A. P., Rossin-Slater, M., Ruhm, C. J., Stearns, J., and Waldfogel, J. (2018). Paid family leave, fathers' leave-taking, and leave-sharing in dual earner households. *Journal of Policy Analysis and Management*, 37, 10-37.

# Uruguay<sup>1</sup>

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

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

### **a. Maternity leave (public sector) Law 19.121 (*Licencias por maternidad y por paternidad*)**

*Length of leave (before and after birth)*

- 13 weeks: up to six weeks can be taken before the birth, one week of which must be taken at this time. Since 1 June 2017, civil servants of the Central Administration are entitled to 14 weeks of Maternity leave (as well as private sector workers).

*Payment and funding*

- 100 per cent of earnings with no upper limit on payments.
- Funded from general taxation.

*Flexibility in use*

- None, except for five weeks of leave that can be taken before or after birth.

*Eligibility*

- All female public sector employees.

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<sup>1</sup> Please cite as: Batthyány, K., and Perrotta, V. (2019) 'Uruguay country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A., and Moss, P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

- In the case of multiple or premature births or disability, the leave is extended to 18 weeks.
- In the case of premature births with less than 32 weeks of gestation and requiring hospitalisation, both parents (biological or adoptive) are entitled to leave for the duration of such hospitalisation, up to a maximum of 60 days. Upon the termination of this license, the usufruct of Maternity or Paternity leave will begin.

**a. Maternity leave (private sector) Law 19.161 (*Subsidio por maternidad*) (Instituto de Seguridad Social)**

*Length of leave (before and after birth)*

- 14 weeks: up to six weeks can be taken before the birth. It is obligatory to take the full period of 14 weeks.

*Payment and funding*

- 100 per cent of earnings with no upper limit on payments. For employees, this is based on average earnings in the six months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- Funded by the social security system, which is financed by contributions: for sickness and maternity benefits, three to six per cent of employee earnings and five per cent of payroll from employer, plus earmarked proceeds of certain taxes.

*Flexibility in use*

- Women may postpone the start of Maternity leave (if authorised by her doctor).
- Premature delivery: if the birth occurs earlier than 42 days before the due date of delivery, the beginning of the subsidy is modified to the actual day of the baby's birth. The start of postpartum leave is not modified, that is, the original postpartum leave period is maintained, granting more days of leave.
- Delivery delay: if the birth occurs after the due date of delivery, the postpartum rest period is extended, taking into account the number of days of the delay.

*Eligibility*

- All female employees who contribute to the Social Security Institute (BPS).
- Self-employed workers who are covered by the Social Security Institute (BPS), with no more than one employee.
- Other self-employed workers who are covered by the Social Security Institute (BPS).

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

- In the case of illness resulting from pregnancy or childbirth, the mother is entitled to an extension of pre- or post-natal leave.

### **b. Paternity leave (public sector) Law 19.121 (Licencia por paternidad)**

*Length of leave (before and after birth)*

- 10 working days.

*Payment and funding*

- 100 per cent of earnings with no ceiling on payments.
- As for Maternity leave.

*Flexibility in use*

- None.

*Eligibility*

- All male public sector employees.

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

- In the case of premature births with less than 32 weeks of gestation and requiring hospitalisation, both parents (biological or adoptive) will be entitled to leave for the duration of such hospitalisation, up to a maximum of 60 days. Upon the termination of this license, the usufruct of Maternity or Paternity leave begins.

### **b. Paternity leave (private sector) Law 19.161 (Inactividad)**

## ***Compensada por Paternidad) (Instituto de Seguridad Social)***

### *Length of leave (before and after birth)*

- 10 calendar days
- Employed workers are entitled to a leave of absence of 13 days from the day of birth. The first three days are in the responsibility of the employer with regards to payment (Law 18.345), and the next ten are paid by the social security system (Law 19.161). In the case of self-employed workers, they are entitled to ten calendar days' leave.

