INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

20th International Review of Leave Policies and Related Research 2024

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1. Introduction

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

The International Review is based on country notes from each participating country, prepared by members of the network and edited by a team of network members. 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 International 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. We also include a technical appendix.

The 2024 International Review covers 51 countries. These are: Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Brazil, Canada, Chile, China, Colombia, 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, Serbia, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America, Uruguay and Vietnam. Vietnam is a new country note joining the review this year for the first time.

The content of the International 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 International Review where possible, as we are unable to retrospectively rectify errors.

The International 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:

> Dobrotić, I., Blum, S., Kaufmann, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) (2024) *International Review of Leave Policies and Research 2024*. DOI: 10.31219/osf.io/2frts Available at: http://www.leavenetwork.org/lp_and_r_reports/

If citing an individual country note, please use the citation given as a footnote on the first page of that country note. The leave review website is administered by the Austrian Institute for Family Studies at the University of Vienna, with a particular thanks to Eva-Maria Schmidt.

Finally, we note our thanks to Mirna Varga (University of Zagreb) for research and editorial assistance in the production of this year's review.

2. Defining Leave Policies

The International Review 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.

Maternity leave can be found in Section 1a of country notes.

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.

Paternity leave can be found in Section 1b of country notes.

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 LGBTQ 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' or confusingly as in Iceland 'parental 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).

Although 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, Germany, 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 ('mother's quota' and 'father's quota').

In a few other countries, although different types of leave, usually with distinct conditions remain, these leaves have been renamed, e.g. 'Primary Carer's leave', 'Partner's leave' and 'Extended leave' (New Zealand); 'Initial Parental leave', 'Father's only Parental leave' and 'Additional Parental leave' (Portugal).

A further variant that is blurring distinctions is the possibility that part of Maternity leave can be transferred to the father, which may make it seem like a variant of Parental leave (for example, currently in Bulgaria, Croatia, Czech Republic, Poland, Serbia 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.

Parental and Childcare leaves can be found in Sections 1c and 1d of country notes; transferable Maternity leave in Section 1a.

d. Leave to care for children who are ill

This entitlement, when it exists, 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.

In 2019, the European Union introduced (as part of its Work-Life Balance Directive, 2019/1158), an entitlement in all member states to at least 5 working days per year of leave for each worker providing personal care or support to a relative or person living in the same household, which it termed 'carer's leave'.

There is also a steady increase in countries introducing leave periods for particular circumstances of individual or family need, e.g., bereavement leave (Iceland), domestic violence leave (Ireland), menstruation or abortion leave (Spain).

All these types of leave, plus a range of other measures involving working hours to support workers with caring responsibilities, can be found in Section 1e of country notes.

3. Overview: Cross-Country Comparisons

Sources used

The main sources used for the tables in this review are the country notes prepared by the members of the International Network on Leave Policies and Research, following a common format. Country notes are reviewed and revised each year by authors and editors. For 2024, all country notes have been edited by at least one of the six members of the review's editorial team: Sonja Blum, Ivana Dobrotić, Gayle Kaufman, Alison Koslowski, Peter Moss and Marie Valentova. Lead editorship rotates, and for 2024 Ivana Dobrotić 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 the OECD Family Database. 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 is 0.9 months. For purposes of comparison, national currencies are also shown in euro in the country notes. Currency conversion (with the exception of Chile and Denmark) was carried on for a single day (15 July 2024) using as possible:

https://data.ecb.europa.eu/currency-converter.

For more details, please also refer to the technical appendix (Section 5) and the **Excel file and accompanying document.**

Statutory Maternity leave: April 2024

Many countries **have a statutory and designated Maternity leave entitlement** (see Table 1). 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, 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. In addition, in Bosnia and Herzegovina, there is no state-level statutory entitlement to Maternity benefit, however, maternity benefits are regulated at the level of entities (Federation of Bosnia and Herzegovina (FBiH) and Republic Srpska (RS)), including the cantonal level in FBiH, and the level of Brčko District (BD). Currently, the RS entity, BD and FBiH's cantons provide some maternity benefits, with amounts varying from flat-rate benefits to 100 per cent of previous earnings.

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. Fourteen states, the District of Columbia and Puerto Rico provide some benefit payments to parents missing work around the time of childbirth. Other countries without designated Maternity leave – Australia, Iceland, New Zealand, Norway, Portugal and Sweden (except 2 unpaid weeks)[1] – 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 (see Table 3).

The **period of post-natal Maternity leave** varies widely from just a few weeks to 12 months. In Argentina, 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. Similarly, in China, most provinces have (differently) extended the duration of Maternity leave with the most common extension being up to 158 days (around 5 months).

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 for premature birth, multiple births, higher-order births, in the case of disability of the child or medical complications.

[1] In Sweden, it is obligatory for women to take two weeks' leave either before or after birth; but to receive benefit, they must draw on their Parental leave benefit entitlement (see Table 3).

Thirteen countries – Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Croatia, Czech Republic, Denmark, Greece (private sector), Israel, Poland, Serbia and the UK - 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). Maternity leave can also 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 (and not the time right) 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 (cf. Table 3).
2. Emerging more recently is a move away from the idea of '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' or pregnant persons and for 'fathers only' or co-parents. For instance, Iceland offers 12 months' Parental leave: six months each for the mother and father (they may each transfer up to six weeks to the other). 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.

Table 1: Post-natal Maternity leave (statutory; post-natal, employment-based, full-time, the first child entitlements): leave length, transferability and flexibility (April 2024)

Country	Post-natal leave length (months)			(Part of) leave is obligatory	(Part of) leave is transferable[2]	Additional leave time[3]	Leave flexibility[4]	
	Total	Paid	Well-paid[1]				Part-time	In blocks
Argentina (private)	8	2	2	+	–	+	–	–
Argentina (public)	8.3	2.3	2.3	+	–	+	–	–
Australia	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Austria	1.9	1.9	1.9	+	–	+	–	–
Belgium	3.3	3.3	3.3*	+	–	+	+	–
Bosnia and Herzegovina	11.2	..	..	+	+	–	–	–
Brazil	4	4	4	–	+	+	+	–
Bulgaria	12.1	12.1	12.1*	+	+	–	–	–
Canada	3.5	3.3	0*	–	–	–	–	–
Canada: Quebec	4.2	4.2	4.2*	–	–	–	–	–
Chile	5.6	5.6	5.6*	+	+	+	+	–
China	2.8	2.8	2.8	–	–	+	–	–
Colombia	4	4	4	+	+	+	+	–
Croatia	6	6	6	+	+	+	+	–
Cyprus	4.7	4.7	4.7	+	–	+	–	–
Czech Republic	5.1	5.1	5.1*	+	+	+	–	–
Denmark	2.3	2.3	2.3*	+	+	–	–	+
Estonia	1	1	1	+	–	–	–	–
Finland	1	1	1*	+	–	–	–	–
France	3	3	3*	+	–	+	–	–
Germany	1.9	1.9	1.9	+	–	+	–	–
Greece (private)	11.1	11.1	2.1	+	+	–	–	–
Greece (public)	3	3	3	+	–	+	–	–
Hungary	5.6	5.6	5.6	+	–	–	–	–
Iceland	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL

Country	Post-natal leave length (months)			(Part of) leave is obligatory	(Part of) leave is transferable[2]	Additional leave time[3]	Leave flexibility[4]	
	Total	Paid	Well-paid[1]				Part-time	In blocks
Ireland	9.3	5.6	0[FR]	+	–	–	–	–
Israel	6	3.5	3.5*	+	+	+	–	–
Italy	5	5	5	+	–	+	–	–
Japan	1.9	1.9	1.9*	+	–	–	–	–
Korea	3	3	3*	+	–	+	–	–
Latvia	1.9	1.9	1.9	–	–	+	–	–
Lithuania	1.9	1.9	1.9	–	–	+	–	–
Luxembourg	2.8	2.8	2.8*	+	–	+	–	–
Malta	4.2	4.2	3.3	+	–	+	–	–
Mexico	2.3	2.3	2.3	+	–	+	–	–
Netherlands	2.8	2.8	2.8*	+	–	+	+	+
New Zealand	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Norway	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Poland	4.7	4.7	4.7	+	+	+	–	–
Portugal	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Romania	4.2	4.2	4.2*	+	–	–	–	–
Russian Federation	2.3	2.3	2.3*	–	–	+	–	–
Serbia	11.3	11.3	11.3*	+	+	+	–	–
Slovak Republic	6.5	6.5	6.5*	+	–	+	–	–
Slovenia	2.6	2.6	2.6	+	–	+	–	–
South Africa	4.0	..	..	+	–	–	–	–
Spain	3.7	3.7	3.7*	+	–	+	+	+
Sweden	0.5	see PL	see PL	+	–	–	–	–
Switzerland	3.3	3.3	3.3*	+	–	+	–	–
Türkiye	9	3	3	+	–	+	–	–
United Kingdom	12.1	9.1	1.4	+	+	–	–	+
United States	..	..	..	..	..	..	..	..
Uruguay (private)	3.3	3.3	3.3	+	–	+	–	–

Country	Post-natal leave length (months)			(Part of) leave is obligatory	(Part of) leave is transferable[2]	Additional leave time[3]	Leave flexibility[4]	
	Total	Paid	Well-paid[1]				Part-time	In blocks
Uruguay (public)	2.8	2.8	2.8	+	–	+	–	–
Vietnam	6	6	6	–	–	+	–	–

Notes: Only **statutory** leave entitlements regulated at the national level are included, that is, regional or occupational (variations in) provisions toping up state-level defined statutory rights are excluded. For all the variations in leave entitlements see country notes which contain more detailed information. If 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.

Key: see PL=countries provide paid leave that women may or must take at and around childbirth, but this leave has a generic designation, such as 'Parental leave'; **..**=no statutory leave or payment; *****=ceiling on payments (only for part of the leave in Greece (private), Korea, Malta); **FR**=flat-rate benefit; **1**=earnings-related payment at 66 per cent of previous earnings or above (based on legal replacement rate; but note that in some countries benefits are taxed or may count towards income base for social security contributions, meaning that actual amounts received by the individuals may differ); **2**=part of Maternity leave is transferable to the father/co-parent in ordinary conditions (this does not include cases where the transfer is only permitted in the case of maternal death or incapacity); **3**=additional time for premature birth, multiple births, higher order births, in the case of disability of the child or medical complications (this include only situations when additional days/weeks of Maternity leave are available, and it does not include situations in which, for example, unused prenatal days can be used after birth or additional benefits are provided); **4**=leave can be used part-time (the time is proportionally extended), or in several blocks.

Statutory Paternity leave: April 2024

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 and Norway provides an example of this complexity. Iceland offers 12 months' leave after birth: 6 months for mothers, 6 months for fathers, and each parent may transfer six weeks to the other parent; there is, therefore, no Paternity leave *per se*, but 6 months of leave are available for the use of fathers, to take as and when they choose (to add to the confusion, although the law covers all 12 months with the same name – 'birth leave' – the 6 months for fathers is commonly referred to as 'Paternity leave'). Norway, by contrast, has 2 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 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; see Table 2). **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. Here it is important to point out that also in Norway, whilst Paternity leave is unpaid by the government, most employed fathers are covered by their individual employer or collective agreements. **The duration of paid Paternity leave** can vary from just a couple of days to 16 weeks (Spain). As with other entitlements, there may be regional differences in the provision. For example, in China, there is no statutory entitlement to Paternity leave nationally, but regional provisions exist in all provinces, providing between 7 and 30 days of Paternity leave. In some countries, leave is not referred to as Paternity leave, for example, in Luxembourg, but fathers can use ten days' well-paid leave due to 'extraordinary circumstances.

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 six countries (Bulgaria, Chile, Denmark, Italy, Portugal, and Spain) it is obligatory for fathers to take some or all of their Paternity leave.

Table 2: Post-natal Paternity leave (statutory; post-natal, employment-based, full-time, the first child entitlements): leave length, transferability and flexibility (April 2024)

Country	Post-natal leave (weeks)			(Part of) leave is obligatory	(Part of) leave is transferable[2]	Additional leave time[3]	Leave flexibility[4]		
	Total	Paid	Well-paid[1]				Part-time	In blocks	Can be used until the child turns (months):
Argentina (private)	0.4	0.4	0.4	–	–	–	–	–	–
Argentina (public)	1	1	1	–	–	–	–	–	–
Australia	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Austria	4.3	4.3	–[FR]	–	–	–	–	–	3
Belgium	4	4	4*	–	–	–	–	+	4
Bosnia and Herzegovina	..	..	..	..	..	..	..	..	..
Brazil	1	1	1	–	–	–	–	–	–
Bulgaria	2.1	2.1	2.1*	+	–	–	–	–	–
Canada	..	..	..	..	..	..	..	..	..
Canada: Quebec	5	5	5*	–	–	–	+	+	:
Chile	1	1	1	+	–	–	–	+	1
China	..	..	..	..	..	..	..	..	..
Colombia	2.8	2.8	2.8	–	–	–	+	–	–
Croatia	2	2	2	–	–	+	–	–	6
Cyprus	2	2	2	–	–	+	–	–	4
Czech Republic	2	2	2*	–	–	–	–	–	1.4
Denmark	2	2	2*	+	–	–	+	+	–
Estonia	4.3	4.3	4.3*	–	–	–	–	+	36
Finland	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
France	4	4	4*	+	–	+	–	+	6
Germany	..	..	..	..	..	..	..	..	..
Greece (private)	2.9	2.9	2.9	–	–	–	–	+	1
Greece (public)	2.9	2.9	2.9	–	–	–	–	+	1
Hungary	2	2	1	–	–	–	–	+	2
Iceland	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Ireland	2	2	–[FR]	–	–	–	–	–	6
Israel	..	..	..	..	..	..	..	..	..
Italy	2	2	2	+	–	+	–	+	5

Country	Post-natal leave (weeks)			(Part of) leave is obligatory	(Part of) leave is transferable[2]	Additional leave time[3]	Leave flexibility[4]		
	Total	Paid	Well-paid[1]				Part-time	In blocks	Can be used until the child turns (months):
Japan	4	4	4*	–	–	–	+	+	2
Korea	2	2	2*	–	–	–	–	+	3
Latvia	2	2	2	–	–	–	–	+	6
Lithuania	4	4	4*	–	–	–	–	–	3
Luxembourg	2	2	2*	–	–	–	–	+	2
Malta (private)	2	2	2	–	–	–	–	–	–
Malta (public)	2	2	2	–	–	–	–	–	0.5
Mexico	1	1	1	–	–	+	–	–	–
Netherlands	6	6	6*	–	–	–	+	+	6
New Zealand	2	..	..	–	–	–	–	–	1
Norway	2	..	..	–	+	–	+	+	not defined
Poland	2	2	2	–	–	–	–	+	12
Portugal	5	5	5	+	–	+	–	+	6
Romania	2	2	2	–	–	+	–	–	2
Russian Federation	..	..	..	..	..	..	..	..	..
Serbia	..	..	..	..	..	..	..	..	..
Slovak Republic	28	2	2*	–	–	+	–	–	2
Slovenia	2.1	2.1	2.1*	–	+	+	+	–	3
South Africa	..	..	..	..	..	..	..	..	..
Spain	16	16	16*	+	–	+	+	+	12
Sweden	2	2	2*	–	–	+	+	+	2
Switzerland	2	2	2*	–	–	–	+	+	6
Türkiye (private)	1	1	1	–	–	–	–	–	–
Türkiye (public)	2	2	2	–	–	–	–	–	–
United Kingdom	2	2	0[FR]	–	–	–	–	+	12
United States	..	..	..	..	..	..	..	..	..
Uruguay (private)	1.9	1.9	1.9	–	–	+	–	–	–
Uruguay (public)	2	2	2	–	–	+	–	–	–
Vietnam	0.8	0.8	0.8	–	–	+	–	–	–

Notes: Only **statutory** leave entitlements regulated at the national level are included, that is, regional or occupational (variations in) provisions toping up state-level defined statutory rights are excluded. For all the variations in leave entitlements see country notes which contain more detailed information. If the period of leave in a country is expressed as days, days are converted to weeks based on the rule: 7 calendar days=1 week, and 5 working days=1 week, except if there are exceptions and the working week may be 6 days (e.g. Vietnam; 5 days of leave are 0.8 weeks).

Key: see PL= countries provide paid leave that fathers/partners may or must take at and around childbirth, but this leave has a generic designation, such as 'Parental leave'; **..**=no statutory leave or payment; *****=ceiling on payments (only for part of the leave in Korea, Luxembourg, and the Netherlands); **:=**no data; **FR**=flat-rate benefit; **1**=earnings-related payment at 66 per cent of previous earnings or above (based on legal replacement rate; but note that in some countries benefits are taxed or may count towards income base for social security contributions, meaning that actual amounts received by the individuals may differ); **2**=part of Paternity leave is transferable to the co-parent in ordinary conditions (this does not include cases where the transfer is only permitted in the case of parent's death or incapacity); **3**=additional time for premature birth, multiple births, higher order births, in the case of disability of the child or medical complications (this include only situations when additional days/weeks of Paternity leave are available, and it does not include situations in which, for example, unused prenatal days can be used after birth or additional benefits are provided), in case of Romania also if the father attends the parenting class; **4**=leave can be used part-time (the time is proportionally extended), in several blocks or until the child reaches a certain age.

Statutory Parental leave (not including additional childcare leave): April 2024

All EU member states must provide at least four months' **Parental leave** per parent (2 months non-transferable, paid leave), under the terms of Work-Life Balance Directive. 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. The Directive also requires: ten working days of Paternity leave, paid at no less than the level of sick pay; five days of annual carer's leave; and flexible working arrangements for parents and carers.

Around one-third of the non-EU countries in this review also provide Parental leave. The exceptions are Argentina, Bosnia and Herzegovina, Brazil, Chile, China, Colombia, Mexico, Serbia, South Africa, Switzerland, Türkiye, Vietnam and the United States (which has a generic and unpaid 'family and medical leave' that is not applicable to private employers with fewer than 50 employees).

Seven countries (Australia, Iceland, New Zealand, Norway, Portugal, South Africa, 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 fathers only.

Parental leave varies on 4 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 that where continuous leave is available for up to 3 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, the UK, and Uruguay. The latter ('long leave' countries) include the Czech Republic, Estonia, France, Germany, Hungary, Latvia, 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. 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 four months per parent 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 Table 4).

Parental leaves as a time right are a **family entitlement** in seven countries, to be divided between parents as they choose (Canada, Estonia, Hungary, Malta – public sector, New Zealand, Russia, and Uruguay). Five countries **combine family entitlement with individual non-transferable entitlement** (Austria, Norway, Poland, Portugal, and Romania). Nineteen countries have individual – fully non-transferable entitlement, and an additional 7 individual – partially transferable entitlement (see Table 3). In cases where (parts of) individual entitlements are non-transferable, if not used by a parent, these are foregone (following the 'use it or lose it' principle). In some countries individual non-transferable leave rights entitlements can be used within the same time period (e.g.

until the child turns 3 years), and are typically combined with one benefit right (e.g. see Czech Republic in Table 3), meaning that parents are entitled to more time right than benefit right and that 'quota' months may not serve the same function. In Bulgaria, Parental leave is still defined as primarily the mother's right, which can be transferred to the father. The same is the case for Parental benefits in New Zealand.

Most countries in the review (36) provide some element of **payment**; only Israel, Spain, and the UK make no payment. Payment policy varies considerably and can include **a ceiling on benefit payments**.

Flexibility takes many forms, including: (i) additional leave in the case of multiple births or, in a few cases, other circumstances; (ii) 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); (iii) the possibility of taking leave in one continuous block or several shorter blocks; (iv) the possibility for both parents to take all or some leave at the same time; (v) the possibility to use all or part of leave when parents choose, until their child reaches a certain age (see Table 3). There are also some other forms of flexibility, such as the option to take longer periods of leave with lower benefits or shorter periods with higher benefits (e.g., Austria, Czech Republic, Norway) or the possibility to transfer leave entitlements to carers who are not parents. It should be noted that where leave can be taken part time, the length of leave may be extended when this option is used; the length of leave shown below is based on full-time leave taking, so does not take account of this part-time option, which is widely used in some countries (e.g., the Netherlands).

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. 'Quotas' have been increasingly introduced in recent years, in particular in the EU countries, to align with the demands from the Work-Life Balance Directive asking for two non-transferable paid Parental leave months. Twenty-five countries have quotas, within the Parental benefits system, ranging from 30 days (Portugal) to 12 months (e.g. Korea; see Table 3). Another approach is to offer some form of bonus (e.g. additional leave) if both parents take some Parental leave. Eight countries offer such a bonus. For example, Japan extends paid leave by two months if fathers take at least two months of leave;[2] 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, Italy, Korea, and Slovakia.

[2] An extra 2 months become shorter according to the length of the leave a father takes. Given a mother take full entitlement until a child become 1 year old, only a father can take leave after the child become 1 year old. If he takes 10 days of leave after the child's 1st birthday, the extra period for the family is only 10 days, not 2 months. The maximum of the extra after a child's 1st birthday is 2 months.

Childcare leave (not presented in Table 3, but included in the total length of leave in Table 4) 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. 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). Greece is also an exception in that childcare leave is available after Maternity leave, and as Parental leave is mostly unpaid or paid at a low rate, its use is very limited, while childcare leave which is fully compensated is widely used. 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. 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 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). Unpaid career breaks can be also found in Croatia and Serbia (until the child turns three).