### *Payment and funding*

- 100 per cent of earnings with no ceiling on payments. For employees, this is based on average earnings in the six months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- As for Maternity leave, funded by the social security system, which is financed by contributions: for sickness and maternity benefits, three to six per cent of employee earnings and five per cent of payroll from the employer, plus earmarked proceeds of certain taxes.

### *Flexibility in use*

- None.

### *Eligibility*

- All male employees who contribute to the Social Security Institute (BPS).
- Self-employed workers who are covered by the Social Security Institute (BPS), with no more than one employee.
- Other self-employed workers who are covered by the Social Security Institute (BPS).

### *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**

- Law 19.161 establishes a Parental Care Allowance<sup>2</sup> for the newborn of private employees or self-employed workers who contribute to the Social Security Institute (BPS). It is a part-time leave for care that may be used interchangeably and alternately by both parents after the Maternity leave. It lasts from the end of the Maternity leave until the baby is six months old. The Parental Care Allowance is based on previous income and is funded by the social security system. The payment is 100 per cent of previous income without a maximum limit. For employees, this is based on their average income in the six months before taking the leave (and twelve months for self-employed workers).
- Eligibility is the same as for the maternity and paternity subsidy in the private sector (Law 19.161). Therefore, female workers in the private sector who contribute to the Social Security Institute (BPS), both employed and self-employed, are eligible. Also eligible are male workers from the private sector who contribute to the Social Security System (BPS), both employed and self-employed. But, in the case of men, it is a requirement that the mother of the baby has been eligible for private sector Maternity leave.
- The use of part-time leave is voluntary. Flexibility in use is arranged so that parents can alternate their use in days, weeks, or months at any time during the period between the end of Maternity leave and the first six months of the baby's life.

### **d. Childcare leave or career breaks**

- No statutory entitlement.

### **e. Other family employment-related measures**

#### *Adoption leave and pay*

In the case of adoption (Laws 17,292 and 18,436), workers in both the public and private sector are entitled to a continuous six-week leave and a reduction of the working day (up to 50 per cent) for six months. These subsidies may be used by one of the two parents from the time the child is integrated into the family, while the other parent is then granted ten working days of leave.

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<sup>2</sup> In previous notes, we included the Parental Care Allowance in the 'flexible work' section. We think it is better to consider it as Parental leave because it shares its main characteristics mentioned by specialised literature. It is a part-time leave taken after Maternity leave, the fathers can take it, and it allows them to devote time to care.

### *Time off for the care of dependents*

- No statutory entitlement.

### *Flexible working*

- Mothers in the public sector may work part-time, but only if they are breastfeeding. This lasts according to the baby's needs, but usually continues until the baby is 12 months old. The worker must present a medical certificate that proves that she is breastfeeding, in order to continue using the reduction of working hours. Since 1 June 2017, civil servants of the Central Administration have been able to make use of a reduction in working hours, meeting a minimum of four hours per day, when the baby is between six and 12 months old. It must be used by one of the parents. This measure was established in the labour agreement signed in December 2016 by the Confederation of Organisations of State Officials (COFE), the Ministry of Economy and Finance, and the Ministry of Labor and Social Security. Before this agreement, only mothers were eligible.

### *Specific provision for (breast)feeding*

If the worker breastfeeds her child, she is authorised to interrupt her daily work for that purpose, and has a choice between two periods of half an hour each or a period of one hour. This time is computed as effective work. Her doctor is responsible for setting the duration of the breastfeeding period (Decree N°234/018). The certificates issued will be renewed in each control of the child; will be valid for no longer than three months; and may be extended for up to two years. The workers are required to present the certificate to their employer with whom they need to agree on how and when they will use the one-hour reduction during the working day.

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

The maximum period of post-natal leave is around three months, paid at a high earnings-related level. There is an entitlement to ECEC once children are four years old and attendance is obligatory. Through the first two years of the child's life, ECEC provision of full-time services is almost totally private as the supply of public care is scarce.

Attendance in 2017 was 32.5 per cent for children under two years of age. Generally, this attendance was part-time. 31 per cent of children

under two years of age went for four hours per week, 49.5 per cent went for between five and 20 hours a week, 9.5 per cent went for between 21 to 30 hours, and 9.5 per cent went for 31 hours and more.