Table 3: Post-natal Parental leave (statutory; post-natal per couple, employment-based, full-time, the first child entitlements): leave length, type of entitlement, leave transferability and flexibility (April 2024)

Country	Post-natal leave (in months per couple)			Type of entitlement[2]		Additional leave time[3]		Leave flexibility[4]			
	Total	Paid	Well-paid[1]	Leave [nontransferable months]	Benefit [nontransferable months]	Fathers' use	Other reasons	Part-time	In blocks	Simult-aneous use	Until a child is (year):
Argentina	..	..	..	..	..	..	..	..	..	..	..
Australia	24	4.7	0	Individual transferable	Individual transferable	–	–	–	+	[+]	2
Austria	24	14.2–35.4	14.2*	Family & individual nontransferable [2 months]	Family & individual nontransferable [2 months]	– [partnership bonus]	–	+	+	[+]	7
Belgium	8	8	0	Individual nontransferable [4 months]	Individual nontransferable [4 months]	–	+	+	+	+	12
Bosnia and Herzegovina	..	..	..	..	..	..	..	..	..	..	..
Brazil	..	..	..	..	..	..	..	..	..	..	..
Bulgaria	24⬇	24⬇	0	Primary mothers', transferable	Primary mothers', transferable	–	–	–	–	–	2
Canada	8.1-14.2	8.1-14.2	0	Family	Family	+ [3 to 5 weeks]	–	–	–	+	:
Canada Quebec	7.4	7.4	5.8*	Family	Family	+ [3 to 4 weeks]		+	+	+	:
Chile	..	..	..	..	..	..	..	..	..	..	..
China	..	..	..	..	..	..	..	..	..	..	..
Colombia	..	..	..	..	..	..	..	..	..	..	..
Croatia	8	8	8*	Individual partially transferable [2 months]	Individual partially transferable [2 months]	–	+	+	+	+	8
Cyprus	8.4	1.4	1.4	Individual partially transferable [16 weeks]	Individual partially transferable [2 weeks]	–	+	–	+	+	8
Czech Republic	36	6.5-36	6.5*	Individual nontransferable [36 months]	Family	–	+	+	–	+	3
Denmark	6.5	6.5	6.5*	Individual partially transferable	Individual partially transferable	–	+	+	+	+	9

Country	Post-natal leave (in months per couple)			Type of entitlement[2]		Additional leave time[3]		Leave flexibility[4]			
	Total	Paid	Well-paid[1]	Leave [nontransferable months]	Benefit [nontransferable months]	Fathers' use	Other reasons	Part-time	In blocks	Simult-aneous use	Until a child is (year):
				[9 weeks]	[9 weeks]						
Estonia	36	15.8	15.8*	Family	Family	–	–	–	+	[+]	3
Finland	12.4	12.4	12.4*	Individual partially transferable [16,2 weeks]	Individual partially transferable [16,2 weeks]	–	+	+	+	[+]	2
France	36↓	12↓	0	Individual nontransferable [36 months]	Individual nontransferable [6 months]	–	+	+	–	+	3
Germany	72↓	14↓	0	Individual nontransferable [36 months]	Individual partially transferable [2 months]	–	+	+	+	+	8
Greece (private)	8	4	0	Individual nontransferable [4 months]	Individual nontransferable [2 months]	–	+	+	+	–	8
Greece (public)	60	4	0	Individual nontransferable [60 months]	Individual nontransferable [2 months]	–	+	+	+	–	8
Hungary	36↓	36↓	24↓	Family	Family	–	+	+	–	–	3
Iceland	12	12	12*	Individual partially transferable [4.6 months]	Individual partially transferable [4.6 months]	–	+	+	+	+	2
Ireland	15	3.3	0	Individual nontransferable [33 weeks]	Individual nontransferable [7 weeks]	–	+	=	+	+	12 [paid leave until 2]
Israel	12	..	..	Individual nontransferable [12 months]	..	–	–	–	+	–	1
Italy	10	10	2	Individual nontransferable [6 months]	Individual nontransferable [6 months]	+ [1 bonus paid month]	+	+	+	+	12
Japan	12↓	12↓	12*	Individual nontransferable [12 months]	Individual nontransferable [12 months]	+ [2 bonus paid months]	–	+	+	+	1.2
Korea	24	24	24*	Individual nontransferable [12 months]	Individual nontransferable [12 months]	+	–	+	+	+	8

Country	Post-natal leave (in months per couple)			Type of entitlement[2]		Additional leave time[3]		Leave flexibility[4]			
	Total	Paid	Well-paid[1]	Leave [nontransferable months]	Benefit [nontransferable months]	Fathers' use	Other reasons	Part-time	In blocks	Simult-aneous use	Until a child is (year):
						[higher benefit for 6+6 months)					
Latvia	36	15-19	0	Individual nontransferable [18 months]	Individual partially transferable [2 months]	–	–	+	+	+	8
Lithuania	36	24	18*	Individual nontransferable [18 months]	Individual partially transferable [2 months]	–	–	+	+	+	3
Luxembourg	12	12	12*	Individual nontransferable [6 months]	Individual nontransferable [6 months]	–	–	+	+	+	6
Malta (private)	8	4	0	Individual partially transferable [2 months]	Individual partially transferable [2 months]	–	–	–	+	–	8
Malta (public)	12	4	0	Family	Individual partially transferable [2 months]	–	–	+	+	–	10
Mexico	..	..	..	..	..	..	..	..	..	..	..
Netherlands	12.1	4.2	4.2*	Individual nontransferable [26 weeks]	Individual nontransferable [9 weeks]	–	+	+	+	+	8
New Zealand	12	6	0	Family	Primary mothers', transferable	..	+	–	+	+	1
Norway	13	13	13*	Family & individual nontransferable [19 weeks]	Family & individual nontransferable [19 weeks]	–	+	+	+	[+]	3
Poland	9.5	9.5	9.5	Family & individual nontransferable [9 weeks]	Family & individual nontransferable [9 weeks]	–	+	+	+	+	6
Portugal	12	12	5	Family & individual nontransferable [30 days + 3 months]	Family & individual nontransferable [30 days]	+ [1 bonus paid month; higher benefit]	+	+	+	[+]	6
Romania	24	24	24*	Family & individual nontransferable	Family & individual nontransferable	–	+	–	+	[+]	2

Country	Post-natal leave (in months per couple)			Type of entitlement[2]		Additional leave time[3]		Leave flexibility[4]			
	Total	Paid	Well-paid[1]	Leave [nontransferable months]	Benefit [nontransferable months]	Fathers' use	Other reasons	Part-time	In blocks	Simult-aneous use	Until a child is (year):
				[2 months]	[2 months]						
Russian Federation	36	18	0	Family	Family	..	–	+	+	–	3
Serbia	..	..	..	..	..	..	..	..	..	..	..
Slovak Republic	36↓	36↓	6	Individual nontransferable [36 months]	Family	+ [6.5 months of Maternity benefit]	+	+	+	+	3
Slovenia	10.7	10.7	10.7*	Individual partially transferable [2 months]	Individual partially transferable [2 months]	–	+	+	+	+	8
South Africa	0.3	0.3	0.3	Family	Family	..	..	+	..	..	..
Spain	39.7	..	..	Individual nontransferable [36 months + 8 weeks after child turns 3]	..	–	–	+	+	+	8
Sweden	18	18	13*	Individual nontransferable [18 months]	Individual partially transferable [3 months]	–	+	+	+	[+]	12
Switzerland	..	..	..	..	..	..	..	..	..	..	..
Türkiye	..	..	..	..	..	..	..	..	..	..	..
United Kingdom	8.4	..	..	Individual nontransferable [4.2 months]	..	..	+	–	+	+	18
United States	..	..	..	..	..	..	..	..	..	..	..
Uruguay (private)	6	3	2.7	Family	Family	–	–	+	+	–	0.5
Uruguay (public)	6	..	..	..	..	..	..	..	..	..	..
Vietnam	..	..	..	..	..	..	..	..	..	..	..

Notes: Only **statutory** leave entitlements regulated at the national level are included, that is, regional or occupational (variations in) provisions toping up state-level defined statutory rights are excluded. For all the variations in leave entitlements see country notes which contain more detailed information.

Key: ..=no statutory leave or payment; *****=ceiling on payments; **↓**=if the person had the right to paid Maternity leave, Parental leave duration is reduced by the duration of paid Maternity leave (see Table 1); **:=**no data; **1**=earnings-related payment at 66 per cent of previous earnings or above (based on legal replacement rate; but note that in some countries benefits are taxed or may count towards income base for social security contributions, meaning that actual amounts received by the individuals may differ); **2**=in brackets, the part of the leave or benefit time ('quota') that is NOT transferable to the other parent is indicated (if both parents have individual entitlement on, for example, 12 months, but they both have to use the leave time until the child turns one, this is marked as "simultaneous"; however, if they can use their entitlement until the child turns 8, this is counted as 24 months of entitlement per couple); **3**=additional leave in case of father's use of leave or additional leave time for premature birth, multiple births, higher order births, in the case of disability of the child or medical complications; **4**=leave can be used part-time, in several blocks, simultaneously by both parents (fully if **+**, or partially if [**+**]) or until the child reaches a certain age.

Relationship between leave and ECEC entitlements: April 2024

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 are taken from the OECD Family Database P3.2; for more information, see the note on source at the end of the table below. **Attendance rates for children under three years of age** vary from 15 per cent or less (Argentina, Czech Republic, Hungary, Mexico, Romania, Slovak Republic and Türkiye), to over 50 per cent (Belgium, Denmark, France, Israel, Korea, Luxembourg, the Netherlands, and Norway), with a median rate among the 42 countries yielding data of 33.5 per cent**. Attendance rates for children over three years of age** are uniformly much higher, but vary from 75 per cent or under (Brazil, Chile, Croatia, Greece, Mexico, Switzerland, Türkiye, and the US) to 95 per cent and over (Belgium, Denmark, France, Iceland, Ireland, Israel, Italy, Japan, Korea, Norway, Slovenia, Spain, Sweden, and the UK), with a median rate among the 44 countries for which there is information of 89 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-five countries have an **entitlement to an ECEC service.** In 13 countries (Argentina, Austria, Bosnia and Herzegovina, Bulgaria, Colombia, Croatia, Cyprus, Czech Republic, France, Hungary, Luxembourg, Mexico, and Serbia), the entitlement includes a period of *compulsory* attendance at an ECEC service, usually for children aged 4 years and over, but from 3 years in France and Hungary. In some countries, this is only a part-time entitlement, and in Bosnia and Herzegovina and in Mexico, there is insufficient provision to implement this policy. In 19 countries the entitlement is only from three years of age or later. A further 8 countries have a clear entitlement before 3 years of age: at between 2 and 3 years in Belgium and Ireland, and at 12 months or younger or at the end of Parental leave in 7 countries: Denmark, Finland, Luxembourg, Malta, Norway, Slovenia, and Sweden, with full-time places available in all cases except Luxembourg (whose part-time entitlement is part of a multilingual education programme). In another seven countries – Estonia, Germany, Hungary, Latvia, Mexico, 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; in the case an 8th country, Portugal, a recent reduction of the entitlement from 4 to 3 years cannot yet be fully met. It is only in 6 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.

Table 4: Relationship between leave and ECEC entitlements (April 2024)

Country	Attendance rates at formal ECEC services		Child's age (months) at:			Gap (in months) between:	
	0-2 years (2022)	3-5 years (2021]	(a) end of leave	end of well-paid leave (b)[1]	start of ECEC entitlement (c)	(c)-(a)	(c)-(b)
Argentina	5% [2018]	77% [2017]	8–8.3	2–2.3	▪ 4 years: OB	39.7–40	45.7–46
Australia	45% [2021]	86%	24	..	..	No ECEC entitlement	
Austria	20% [2021]	86%	24	14.2	▪ 5 years: OB & PT	36	45.8
Belgium	56%	98% [2019]	51	4	▪▪ 2.5 years	No gap	26
Bosnia and Herzegovina	/	/	11	..	▪ 5 years: OB & PT	49	..
Brazil	20% [2021]	69%	4.2–6.5	4.2–6.5	..	No ECEC entitlement	
Bulgaria	19%	77%	36	12.1	▪ 4 years: OB	12	35.9
Canada	/	/	12.8-19.5	..	..	No ECEC entitlement	
Canada: Québec	/	/	12.8	11.2	..	No ECEC entitlement	
Chile	20% [2021]	74%	5.6	5.6	..	No ECEC entitlement	
China	/	/	2.8	2.8	▪ 3 years	33.2	33.2
Colombia	34% [2021]	86%	4	4	▪ 5 years: OB	56	56
Croatia	27%	71%	36	14	▪ 6 years: OB & PT	36	58
Cyprus	30%	86%	13.5	6.5	▪ 4,7 years: OB	42.5	49.5
Czech Republic	8%	84%	36	11.6	▪ 3 years: OB at 5	No gap	24.4
Denmark	54% [2021]	97%	11.1	11.1	▪▪ 6 months	No gap	No gap
Estonia	27% [2021]	91%	36	17.8	▪▪18 months	No gap	*!No gap!*
Finland	37% [2021]	88%	36	12.4	▪▪ 9 months	No gap	No gap
France	58%	100%	36	4.4	▪ 3 years: OB	No gap	31.6
Germany	39% [2021]	93%	72	1.9	▪▪1 year	*!No gap!*	10.1
Greece	33%	69% [2019]	22.7-72	6.4-12.7	▪ 4 years: PT	25.3–no gap	35.3-41.6
Hungary	14%	93%	36	24	▪▪ birth: OB at 3	*!No gap!*	*!No gap!*
Iceland	49% [2021]	97%	20	12	..	No ECEC entitlement	
Ireland	31%	96%	24.3	..	▪▪ 32 months: PT	7.7	..
Israel	52% [2021]	99%	12	3.5	..	No ECEC entitlement	
Italy	32%	91%	16	5	..	No ECEC entitlement	

Country	Attendance rates at formal ECEC services		Child's age (months) at:			Gap (in months) between:	
	0-2 years (2022)	3-5 years (2021]	(a) end of leave	end of well-paid leave (b)[1]	start of ECEC entitlement (c)	(c)-(a)	(c)-(b)
Japan	44% [2019]	95%	14	14	..	No ECEC entitlement	
Korea	64% [2021]	96%	27	27	..	No ECEC entitlement	
Latvia	34%	93%	37.9	1.9	▪▪ 19 months	No gap	17.1
Lithuania	31% [2021]	91%	36	18	..	No ECEC entitlement	
Luxembourg	56%	89%	14.8	14.8	▪ 1 year: PT; OB at 4	No gap	No gap
Malta	/	86%	12.2-76.2	4.2	▪▪ 3 months[2]	No gap	No gap
Mexico	4% [2021]	74%	2.3	2.3	▪▪ birth: OB	*!No gap!*	*!No gap!*
Netherlands	73%	93%	16	8.1	▪ 4 years: PT	32	39.9
New Zealand	42% [2021]	89%	12.5	..	..	No ECEC entitlement	
Norway	59% [2021]	97%	37.5	13	▪▪12 months	No gap	No gap
Poland	17%	87%	50.2	14.2	▪ 3 years	No gap	21.8
Portugal	51%	91%	36	6	▪ 3 years	No gap	30
Romania	14%	76%	24	24	▪▪ Birth	*!No gap!*	*!No gap!*
Russian Federation	20% [2018]	83% [2017]	36	2.3	▪▪ 2 months	*!No gap!*	*!No gap!*
Serbia	/	/	36	11.3	▪ 6 years: OB & PT	36	60.7
Slovakia	3%	77%	36	13	▪ 5 years	24	47
Slovenia	45% [2021]	95%	13.2	13.2	▪▪ end of Par. leave	No gap	No gap
South Africa	/	/	4	..	..	No ECEC entitlement	
Spain	36% [2021]	96%	39.7	7.4	▪ 3 years	No gap	28.6
Sweden	48% [2021]	95%	18	13	▪▪ 12 months	No gap	No gap
Switzerland	34% [2021]	50%	3.7	3.7	..	No ECEC entitlement	
Türkiye	<1% [2021]	32%	9.3	3.3	..	No ECEC entitlement	
United Kingdom	41% [2018]	100%	13.5	1.4	▪ 3 years	22.5	34.6
USA	/	66% [2018]	..	..	..	No ECEC entitlement	
Uruguay	/	/	6.3–6.7	3.3–6.7	▪ 4 years	41.3–41.7	41.3–44.7
Vietnam	/	/	6.2	6.2	..	No ECEC entitlement	
OECD average	36%	86%					

Notes: 1=where bonus months are given if leave is shared, 'end of well-paid leave' includes these months. Both (a) and (b) give the child's age if leave was taken in one continuous period and full-time. If the length of Maternity leave or the fact that both parents should use their individual

entitlement to Parental leave in the same time period (e.g. both can use their 36 months entitlement until the child turns 3) affects the overall duration of leave, this is also taken into account. *Well-paid leave* is earnings-related payment at 66 per cent of previous earnings or above (based on legal replacement rate; in some countries benefits are taxed or may count towards income base for social security contributions, meaning that actual amounts received by the individuals may differ); **2=**(Malta): entitlement for children with parents in full-time employment or education.

Key: /=no data; **..=**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. **'!' ('*!no gap!*')**=indicates the existence of an entitlement that cannot be met due to a shortage of places (i.e. refers to the entitlement on paper, and not the actual availability of services).

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.

OECD notes that data on the use of early childhood education and care services for very young children (0- to 2-year-olds) come from several sources. For most countries, the data on enrolment…come from OECD Education at a Glance 2020, which itself collects data from national authorities through the OECD INES Ad-hoc Survey on Early Childhood Education and Care…Data [for] Belgium, the Czech Republic, France, Hungary, Greece, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Poland, the Slovak Republic, Switzerland, the United Kingdom, Bulgaria, Croatia, Cyprus, Malta and Romania are OECD estimates based on information European Union's Statistics on Income and Living Conditions (EU-SILC) survey… Data on the use of early childhood education and care and primary education for 3- to 5-year-olds come in all cases from the joint UNESCO-OECD-EUROSTAT (UOE) data collection programme, either via OECD Education at a Glance 2020 or the Eurostat database. (https://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.pdf, pp.6,7).

Statutory other measures: April 2024

Most countries include some provision to take **leave in the case of the illness of a child**. There are a few exceptions, e.g. China, Iceland, Mexico, Turkey, Uruguay. However, in Iceland, most of the parents are covered via collective agreements. In Malta, the right is limited to the public sector, and not available for private sector employees. For **European Union** member states, the **Work-life Balance 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,' yet 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 for public sector employees only (e.g., Brazil, Malta). 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 (for these, please consult the country notes). Length, payment, and other dimensions of leave also vary considerably.

Legislation which entitles parents to **reduce working hours** specifically during their child's early months is fairly common across the countries in the review. In some cases, usually focused on the period shortly after childbirth, this is intended to **facilitate the (breast-)feeding** of the child by the mother; but in several cases, this reduction has evolved into a general right that can be taken for any reason and/or by the father (e.g., Japan, Portugal, Slovenia, and Spain). Parents who are allowed to reduce their working hours in this way are usually entitled to earnings compensation. In Spain, reduced daily hours can be consolidated into full-time leave, thus, in practice, extending Maternity leave by between 2 to 4 weeks. In other cases, parents have the right to reduce working hours, extending beyond the early months after childbirth, and intended to support **combining care and (part-time) employment** (e.g., in Austria, Germany, Croatia, Finland).

Finally, in a growing number of countries – which is also stipulated by the EU Work-Life Balance Directive – the parents have a legal **right to *request* flexible working** (often in a specific form) from their employers. Typically, employers 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 the age of six have – in

principle – the right to work from home. We may expect rights to work (partially) from home to be further expanded, in particular in the aftermath of the COVID-19 pandemic and growing attention given to flexible working arrangements. In some countries (e.g. 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.

Table 5: Statutory other measures (April 2024)

Country	**Leave to care for sick dependents**		**Reduced hours**		**Right to request flexible work**
	Children	Others	(Breast)feeding[1]	Other	
Argentina Private sector	✖	✖	■■■ two 30-minute breaks per day	✖	Yes: Teleworkers who provide care for children under the age of 13 years or for disabled or older adults who require specific care have the right to have work schedules that are compatible with their care responsibilities, as well as to have breaks in their working day.
Public sector	■■■ 20 days per worker per year	■■■ 20 days per worker per year	■■■ two 1-hour breaks per day; or reduce working day by 2 hours	✖	✖
Australia	■■■ 10 days per worker per year	■■■ 10 days per year for immediate family	✖	✖	Yes: until child is 18 and all with caring responsibilities
Austria	■■■ 2 weeks per employee per year or ■ 9 months for a seriously ill child	■■■ 1 week per worker per year or ■ 5 months ■■ 4 weeks	■■■ 90-minute break per day	■ to 7 years (larger employers)	✖

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding[1]	Other	
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	✖	▪ 4-day working week
Bosnia and Herzegovina[3]	▪▪▪ varies by place	▪▪▪ varies by place	▪▪▪ time for break varies by place	▪/▪▪▪ right to work part-time and payment vary by place	✖
Brazil	▪▪▪ up to 60 days per illness + 30 days unpaid [public sector only]	[public sector only] ▪▪▪ up to 60 days per illness for spouse or family member + 30 days unpaid	▪▪▪ two 30-minute breaks per day to 6 months	✖	✖
Bulgaria	▪▪▪ up to 60 calendar days per year	▪▪▪ up to 60 calendar days per year for family members (incl. children)	▪▪▪ 2 hours per day for full-time work, 1 hour per day for part-time	▪ Right to *request* when returning to work after leave	Yes: Right to work from home (in principle[4]) for mothers of children under 6

[3] Bosnia and Herzegovina: While there are no statutory entitlements at the state level, leave to care for sick dependants and reduced hours for breastfeeding are regulated at the entity and cantonal levels (see country note for details).

[4] Although there is this statutory right of remote working for mothers with children under the age of 6 years, 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[1]	Other	
Canada	▪ 3 to 10 days in 3 provinces[5]	▪▪ 8 to 28 weeks if 'significant risk of death' for a family member	✖	✖	Yes: 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 per day to 2 years	✖	✖
China	✖	✖	▪▪▪ 1 hour per day, 2 hours for multiple births and nursing leave (in Yuannan and Shaanxi)	✖	✖
Colombia	▪▪▪ 10 days per year per parent for serious illness of child under 18 years	▪▪▪for 'grave domestic crisis'; no specified length	▪▪▪two 30-minute breaks per day to 2 years	✖	✖
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 ▪▪▪ Force majeure leave	▪▪▪ two 1 -breaks per day to 12 months	▪▪ to 3 or 8 years for child with extra care/ developmental needs	Yes: until a child is 8, or to care for a dependant with a severe illness/ disability

[5] 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		Right to request flexible work
	Children	Others	(Breast)feeding[1]	Other	
Cyprus	▪ 7 days per year	▪ 7 days per year	▪ 1 hour per day to 6 months after Maternity leave; or arrive 1 hour later/leave 1 hour earlier	✖	Yes
Czech Republic	▪▪ 9 days per illness	▪▪ 9 days per serious illness for relative at home	✖	✖	Yes: for care of a child under 15
Denmark[6]	▪▪▪ 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	▪▪▪ two 30-minute breaks per day or one 1 hour break to 18 months	▪▪▪ up to 10 days' additional paid leave plus a further 20 days unpaid ▪▪ 3 to 6 days' supplementary holiday	Yes
Finland	▪▪(▪)[7] 4 days per illness for a child up to 10 years. Special care allowance up to 2.4 months for severe illness, hospitalisation or rehabilitation	▪▪ Leave of absence (unpaid) to take care of a family member (duration not specified)	✖	▪▪ to end of second year at school	✖

[6] Denmark: no statutory entitlement to childcare leave or career breaks, dependent on collective agreement or individual contract.

[7] Finland: length of leave (4 days) 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 hospitalization 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** Children	Others	**Reduced hours** (Breast)feeding[1]	Other	**Right to request flexible work**
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 entitled to work part-time for family reasons	✖
Germany	▪▪▪ up to a maximum of 30 days at time, up to a maximum of 65 days per year for partnered parents (for working parents with statutory health insurance)	▪ 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 *Elternzeit*	✖
Greece					
Private sector	▪▪▪ 6 to 10 days per year per parent for sickness plus 30 unpaid days for hospitalisation ▪▪▪ 10 days per year per parent whose children (up to 18 years) need regular transfusion or dialysis, have cancer, or need a transplant funded. 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.	▪ 5 days unpaid carer's leave per year for dependent family members ▪▪▪ 2 x 1-day leave per year due to reasons of force majeure	✖	▪▪▪ 'Childcare' leave can be condensed to 3.6 months paid leave or to reduce hours for first 18 months of child's life.	Yes
Public sector			✖		Yes

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding[1]	Other	
	■■■ 6 to 10 days per year per parent for sickness plus 30 unpaid days for hospitalisation ■■■ 22 - 32 days per year per parent whose children (up to 18 years) need regular transfusion or dialysis, have cancer, or need a transplant funded. 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. ■■■ 2 days for care of child needing cancer treatment (2 days for each treatment) ■■■ 6 days of leave for care of a child with a serious disability	■■■ 32 days for spouse with certain medical conditions ■ 2 days for care of spouse needing cancer treatment (2 days for each treatment)		■■■ 'Childcare' leave can be condensed 9 months paid leave or to reduce hours for first 4 years of child's life.	
Hungary	■■ unlimited to 14 days per family per year (according to age of child) plus additional leave days	✖	■■■ two 1-hour breaks per day to 6 months; 1-hour break to 9 months	■■ to 3 years for all and until youngest child turns 5, if 3+ children	✖

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding[1]	Other	
Iceland	✖	✖	✖	✖	Yes: employers required to support family/work balance
Ireland	■■■ 3 days per year per parent ■ 5 days per worker for serious medical reasons	■ or ■■ up to 104 weeks for dependents ■ 5 days per worker for serious medical reasons	■■■ 1 hour per day in breaks or reduced working day to 2 years	✖	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 to 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
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	■ two 30 minutes breaks per day to 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	■■■ two 30-minute breaks per day to 12 months	✖	✖
Latvia	■■■ 14 to 21 days per sickness episode for a child under 14	Carers leave of 5 working days (unpaid)	■■■ 30 minutes every 3 hours to 18 months; or reduce working day; father or mother can use the right	■■■ Up to 3 days' additional annual leave ■ to 14 years	Yes: pregnant women, women in postpartum period, breast-feeding mothers, and workers with

Country	Leave to care for sick dependents Children	Others	Reduced hours (Breast)feeding[1]	Other	Right to request flexible work
					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 3 hours; or reduce working day		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 45 minute breaks per day or 1 90 minute break	✖	Yes: civil servants after returning from parental leave
Malta					
Public sector	▪ up to 1 year per parent for care of disabled child	▪ up to 1 year per parent for care of spouse or parents	▪▪▪ 1 to 3 breaks per day up to 1 hour in total	▪▪▪ 20 to 35 hours per week until child is 16	Yes: remote working, compressed hours (renewable yearly)
Private sector	✖	▪ Carer leave of 5 working days (unpaid)	✖	✖	Yes: carers and employees with children under 8 can request flexible working
Mexico	✖[8]	✖	▪▪▪ two 30-minute breaks per day to 6 months	✖	✖
Netherlands	▪▪▪ 2 x working hours/week per year ▪ 6 x working hours/week taken part-time per year	▪▪▪ 2 x working hours/week) per year ▪ 6 x working hours/week taken part-time per year	▪▪▪ up to 25 per cent of working hours to 9 months	✖	Yes: flexible hours and working from home for all employees; does not apply if employer has less than

[8] Mexico: only exception is full-time leave paid at 60 per cent of earnings to care for a child under 16 years of age diagnosed with cancer, during the period the child is in hospital or in need of continuous treatment

Country	Leave to care for sick dependents Children	Others	Reduced hours (Breast)feeding[1]	Other	Right to request flexible work
	where long-term care needed				10 employees and can be refused
New Zealand	■■■ 10 days per year	■■■ 10 days per year	■ right to request a break, can be refused	✖	Yes: but can be refused
Norway	■■■ 10 to 15 days per parent of child(ren) under 12 years per year; 20 to 30 days for single parent	■■■ 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	■■■ one 1-hour break per day to 12 months	■ to 10 years but can be refused	✖
Poland	■■■ 14 days per year per worker ■5 days leave per year to care for family member	■■■ 14 days per year per worker for family member in same household; ■ 5 days leave per year to care for family member	■■■ two 30-minute breaks per day while breast-feeding continues	✖	Yes: in certain circumstances (e.g. a disabled or seriously ill child) but can be refused
Portugal	■■ 30 days per year per family if child <12 years; 15 days if child >12 years. Also 6 months (or longer) per child for chronically ill or disabled child	■ 15 days per year for close relative + 15 days for severely disabled or chronically ill spouse	■■■ 2 hours per day to 12 months; father or mother can use the right	■ to 12 years	Yes: entitlement to work flexible hours until child 12 years
Romania	■■■ 45 days per year per family for child under 7 years (or 16 if serious	■■■ 5 days per year for relative or living in same household; 45 days per year to accompany	■■■ two 1-hour breaks per day to 12 months;	■■■ to 12 months ■■■ caring for elderly dependent relative	Yes: but can be refused

Country	Leave to care for sick dependents Children	Others	Reduced hours (Breast)feeding[1]	Other	Right to request flexible work
	illness or 18 if living with a disability)	person with cancer to treatment, if nominated by that person	or reduce working hours by two hours per day		
Russian Federation	■■■ 45 to 60 days per child per year depending on age of child; 4 days per month for child with disability	✖	■■■ 30 minutes every 3 hours per day to 18 months	▪ Pregnant women and parents with a child under 14 years of age (or a disabled child under 18 years) can ask for shorter working hours, which are unpaid	▪ Every employee can apply to their employer for a flexible schedule [but] the employer is not obliged to agree
Serbia	■■■ up to 15 days per illness episode for sick or injured family member younger than seven years of age or a family member older than seven years with severe developmental difficulties; up to 7 days per illness episode for the care of sick or injured family member older than seven years of age; up to 18 years of age in the case of a family member with severe health conditions	■■■ 5 days per year	■■■ 90 minutes per day to 12 months	✖	✖
Slovakia	■■ max 14 days per spell	■■ max 14 days per spell	■■■ two 30-minute breaks to 6 months,	✖	Yes: Pregnant women and women and men taking

Country	Leave to care for sick dependents Children	Others	Reduced hours (Breast)feeding[1]	Other	Right to request flexible work
			one 30-minute break to 12 months		care of children under 15 may ask for shorter working hours. Employers may decline the request due to serious operational reasons.
Slovenia	■■■ 10 to 20 days per illness, longer in exceptional cases	■■■ 10 days per illness for a spouse, longer in exceptional cases	■■ 1 hour per day to 18 months	■■ until 3 years, or longer if child lives with disability[9]	✖
South Africa	■■■ 3 to 5 days per year	■■■ 3 to 5 days per year	■■■ Two 30-minute breaks per day up to 6 months postpartum ✖	✖	✖
Spain	■■■ 2 to 5 days per illness per parent; 3 to 5 days public sector or ■■■ unlimited for seriously ill child in hospital or needing treatment at home	■■■ 2 to 5 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[10]	■ 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 ■■■ Unlimited for seriously ill child	■■■ Benefit for care of closely related (adult) person who is seriously ill (100 days)	■■■ (duration not specified)	■ reduced by 25 per cent up to 8 years; extendable in case of special needs	✖

[9] Slovenia: social security contributions based on the proportional part of average earnings in the previous 12 months (at least on the minimum wage and up to 2.5 times the national average salary) are paid for the hours not worked.

[10] 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**		**Right to request flexible work**
	Children	Others	(Breast)feeding[1]	Other	
Switzerland	■■■ 3 days per illness episode per family for children (no yearly maximum). For other family members it's 3 days per illness episode but 10 days max. per year. ■■■ 14 weeks (7 weeks per parent if 2 carers) to care for children after an accident / in case of serious illness	■■■ 3 days per illness episode and max. 10 days per year	■■■ 30 minutes to 1.5 hour per day (depending on hours worked) to 12 months	✖	✖
Türkiye	✖	✖	■■■ 1.5 to 3 hours per day to 12 months	■ reduced by 50 per cent to 6 years; can be refused for most of period	✖
United Kingdom	■ 'reasonable time'	■ 'reasonable time'	✖	■■ paid time off for both parents for antenatal care	Yes: all employees
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 sector Public sector	✖ ✖	✖ ✖	✖ ✖	■■■ to 5 months ■■■ minimum of 4 hours per day when baby is	✖ ✖

Country	Leave to care for sick dependents Children	Others	Reduced hours (Breast)feeding[1]	Other	Right to request flexible work
				between 3 and 12 months	
Vietnam	■■■ 20 working days for children under three; 15 working days for children aged three to seven	✖	■■■ 60-minute break per working day for mothers of children under 12 months	■■■ Leave for pre-natal check-ups: 5 working days (additional 2 for risky pregnancies)	✖

Notes: 1=This includes a 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.

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 of 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

Leave policy changes: April 2024

Table 6 gives a quick overview of **larger policy changes in the included countries**. For more information about those changes, we point to the individual country notes.

Table 6 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 Statutory other leave measures. We do not summarise changes in other policies at this point (e.g., early childhood education and care). Also, for more details, readers should refer to the country notes. For the four "groups" of changes, **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 or a structure of leave rights, we classify it as **recalibration** (**o**).

Which **types of changes** have been reported in the 2024 Review of Leave Policies? Please note that these are only policy changes enacted in the year *up to April 2024* (whereas there are often significant policy changes that are expected to be enacted later in the year).[11] In this 2024 edition of the leave review, **51 countries** are included. Of those, **24 countries and Canada-Quebec report *some* policy change** (while the rest report continuity across the different types of leave), which seems to indicate similar activity on leave reform when compared to the previous year. Possibly, in the previous year, and then continuing into 2024, reforms gained on track after comparatively strong stability over the COVID-19 pandemic years when measures often concerned temporary adaptations and support,[12] but also because of the need to align with the EU Work-Life Balance Directive. Some of the enacted changes are small (e.g., adjustments in benefit levels), others target specific groups, and a few transform the main parameters of national leave systems.

For **Maternity leave**, ten countries and Canada-Quebec report changes; 11 and Canada-Quebec for Paternity leave; and 17 and Canada-Quebec for Parental leave. Changes in 8 countries and Canada-Quebec concern Statutory other leave measures. Compared to

[11] 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 portrayed in the policy changes sections of each country note

[12] For an overview see: Koslowski, A., Blum, S. and Dobrotić, I. (2022) 'Leave policy in the time of pandemic: new developments and lessons learned', in Dobrotić, I., Blum, S. and Koslowski, A. (eds.) Research Handbook on Leave Policy*: Parenting and Social Inequalities in a Global Perspective*. Cheltenham: Edward Elgar Publishing, pp.384-397.

previous years (when there was a comparatively strong focus on reforming Paternity leave measures), now also Maternity leave and Parental leave and to some extent other statutory measures are subject to reform.

When it comes to qualifying the changes, a few **measures were newly introduced**. This included the introduction of new leaves, such as five days of paid domestic violence leave in Ireland, 20-day paid leave for grieving parents in Greece, or carers' leave in several countries (e.g. Luxembourg, UK), as well as the extension of existing leaves (e.g., Maternity leave in Cyprus). There were also changes related to leave restructuring (e.g. increase in non-transferable leave months in Austria), benefit increase or allowing (easier) access to leaves to groups of parents that were often marginalised within the leave schemes (e.g., same-sex parents in Estonia and Greece, or non-standard workers in France and Serbia).

Regarding the reform of existing measures, we see – as in previous years – that expansions and recalibrations are most widespread. Outright **retrenchment** measures are very rare. However, this statement should keep in mind that also the absence of a policy reform can mean significant change, namely, if e.g. benefit levels or benefit ceiling levels are not adapted to the significant inflationary losses we currently see in many countries.

Table 6: Overview of leave policy changes in 2023/24

	Maternity leave	**Paternity leave**	**Parental leave**	**Statutory other leave measures**
Argentina				
Australia	o leave structure and related payment	o leave structure and related payment	o leave structure and related payment	
Austria		↑ higher benefit (flat-rate and ceilings adjustment)	o non-transferable quota; single parents entitled to the same leave length as couples	
Belgium				
Bosnia and Herzegovina				
Brazil				
Bulgaria	↑ benefit height (floor); can be transferred to grandparents			
Canada				
Canada: Quebec	↑ additional weeks for single parents – under both Basic and Special plans	↑ additional weeks for single parents – under both Basic and Special plans	o additional weeks for parents who share o additional weeks for multiple births	↑ enhancement of low-income supplement – eligibility threshold raised

	Maternity leave	Paternity leave	Parental leave	Statutory other leave measures
China				
Chile				✓ 40-hour week law ✓ Law on the Reconciliation of Personal, Family, and Work Life
Colombia				
Croatia				
Cyprus	↑ increased by 4 weeks			
Czech Republic			↑ benefit	
Denmark				
Estonia		o same-sex partners' access	o same-sex partners' access	
Finland				
France	↑ self-employed are entitled to leave benefits if they have been working over the past six months (instead of ten months, previously)	↑ self-employed are entitled to leave benefits if they have been working over the past six months (instead of ten months, previously)		
Germany				
Greece	↑ special maternity leave is extended to self-employed and farmers o: Same-sex couples eligible	o same-sex couples eligible	o same-sex couples eligible	✓ twenty-day paid leave for grieving parents
Hungary				
Iceland				
Ireland	↑ benefit payment (5%)	↑ benefit payment (5%)	↑ benefit payment (5%)	✓ 5 days unpaid carer's leave ✓ 5 days of paid domestic violence leave ↑ breastfeeding breaks for longer period
Israel				
Italy			↑ allowance (see Country Note for the limited increase)	✓bonus for working mothers ↑ nursery school bonus ↑ fringe benefit threshold

	Maternity leave	Paternity leave	Parental leave	Statutory other leave measures
				x VAT cut on baby and feminine hygiene products is NOT confirmed
Japan				
Korea			↑ benefit height when both parents take leave	
Latvia				
Lithuania				
Luxembourg		↑ expansion of scope	↑ expansion of scope	✓carer leave ✓leave for reasons of force majeure
Malta			↑ the first 2 months are paid individual entitlement	
Mexico				
Netherlands				
New Zealand				
Norway				
Poland				
Portugal	↑ benefit payment if father takes 60 days o part-time option introduced ('Initial Parental leave')	o period of obligatory leave increased ('Fathers-only Parental Leave')	↑ benefit payment o part-time options introduced ('Additional Parental leave')	✓leave if the child dies during pregnancy ('Gestational mourning leave')
Romania			↑benefit payment for multiple births or further births while on leave	
Russian Federation			o benefit payment made to the leave-taker returning to full-time work until the child is 18 months	
Serbia	↑ eligibility for supplemental "childcare" leave extended to non-standard workers			
Slovakia	↑ benefit cap	↑ benefit cap	↑ benefit height	

	Maternity leave	Paternity leave	Parental leave	Statutory other leave measures
	↑ expansion of eligibility of student mothers			
Slovenia	↑ benefit floor	↑ benefit floor	↑ benefit height	
South Africa				
Spain			↑ longer unpaid leave & more flexible	↑ care leave
Sweden				
Switzerland				
Türkiye				
United Kingdom		o more flexibility on timing		√ care leave √ neonatal care leave o flexible working: increasing eligibility; o redundancy protection: extension to 18 months post birth + pregnancy
United States			↑ Two more states enacted paid family and medical leave programs	
Uruguay	↑ benefit height for health reasons (private sector)	↑ extended to 30 days for health reasons (private sector)	✓ public sector up to 6 or 9 months	
Vietnam				

Key: ✓ introduction, x abolishment, ↑ expansion, ¯ cutback, o recalibration

4. Country Notes: April 2024

Argentina[13]

Patricia Debeljuh and **Constanza Ginestra** (IAE Business School, Family-Work Balance Research Center (CONFyE) – *Universidad Austral*)

April 2024

N.B. Argentina Federation is a federal state comprising 23 provinces and an autonomous city, Buenos Aires.

The leave system is heterogeneous across the country. Different entitlements are offered depending on the sector (public or private) and province. Moreover, participation in the formal labour market determines access to different types of social protection benefits (including leave); consequently, a significant proportion of workers in the informal economy, in small companies or working as self-employed are excluded from these benefits. The information included in this report is based on the provisions regulated in the National Law 20.744 on Contract of Employment (1974)[14], which sets minimum standards. In some cases, these benefits are supplemented by collective bargaining agreements or private sector initiatives.

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.

[13] Please cite as Debeljuh, P. and Ginestra, C. (2024) 'Argentina Country Note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[14] *Ley de Contrato de Trabajo.* Available here.

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

a. Maternity leave (*Licencia por maternidad*) (responsibility of the National Social Security Administration - ANSES)

i. Private sector

Length of leave (before and after birth)

- Ninety calendar days: 30 to 45 days before the birth and 45 to 60 days after.
- It is obligatory to take leave from 30 days before birth to 45 days after.
- After Maternity leave, mothers can access an unpaid leave of absence (*período de excedencia*) that lasts three or six months.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.
- Funded by ANSES, the National Social Security Administration, which the federal government mainly finances.

Flexibility in use

- Women are allowed to work up to 30 days before the child is due.
- After Maternity leave, mothers can opt to return to employment or start an unpaid leave of absence (*período de excedencia*) of three or six months.
- In the event of a pre-term delivery, the entire period of leave that has not been used will be added to the post-natal leave period to complete the 90 days.

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

- Registered employees and domestic workers with at least three months in employment when starting the 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 mother

- For a child with Downs Syndrome, paid Maternity leave is extended by 6 months.
- There is no additional entitlement for multiple births.

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

- There are variations in eligibility established by collective bargaining agreements in each sector. For example, the Agrarian Labour Law (2011)[15]

[15] *Régimen de Trabajo Agrario* (2011) Available here.

mandates that temporary staff are covered under the same conditions as permanent staff.

- Basic provisions can be enhanced by private employers' practices. Thanks to the work that the Family and Business Conciliation Center (CONFyE)[16] has been developing since 2009, many companies from the private sector have identified the need to adopt new work-life practices. Evidence from CONFyE shows promising initiatives for mothers, such as:
  - The gradual reduction of working hours leading up to delivery.[17]
  - The extension of Maternity leave, usually 2 or 3 extra months paid by the company.[18]
  - The provision of similar Maternity leave to adoptive mothers.[19]
  - The extension of maternity leave in the case of multiple births or children with disability.[20]
  - Soft landing: mothers are allowed to gradually return to employment, with reduced working hours, while receiving full pay. The scheme varies across companies, but typically part-time work starts after the end of Maternity leave with four or five working hours per day. Companies also provide mothers with soft-landing policies for children with disabilities and adoption.[21]
  - Extra days for mothers when the child is in neonatology.[22]
  - Some companies offer a 30-day leave due to pregnancy termination.[23]

[16] CONFyE has published five guides compiling the private sector good practices to support maternity, paternity and care of dependents with actions that go beyond the law provisions. Available here.

[17] Debeljuh, P. and Ordóñez, M.E. (2019) *Hacia la integración familia – trabajo: guía de buenas prácticas* [Towards family-work integration: guide to good practices]. Buenos Aires: IAE Publishing, p.163.

[18] Idem, p.164.

[19] Debeljuh P. and Destéfano, A. (2013) *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* [Towards corporate family responsibility: good practice guide] Buenos Aires: IAE Publishing, p.148.

[20] Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, p.139.

[21] Debeljuh P. and Destéfano, A. (2011) *Hacia una empresa familiarmente responsable: guía de buenas prácticas* [Towards a family-friendly company: guide to good practices] Buenos Aires: IAE Publishing, p.112.

[22] Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, pp.139.

[23] Ibid.

ii. Public sector (under Collective Labour Agreement for Public Employment[24])

Length of leave (before and after birth)

- One hundred calendar days. 30 days of pre-natal leave and 70 days of post-natal leave.
- It is obligatory to take leave, though the 30 days prior to childbirth can be reduced with medical authorisation.
- After Maternity leave, mothers can access an unpaid leave of absence (*período de excedencia*) that lasts three or six months.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.
- Funded by ANSES, the National Social Security Administration, financed mainly by the federal government.

Flexibility in use

- None

Regional or local variations in leave policy

- See 'Additional note' below for regional variations in length and payment.

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

- All public sector employees 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

- In the case of multiple births, mothers are entitled to an extra ten days.
- From the 3rd child, women receive 10 more days per pregnancy.

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

- The collective agreements that regulate teacher conditions of employment offer benefits that, in most cases, enhance those recognised in the Collective Labour Agreement. Maternity leave for teachers varies according to the province, with a minimum of 84 days in Jujuy and a maximum of 210 days in Tierra del Fuego.
- The same occurs within provincial public employment, which varies from a minimum of 90 days in 6 provinces to a maximum of 210 days in Tierra del Fuego.