Attendance in 2017 was 72.5 per cent for children aged three, and 93.9 per cent for children aged four. For children between three and five years old, coverage reached 88.2 per cent.<sup>3</sup>

Levels of attendance at formal services for children under the age of three (41.6 per cent) are around the average both for the countries included in this review and for OECD countries; but well below the average for children over the age of three. For attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

### **3. Changes in policy since April 2018** (including proposals currently under discussion)

None.

## **4. Uptake of leave**

### **a. Maternity leave**

Data on Maternity leave show a steady increase in the period 2011-2016, from 14,264 users in 2011 to 16,108 users in 2016. However, no significant impact can be observed since the new law, Nr.19161. From 2013, there has been a stability in the number of users (around 16,000): this means that when it comes to the first years of implementation, the new legislation has not involved a significantly important increase, in comparison to previous years. The new law, with the inclusion of new groups, did not imply substantive variations in the use of Maternity leave – probably because the non-dependent mothers who can use this license represent a very small proportion. In any case, it is interesting to investigate the state's capacities to disseminate and guarantee the rights of these groups.<sup>4</sup>

### **b. Paternity leave**

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<sup>3</sup> Source: MIDES, based on the *Continuous Household Survey* of the Statistics National Institute, Uruguay, 2017. Available at: <http://observatoriosocial.mides.gub.uy/portal/indicadores.php#>

<sup>4</sup> Batthyány, K., Genta, N., and Perrotta, V. (2018) 'Uso de licencias parentales y roles de género en el cuidado.' Departamento de Sociología, FCS-UDELAR, MTSS, SNIC, OIT, ONUMUJERES.

A substantive increase occurred in the case of Paternity leave, which rose from 8,799 in 2014 to 15,862 in 2016 (an increase of 80 per cent). Undoubtedly, this increase represents a significant advance for male parents' right to care, at least during the first days of the baby's life.<sup>5</sup>

### **c. Parental leave**

Part-time leave (Parental Care Allowance) is voluntary. In 2016, 59.1 per cent of the users of Maternity leave in the private sector used part-time leave (Parental Care Allowance). This means that a significant group of women did not take it, despite having the right to do so.

Among the users of part-time leave (Parental Care Allowance), men represent two per cent.

Regarding the evolution in the use of Parental leave, it increased from 6,258 users in 2014 to 9,525 in 2016, signifying an increase of 52 per cent.<sup>6</sup> Use of part-time leave has increased, not as fast as Paternity leave, although this use is fundamentally by women.

The reasons why the use of part-time leave is fundamentally by women are of a design nature. Couples must choose if it is the father or mother who takes part-time leave. Societal gendered norms associate mothers with being the best caregivers, especially in the first six months of babies' lives.

As observed in international precedents, when either parent is eligible for the benefit, it is normally used by women. In Uruguay, use reflects a rigid gender contract in social representations around childcare. The impact of social representations around childcare is reinforced by the state's strong promotion of exclusive breastfeeding in the first six months. National regulations adopted in 2009 (Ministry of Public Health Ordinance 217/09) establish the importance of exclusive nursing in the first six months, and supplementary breastfeeding up to the age of two, while defining the obligations of health services in that regard. Such recommendations form part of campaigns conducted by the state and health provider institutions. In other words, the shared use of part-time leave is discouraged by an apparent contradiction: on the one hand, women are advised to breastfeed their children during the first six months and, on the other, they are afforded the opportunity to transfer their right to part-time leave to their partners in the same six months (Batthyány and Perrotta, 2018<sup>7</sup>).

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<sup>5</sup> *Ibidem*.

<sup>6</sup> *Ibidem*.

<sup>7</sup> Batthyány, K., and Perrotta, V. (2018) 'Maternity/paternity and paid employment: progress in and obstacles to the exercise of the right to care in Uruguay.' *Journal of the Ministry of Employment and Social Security*

Results of the *National Parental Leave Survey*, implemented in 2017, showed that men's major reason (72.1 per cent) for not using part-time leave was its overlap with the nursing period. The next most frequent reason given by fathers (six out of ten) was that they believed the baby is better cared for by mothers. One-third of the men replied that caring for babies in the first year of life is the task of mothers (Batthyány and Perrotta, 2018<sup>8</sup>).