[24] *Convenio Colectivo de Trabajo General para la Administración Pública Nacional* [General Collective Labor Agreement for the National Public Administration](2006). Available here.

b. Paternity leave (*Licencia por paternidad*) (responsibility of the employer)

i. Private sector

Length of leave

- Two calendar days.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.
- Funded by employers.

Flexibility in use

- None. Leave must be taken immediately after birth.

Eligibility

- All registered employees are eligible.
- Informal 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; single parent); or delegation of leave to person other than the mother

- None.

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

- Some sectors have improved the Paternity leave entitlements offered by Law 20.744 on Contract of Employment (1974).[25] For instance, the Agrarian Labour Law (2011)[26] recognises a paid Paternity leave of 30 consecutive days to be taken between 45 days before childbirth and 12 months after birth.
- Basic provisions can be enhanced by private employers' practices. Evidence from CONFyE[27] shows promising initiatives mainly related to extending Paternity leave. In some companies, fathers can take up to 40 days with full pay after childbirth[28]. Flexible working arrangements may also be offered, such as part-time work during the first month after birth without earnings

[25] *Ley de Contrato de Trabajo.* Available here.

[26] *Régimen de Trabajo Agrario* (2011). Available here.

[27] CONFyE has published five guides compiling the private sector good practices to support maternity, paternity and care of dependents with actions that go beyond the law provisions. Publications available here.

[28] Debeljuh, P. and Ordóñez, M. E. (2017) *Hacia una responsabilidad compartida: guía de buenas prácticas* [Towards shared responsibility: good practice guide]. Buenos Aires: IAE Publishing, p.159.

reduction or one hour off during the first 30 days after returning to work, together with soft-landing policies for fathers of children with disabilities and adoptive fathers.[29]

ii. Public sector

Length of leave

- The Collective Labour Agreement for Public Employment[30] that regulates employment in the National Public Administration provides a leave of five working days for fathers.
- In provincial public employment, while some regions do not offer Paternity leave (Formosa and Santiago del Estero), most provinces provide 15 days (such as Buenos Aires[31]); La Rioja grants fathers 30 days.
- Paternity leave for teachers varies between 2 and 25 days, depending on the province.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.
- Funded by employers.

Flexibility in use

- None. Leave must be taken immediately after birth.

Eligibility

- All registered employees 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

- None.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

[29] Debeljuh, P. and Destéfano, A. (2015) *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas* [Towards a new pact between work and family: guide to good practices]. Buenos Aires: IAE Publishing, p.175.

[30] *Convenio Colectivo de Trabajo General para la Administración Pública Nacional* (2006). Available here.

[31] *Licencias parentales en la Provincia de Buenos Aires* [Parental leaves in the Province of Buenos Aires] (2023). Available here.

e. Other types of leave and flexible working

Adoption leave and pay

- No statutory entitlement. In the public sector, adoption leave is provided for mothers (100 calendar days) and fathers (30 calendar days) in national public administration. Some collective bargaining agreements covering teachers and provincial public sector employees provide leave for both parents, with significant variations between provinces, e.g., 30 days in Tucumán and a maximum of 180 days in four provinces.

Time off for the care of dependents

- No statutory entitlement.
- In the public sector, 20 days paid leave per parent per year is available for the care of a family member who is ill or injured; 30 days paid leave is available for workers with young children in the event of the death of a child's mother, father or guardian.
- In the private sector, some companies provide leave, for example allowing parents to take ten paid days for sick children[32]. For children with disabilities, some companies offer eight paid hours per month to accompany children to medical appointments[33]. Some companies provide assistance for family emergencies, such as caring for a child with a severe illness; this can be financial assistance, special paid leave, psychological assistance for the family group, or bereavement support[34].
- Some employers offer advice on prevention, disability and mental health issues delivered by professionals from disciplines such as Pedagogy, Psychology, Social Work and Medicine. From this holistic approach, comprehensive alternatives arise to address health problems, providing guidance to employees and their families for appropriate diagnostic and therapeutic evaluations, as well as advice for the accreditation of the Unique Certificate of Disability. This programme also includes support for employees undergoing a risky pregnancy or having a premature child, providing guidance and prevention actions, early stimulation, medical appointments, and support for families searching for institutional treatment and rehabilitation.[35]

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[32] Debeljuh P. and Destéfano, A. (2011) *Hacia una empresa familiarmente responsable: guía de buenas prácticas* [Towards a family-friendly company: guide to good practices] Buenos Aires: IAE Publishing, p.122.

[33] Debeljuh P. and Destéfano, A. (2013) *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* [Towards corporate family responsibility: good practice guide] Buenos Aires: IAE Publishing, p.148.

[34] Debeljuh, P. and Destéfano, A. (2015) *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas* [Towards a new pact between work and family: guide to good practices]. Buenos Aires: IAE Publishing, pp.217-227.

[35] Debeljuh, P. and De La Serna M. (2021) *Hacia un nuevo mundo laboral y familiar: guía de buenas prácticas* [Towards a new world of work and family: guide to good practices] Buenos Aires: IAE Publishing, p.151.

- Time for mothers to spend with children during the first days of school.[36]

Specific provision for (breast) feeding

- In the private sector, every working mother has the right to take two breaks of 30 minutes each day for one year after birth. The time devoted to breastfeeding is considered part of the working day and, therefore, is paid. It is a widespread practice to have lactation rooms in workplaces.
- In the public sector, every working mother has the right to take two breaks of one hour a day, for one year after birth, with the option of reducing the working day by two hours. In provincial public employment, there are some variations, e.g., breaks or reductions in the working day may vary from three months after Maternity leave to five years. In the City of Buenos Aires, Law No. 2958 (2008) mandates the implementation of breastfeeding rooms in the public sector. These spaces should be private, comfortable, and exclusive for lactating mothers.[37]
- Infrastructure facilities: Lactation rooms are also provided by companies offering the possibility of continuing breastfeeding while working.[38][39] Additionally, some companies provide exclusive parking spaces for pregnant or breastfeeding mothers (this is especially important in big cities such as Buenos Aires).[40]

Flexible working

- Flexible working arrangements: working wholly or partly from home, combined if desired with time in the office[41].

Gender-based violence leave

- There are action protocols against cases of intrahousehold violence or gender-based violence in the public and private sectors. Government employees at the national[42] and provincial[43] levels can access these leaves.

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[36] Debeljuh P. and Destéfano, A. (2013) *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* [Towards corporate family responsibility: good practice guide] Buenos Aires: IAE Publishing, p.153.

[37] Law 2958, City of Buenos Aires.

[38] Debeljuh P. and Destéfano, A. (2011) *Hacia una empresa familiarmente responsable: guía de buenas prácticas* [Towards a family-friendly company: guide to good practices] Buenos Aires: IAE Publishing, pp.146-150.

[39] Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, pp.162.

[40] Debeljuh, P. and Destéfano, A. (2015) *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas* [Towards a new pact between work and family: guide to good practices]. Buenos Aires: IAE Publishing, p.184.

[41] Debeljuh P. and Destéfano, A. (2011) *Hacia una empresa familiarmente responsable: guía de buenas prácticas* [Towards a family-friendly company: guide to good practices] Buenos Aires: IAE Publishing, p.122.

[42] Resolution 24/2019.

[43] Decree 121/2020, Buenos Aires.

For example, in the province of Buenos Aires, women may take up to 35 days per year, while in Jujuy the leave consists of 20 days.[44] Some companies also offer similar benefits. The protocols include a special 15-days paid leave (which can be renewed if necessary), a salary advance and a loan, with a 0 per cent interest rate to be repaid in up to 42 instalments.[45]

Remote work

- Teleworkers who provide care for children under the age of 13 years or for disabled or older adults who require specific care have the right to have work schedules that are compatible with their care responsibilities, as well as to have breaks in their working day. Any act, conduct, decision, retaliation or obstruction from the employer that violates these rights will be presumed discriminatory and liable to sanctions.[46] This law came into force in April 2021, and among its articles includes the right to the digital disconnection that allows the employee who teleworks to be able to rest, recover and recompose between the end of a teleworking day and the following day, protecting free time so that work does not invade their family environment.

Other measures

- Some companies offer nursery services in their facilities for employees' children (from 45 days to 2[47] or 4[48] years old). The private sector is making progress in offering fathers the same benefits as are already provided for mothers. For example, some companies offer financial support by reimbursing the costs associated with childcare up to preschool age; and some companies provide hours or days off work when children start school, which was initially a benefit granted to mothers.[49]
- Some companies also provide nursery services to rural workers with children aged up to 4 years during working hours. With the aim of preventing child labour, these companies also offer informal education centres for employees' children aged 10-17 years. These centres are free of charge and open to the community.[50]

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[44] Decree 121/2020, Buenos Aires.

[45] Debeljuh, P. and Ordóñez, M.E. (2019) *Hacia la integración familia – trabajo: guía de buenas prácticas* [Towards family-work integration: guide to good practices]. Buenos Aires: IAE Publishing.

[46] *Boletín Oficial* Argentina (August 2020).

[47] Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, p.162.

[48] Debeljuh P. and Destéfano, A. (2013) *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas* [Towards corporate family responsibility: good practice guide] Buenos Aires: IAE Publishing, p.189.

[49] Idem p. 174.

[50] Debeljuh P. and De la Serna M. (2023) *Hacia el cuidado de la ecología humana: familia, empresa y sociedad: guía de buenas prácticas* [Towards the care of human ecology: family, business and society: guide to good practices]. Buenos Aires: IAE Publishing, pp.151.

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

The maximum period of post-natal leave is eight months or just over eight months (depending on the sector), but most of this is unpaid, with well-paid leave only available for less than three months. In addition, kindergarten attendance is compulsory for four and 5-year-olds, so there is a gap of almost four years between the end of well-paid leave and entitlement to Early Childhood Education and Care (ECEC).

Article 179 of Law 20.744 on Contract of Employment (1974)[51] requires providing care services in the workplace for companies with fifty or more employed women. This law was recently executed (March 2022) through Decree 144/2022 (see section 3 below).

ECEC for children under four years is offered in a variety of (mostly private) institutions, such as nurseries (*salas cunas, prejardines, jardines maternales*), kindergartens and child development centres (*centros de desarrollo infantil o centros de cuidado comunitario*). Expanding national child development centres (Law 26.233) has enabled some progress in providing children with care and education. These centres have been created to promote the healthy development of children from 45 days to 3 years of age; they can be public or privately owned, and the period of a child's attendance is agreed upon with parents[52]. Argentina has also launched the National Early Childhood Plan to guarantee nutrition, early stimulation, and healthcare for the most vulnerable children (aged 0 to 4).

In March 2022, the government launched National Decree 144/2022, which regulates the establishment of childcare services in companies with 100 or more employees. The provision of childcare services for children aged 45 days to 3 years old in workplaces with 100 or more employees is now mandatory regardless of hiring modalities. In collective bargaining agreements, this obligation can be replaced by a documented reimbursement of childcare expenses. For remote workers, the obligation to provide childcare services can be fulfilled by paying a non-remunerative sum. The obligation to offer childcare services has been enforceable since March 2023. Failure to comply with the duty to provide these services will be considered a severe labour infraction under the terms of Law 25,212, which ratifies the Federal Labour Pact. Severe infractions will be sanctioned with a fine of 50 to 2,000 per cent of the monthly value of the Minimum Salary in force when verifying the infraction for each affected worker.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

[51] *Ley de Contrato de Trabajo.* Available here.

[52] OIT, UNICEF, PNUD, CIPPEC (2018). *Las políticas de cuidado en Argentina. Avances y desafíos*. Available here.

3. **Changes in policy since April 2023** (including proposals currently under discussion)

Since April 2022, projects have been presented in the national and provincial parliaments. In May 2022, the national government, presented a project to extend maternity and paternity leaves, promoting the creation of the Integral System of Care Policies. The objective is the implementation of equal parental leave for both parents. If the bill were approved, paternity leave would be 15 days, and in the next eight years, it would escalate to 90 days. In addition, mothers will also have a leave extension from 90 days to 126 days. This project has been passed by the Lower House (*Cámara de Diputados*) but, as of March 2024, this bill has not been evaluated by the Senate.[53]

In December 2023, the new government issued a reform decree known as DNU 70/2023. It contains 366 articles and repeals key legislation, as well as delivering substantial changes to a number of key economic, labour, and institutional matters. In terms of leaves, the modification brings a change in the number of days that a female worker must take off before delivery: from a minimum of 30 days, it becomes 10 days. That is, the pregnant worker may choose to take her leave prior to childbirth reduced for a period of not less than ten days, and the rest of the total license period may be accumulated during the postpartum period. In cases of pre-term birth, the entire period of leave that was not taken before the birth will be accumulated to the subsequent rest period, and in this way, the complete 90 days of leave.

The decree also establishes changes in the intersection of care and remote work. The original text of the law provides remote workers who provide care for children under 13, people with disabilities, or older adults who live with the worker and require specific assistance, with work hours compatible with caring tasks. The law (approved during the Covid-19 pandemic), protects this right against any act, conduct, decision, retaliation, or obstruction from employer that violates these rights. Specifically, a presumption is established in favour of the worker, based on which all acts, conduct or decisions that entail retaliation and hinder the exercise of this right are presumed to be discriminatory, making the provisions of Law 23,592 on Discriminatory Acts applicable.

The modifications to this law introduced by DNU 70/2023 result in a restriction on negotiation with the employer and the terms of that agreement. The DNU establishes that workers will have the right to coordinate with the employer schedules compatible with the care task in their charge and/or the sporadic interruption of their day, as long as it does not affect what is required of their work and states that periods of time are compensated in a manner consistent with the tasks. The presumption regarding the configuration of a discriminatory act in employment does not apply, and the employer is granted the power to compensate expenses for care tasks, leaving this article without application.

[53] Mestas Izurieta, G. (2023) Un proyecto de ley busca redistribuir las tareas de cuidado para que no recaigan sólo en las mujeres. Available here.

As of March 2024, this decree has not been approved by the Senate, and it will go to the Lower House for revision in the next months. To be repealed, the DNU needs to be rejected by both the upper and lower house of Congress.

4. Uptake of leave

a. Maternity leave

No information available.

b. Paternity leave

No information available.

c. Parental leave

No statutory entitlement.

Australia[54]

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April 2024

N.B. Australia is a federation of 6 states and 2 territories.

Note on the federal division of power and industrial relations systems: In the Australian federation, minimum employment conditions for most employees are set by national (Commonwealth) legislation: this includes the entitlement to unpaid parental leave, which is one of eleven National Employment Standards under the Fair Work Act 2009 (Commonwealth). Minimum conditions for employees under other jurisdictions (e.g., the public service employees of state governments) are set within the relevant state jurisdictions and may exceed those provided at the national level. In all jurisdictions, terms and conditions of employment are set through a combination of legislation and awards (prescriptive industrial instruments covering specific industries or occupations and determined by industrial tribunals). In addition, conditions may be extended in collective agreements (called Enterprise Agreements) made between the employer and labour union and in employer or company policies.

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.

[54] Please cite as: Baird, M., Baxter, J.A. and Hamilton, M. (2024) 'Australia country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

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

Note on terminology:

In Australian national legislation 'Parental leave' is 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.

The terms 'primary carer', 'secondary carer' and 'tertiary carer' are also used in legislation and in some employer schemes. Primary carer usually refers to the birth parent (mother), secondary carer to the other parent (father or same sex partner) and tertiary carer to a grandparent or other person who has taken on the care of the infant.

a. Maternity leave

- In Australian national legislation there is no separate statutory entitlement to 'Maternity' leave.
- Mothers have access to unpaid Parental leave under the Fair Work Act 2009 (see 1c for details).
- Mothers also have access to Parental Leave Pay under the Paid Parental Leave Act 2010 (see 1c *Payment and funding*).
- Specific entitlements to Maternity leave payments may, however, be provided by employers. Employer-paid Maternity leave, usually at wage replacement level, may be available to female employees through industrial instruments (awards and collectively-negotiated enterprise agreements), company policies, or legislation covering public sector employees in Australia's national, state or territory jurisdictions.
- Employer terminology varies in relation to paid leave entitlements, with labels including primary and secondary carer leave as well as Maternity, Paternity, or Parental leave. As these distinctions are not consistently captured in survey data, we do not report estimates for the prevalence of employer-paid Maternity leave here.

b. Paternity leave

- As with Maternity leave, there is no separate 'Paternity' leave entitlement in Australian national legislation. Fathers or partners have access to the unpaid Parental leave provisions of the Fair Work Act 2009 (see 1c for details).
- Fathers also have access to Parental Leave Pay under the Paid Parental Leave Act 2010 (see 1c *Payment and funding*).
- Employer-paid Paternity leave may also be available to some fathers and partners through company policies, industrial instruments (awards and collectively-negotiated enterprise agreements), or legislation covering public sector employees in Australia's various jurisdictions. As the data limitations noted above for employer-paid Maternity leave apply also to Paternity leave, we do not report estimates for employer-paid Paternity leave here.

- We do know, however, that 42 per cent of employers with 100 or more employees provide paid parental leave that differentiates primary and secondary carers and 21 per cent of employers with 100 or more employees provide universal carer leave, that is, a leave that does not differentiate between maternity/paternity or primary/secondary carer status. Secondary carer leave is predominantly taken by fathers.[55]

c. Parental leave (responsibility of the Department of Social Services (for payments) and the Department of Employment and Workplace Relations (for law))

Length of leave

- 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 request to extend their leave by an equivalent amount (up to 12 months extra, 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 date of the birth or adoption of the child, or from up to 6 weeks before the expected date of birth of the child, or earlier if the employer agrees.[56]
- 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.
- Thirty days of the 24 month leave period, starting at date of birth or adoption, can be taken flexibly. This period, known as 'Flexible unpaid parental leave', is available to both parents and can be taken in a single continuous period or separate periods of one or more days.
- 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 (vacation) leave, can also be used. However, for each period of paid leave used, the unpaid Parental leave

[55] https://www.wgea.gov.au/data-statistics/data-explorer Accessed 2 April, 2024.

[56] The Fair Work Act 2009, at section 80, also provides for 'unpaid special maternity leave', which is available to an employee with a pregnancy-related illness or whose pregnancy ends after 12 weeks of gestation otherwise than in the birth of a living child, although not with a 'stillbirth' as defined in the Act (other provisions apply in cases of stillbirth). For further details, see 1c, Variation in leave due to child or family reasons.

entitlement is reduced by the same amount, so that the maximum time available for Parental leave per working couple is still 2 years.

Payment and funding

- One hundred days or 20 weeks of Parental Leave Pay is available under the Paid Parental Leave Act 2010, funded through general revenue. (The formerly separate Dad and Partner Pay of two weeks was combined with the 18 weeks of Parental Leave Pay to create 20 weeks, or 100 days.)
- Parental Leave Pay is paid to eligible parents at a rate based on the national minimum wage (currently AUD$23.23 [€14.45][57] per hour or AUD$882.80 [€549.14] per 38-hour week[58]) for up to 20 weeks following the birth or adoption of a child.
- The weekly payment rate was equivalent to 47 per cent of average weekly ordinary time earnings in November 2023.[59]
- Parental Leave Pay can be received during unpaid leave or while on paid leave, such as employer-paid Parental leave or annual leave. The majority of mothers (or designated primary carers) receive the government Parental Leave Pay via their employer[60], while others receive it directly from the government. Employers can opt to top up an employee's statutory parental leave pay to their full wage, but few employers do.[61]
- All forms of paid parental leave (government and employer-funded entitlements) are taxed.
- In Australia, retirement benefits are based on superannuation (contributions to an individual account paid by a mix of employee and employer contributions) and a publicly-funded Age Pension that is means-tested and not linked to paid workforce participation. It is compulsory for employers to make contributions to eligible employees' superannuation funds and additional voluntary contributions by employees are encouraged through tax concessions. These contributions continue when employees take most forms of paid leave. Currently, no superannuation contributions are made by the government while parents are on unpaid Parental leave or in receipt of Parental Leave Pay. These arrangements disproportionately disadvantage

[57] Conversion of currency undertaken for 15 July 2024, using: https://data.ecb.europa.eu/currency-converter.

[5] As of 1 July 2023. The rate is adjusted annually. See https://www.fairwork.gov.au/pay-and-wages/minimum-wages#national Accessed 2 April 2024.

[59] Australian Bureau of Statistics. (2023, November). Average Weekly Earnings, Australia. ABS. https://www.abs.gov.au/statistics/labour/earnings-and-working-conditions/average-weekly-earnings-australia/latest-release. Accessed 2 April 2024.

[60] 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.

[61] Baird, M., Hamilton, M., & Constantin, A. (2021) 'Gender equality and paid parental leave in Australia: A decade of giant leaps or baby steps?' *Journal of Industrial Relations*, Vol.63, 4: 546–567

women, the main recipients of Parental leave and pay entitlements. (This will change from 1 July 2025 - see Section 3).[62]

Flexibility in use

- Unpaid Parental leave under the National Employment Standard in the Fair Work Act must be taken in one continuous period, except as noted in the following.
- Where both parents are eligible for the 12 months unpaid Parental leave entitlement, they cannot access leave at the same time except for a period of up to eight weeks, when the parent who is not the primary carer can take leave concurrently with the primary carer. These eight weeks may be taken in separate periods any time during the first 12 months.
- From November 2020, changes to the Fair Work Act 2009 meant that eligible employees can use up to 30 days of their unpaid parental leave *flexibly* at any time within 24 months commencing on the date of the child's birth or adoption. This leave can be taken in a single continuous block or in separate periods of one or more days each. However, the total duration of unpaid Parental leave for an individual employee remains 12 months (or up to 24 months if partner has not used their unpaid parental leave and with agreement of employer); the difference is that up to 6 weeks of that 12 months period of leave can be taken flexibly in the second year following the birth of the child.
- For Parental Leave Pay, within couples, 10 days or 2 weeks is reserved for each parent on a 'use it or lose it' basis. This means that each parent can use at most 90 of the 100 days, with the remaining 10 days reserved to share with the other parent if they are eligible. That is, if the birth mother is eligible for Parental Leave Pay, she can choose to use the 100 days of Parental Leave Pay, but if she has a partner she cannot use more than 90 days.
- Each parent can take up to 10 days of the Parental Leave Pay concurrently, that is, at the same time.
- Partners can only access a share of Parental Leave Pay if they themselves are eligible and the birth parent meets the work test. That is, fathers cannot access a share of Parental Leave Pay if mothers have not met the work test for Parental Leave Pay[63].
- From 1 July 2023 recipients of Parental Leave Pay can use their parental leave entitlements flexibly to take PPL days in blocks of a day at a time with periods of work in between.

[62] https://www.wgea.gov.au/data-statistics/data-explorer

[63] This description of these changes was originally reported in Baxter, J. & Budinski (2023). Parental Leave Pay and Dad and Partner Pay: Patterns of use. AIFS Research Report. Melbourne: AIFS

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

- For unpaid Parental leave:
  - 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 and not permanent) 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.
  - Spousal, de-facto relationships (both heterosexual and same sex)[64] are recognised for unpaid Parental leave entitlements under the Fair Work Act 2009.
- For paid Parental leave:
  - The parent with primary care of the child (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 a 12-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.
  - Self-employed workers who meet the same criteria as employed parents have access to Parental Leave Pay under the national scheme.
  - Government-funded Parental Leave Pay is restricted to couples with a family income limit of AUD$350,000 [€217,715.85] adjusted taxable income (ATI) or an individual income limit of AUD$156,647 [€97,441.53] per year.
  - 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 (vacation) leave, long service leave, or employer-funded Parental leave).
- Parents who are not in work are not eligible for Parental Leave Pay but may be eligible for the Newborn Upfront Payment (currently AUD$641 per child [€398.73]) and a Newborn supplement paid for up to 13 weeks (dependent on family income and number of children, with a current maximum payment of AUD$1,924.65 [€1,197.22] over 13 weeks for a first child). Neither of these payments are taxable.

[64] 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 exceptions noted earlier) it would be difficult for a non-co-resident couple to share the 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

- From November 2020, changes to the Fair Work Act 2009 extended the entitlement to 12 months' unpaid Parental leave to allow employees who would have been eligible in the case of a live birth to retain the entitlement in the case of a stillbirth. The definition of a stillborn child in the Act includes a period of gestation of at least 20 weeks.
- Special unpaid Maternity leave may be taken in cases of pregnancy-related illness or if the pregnancy ends after a period of gestation of at least 12 weeks other than by the birth of a live child, but is not stillborn (as defined in the Act). 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 called 'Universal Carer Leave' or differentiated as paid Maternity, Paternity or Primary and Secondary Carer Leave, is available in some industrial instruments (awards or collectively negotiated enterprise agreements) and company policies. As explained earlier, these provisions are usually at full replacement salary and on this measure exceed national statutory entitlements.
- The Australian Workplace Gender Equality Agency (WGEA) records provision of 'Universal Carer', 'Primary Carer' and 'Secondary Carer' paid Parental leave by private sector organisations with 100 or more employees. It reported that 63 per cent of these organisations provided paid parental leave for an average duration of 12 weeks.
- A majority (84 per cent) of employer-funded primary carer leave providers pay their employees' superannuation while they are on employer-funded leave.
- There are no current or trend data available for organisations with fewer than 100 employees.
- 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 of their leave by taking the leave at half pay.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

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 up to ten days of paid personal/carer's leave per year of service, reduced for employees with fractional appointments on a pro rata basis.
- Paid personal/carer's leave includes both 'sick' and 'carer' 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 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.

Specific provision for (breast)feeding

- Neither national nor state/territory laws provide an explicit right to paid breaks for breastfeeding or to express milk at work. However, the right not to be discriminated against on the basis of sex exists in all Australian jurisdictions, explicitly or implicitly covering breastfeeding.[65]
- A survey of private organisations with 100 or more employees indicated that 68.8 per cent reported providing breastfeeding facilities in 2021 but did not provide details on the nature of the facilities[66]. The proportion increased significantly from 2013-14, when only 45 per cent of organisations reported such arrangements.[67]
- The Commonwealth Sex Discrimination Act 1984 (s7AA) expressly prohibits employers from treating women less favourably because of their breastfeeding or expressing of milk, and from imposing a condition or practice likely to have the effect of disadvantaging such women.

[65] 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

[66]WGEA, Data Explorer: http://data.wgea.gov.au/industries/1#carers_content

[67] WGEA (2022) *Australia's gender equality scorecard, 29*.

Flexible work arrangements

- One of the eleven National Employment Standards contained in the Fair Work Act 2009 provides a statutory right to request flexible working arrangements, in relation to hours of work, location of work (i.e. a closer business location or working from home) and pattern of work (i.e. job sharing, working split shifts, etc).
- The range of employees entitled to request such arrangements includes employees with caring responsibilities, that is parents or guardians of children who are school age or younger, as well as employees with a family member with a disability or chronic illness, employees aged 55 years or over, and employees experiencing family violence or caring for a family or household member who is experiencing family violence.
- While previously an employer was able to refuse a request on 'reasonable business grounds' and the right was not enforceable by any third-party body, this changed in 2023.
- From 6 June 2023, there was an expansion of the grounds under which a person has a right to request flexible work to include employees who are pregnant. The changes also introduced a clear and transparent process that employers must undertake in considering a request and a new role for the Fair Work Commission (the national industrial relations tribunal) in dealing with a dispute between an employer and employee about a request. This will include mediating and conciliating, or mandatory arbitration if a solution cannot be found.[68]
- Awards and collective 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.

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'.
- From 1 January 2020, a Dangerous Jobs provision has been introduced for women working in areas such as mining or heavy manufacturing, so that the date they stop work is no longer calculated as the expected date of birth, but as the date at which work stopped due to safety reasons. Parental Leave Pay recipients still have to meet the work requirements prior to the date of stopping work.

[68] Australian Government, Department of Employment and Workplace Relations (2022) *Job security and gender equality: Right to request flexible working arrangements*. Available at: https://www.dewr.gov.au/download/14739/right-request-flexible-work-arrangements/31681/right-request-flexible-work-arrangements/pdf

Domestic and Family Violence Leave

- One of the National Employment Standards of the Fair Work Act is paid domestic and family violence leave. All employees (full-time, part time and casual) are entitled to 10 days paid domestic and family violence leave per year. To be eligible they must be experiencing family or domestic violence.
- As with annual leave, or paid sick leave, it is paid by the employer at the employee's normal salary or wage level.
- The leave can be taken as a continuous 10 day period, in periods of one day, or less by agreement between the employee and the employer.

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

There is no formal or legislated relationship between leave policy and ECEC policy in Australia. Parental leaves are legislated and implemented by both governments and employers completely independently from ECEC policy.

There is no universal entitlement for children to an ECEC place. ECEC providers operate in the private, community and government sectors, with approved providers delivering child care that can be subsidised through the (national) Child Care Subsidy, described below. Different supports and funding concern preschool (nursery) education in the one or two years before full-time school, with arrangements varying by jurisdiction. An agreement between all Australian states and territories (the Preschool Reform Agreement, previously the Universal Access National Partnership agreements) focuses on improving access to 15 hours of quality nursery education for children in the year before compulsory schooling (i.e., from around age 5 years).

For those using an approved ECEC service, eligibility for the Child Care Subsidy (CCS) depends on family income, the activity level of both parents (described further below), the type of service used and the number of children aged 5 years or younger. Changes to the CCS were introduced in July 2023 that increased the rate of subsidy for families with incomes less than $530,000 per year. From this time, if families have more than one child aged 5 or under using an ECEC service, higher subsidy rates apply for second or subsequent children aged 5 years or under, so there are two tiers of subsidy and there are different family income tests for the "standard" subsidy and the "higher" subsidy. The standard subsidy rate is highest (90 per cent) for lower income families (family income up to AUD$80,000 [€49,763.62]), decreasing in steps to a subsidy rate of zero for the highest income families (family income of AUD$530,000 [€329,684.00] or more). The higher subsidy rate for second or subsequent children aged up to 5 years has more steps between the 95 per cent higher subsidy for family incomes up to AUD$138,118 [€85,915.65], down to 50 per cent for family incomes of AUD$362,408 [€225,434.19]. If family income is greater than AUD$362,408 [€225,434.19] the standard rates apply for all children up to 5 years.

Using the subsidy 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 receive CCS. Further, the number of hours of activity beyond this threshold determines how many hours are subsidised. 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 care being subsidised per child per fortnight. If the approved activity total is more than 48 hours per fortnight, the child's care can be subsidised for up to 100 hours per fortnight. Parents can use more than the amount of care they are subsidised, but they will pay the full fee to the child care service for amounts beyond what is subsidised.

Being in paid work is an 'approved activity'. Being on paid or unpaid Parental leave also counts as an approved activity. However, parents who have left work but are not on any form of leave need to meet the activity test through other means in order to access CCS, for example through study or volunteering. Other approved activities include working unpaid in a family business, being self-employed, looking for work, volunteering, or studying.[69]

There are exemptions to the activity test as part of the Child Care Safety Net. Through this, low-income families (up to AUD$80,000 [€49,763.62] per year) can access 24 hours of subsidised care per child per fortnight, without having to meet the activity test. Aboriginal and Torres Strait Islander children can also access at least 36 hours of CCS per fortnight when parents do not 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.[70]

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

After the change of government in May 2022, the new Labor Government announced a strong policy focus on improving gender equality and increasing women's workforce participation. As a consequence, the Paid Parental Leave scheme has undergone a significant reconfiguration, as discussed above, and further change is legislated to occur each year until 2026.

[69] For evaluation of the Child Care Package, including information on the introduction of the Child Care Subsidy and findings related to the activity test, see Australian Institute of Family Studies (2022) *Child Care Package Evaluation: Final Report*. Available at: https://aifs.gov.au/publications/child-care-package-evaluation-final-report

[70] Exemptions for Child Care Subsidy - Child Care Subsidy - Services Australia

Parental leave

In relation to Parental Leave Pay, changes in legislation came into effect from 1 July 2023. As a result of the changes, the previous two payments – 18 weeks' Parental Leave Pay and 2 weeks' Dad and Partner Pay – were combined into a single 100 days, 20 week family entitlement that can be used in periods of one day at a time and accessed any time within two years after the child's birth or adoption.

Under the new arrangements, which continue to be paid at the National Minimum Wage, single parents now have access to the full 100 days, 20 weeks, rather than 18, weeks of payment.

For couples (including same-sex couples) two weeks is reserved for each parent/claimant, with the remaining 16 weeks to share as they choose, but only two weeks can be taken concurrently.

From 1 July 2023, the categories of 'primary' and 'secondary' claimant were removed as was the requirement that the primary claimant of Parental Leave Pay must be the birth parent, so that a father or partner may claim the payment directly rather than requiring the transfer of the payment from the birth mother.

The government will also extend the duration of Parental Leave Pay by two weeks on 1 July each year: 2024, 2025 and 2026 so that the total length will be 26 weeks by 2026.

The reserved portion will be increased by one week each year from 1 July 2025 to reach 4 weeks from 1 July 2026. The days that can be taken concurrently by parents will be 4 weeks by 1 July 2025.

In March 2024 the government announced that from 1 July 2025 it will pay superannuation on Parental Leave Pay.

Early childhood education and care

As described above, the Childcare Subsidy changed from July 2023. The result of the changes is that all families with incomes below AUD$530,000 experienced a rise in the rate of subsidy received after July 2023. A higher subsidy rate was introduced for families with more than one child aged under five years. Further, changes to the activity test mean that Aboriginal and Torres Strait Islander children can access 36 hours of subsidised child care even if parents do not meet the activity test.

4. Uptake of leave

Information on take-up rates is limited in Australia. The number of recipients of Parental Leave Pay and Dad and Partner Pay is published in the annual reports of the Australian Government Department of Social Services (see 4b and 4c). These reports no longer include an estimate of take-up). Take-up rates for the unpaid Parental leave entitlement under the National Employment Standard in the Fair Work Act 2009 are not regularly estimated either. The figures presented in 4c are based on recently published research using administrative data linked to the 2021

Australian Census of Population and Housing ("the Census", 10 August 2021) data.[71]

a. Maternity leave

As explained above (1a), the term 'Maternity leave' is not used in Australia for the national statutory entitlements to unpaid Parental leave or Parental leave payments. It is still used in some instances in employer-paid schemes (though the language of primary and secondary carer leave, rather than maternity and paternity leave, has been common but is also now changing). However, (as noted above) take-up estimates are precluded by data limitations.

b. Paternity leave

As with employer-paid Maternity leave, the take-up of employer-paid Paternity leave schemes is not reported in this country note due to data limitations. Regarding the government-funded Dad and Partner Pay scheme, the Australian Government reported that in the financial year 1 July 2022 to 30 June 2023, 88,643 fathers or partners received payment under this scheme, with the vast majority taking the full two weeks' payment.[72] This number was lower than the 97,863 recipients in the 2021-22 financial year. Baxter and Budinski (2023) found that of all fathers with a child aged under 1 year old at the time of the 2021 Census, about one per cent were receiving Dad and Partner Pay at the time. This is not a complete take up measure, as some of these fathers will have used Dad and Partner Pay when their children were younger. Baxter and Budinski's work showed that Dad and Partner Pay is most often used in the initial 2 months following the birth. Their analysis showed that fathers with a certificate or diploma qualification are over-represented in the population of new fathers using Dad and Partner Pay, likely indicating these fathers have limited access to employer-funded parental leave.

c. Parental leave

Available data on take-up rates for Parental Leave Pay are also limited, although the number of claimants has been consistently tracked. Government figures indicate that in the financial year 1 July 2022 to 30 June 2023, 171,282 claimants received some Parental Leave Pay and that 98.5 per cent took the full 18 weeks.[73] This was less than the 178,778 recipients in the previous year.[74]

Baxter and Budinski's (2023) research using the linked administrative and Census data found that 21 per cent of mothers with an under one year old were receiving Parental Leave Pay at the time of the Census. Mothers were most likely to be

[71] Baxter and Budinski (2023) *Parental Leave Pay and Dad and Partner Pay: Patterns of Use.* Melbourne: AIFS. Available at: Parental Leave Pay and Dad and Partner Pay: Patterns of use | Australian Institute of Family Studies (aifs.gov.au)

[72] Australian Government Department of Social Services (2023) *Annual Report, 2022-23*. Available at: Department of Social Security Annual Report 2022–23 (dss.gov.au)

[73] Ibid

[74] Ibid

receiving Parental Leave Pay when their youngest child was 2–4 months old, with 40–44 per cent of mothers receiving Parental Leave Pay at this time. Also, 33 per cent were receiving Parental Leave Pay when their youngest child was up to one month old.

Almost all recipients of Parental Leave Pay are mothers. Among the Parental Leave Pay recipients, compared to the new mother population, there was under-representation of single mothers, mothers with larger families, younger mothers, mothers with lower levels of educational attainment, and overseas-born and Aboriginal and/or Torres Strait Islander mothers.

Further insights come from the gender breakdown of users of primary carer's leave in private sector organisations with more than 100 employees, as provided by WGEA: in 2022-23, 86 per cent of users were women and 14 per cent were men.[75] The proportion of primary carer leave in such organisations that is used by men has increased since 2015-16, when the split was 95 per cent women and 5 per cent men.[76]

d. Other employment-related measures

No information available.

[75] WGEA (2023) *Australia's gender equality scorecard, 28*. Available at: Australia's Gender Equality Scorecard 2022-23 (wgea.gov.au)

[76] Based on WGEA data as published in Australian Bureau of Statistics (2020) *Gender Indicators, Australia, December 2020* Cat. No. 4125.0. Available at: https://www.abs.gov.au/statistics/people/people-and-communities/gender-indicators-australia/latest-release#data-download

Austria[77]

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April 2024

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 Social Affairs, Health, Care and Consumer Protection)

Length of leave (before and after birth)

- Sixteen weeks: 8 weeks before the birth and 8 weeks after the birth. It is obligatory to take leave; employed 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 3 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 benefit. If no operational support is granted, they can claim a flat-rate payment of €67.19 per day. Marginally employed, self-insured women

[77] Please cite as: Schmidt, E.-M. and Schmidt, A.E. (2024) 'Austria country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *20th International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

receive a flat-rate payment of €11.35 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.
- Payments are not taxed.
- Funded by multiple sources: 70 per cent by the 'Family Burden Equalisation Fund' (FLAF – *Familienlastenausgleichsfond*) which is financed by contributions from employers (3.9 per cent of each employee's salary bill), by general taxes, and by federal states; and 30 per cent by public health insurance. In 2022, total expenditure on Maternity leave (i.e., maternity pay and the payment for operational support) was €600 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 benefit.

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 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 Social Affairs, Health, Care and Consumer Protection)

Length of leave (before and after birth)

- Parents who live in the same household with the child and the second parent who is on Maternity or Parental leave have a legal claim to a Paternity leave called 'family time' (*Familienzeit*) if they were employed for at least 182 calendar days before this. These parents have to interrupt their employment for a full-time leave period between 28 and 31 days within the first 91 calendar days after the birth of the child. Four months before, during and four weeks after the 'family-time' these parents are protected against dismissal.
- Parents are entitled to take 'family-time', regardless of their parental status (i.e., as biological, adoptive, or foster parents), partnership status, or sexual orientation. Only legal residence in Austria (not citizenship) and a shared household of both parents and the child is required in order to obtain this form of Paternity leave.
- 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

- Parents on 'family time' are entitled to a monetary benefit called 'family-time bonus' (*Familienzeitbonus*).
- The family-time bonus amounts to €52.46 per calendar day or €1,626.26 in total. The bonus is automatically compensated for inflation in January every year.
- Payments are not taxed.
- Funded by the FLAF; see 1a for more details. In 2022, total expenditure on family-time bonus was €6 million.

c. Parental leave (*Elternkarenz*) (responsibility of Federal Ministry of Social Affairs, Health, Care and Consumer Protection and Federal Chancellery/Women, Family, Integration, and Media)

Length of leave (before and after birth)

- Parental leave is an entitlement per family. It lasts until the child reaches 2 years of age if both parents take leave for at least 2 months each.
- If only one parent takes parental leave (except single parents), the leave lasts until the end of 22nd month of the child's life at the latest.

Payment and funding

- A childcare benefit (‘*Kinderbetreuungsgeld’*) is available to all families who meet the eligibility conditions, whether or not parents take Parental leave.
- For their youngest child, parents can choose between the flexible flat-rate childcare benefit account and the income-related childcare benefit. The flexible flat-rate benefit (*childcare benefit account, ‘Kinderbetreuungsgeldkonto’*) enables parents to distribute an overall sum of about €14,355 (if only one parent receives the benefit) or €17,933 (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 an amount of €39.33 per calendar day), up to a maximum of 851 days (at an amount of €16.87 per calendar day). 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 €39.33) and 1,063 days (at a daily amount of €16.87).
- The income-related childcare benefit (‘*Einkommensabhängiges Kinderbetreuungsgeld’*) 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, with 61 non-transferable days). The amount of the income-related option ranges up to a maximum of €76.60 per calendar day (€2,300 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 €18,000 per year. For the income-related option, additional earnings may not exceed €8,100 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 and if each parent has received the benefit for at least 124 days, then each parent is entitled to a ‘*partnership bonus*’ payment of €500. Thus, together they receive a total of €1,000.
- Payments are not taxed, and the childcare benefit is automatically compensated for inflation in January every year.
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2022 was €1.21 billion, including total expenditure on ‘partnership bonus’.

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 3 parts alternating between parents, with each part spanning at least 2 months).

- The two parents cannot take Parental leave simultaneously, except for 1 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 1 month earlier (i.e., 1 month before the child's 2nd birthday).
- One parent may take Parental leave alone until the child's second birthday if they do not live with the second parent in the same household or if the second parent is deceased or does not acknowledge parenthood. Furthermore, if the parent who initially cares for the child is not entitled to Parental leave, the other parent can take parental leave at the earliest two months after the Maternity leave. In this case, the parental leave entitlement is extended until the end of the 24th month of the child's life.
- Each parent has the possibility of postponing 3 months of Parental leave, up until the child's 7th birthday (or school entry).
- 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 €39.33 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.
- All parents are only entitled to the full amount of childcare benefit when they carry out mandatory health check-ups with their child by the time their child reaches the 15th month of age. Otherwise, the amount of childcare benefit will be reduced by €1,300 per parent for both models.

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 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 receive the full amount of the flat-rate childcare benefit account (not the income-related childcare benefit) for further 91 days[78].

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, therefore, not a statutory entitlement. This leave period is unpaid.

e. Other types of leave and flexible working

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 for sick relatives

- Employees have a legal claim to take days or hours off to care for either all sick persons who live in the same household, or for sick close relatives who are not living in the same household. Close relatives are children (biological, adopted, or foster children, or children from the partner, or grand- or great-grandchildren), siblings, parents and grand/great-grandparents, or partners (regardless of gender, sexual orientation, or marital status).
- In sum, employees can take the hours of one (average working) week off per year to care for other household or family members, or the hours of 2 (average working) weeks to care for sick children under the age of 12 years, with full earnings replacement. Furthermore, it is possible to accompany a child under the age of 10 years during an inpatient stay at the hospital and to accompany a child up to the age of 14 years during an inpatient rehabilitation stay for up to a total of four weeks per year, provided that this accompaniment has been approved by social insurance. During this time, there is a legal entitlement to care leave allowance (*Pflegekarenzgeld*) described below.

[78] Single parents who do not yet receive alimony may receive the flat-rate 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 from their former spouses – if they do not, or the ex-partner does not pay, childcare benefit is extended.

- If the child's main carer falls sick or becomes unavailable (e.g., grandmother), parents are also entitled to stay at home with their child (based on the respective law *Urlaubsgesetz §16*). A shared household is not required.
- There are two different types of longer care leave. Firstly, employees have a statutory right to take a maximum of 6 months' family hospice leave (*Familienhospizkarenz*) for the purpose of nursing terminally ill family members. 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 (i.e., in total up to a maximum of 27 months). Eligibility is the same as for the care leave allowance (*Pflegekarenzgeld*) described below.
- Secondly, if their employer agrees, employees who have worked with their employer for three preceding months[79] may take long-term care leave (*Pflegekarenz*). This leave allows caregivers to organise (formal) care or provide (informal) care for frail dependants/family members for a duration of three months (initially) per dependent. The minimum duration for this leave is 1 month. It can be extended from 3 to 6 months (per dependent) if the health status of the dependent person worsens substantially. While in general the employer has to agree to this type of leave, the regulation foresees a right to a care leave for 2 weeks with possibility for extension for another 2 weeks. The right to care leave is granted only in companies with more than 5 employees.
- The period during which a relative can apply for the cash benefit accompanying time off to care for a dependant during a long-term leave (*Pflegekarenz*) was extended and caregivers have now up to two months to ask for care leave allowance (*Pflegekarenzgeld*) during time off from work, while they are on leave (Law § 21d, Abs. 3 BPGG).
- Slightly different regulations apply for public sector employees, but self-employed persons are not eligible for these care leave models.
- Employees are entitled to care leave allowance (*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 6 months in the 3 years before the relative's death may receive a financial compensation after the relative's death under this regulation.