#### **d. Childcare leave and career breaks**

There is no statutory leave entitlement.

#### **e. Other family-employment related measures**

None.

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*Economics and Sociology*. Special issue on leave policy and its use in Mediterranean and South American countries.

<sup>8</sup> Ibidem.

# 5. Technical Appendix

## **What is the International Review?**

The international review provides comparable information on leave policies in participating countries, in the form of country notes. Each country note is organised in four sections: Current leave and other employment-related policies to support parents; Relationship between leave policy and early childhood education and care policy; Changes in policy since the preceding review; and Take-up of leave. Before 2018, the review also included a fifth section on Research and publications.

Types of leave covered are: Maternity leave; Paternity leave; Parental leave; Childcare leave and Career breaks; and Other employment-related measures, including leave to care for sick or disabled relatives. Definitions of each main type of leave are given at <https://www.leavenetwork.org/leave-policies-research/defining-policies/>. Information on each type of leave in country notes is organised using a common format.

In addition, the review has a number of comparative tables, enabling comparison to be made between participating countries.

Information included in the review refers to a common reference date, usually April in the year of publication.

The review is published on-line, both as a complete document and disaggregated into individual countries and cross-national tables.

## **How is the review produced?**

Country notes are produced by one or more national experts, usually members of the international network on leave policies and research. After a country note is initially prepared, the authors are requested to review and update it each year. The review is overseen and edited by an editorial group, currently consisting of five network members; each year, one member of the team assumes the role of lead editor.

For each review, countries are allocated between members of the editorial team. Members then contact the national experts for the countries for which they are responsible, asking the experts to review and update the previous year's country note. The editors

then review and edit the revised country notes, returning the edited country note to national experts for them to check; editors will also ask experts to clarify any points that are not clear. Once the national experts respond, the country note is considered finalised for the current year.

Responsibility for updating cross-national tables is also divided between members of the editorial team, so each editor has overview of one or two tables. Editors update the entries in each table for the countries they are responsible for. National experts are also requested, each year, to check their country's entry in the tables and inform the editorial team- if they find any errors.

Overall, the review depends on the knowledge and experience of the national experts who author and revise country notes. However, the editorial team always welcome comments from users of the review, either raising queries about country notes and comparative tables, or making suggestions about items for inclusion in future reviews.

### **How are countries selected for the review?**

When the review was begun, in 2005, the first countries to be included reflected the membership of the network as it then stood. As the network has gained new members from new countries, so too has the review expanded to include those countries.

Most of the countries covered by the review are European, and in recent years a proactive attempt has been made to include all European Union member states. However, the review also includes many non-European countries. It was recently decided to limit new entrants in any one year to two countries.

### **Format and house style**

The format of the review is decided by the editorial team for the review, in consultation with the network's coordinators and network members. Over time, new items have been included, in response to changing conditions or emerging interests, e.g. the inclusion of items on eligibility for leave including same-sex couples.

The house style conventions, used in editing the review, stem from a period of time when the review was funded and published by a UK government department. The department requested the review use its 'style guide'. Although no longer funded and

published by the department, the editors have continued to use the house style.

### **Some technical notes**

1. For presenting financial amounts, e.g. payment to people taking leave, the reference currency used is the Euro. Other national currencies are expressed in Euros based on the exchange rate at a common date shortly before the review is published.
2. All information about leave policies refers to a common reference date given at the top of each country note, usually April of the year in which the review is published. Any changes in leave policies scheduled to be introduced after this date are not included in Section 1, which provides information on leave policies at the common reference date; these changes may, however, be noted in Section 3, on 'Changes in policy'.
3. Duration of leave uses a common duration period. If that duration is months but the period of leave in a country is expressed as weeks, weeks are converted to months on the basis of 4.3 weeks=1 month, i.e. 12 weeks would be expressed as 2.8 months.