[79] Exceptions to the minimum working time with their employer apply for seasonal workers.

Flexible working arrangements

- Parents have the legal right to work 'Parental Part-time' (*Elternteilzeit*) until the child's seventh birthday (or school entry) if they live in the same household with this child, 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 or more than 32 hours per week. Parents working in companies with fewer than 20 employees may enter into an '*agreed Parental part-time*' with their employer, up until the child's 4th birthday.
- 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 are protected against dismissal until their child's fourth birthday, starting four months before they start and during the period they work '*Parental 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 cause.
- An employee is not allowed to claim '*Parental part-time*' when their partner is on Parental leave.
- 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). Employees have the right to take a part-time care leave for two weeks, with possibility for extension of another two weeks. 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).

Breaks for (breast)feeding

- Mothers are entitled to 'nursing' leave of 45 minutes per day out of 4.5 to 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).

Specific tax-related measures

- Parents employed in Austria are entitled to a tax deduction called '*Family Bonus Plus*'. This Family Bonus Plus amounts to €2,000 per child, every year until the child's 18th birthday. After the child's 18th birthday, a reduced Family Bonus Plus totalling €700 is granted annually, provided that family allowance is received for this child. The recipient of the family allowance and the person paying support money for the child can claim it. After June 2022, the European Court of Justice ruled that indexing '*Family Bonus Plus*' (increased or decreased according to the price level of the country of the family's residence) was contrary to EU law. EU citizens who work in Austria and

whose children live in other EU countries, the EEA region or Switzerland are also entitled to the '*Family Bonus Plus*'.

Leave for educational reasons

- If leave is taken for educational reasons ('*Bildungskarenz'*) that have to be proved, 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).
- This allowance ('*Weiterbildungsgeld'*) is available to all employees who meet the eligibility conditions, and is paid by the Public Employment Service Austria. Payment is calculated proportionately in alignment with the lower limit of the unemployment benefit scheme that amounts to a daily amount of €14.53. Additional earnings may not exceed €500.91 a month.

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, for part-time attendance of kindergarten (20 hours per week). Attendance is obligatory. So, 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.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

For children born after 1 November 2023, Parental leave lasts until the child reaches 2 years of age only if both parents take leave for at least two months each. If only one parent takes parental leave (except single parents), the leave lasts until the end of the child's 22nd month at the latest.

In August 2023, the family-time bonus was increased and together with the compensation for inflation it amounts to €52.46 per calendar day (before: €23.91) since January 2024, thus amounts up to €1,626.26 in total (before: €741.21). Furthermore, parents can apply for the bonus within 121 days after birth, thus also after having been on family time for 28 to 31 days during the first 90 days after birth.

Since 1 November 2023, employees have a legal claim to take days or hours off to care for either all sick persons who live in the same household, or for sick close relatives who are not living in the same household. Close relatives are children (biological, adopted, or foster children, or children from the partner, or grand- or

great-grandchildren), siblings, parents and grand/great-grandparents, or partners (regardless of gender, sexual orientation, or marital status).

Furthermore, employees can accompany their children up to the age of 14 during an inpatient rehabilitation stay for up to a total of four weeks per year, provided that this accompaniment has been approved by social insurance. During this time, there is a legal entitlement to care leave allowance.

4. Uptake 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

Statistics on take-up of 'family time' show an increase in numbers of fathers that claim family time. Currently, in about 8 per cent of all births, fathers receive the 'family time bonus' during their paternity leave.[80]

c. Parental leave

Data show 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 on parents' uptake of the childcare benefit. 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.

Regarding the number of women and men taking up the childcare benefit, it is crucial to keep in mind the difference to Parental leave, i.e., both parents who are on leave and parents who are not on leave alike are able to receive a childcare benefit. Further, parents are able to decouple the duration of leave from the duration of receiving the childcare benefit. Thus, they might be on leave up to 24 months but might receive the childcare benefit for a shorter period of time (e.g., 12 months income-related benefit) or a longer period of time (e.g., if receiving the flat-rate childcare benefit account) (see 1c).

Recent statistics[81] show that the flat-rate childcare benefit was chosen by nearly two thirds of all parents. Among these parents, 35 per cent applied for 28 or more

[80] Lorenz, T. and Wernhart G. (2022) *Evaluierung des neuen Kinderbetreuungsgeldkontos und der Familienzeit. Quantitativer Teilbericht* [Evaluation of the new childcare allowance account and family leave. Quantitative partial report]. Available at: https://services.phaidra.univie.ac.at/api/object/o:1429695/diss/Content/download.

[81] Austrian Federal Chancellery (2023) *Auswertung Väterbeteiligung beim Kinderbetreuungsgeld 2019* [Statistics Father Involvement in Childcare Benefit 2019]. Available at: https://www.bundeskanzleramt.gv.at/dam/jcr:aa897bb2-452b-4957-8312-afa89248699f/vaeterbeteiligung_bl%20gbj_2019.pdf

months and 25 per cent chose about 24 or more months. On the contrary, 36 per cent of all parents applied for the income-based model paid for 12 to 14 months. Despite access to equal sharing, 91 per cent of the principal recipients of the flat-rate childcare benefit were mothers only, in 9 per cent of the cases fathers also received a share of the flat-rate benefit. This share is significantly lower in the income-based model, in which fathers also applied for childcare benefit in 28 per cent of all cases. On average, fathers claimed for childcare benefit in about 16 per cent of all cases[5] and about 4.5 per cent of all days taken off for childcare in Austria.[82] Over the past years, the share of fathers claiming childcare benefit thus has decreased.[83]

d. Other employment-related measures

The number of beneficiaries of care leave allowance for people on care leave (*Pflegekarenzgeld*) has been steadily increasing since 2014 when it was introduced. In 2023, 4,604 people used this paid leave model compared to 2,323 in 2014 when the model was introduced. In 2023, 72 per cent of beneficiaries were female. In total in 2023, 2,324 people used the long-term care leave model (*Pflegekarenz*); while 154 used the same model working part-time (*Pflegekarenzteilzeit*); and 2,472 used the family hospice leave model.[84] (Double counts are possible, as one person may use both a long-term care leave and a family hospice leave).

A study to evaluate the long-term care leave (*Pflegekarenz*) shows that two thirds of care leavers are women. Caregivers who take a leave have a relatively low income and live in municipalities with a smaller population size. The study presents a detailed analysis of the labour market situation of caregivers before and after using the care leave.[85]

Schmidt, Fuchs, and Rodrigues (2016) report an uptake rate of 2.5 per cent, based on estimates regarding the eligible number of employees[86], while Nagl-Cupal and

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[82] Rechnungshof Österreich (ed.) (2020) *Leistungen nach dem Kinderbetreuungsgeldgesetz. Bericht des Rechnungshofes.* [Benefits according to the Child Care Benefit Act. Report of the Court of Auditors]. Wein: Rechnungshof Österreich. (BUND, 2020/24). Available at: https://www.rechnungshof.gv.at/rh/home/home/004.684_Kinderbetreuungsgeld_2.pdf.

[83] Rille-Pfeiffer C. and Kapella O. (2022) *Evaluierung des neuen Kinderbetreuungsgeldkontos und der Familienzeit. Meta-Analyse*.[Evaluation of the new childcare allowance account and family leave. Meta-analysis]. Available at: https://services.phaidra.univie.ac.at/api/object/o:1429698/diss/Content/download.

[84] Information on 2023 provided by the BMSGPK (Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz).

[85] Klotz, J. and Scharf, R. (2020) *Studie zur Vereinbarkeit von Beruf und Pflege bei NutzerInnen von Pflegekarenz/-teilzeit: Integrierte Evaluierung durch Registerforschung und Befragung von NutzerInnen. Sozialpolitische Studienreihe, Band 27* [Study on the compatibility of work and care among users of care leave/part-time: Integrated evaluation through register research and surveys of users]. Vienna: Ministry of Labour, Social Affairs, Health and Consumer Protection.

[86] Schmidt, A.E., Fuchs, M. and 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.

colleagues (2018)[87] report a take-up rate of 5 per cent among main caregivers. 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.[88] About 70 per cent of employees taking leave from work to care for frail or sick dependants/family members (i.e., long-term care leave or family hospice leave) are women.[8] Reconciliation works only to a limited extent, according to a qualitative study carried out in 2015/2016.[89]

[87] Nagl-Cupal, M., Kolland, F., Zartler, U., Mayer, H., Bittner, M., Koller, M., Parisot, V. and Stöhr, D. (2018) *Angehörigenpflege in Österreich. Einsicht in die Situation pflegender Angehöriger und in die Entwicklung informeller Pflegenetzwerke* [Caring for relatives in Austria. Insight into the situation of caring relatives and the development of informal care networks]. Wien: BMASGK.

[88] Data for 2014 from 'Parliamentary inquiry 6489/J on behalf of the Greens respective long-term care leave', ('*Anfragebeantwortung der Anfrage Nr. 6489/J der Grünen betreffend Pflegekarenz und Pflegeteilzeit*') parliament (2015).

[89] Sardadvar, K. and Mairhuber, I. (2018) 'Employed family carers in Austria: the interplay of paid and upaid work – beyond 'reconciliation',' *Österreichische Zeitschrift für Soziologie*, Vol.43, 61-72.

Belgium[90]

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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)

- Employees: 15 weeks: can start from six weeks before her baby is due.
- It is obligatory for employees to take leave from one week before the due date to nine weeks after delivery.
- Self-employed: 12 weeks.
- It is obligatory for self-employed workers to take leave from one week before the due date to two weeks after delivery.
- Unemployed: same rights as employees.

Payment and funding

- 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 €176.02 per day. Statutory civil servants receive their full salary, and contractual civil servants are paid as per the private sector.
- Self-employed mothers receive €855.74 per week (full time) (or €427.87 per week when taken half time) during the first 4 weeks and from week 5 onwards (€782.70 per week full time and €391.35 per week half time).

[90] Please cite as: Mortelmans, D., Fusulier, B. (2024). 'Belgium country note', Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- Unemployed mothers: in the first month they receive unemployment benefits + 19.5 per cent of the gross salary limited to the salary ceiling taken into consideration by the unemployment sector, after which they receive unemployment benefits + 15 per cent of previous earnings with an upper limit (as for the first month).
- 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.
- Self-employed mothers 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 2 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 3 of those are compulsory. The allowance is also limited to a fixed amount.
- 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; single 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 or co-parent 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. Birth leave (*Geboorteverlof / Congé de naissance*[91]) (responsibility of the Federal Department of Employment)

Length of leave

- Twenty working days.

Payment and funding

- One hundred per cent of earnings for the first three days paid by the employer, then 82 per cent of earnings for the remaining period with an upper limit of €176.02 per day.
- Funded as for Maternity leave.

Flexibility in use

- Can be taken during the first 4 months after the birth of the child.
- Can be taken in one term or in spread leave.
- Self-employed workers may take leave in whole days or half days.

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

- All male employees and self-employed workers are eligible, but unemployed men are not.
- 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 mother

- None.

[91] This leave was previously called 'paternity leave'. The official term now changed to 'birth leave' and explicitly mentions fathers and co-parents as target groups of this type of leave.

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, non-transferable entitlement.

Payment and funding

- €997.80 per month.
- Payments are taxed.
- Funded as for Maternity leave.

Flexibility in use

- Leave may be taken full-time, part-time (50 per cent) over eight months, one day per week (20 per cent) over 20 months, or a half day a week (10 per cent) over 40 months.
- For part-time leave, the total duration of eight months can be split into blocks of time (with a minimum of 2 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 12th birthday.
- Both parents can take leave at the same time.

Regional or local variations in leave policy

- The Flemish community (i.e., the government in Flanders) pays an additional benefit bonus (encouragement benefit / *aanmoedigingspremie*) for a maximum of one year for Flemish care leave or Time Credit (see 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 €602.65 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 €214.72 net per month (for Parental leave or, in the case of Time Credit, for the reason the leave was taken). The encouragement benefit is not foreseen in case of a 10 per cent Parental leave.

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

- All employees who have completed one year's employment with their present employer (during the last 15 months) and who have, or expect to have, parental responsibility for a child (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 or adoption parents. 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.
- Taking the 10 per cent Parental leave is only possible with the agreement of the employer.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single 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 21st birthday.
- The benefit is higher for single parents: it is increased with €52.96 per month after taxation (€59.51 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 with motive system (*Tijdskrediet met motief/Crédit-temps avec motif*), 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 with motive/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 €639.62 per month after taxation. The bonus for residents of the Flemish community taking Parental leave also applies to this type of leave.

- Employees need 2 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 with motive period.
- For each company, there is a 5 per cent threshold of employees who can use the Time Credit with motive 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 ten employees in a business with more than 50 employees).
- Payments to Time Credit with motive 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 with motive 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).

e. Other types of leave and flexible working

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 12th birthday.

Time off for the care of dependants

- Employees may take up to ten days of leave per year for 'urgent reasons' (*overmacht/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 (thematic leave: 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) (thematic leave: palliative leave). Benefits paid are the same as for Parental leave.
- Employees in the private sector and non-statutory workers in the public sector are allowed to take an informal caregiver leave to provide help or support to a person who, because of their old age, state of health or

disability, is vulnerable and dependent (thematic leave: informal care leave). This does not have to be a family or household member. The entitlement to a full break is a maximum of 6 months over the entire career or a maximum of 12 months in the case of a half-time break or a 1/5th break. The leave is granted only once in a career. The informal caregiver leave can also be taken by statutory civil servants.
- Foster parents may take 6 days of leave to allow them to fulfil administrative and legal requirements, and this is also paid as per Parental leave.

Specific provision for (breast)feeding

- None.

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.
- Flanders has a system of flexi-jobs where retired people and some types of employees can earn some additional wages for a predefined period of time or a predefined job.

Career savings account

- Each employee can voluntary save 'time rights' for use later in the career (time for time principle). 'Time rights' that can be saved are (i) voluntary overtime (up to 100 hours) and (ii) conventional days off (not official days off). Time saved in the system can be taken later in the career. The system is dependent of the sector in which the employee works; to be activated and implemented, this measure must be translated into sectoral collective agreements by the social partners.

Four-day working week

- Full-time employees can negotiate with their employer to work four days a week instead of five. They will still work full-time hours, but these will be compressed into fewer days. This means that an employee can now work more than 8 hours a day at the workplace, but never more than 10 hours.
- The request must come from the employee and must be in writing. However, the 4 day working week is not an obligation for the employer, who can refuse. In this case, the refusal must be justified in writing to the employee. If the employer accepts, a written amendment to the employment contract between the employee and the company must be drawn up, setting out the practical arrangements for the new working hours.

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.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Conciliation leave is still under discussion. This is an initiative proposed to the Federal Government by the League of Families. It consists of giving parents an extra eight hours of leave per year (with an additional eight hours for single-parent families) to deal with unforeseen events such as parents' meetings, children's dental appointments, etc. This leave would be paid by the employer without any proof or control.

4. Uptake of leave

Viewing the ongoing increasing flexibility of numerous types of leave, with all the variation in renumeration and duration across 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[92]), 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.

[92] Available at: www.rva.be / www.onem.be

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. In 2021, 67,182 employees or unemployed women took Maternity leave (completed in the reference year), and 8,325 self-employed women, the latter having increased from 6,328 in 2017).

b. Birth/Paternity leave

In 2021 in the private sector, 51,366 (up from 49,700 in 2020) fathers or co-parents used the Birth/Paternity leave for four or more days (there is no information about fathers using three – or fewer – days of paid leave paid by the employer).[93] On average in 2021, they took 13.63 days (9.82 days in 2020 (as a reminder, in 2020 the number of days was a maximum of 10) of paid leave for the birth of their child (up to a maximum of 15 days in 2021). 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 (N = around 55,000). In 2020 however, the number of Birth/Paternity leaves taken decreased by almost 9 per cent though the number of births (live babies) decreased in a similar proportion in 2020 (N = 113,739) in comparison to 2019 (N = 117,103). In 2021, the number of births (live babies) (N = 117,914) and the number of birth and paternity leaves increased again.

c. Parental leave (including the 'Corona Parental leave')

There is no information on what proportion of employees are *not* eligible for Parental leave. In 2023, 93,876 employees used Parental leave, an increase compared to 2022 (86,310). Obviously, most people taking Parental leave are women. In 2010, 38,053 women used Parental leave and in 2023, that number rose to 57,733. The number of men taking Parental leave increased from 13,891 in 2010 to 34,143 in 2023. So, the proportion of fathers among all leave-takers is growing during this period 2010-2023 (from 27 to 36 per cent).

Part-time leave options are the most popular, especially among men (only 10 per cent of them used a full-time parental leave versus 16 per cent for women). 57 per cent of male leave-takers use the one-fifth time option and 48 per cent of female leave-takers, suggesting that it is predominantly used as a flexible measure. In 2023, the 1/10 parental leave option was taken by 8746 men (26 per cent) and 9731 women (16 per cent).[94]

d. Other types of leave and flexible working

In 2023, 95,291 (in 2022, 94,685) employees in the private sector made use of the Time Credit system, mostly via the part-time formula; in comparison, only 3,605 individuals (4 per cent) took a full-time break (436 men versus 3,170 women). Part-time use of Time Credit is predominantly used as an end-of-career

[93] RIZIV/INAMI data, not yet available for 2022.

[94] See: https://www.rva.be/nl/documentatie/statistieken/cijfers/loopbaanonderbreking-tijdskrediet-en-thematische-verloven/thematische-verloven

measure (58 per cent). Men predominantly take Time Credit as end-of-career leave (77 per cent or 34,680) while women are more equally divided between end-of-career leave (N = 20,809) and part-time general leave (N = 23,909). Overall, with the new legislation reducing the appeal of the Time Credit scheme, the number of users has decreased dramatically since 2015 (when N = 149,268).

The 'Corona time credit' is anecdotal as only 139 people were using it in 2023, mainly the end-of-career Corona time credit (N=137).

In 2023, 35,034 civil servants (37,983 in 2022) used the career break system (24,371 of them being women). If men are using the career break system, they generally use more of the end-of-career measure (82 per cent, compared to 62 per cent for women). Compared to 2015 (when N = 72,221), the number of users has decreased significantly. The most significant reason for this decrease is the tightening of the rules around the factors permitting an individual to take leave. Probably there was also an effect of the measures taken to combat the pandemic, including the widespread use of teleworking. Another 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 decrease caused by the more stringent regulations around an individual's eligibility for taking leave.[95]

[95] See: https://www.tijd.be/politiek-economie/belgie/algemeen/belg-neemt-fors-minder-tijdskrediet/10098519.html

Bosnia and Herzegovina[96]

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Note on territorial organisation and constitutional responsibilities: Bosnia and Herzegovina (BiH) is a decentralised state made of two asymmetrically organised entities and the Brčko District of BiH (a self-governing administrative unit in north-eastern BiH). The Federation of Bosnia and Herzegovina (FBiH) entity is decentralised and made of ten cantons, encompassing the local authorities. Republic Srpska (RS) entity is centralised with only two levels of government – the entity and local authorities. Brčko District (BD) is a local authority independent from entities, where the state legislation applies directly.

The state-level government does not have any direct competencies with regard to social protection and social inclusion policies. These are within the competence of the RS entity, Brčko District and in the FBiH entity under the shared competence of the entity and cantonal governments. Hence, each entity and BD have an independent system of social protection. Leave policies in the country are regulated by entities and BD general labour legislation. Child and family benefits in the FBiH are regulated by the Law on Financial Support to Families with Children at the entity level, and cantonal laws on social assistance. In the FBiH, maternity benefits are financed from cantonal budgets, while the child benefit is financed from the entity budget. In RS, child and family benefits are financed through the RS Fund for Child Protection, which is part of the social insurance system. In BD, child and family benefits are financed from the budget.

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.

[96] Please cite as Obradović, N. (2024) 'Bosnia and Herzegovina country note', in Dobrotić, I., Blum, S., Kaufmann, G., Koslowski, A., Moss, P., and Valentova, M. (eds.) *International Review of Leave Policies and Research 2023*. Available at: https://www.leavenetwork.org/annual-review-reports/

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

a. Maternity leave (*porodiljsko odsustvo*) (responsibility of the FBiH Ministry of Labour and Social Policy, RS Ministry of Labour and War Veteran Protection and BD Department for Health and Other Services)

Length of leave (before and after birth)

- One calendar year without interruptions in both entities and BD: leave starts 28 days before the expected delivery date in FBiH and RS, or at the latest ten days before the expected delivery date in BD.
- It is obligatory to take 42 calendar days of Maternity leave in the FBiH and BD and 60 calendar days of Maternity leave in RS, without interruption and counting from the delivery date.

Payment and funding

- Maternity benefits are regulated at the level of the RS entity, the cantonal level in FBiH, and the level of BD. The following table gives an overview of Maternity benefits in the RS, BD and FBiH cantons.

Entity / Canton	**Replacement rate**	**Upper limit**
Republic Srpska entity	100 per cent of the beneficiary's average registered gross wage in the last 18 months.	None.
Brčko District	100 per cent of the beneficiary's average registered net wage in the last 12 months.	None.
Federation of Bosnia and Herzegovina (FBiH) cantons		
Una-Sana Canton	50 per cent of the beneficiary's average net earnings (or average net earnings in the canton) in the six months before the leave starts. It cannot be lower than 50 per cent of the net average wage in the canton for the previous year.	None.
Posavina Canton	80 per cent of the beneficiary's average net earnings in the six months before the leave starts. It cannot be lower than the minimum net wage. All social insurance contributions must be paid at least for the last six months before using the benefit.	80 per cent of the average net salary in the FBiH in the previous year.
Tuzla Canton	90 per cent of the beneficiary's average earnings in the six	Average net salary in the canton.

	months before the leave starts, or 55 per cent of the average net salary in the canton.	
Zenica-Doboj Canton	KM1,000 [€511.29][97] monthly. In the event that the canton does not have sufficient funds, it is 80 per cent of the beneficiary's average net earnings in the six months before the leave starts.	Average net salary in the canton.
Bosnia-Podrinje Canton	80 per cent of the beneficiary's average net earnings in the six months before the leave starts. For those that were in employment for less than six months, it is 60 per cent of the average net salary in the canton.	None.
Central Bosnia Canton	50 per cent of the beneficiary's net average earnings in the six months before the leave starts.	None.
Herzegovina – Neretva Canton	40 per cent of the beneficiary's net average earnings in the six months before the leave starts.	Average net salary in the FBiH.
Western Herzegovina Canton	The first half of Maternity leave is paid at the level of 70 per cent of the beneficiary's net average earnings in the nine months before the leave starts.	None.
Sarajevo Canton	For beneficiaries with at least 12 or 6 months of insurance, it is respectively 60 per cent or 30 per cent of the average wage (which cannot be less than the minimum wage in the FBiH). If the beneficiary does not receive any compensation from their employer, the canton will top up the benefit up to the amount of the average net wage in the FBiH in the previous year.	None (for the employer).
Canton 10	100 per cent of the beneficiary's net salary in the month before the leave starts (it cannot be lower than the minimum salary), under the condition that the mother has at least one month of insurance before commencing the Maternity leave.	Average net salary in the FBiH.

[97] Conversion of currency undertaken for 15 July 2024, using www.xe.com/

- Unemployed mothers have the right to a Maternity allowance. The following table summarises the benefit amounts and main eligibility criteria in the FBiH, RS and BD.

Entity / Canton	**Eligibility criteria**	**Duration and amount of Maternity allowance**
FBiH entity (the benefit is paid by cantons)	Mother has to be registered as unemployed or in full-time education, and have residency status in the canton.	55 per cent of the minimum salary in the FBiH per month for 12 months. The current amount of benefit is KM340.45 [€174.06], monthly.
Overview of maternity allowances in the FBiH cantons		
Una-Sana Canton	The canton implements the FBiH law directly.	KM340.45 [€174.06] monthly for 12 months.
Posavina	No additional conditionality.	KM400 [€204.51] monthly paid for 12 months.
Tuzla	Residence in the canton of at least six months.	The basic benefit is topped up to the amount of average wage in the FBiH entity.
Zenica-Doboj	Residence of at least six months in the canton.	KM1,000 [€511.29] monthly for 12 months.
Bosnia-Podrinje	No additional conditionality.	The benefit amounts to the average net wage paid in the FBiH in the preceeding year.
Central Bosnia	The canton implements the FBiH law directly. No additional conditionality.	KM340.45 [€174.06] monthly for 12 months.
Herzegovina-Neretva	One of the parents has to have a residence in the canton for at least one year.	400KM [€204.51](based on the government's decision) monthly for 12 months.
Western-Herzegovina	No additional conditionality.	KM350 [€178.95].
Canton Sarajevo	Residence in the canton of at least one year.	The basic benefit is topped up to the amount of average salary in the FBiH entity. Paid for 12 months (counting from the day of birth).
Canton 10	No additional conditionality.	340.45KM [€174.06] monthly for 12 months.
Republic Srpska entity	The mother or the father must have residence status in the RS of at least one year. The mother has to be registered as unemployed at the time of childbirth.	KM405 [€207.07] per month for 12 months. For multiple births, third and any subsequent child, the benefit is paid for 18 months.

Brčko District	The mother has to be registered as unemployed at least six months before childbirth. The beneficiary must have at least two years of registered residence in the Brčko District.	50 per cent of the average net salary in BD for 12 months. For twins, the benefit is paid for 18 months.

- During Maternity leave, women in registered employment maintain their pension insurance. Employers are expected to continue paying payroll contributions, including the payments for pensions and disability insurance for women on Maternity leave. In the RS, employers are refunded full gross salary (including expenses for social insurance contributions) by the RS Fund for Child Protection. Only in some cantons in the FBiH, the employers receive a refund of paid social insurance contributions. The self-employed are expected to pay social contributions and taxes (in the RS, they are refunded); otherwise, they will not maintain their pension insurance. In the RS, women may retire one year earlier for each child born. General conditions for an old age pension are 15 years of insurance and 65 years of age. This means that women that gave birth to one child may retire aged 64 and with 14 years of insurance.
- In the FBiH, Maternity benefits are funded by cantons from general taxes. In RS, the benefits are funded by the RS Fund for Child Protection, financed from payroll contributions. In BD, the benefits are funded from general taxes.

Flexibility in use

- Maternity leave can be used only in one block, that is, if the mother interrupts the leave use, she cannot resume the remaining months of leave.
- If both parents work and if the mother approves (i.e., transfer her right), the father can use Maternity leave upon expiry of the first 42 days of leave after childbirth in the FBiH and BD, and of the first 60 days of leave in RS.
- In both entities and BD, the father of the child (or adoptive parent or foster parent) may exercise the right to Maternity leave from the start if the mother leaves the child, dies or is prevented from using that right for other justified reasons (e.g., serving a prison sentence, serious illness).
- In BD, if both parents work, an extended Maternity leave of 18 months stipulated for women with disabilities can be used by fathers with disabilities.

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

- Maternity benefits are provided for all categories of socially insured employees and self-employed, for whom the employment contract and employment status envisage the payment of the full social contributions. However, Maternity benefits are provided only to those who can prove the payment of contributions for a period of at least one year before commencing the Maternity leave (Canton 10 is an exception, where the requirement is

only one month of employment). In addition, in the RS, an employer must not have any outstanding obligations towards the Tax Authority.
- For Maternity allowances aimed at unemployed women, eligibility criteria are listed in the table above.
- The right to Maternity leave of same-sex couples is not regulated. The right can be used by one female partner if she is in employment and paying full payroll social insurance contributions (she would be treated as a single mother).

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 a person other than the mother

- In the FBiH, RS, and BD, if a mother gives birth to a stillborn child or if a child dies before the end of Maternity leave, the mother has the right to prolonged leave; the length is prescribed by a medical doctor and cannot be less than 45 days, counting from the day of birth or death. During this period, the mother receives financial compensation as for Maternity leave.
- If the parent taking leave dies or cannot exercise the right for any other justified reason, leave can be transferred to the other parent.
- In RS and BD, Maternity leave is extended to 18 months in the case of the birth of twins, third or any subsequent child. In addition, in BD, extended Maternity leave of 18 months is also stipulated for women with disabilities.

b. Paternity leave

No statutory entitlement.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

- One of the parents (including adoptive or foster parents and legal guardians) has the right not to 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 right to compulsory health insurance is maintained. This leave period is unpaid, so contributions for pension insurance are not paid during that period, but the employer should pay healthcare contributions for the employee.

e. Other types of leave and flexible working

Adoption leave and pay

- In the FBiH entity, employed/self-employed foster and adoptive parents have the same Maternity leave rights as biological parents, except for the right to a paid break for breastfeeding during working hours. The law in the FBiH does not give the right to fathers to use Maternity leave in case of adoption or foster care.

Time off for the care of dependants

- The FBiH Labour Law stipulates up to 7 paid days of leave (financed by employer) in one calendar year in case of marriage, spouse giving birth, sickness or death of the immediate family or household member, and voluntary blood donations. In the RS and BD, this type of leave cannot be longer than five working days, except in the RS where it can be longer in the event of the death of a close family member (it is not stipulated how long). This type of leave has to be approved by the employer.
- In BD, the parent (including adoptive parent or foster care parent) of a child with a malignant disease or severe other disease has the right to be absent from work during the health care treatments. The right is granted based on medical documentation. During this period, the parent receives a full salary (Article 83a).
- Laws on health insurance stipulate the right to sickness benefits for the care of the family member.
    - In the RS, 15 days of leave per year can be approved for the care of a child aged below 15 years. For a child older than 15 years, a spouse and a parent, the leave can be a maximum of seven days in one calendar year. If a family member below the age of 18 years has a difficult health condition (such as cerebral difficulties, malignant disease or similar), the leave can be longer but cannot exceed four months in one calendar year. Leave of 15 or 7 working days is funded by the employer, while for leave of four months the employer is refunded three months of salaries by the RS Health Insurance Fund.
    - In BD, insured persons have the right to leave and corresponding salary compensation (paid in the amount of 80 per cent of previous earnings) for the care of child or spouse:
        - 15 days in one calendar year for the care of child aged below 15, and four months maximum for all diseases;
        - seven days in one calendar year for the care of a family member aged 15 and above (i.e., child and spouse), and two months maximum for all diseases.
    - In the FBiH, the employer pays the salary compensation, which is fully refunded by the cantonal health insurance fund (procedure and rules regarding this benefit in the FBiH are defined by bylaw legislation adopted by cantonal health insurance funds and vary across cantons).

Specific provision for (breast) feeding

- An employed mother who returns to work before the child turns one year has the right to two daily breaks for breastfeeding. The FBiH law does not specify the lenght of time for breastfeeding; but in RS, the specified time for breastfeeding is 60 minutes in addition to the standard break time, while the BD law stipulates two periods of 60 minutes per day. The time used for daily breaks for breastfeeding is counted in the regular working hours and is paid at 100 per cent of earnings.

Flexible working

- In the FBiH, after ending Maternity leave and until the child turns 1 year, the mother has the right to work part-time. In the case of twins, 3rd and any subsequent child, the mother has the right to work part-time until the child reaches 2 years of age (if the cantonal legislation does not stipulate longer leave). The father can also use this right if the mother works full-time. Parent working part-time is paid only for the actual hours worked (i.e., there is no compensation for non-worked hours).
- At the end of Maternity leave, one of the parents (in BD and RS this could also be an adoptive parent) of a child in need of special care due to a severe degree of developmental difficulties has the right to work part-time (half of the full working hours) until the child reaches 3 years of age. In the FBiH and BD, this right can be used only by a single parent or when both parents are employed and under the condition that the child is not placed in institutional care. In addition, the FBiH Law stipulates that parents have the right to financial compensation for the hours they are not working, in accordance with special legislation (however, this provision is ineffective because the right remains unregulated and parents working part-time are paid only by their employer for the actual hours working). In RS and BD, the parent receives compensation for the loss of salary, which covers the difference between the earned part-time salary (paid by the employer) and the parent's full salary (i.e., the salary they would have if working full-time). In BD, this compensation is financed from the BD budget, while in RS by the RS Fund for Child Protection.
- In BD, the parent (including adoptive parent and foster care parent) of a child with mental developmental difficulties and in the RS with general psychophysical difficulties, who are not placed in institutional care, has the right to work part-time. This provision can be used based on a recommendation given by the medical doctor. In addition, the parent has the right to salary compensation (up to the amount they would have if working full time), paid from the BD budget. In the RS, the compensation is paid by the RS Fond for Child Protection.

Pre-natal examinations

- A pregnant worker has a right to use paid leave – equivalent to one working day – to attend pre-natal examinations and other health examinations related to pregnancy. Pregnant workers are obliged to announce the intention to use this right to the employer in a timely manner.

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

The maximum period of post-natal leave available in Bosnia and Herzegovina is just under 12 months, paid at a full rate in some areas. The leave policy and early childhood education and care (ECEC) policy are not coordinated. Neither entity nor canton in the FBiH guarantes universal access to ECEC services. Also, these services are not free of charge for parents.

ECEC facilities in the country are organised in accordance with children's age: nurseries for children under the age of three, and kindergartens for children aged three to six years. However, access to and affordability of ECEC in the country is a severe challenge due to the lack of available facilities and the cost of services[98]. A significant number of children cannot enter ECEC due to a lack of places, primarily in public institutions in larger urban centres. However, there have been some improvements recently. In the school year 2023/2024, some 6,533 children were unable to enrol because of a lack of sufficient places, which is a decrease of 4 per cent compared to the year earlier.[99]

The latest national statistics for the year 2023/2024 report altogether 41,214 children from birth to 6 years attending some form of ECEC institution, which is an increase of 6.3 per cent compared to the previous pedagogical year.[100] This is 20 per cent of all children of this age (11.6 per cent of all children under 3 years and 26 per cent of all 3 to 6 year olds).

According to the Framework Law on Early Childhood Education and Care BiH[101], it is obligatory for children aged 5 to attend a preparatory preschool programme (PPP); however, the implementation of the law is devolved to lower levels of the government, i.e., cantons in the FBiH, RS and BD, resulting in an unequal provision of these services and different degrees of coverage. It is important to note that the PPP programme inclused only 150 (in some places up to 300) teaching hours, organised for two or three teaching hours per day, few days a week. Therefore the PPP cannot be considered as a care solution for children of working parents.

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[98] For more details, see Nikolina Obradović (2021). Bosnia and Herzegovina's Family Policy Challenges in Meeting the European Union's Standards and Recommendations in *Croatian Journal of Social Policy*, (3) 2021.

[99] Agency for Statistics of BiH, First Release, Demograpy and Social Statistics, Pre-School Educaiton Upbrining and Education in the School Year 2023/2024 (preliminary data). Accessed on 16 February 2024 at: https://bhas.gov.ba/data/Publikacije/Saopstenja/2024/EDU_07_2022_Y2_1_BS.pdf

[100] Ibid.

[101] Official Gazette of BiH, no. 88/07.

No information for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

No changes reported.

4. Uptake of leave

a. Maternity leave

There is no publicly available recent information regarding uptake of leave in the entities.

The latest data on annual uptake of leave is from 2021. In 2021, the RS Fund for Child Protection[102] recorded a total of 4,228 beneficiaries of financial compensations during Maternity leave, out of which 29 were fathers. The highest number of fathers benefitting from Maternity leave was 63 in 2020. In 2021, there were 5,329 beneficiaries of the Maternity allowance for unemployed mothers in the RS.

According to information for the year 2020 provided by the FBiH Ministry of Labour and Social Policy[103], which collects information from responsible cantonal ministries, financial compensation during Maternity leave was used by 8,091 beneficiaries, while 4,708 beneficiaries used the Maternity allowance. There is no information about the number of fathers using maternity benefits.

b. Paternity leave

No statutory entitlement.

c. Parental leave

No statutory entitlement.

[102] Information is on file with the author. It was received on 28 March 2022.

[103] Information is on file with the author. It was received on 21 March 2022.

Brazil[104]

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April 2024

N.B. Brazil is a federal state.

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

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

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

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

Length of leave (before and after birth)

- Private sector: 4 months, which can be extended to 6 or 8 months if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*). It may be taken from the 8th month of pregnancy.
- Public sector: 6 months in the federal public sector; at state and municipal levels, entitlement to the additional months depends on the approval of the

[104] Please cite as: Fraga, A. (2024) 'Brazil country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

authorities (most state authorities approve this extended leave, but only a minority of municipalities do so).

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment. 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 6 months of work.
- If leave in the private sector is extended to six months, the benefit during the 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 2 weeks.
- Payments are taxed at 7.5, 9, 12 or 14 per cent, depending on earnings. This deduction for the social security system is paid by the beneficiary. These payments do not affect pensions; pension contributions are paid by the state.
- Funded for employees by 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). Employers cannot claim the payment back and it is not recoverable. Employees pay on a sliding scale according to their salary: 7.5 per cent if under BRL1,412.00 [€238.90][105]; 9 per cent between BRL1,412.01 [€238.90] and BRL2,666.68 [€451.18]; 12 per cent between BRL2,666.69 [€451.18] and BRL4,000.03 [€676.78]; and 14 per cent between BRL4,000.04 [€676.78] and BRL7,786.02 [€1,317.34], which is the upper limit for social security payments. For self-employed workers and business owners, leave is funded entirely by their own contributions.

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.
- In the private sector Company-Citizen Programme, there are two possibilities; in both, the company maintains the full salary. In the first possibility, the employee has 6 months of Maternity leave at home taking care of her child. In the second, the employee has 8 months of Maternity leave, organized as follows: 4 months at home taking care of the child and another 4 months at the company with working hours reduced by 50 per cent.
- In the private sector, if leave is extended to 6 months, the 2 extra months can be shared between the employee and her partner, provided that both work in companies participating in the Company-Citizen Programme.

[105] Conversion of currency undertaken for 15 July 2024, using: https://data.ecb.europa.eu/currency-converter

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

- All women who work and contribute to social security are eligible, whether 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 2 years (if she contributed for 120 months or more). Individual/facultative taxpayers (who do not work) are eligible up to 6 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).
- 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 gay and lesbian couples, only one partner (man or woman) is entitled to Maternity leave.
- Foreigners working in Brazil can enrol in social security, make 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; single 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)

- Private sector: 5 consecutive calendar days. Leave can be extended to 20 days if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*).
- Public sector: 20 calendar days in the federal sector; at state and municipal levels, entitlement to the additional period depends on the approval of the local authorities.

Payment and funding

- One hundred per cent of earnings.
- Paternity leave is taxed at 7.5, 9, 12 or 14 per cent, depending on earnings. This deduction for the social security system is paid by the beneficiary and does not affect pensions.
- Paid by employers. They cannot claim the payment back and it is not recoverable.

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

- Fathers who work with a signed work card and those in the federal 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 working in Brazil can register for social security, make monthly contributions, 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 types of leave and flexible working

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 gay and lesbian 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 2 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.

Specific provision for (breast)feeding

- The Labour Law allows for 2 30 minute breaks during the working day for breastfeeding, up until the child reaches the age of 6 months.

Flexible working

- No statutory entitlement.

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

The maximum period of post-natal leave is six and a half months, paid at full earnings replacement. There is no entitlement to ECEC.

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.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

No changes reported.

4. Uptake of leave

a. Maternity leave

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

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

c. Parental leave

No statutory leave entitlement.

Bulgaria[106]

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April 2024

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*[107]) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)

Length of leave

- Four hundred and ten 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.
- It is obligatory to take the first 135 days, and these are divided into three periods:
  i. The first period includes 45 calendar days before the expected date of birth (pre-natal leave/pregnancy leave). If a woman gives birth before the 45th day, the remaining days are added to the rest of the leave. If the delivery is delayed after the 45th day, the period is extended with a new medical statement until delivery. The total length of the pre-natal leave/pregnancy leave cannot exceed 93 days.
  ii. 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.

[106] Please cite as: Dimitrova, E., Kotzeva, T. and Ilieva, K. (2024) 'Bulgaria country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[107] Since 2018, adoption leave has been treated under a separate article of the Labour Code.

iii. The third period includes the remaining 48 calendar days until the 135th day. The post-natal leave is thus a total of 90 calendar days after childbirth.

Payment and funding

- Ninety 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 BGN780 [€398.81] from the period 01.01.2023 - 31.03.2024[108]; and there is an upper limit at a monthly maximum insurance income of BGN3,400 [€1,738.42] for the period 1 January 2023-31 December 2023. The same regulation applies for self-employed women.
- An amendment in the Social Security Code in force as of 1 January 2020 provides an option for how the Maternity pay shall be calculated in the case of a woman giving birth while still on Maternity/Parental leave, i.e. when two periods of maternity leave overlap. During the new period of Maternity leave the Maternity pay shall be kept at the level received for the previous child, if that was higher[109].
- Payments are not taxed.
- 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 six months old (and until the 410th 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, BGN780 [€398.81] from the period 01.01.2023 - 31.12.2023. There is an upper limit at a monthly maximum insurance income of BGN3,400 [€1,738.42] for the period 01.01.2023 - 31.12.2023. The same regulation applies for self-employed men.
- After the 6th month after the birth of the child, the Maternity leave (*otpusk poradi bremennost i ragdane*) can be transferred not only to the father but

[108] Conversion of currency undertaken for 15 July 2024, using: https://data.ecb.europa.eu/currency-converter.

[109] Since the income reference period will span over months on Maternity leave / Parental leave with the previous child, either of which is lower paid than the income from employment, this option protects those mothers who did not return to work in order to take care of their children.

also to one of the grandparents. The condition is that the grandparent is employed. The grandmother or grandfather to whom the leave has been transferred is entitled to monetary compensation from the National Social Security Institute until the child reaches 1 year. Its amount is 90 per cent of the mean insurance income from the last 24 months.

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 410th 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 or to one of the grandparents if s/he is employed.
- 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 BGN200 [€102.26]. This is dependent on means-testing, with the income per family member being less than BGN610 [€311.89] in 2023[110]. The conditions and procedure for receiving these benefits are stipulated in the Family Allowance Law for Children. Payments are not taxed.
- If the mother (adopter) is a student studying in full-time education, she is entitled to receive a one-time allowance of BGN2,880 [€1,472.54] in 2023. She has the right to receive the financial allowance through two instalments: at birth of the child and enrolment and after enrolment for the next semester. The allowance can be received until the child becomes one year old.
- 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; single parent); or delegation of leave to person other than the parents

- The leave allocated for pregnancy, childbirth, and child adoption (plus the financial compensations related to it) ends 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.

[110] https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=198020

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

Length of leave

- Fifteen calendar days.
- It is obligatory to take all the leave.
- A further 2 months of leave for fathers *(otpusk za otglejdane na dete do 8-godishna vazrast ot bashtsta)* is available under certain conditions (see Eligibility).

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, BGN780 [€398.81] for the period 1 January 2023-31 December 2023. There is an upper limit on payment of a monthly maximum insurance income of BGN3,400 [€1,738.42] for the same period.
- Paternity leave is counted as work experience and cannot be transferred to the mother.
- Payments are not taxed.
- Funded in the same way as Maternity leave.
- *Otpusk za otglejdane na dete do 8-godishna vazrast ot bashtsta* is paid at BGN780 [€398.81] per month.

Flexibility in use

- The additional 2 months of leave for fathers (*Otpusk za otglejdane na dete do 8-godishna vazrast ot bashtsta)* is non-transferable. It can be used in one continuous period or in several blocks of time until the child becomes 8 years old.

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 6 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 6 months (regardless of the country where social insurance has been paid).

- If the father has used two or more months of Maternity, Parental or Adoptive leave, he is not eligible for *Otpusk za otglejdane na dete do 8-godishna vazrast ot bashtsta/osinovitelia*; if he has previously used less than two months of these leaves, he may take as many days of *Otpusk za otglejdane na dete do 8-godishna vazrast ot bashtsta* as will complete the two months designated to the father. To use the leave, the father must be employed and have at least 12 months of paid social insurance regardless of the time of the payment. The leave can be used in one continuous period or in several blocks of time. and is counted as work experience.

c. Parental leave (*otpusk za otglegdane 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 reaches 2 years of age.
- Leave is claimed by the mother, but can be fully transferred to the father or a grandparent if they are in employment

Payment and funding

- A monthly benefit equal to the minimum salary. The monthly salary was BGN780 [€398.81] for the period 1 January 2023-31 December 2023. The benefit cannot be less than the minimum salary.
- Payments are not taxed.
- Funded in the same way as Maternity leave.
- Parental leave is counted as work experience.

Flexibility in use

- If the mother (whether adoptive or biological) decides not to use the paid Parental leave fully or in part after the 135th day, she is entitled to receive partial financial compensation for the remaining period of the leave. This compensation is set at 50 per cent of the monthly benefit for parents taking leave, i.e., BGN390 [€199.41] for the period 1 January 2023-31 December 2023. 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 2 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.
- 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.
- 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; single 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 2 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 otglegdane 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 6 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 of the leave commencing. The leave can also be broken down and used as separate blocks of time, but no fewer than 5 days at a time. Like Maternity, Paternity, and Parental leaves, this counts as work experience.

e. Other types of leave and flexible working

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.
- 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 (taken over a period of 24 consecutive months, preceding the month in which payment of the allowance starts), 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.
- Single adoptive fathers/mothers are entitled to the same adoption leave and pay as adoptive parents in couples.
- Adoptive fathers in married couples may use the adoption leave and pay in place of the adoptive mother with her consent, beginning no earlier than six months after the child's arrival at home and no later than the child's 5th birthday. With the same condition, the leave can be transferred to one of the parents of the adoptive mother or father and to one of the parents of a single adoptive parent. In all cases when the leave and pay are transferred, the person who steps in for the adopter should be in employment and have paid social security contributions for general illness and maternity for 12 months.
- Adoptive parents of a child up to the age of 5 years are entitled to receive 365 days' paid leave equal to 90 per cent of 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.
- A reduced amount of the adoption allowance (50 per cent) can be received by the adoptive parent if s/he or the user of the leave (e.g., spouse, grandparent in the case when the right has been transferred), returns 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 the user of this leave returns to work before its ending the adoptive parent can receive 50 per cent of the allowance associated with it for the remaining period.
- If adoptive parents are married when adopting a child under the age of 5 years, the adoptive father is entitled to 15 days of leave beginning from the day of the child's arrival in the household. 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 6 months.
- Adoption leaves are counted as work experience.
- Adoptive parents of a child up to the age of 5 years can transfer the leave to one of the grandparents if s/he is employed. The grandmother or grandfather to whom the leave has been transferred is entitled to monetary

compensation from the National Social Security Institute until the child reaches one year. Its amount is 90 per cent of the mean insurance income from the last 24 months.

- Foster mothers are 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.

Time off for the care of dependants

- Leave to care for a sick family member – including a child (*otpusk pri vremenna nerabotosposobnost*) can be taken for up to 60 calendar days, per year per family. Apart from this period, the following cases of a caregiver tendering a child (incl. foster care) are entitled to additional days out of work – to accompany a hospitalized child under the age of three; to care for a quarantined child under eighteen; and to attend to a healthy child under twelve who has to stay at home due to a quarantine in school or a childcare institution. The length of the leave in all three cases is unspecified and depends on the evaluation of the respective medical authorities. 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. The leave 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. Self-employed persons 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.

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 1 hour per day (2 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.

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.
- Until 2022, the Labour Code contained provisions for flexible working only for parents coming back to work from Maternity/Paternity/Parental leave; new regulations from 1 August 2022 broaden the range of beneficiaries and circumstances regarding work–family life reconciliation. In order to better reconcile work and family responsibilities, an employee will be able, if necessary, to request for some time working remotely, a change in working hours or their distribution, as well as other changes in the employment relationship. This option is given to parents of children up to 8 years of age, and for the first time to people who take care of a parent, a spouse or other relatives in a direct line for serious medical reasons. However, the possibility of requesting a change in working hours does not oblige the employer to grant it. If the employer disagrees with the request, their only obligation is to give a reasoned written response regarding their refusal within 14 days.
- Outside the case of family care, the Labour Code provides for the right of an initiative from both, the employer and the employee, to: switch from full to partial working time and vice versa, from fixed to flexible timetable (but with a fixed amount of present-in-the-office hours, set by the employer), and from remote to in-office work.
- Employed mothers of children under 6 years of age have a legal right to work from home with the same (or another) employer, upon request.[111] When the child turns 6 years, 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 6 years of age may work from home for another employer, in which case they should be granted unpaid leave from their former employer and the right to return to the same (or an appropriate alternative position) after the entitlement to work from home expires (but no later than the child's sixth birthday). The right may be used by the father if the mother is not able to use it.

[111] In reality, this statutory right for flexible or remote work for mothers with children under 6 years 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.

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 3 years, without permission obtained from the Executive Agency's General Labour Inspectorate.
- 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 Health. 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 is 36 months, but well-paid leave only lasts for 12 months.[112] Early Childhood Education and Care (ECEC) is obligatory for children aged five and six years. There is therefore a gap of two years between the end of leave and the start of an ECEC entitlement and a gap of four years between the end of well-paid leave and an entitlement to ECEC.

[112] Bulgaria has no law or policy document entirely devoted to early childhood development. The legislative and political framework concerning ECEC is contained within the sectoral laws and policies in the healthcare, education and social sphere.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

In 2023 there was an increase of the payment for Maternity/Parental leave benefit, due to the increase of the minimum wage.

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 2023, the total number of the beneficiaries of maternity leave (*otpusk poradi bremennost i ragdane*) are 78,151, of whom 338 are men. These are fathers (adoptive and biological) who took the period of Maternity leave, from the 6th month until 1 year after childbirth – a number which makes them below one per cent of all beneficiaries.[113] Among the first year paid beneficiaries, 902 leave beneficiaries (63 of whom are adoptive parents) 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.[114]

b. Paternity leave

For eligible fathers, the 15 days of Paternity leave (*otpusk po bashtinstvo*) are obligatory, intended to foster father's involvement in childcare immediately after the birth. According to the National Social Security Institute, 22,153 fathers (including 2 adoptive fathers) took paid leave in 2023: this is equivalent to less than half of all the children born that year. The 15 day leave is the most used type

[113] National Insurance Institute, 2023. Available at: https://www.noi.bg/wp-content/uploads/SPRAVKA_bolnicni_31122023.pdf

[114] In Bulgaria, 73 per cent of all children up to 3 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., Dimitrova, E. Ilieva. K. and Moraliiska, S. (2016) 'Survey on attitudes of parents towards family policy in Bulgaria', *Family Policy Vision – Parents' Views and Europe's Experience*. Sofia: NMD. Available at: http://nmd.bg/dve-novi-publikatsii-po-proekta-viziya-za-semeyna-politika/).

of Paternity leave in Bulgaria. The new two-month Paternity leave, introduced on 1 August 2022, was taken by 3,501 fathers, including adopters.[115]

c. Parental leave

In 2023, the second year of Parental leave (*otpusk za otglegdane na dete do 2 godishna vazrast*) was taken by 84,049 beneficiaries: 917 of them were fathers. Moreover, 15,263 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[116]. 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 11,516 mothers (1401 of whom received benefits in kind because their age was below the age of 18 years) received this social benefit of BGN200 [€102.26] in 2023 (i.e., about one fifth of all mothers who gave birth that year)[117].

d. Childcare leave or career breaks

No information available.

[115] National Insurance Institute, 2023. Available at: https://www.noi.bg/wp-content/uploads/SPRAVKA_bolnicni_31122023.pdf

[116] 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 9).

[117] Report on the Activity of the Agency for Social Assistance in 2023. Available from file:///C:/Users/admin/Downloads/8271-yearlyasp.pdf

Canada[118]

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April 2024

N.B. Canada is a federal state.

Note on federal and provincial/territorial responsibility: In Canada, the federal Employment Insurance (EI) programme, funded by employers and employees and administered by the Department of Employment and Social Development Canada, provides Maternity and Parental leave benefits to parents residing outside the province of Québec. Since 2006, Canada has had two programs for parental benefits with the province of Québec administering its own provincial Maternity, Paternity, and Parental leave benefit programme called the (QPIP) for employed and self-employed workers.

Eligibility for job-protected unpaid leave is separate from eligibility for the payment of benefits under the two (federal and Québec) programmes. Entitlement to job-protected leave from employment is granted through labour laws (employment standards acts) that fall under the jurisdiction of the ten provinces and three territories (referred to below as 'jurisdictions') as well as through the Canada Labour Code for the 7 per cent of employees in federally regulated industries. This results in 14 different legislated leave entitlements. Variations between jurisdictions have implications for how (unpaid) legally entitled leave and the two benefit programmes are accessed and used. Two separate sets of rules apply to the federal wage-compensation benefit programme and provincial/territorial/federal legal entitlements to job-protected leave. In Canada, 'leave' therefore refers to either unpaid, job-protected time off work or to benefit programmes.

The information below refers to Canada's two benefit programmes (EI and QPIP). Details of the QPIP programme are given under 'regional or local variations in leave

[118] Please cite as: Doucet, A., Lero, D.S., McKay, L., Mathieu, S., Thompson, K. Tremblay, D.-G with Berenger Nounagnon, U., Poulin E. and Wazen, S.J. (2024) 'Canada country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International review of leave policies and research 2024*. (Names are listed alphabetically). Available at: https://www.leavenetwork.org/annual-review-reports/

policy.' Details regarding unpaid job-protected leave appear at the end of the Parental leave section.

For comparisons in this review between Canada's and other countries' leave provision and early childhood education and care services, please see the cross-country tables at the beginning (they are 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 that support parents

Table 1 compares benefits under the Canadian and Québec programmes. For both, parents must pay premiums through insurable employers (or as self-employed individuals) in order to qualify.

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

Table 1: Canada (EI) and Québec (QPIP)				
	Canada EI		**Québec QPIP**	
Eligibility[1]	600 hours of employment in the previous 52 weeks		CAN$2,000 [€1,348.25][119] in earnings	
Self-employed workers	If opted-in 12-months prior to claiming, with minimum net income of CAN$8,492 [€5,724.69] in self-employed earnings in 2023[2]		Automatically covered	
Waiting period	1 week per couple		None	
***Weeks by wage-replacement rate (% of gross earnings during a qualifying period up to the* Maximum Insurable Earnings level)**				
Plan	***Standard***	***Extended***	***Basic***	***Special***[3]
Maternity[4]	15 at 55%		18 at 70%	15 at 75%
Parental (may be shared[5]****	35 at 55%	61 at 33%	32 (7 at 70% + 25 at 55%) (+ 4 at 55% once 8 shareable parental benefit weeks have been paid to each parent)	25 at 75% (+3 at 75% once 6 shareable parental benefit weeks have been paid to each parent)
Parental Sharing Benefit	5 at 55%	8 at 33%		
Paternity			5 at 70%	3 at 75%

[119] Conversion of currency undertaken for 15 July 2024, using: https://data.ecb.europa.eu/currency-converter

Parental for Multiple Births (Non-shareable)			5 weeks to each parent at 70%	3 weeks to each parent at 75%
Single Parent Parental (Non-shareable)			5 at 70%	3 at 75%
Adoption (shared)[6]	35 at 55%	61 at 33%	32 7 at 70% + 25 at 55% (+ 4 at 55% once 8 shareable parental benefit weeks have been paid to each parent)	25 at 75% (+ 3 at 75% once 6 shareable parental benefit weeks have been paid to each parent)
Adoption (Non-shareable)			5 weeks to each parent at 70%	3 weeks to each parent at 75%
Adoption-Related Welcome and Support Benefits (Shareable)			13 at 70%	12 at 75%
Multiple Adoption (Non-shareable)			5 weeks to each parent at 70%	3 weeks to each parent at 75%
Single Parent Adoption (Non-shareable)			5 at 70%	3 at 75%
Adjusted annually:				
Maximum weekly benefit, 2024	CAN$638 [€430.09]	CAN$401 [€270.32]	CAN$1,265 [€852.77]	CAN$1,356 [€914.12]
Maximum insurable earnings, 2024	CAN$63,200 [€42,604.83]/year		CAN$94,000 [€63,367.94]/year	
Maximum total weeks per couple	Standard parental: 40 weeks (35 weeks plus 5 additional when benefits shared Extended parental: 69 weeks (61 weeks plus 8 additional when benefits shared)		55 (59 if shared)	43 (46 if shared)
Low-income supplement[7]	Up to 80%		Up to 100%	

Source: Adapted from 'EI maternity and parental benefits: What these benefits offer,' Employment and Social Development Canada (2023), https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html, 2022/2023 Employment Insurance Monitoring and Assessment Report (2024), https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2023/2022-2023-EI_MAR-EN.pdf, and 'Québec Parental Insurance Plan'. Québec: Emploi et Solidarite sociale. Available at: http://www.rqap.gouv.qc.ca

Table 1 Notes:

i. 420 hours of insurable employment in the calendar year before the claim is made (or since the last EI claim, e.g., for unemployment, sick leave, Caregiving, or Compassionate Care benefits). In Québec, CAN$2,000 [€1,348.25] must be earned in the prior year but an extension to up to 104 weeks before the start date for benefits can be considered if the claimant was unable to work for a portion of the year before the claim.
ii. Government of Canada (2023) *EI benefits for self-employed people*. Ottawa: Employment and Social Development Canada. Available at: https://www.canada.ca/en/services/benefits/ei/ei-self-employed-workers.html
iii. Only QPIP has a separate option for adoptive parents; EI Parental leave benefits are the same for biological and adoptive parents.
iv. The persons who experienced pregnancy and childbirth, including surrogates, are entitled to Maternity leave in both plans; under QPIP, those with pregnancies terminated after 19 full weeks are also eligible.
v. The benefit calculation under EI 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. In Québec, the program does not take into account the 'best weeks' but the employment situation of the person in the past 26 weeks (an extension is granted if earnings were lower for certain reasons).
vi. For births and adoptions on or after 17 March 2019, see https://www.canada.ca/en/employment-social- development/campaigns/ei-improvements/parent-sharing.html
vii. The low-income supplement is for families with a net annual income of less than CAN$25,921 [€17,474.05]. The amount, up to 80 per cent of average insurable earnings, is calculated based on net family income and the number of children and their ages. It should be noted that even at 80 per cent, the threshold of CAN$25,921 [€17,474.05] is below the low-income cut-off rate (poverty line) for two persons (parent and child). In September 2021, Québec enhanced the additional support offered to low-income parents.

a. Maternity leave (*congé de maternité*)

Length of leave (before and after birth)

- Sixteen to 19 weeks depending on the jurisdiction.

Payment and funding of two benefit programmes

- Fifteen weeks of EI benefits at 55 per cent of average insured earnings up to an upper limit of CAN$63,200 [€42,604.83] (i.e., a benefit payment upper limit of CAN$668 [€450.32] per week). Low-income families can qualify for a higher benefit rate, up to a maximum of 80 per cent of insured earnings.
- There is no payment for the first week, which is treated as a 'waiting period'. Payment is actually provided for 14 weeks and parents have only one 'waiting period' per birth; unpaid leave entitlement is 16-19 weeks (see Table 2).
- Payments are taxed.
- Administered under the federal EI programme, Maternity and Parental leave benefits are funded by premiums paid by employers and employees, based on a premium rate that applies to every CAN$100 [€67.41] of insurable earnings to the maximum insurable earnings threshold (MIE), which was CAN$63,200 [€42,604.83] in 2024. The rates are set by the Employment

Insurance Financing Board each year. Employers pay premiums that are 1.4 times those of employees, up to a maximum of CAN$1,049.12 [€707.24] per employee.[120]

- Employee premiums are CAN$1.66 [€1.12] per CAN$100 [€67.41] of insurable earnings reaching a maximum of CAN$1,049.12 [€707.24] for those who earn CAN$63,200 [€42,604.83] or more. The premium rate for workers in Québec is CAN$1.32 [€0.89] of insurable earnings in 2024; employer premiums were set at CAN$2.28 [€1.54] per CAN$100 [€67.41] of insurable earnings (for Québec Employers, at CAN$1.85 [€1.25]).
- Self-employed individuals outside of Québec who opted into the EI programme in order to be eligible for special benefits pay the same as employees: CAN$1.66 [€1.12] per CAN$100 [€67.41] of insurable earnings to a maximum of CAN$63,200 [€42,604.83] of earnings or CAN$1,049.12 [€707.24] annually[121].
- See 'regional or local variations' for details about additional contributions paid in Québec.

Flexibility in use of benefits

- Pregnant mothers may start receiving benefits as early as 12 weeks before their due date or delay receiving benefits until the actual week that they give birth.
- Normally, Maternity Leave benefits must end by 17 weeks after the week in which the mother was expected to give birth or actually gave birth. Maternity benefit receipt can be delayed/extended by the amount of time a new-born is hospitalized, but Maternity benefits must be received within 52 weeks of the birth.
- Maternity benefits may be combined with regular benefits in the event of job loss or with other special benefits such as Parental benefits, 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). Eligibility criteria and other rules regarding combining benefits can sometimes result in reducing the duration of claims.

Regional or local variations in leave policy

- Eligibility criteria 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 Table 1.
- Québec offers benefits up to an earnings upper limit of CAN$94,000 [€63,367.94] per year for 18 weeks of Maternity leave, without a waiting

[120] Government of Canada (2024) *EI premium rates and maximums*. Ottawa: Canada Revenue Agency. Available at: https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/payroll/payroll-deductions-contributions/employment-insurance-ei/ei-premium-rates-maximums.html

[121] Government of Canada (2023) *2023 Actuarial Report on the Employment Insurance Premium Rate*. Ottawa: Office of the Superintendent of Financial Institutions. Available at: https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/premium/rates2023.html#h2.3

period.[122] Maternity leave use is flexible: it is possible to have a higher income replacement rate for a shorter period of time, or a lower rate for a longer period. Under the 'special' plan, Maternity Leave benefits are paid at 75 per cent of weekly income for 15 weeks, whereas under the 'basic' plan, it is 70 per cent of weekly income for 18 weeks.

- Maternity benefits may begin no sooner than the 16th week before the week scheduled for childbirth. Maternity leave can be taken during 20 weeks after birth.
- It is possible for a claimant to receive QPIP maternity benefits while continuing to work. To determine the amount of income one can earn without affecting the amount of their QPIP benefits, they must calculate the difference between their average weekly earnings and the benefit amount.
- Benefits in Québec are financed by contributions from employers, employees, and the self-employed, who pay the standard contribution to EI (less a reduction, but with a supplementary contribution to cover the higher benefits offered in the province). In 2024, contributions are 0.494 per cent for employees, 0.692 per cent for employers, and 0.878 per cent for the self-employed; these are unchanged from 2023 (maximum contributions, respectively, of CAN$464.36 [€313.04], CAN$650.48 [€438.51], and CAN$825.32 [€556.37], up to a maximum insurable income of CAN$94,000 in 2024 [€63,367.94][123], compared with EI's 1.63% of insurable income to a maximum of CAN$61,500 [€41,458.81] in other parts of Canada).

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

- Eligibility for job-protected unpaid leave varies between Canada's 14 employment jurisdictions and is separate from eligibility for the payment of benefits under the two (federal and Québec) programmes. The rules generally apply to all leave-taking types. See 1b.
- Eligibility requirements for wage-compensation benefits under the federal programme are 600 hours of continuous employment in the previous 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 CAN$2,000 [€1,348.25] in the 52 preceding weeks.
- In 2006, when the QPIP programme began, self-employed workers in Québec became eligible for Maternity, Paternity, Parental, and Adoption benefits if they had made a minimum of CAN$2,000 [€1,348.25] in self-employment earnings in the previous year. Surrogate mothers are eligible since 6 June 2023. Outside Québec, EI special benefits (Maternity, Parental, Sickness, Compassionate Care and Family Caregiver for Children or Adults) were

[122]Government of Québec. For information on QPIP, see: https://www.rqap.gouv.qc.ca/en/what-is-the-Québec-parental-insurance-plan

[123] Government of Québec. *Québec Parental Insurance Plan*. Available at: https://www.rqap.gouv.qc.ca/en/about-the-plan/general-information/premiums-and-maximum-insurable-earnings

extended to the self-employed on a voluntary, opt-in basis in 2010 (implemented in 2011). Until 2011, most self-employed parents (outside of Québec) were not eligible for benefits because 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 have to register one year prior to seeking benefits and qualify if they have reduced the amount of time devoted to their business by more than 40% because of childbirth/care, have paid contributions to the regime, and have earned at least CAN$8,492 [€5,724.69] from self-employment in 2023 There are no leave entitlements or benefits for parents who do not meet these eligibility criteria.

- Graduate students and postdoctoral fellows who have been granted a scholarship from one of three large granting Tri-Council funding agencies[124] can receive limited benefits (Maternity, Paternity, and Parental) according to work-related earnings. Research/teaching assistant and postdoctoral employment contracts vary in terms of being counted as insurable earnings.

Variations 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

- 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 6 weeks. See Table 2.
- In cases where a birth mother is ill during or after pregnancy, up to 26 weeks of federal Sickness benefits can be received. This results in a maximum of 102 weeks of benefits (26 weeks of Sickness benefits, 15 weeks of Maternity benefits, and 61 weeks of Parental benefits). If a new-born or newly adopted child is seriously ill, the mother may combine Maternity benefits with up to 35 weeks of EI benefits for Family Caregivers for Children. Parents in Québec can combine QPIP benefits with EI Sickness and/or Caregiver benefits if they qualify for them.
- 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 under the EI plan. In Québec, QPIP offers 5 additional benefit weeks at 70 per cent to each of the parents in case of multiple births or adoptions (3 at 75 per cent under the special plan).

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

[124] The Tri-Council funding agencies include The Social Sciences and Humanities Research Council (SSHRC), the Canadian Institutes of Health Research (CIHR), and the Natural Sciences and Engineering Research Council of Canada (NSERC). These are the major sources of research funding for post-secondary institutions across Canada.

- 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 and that often includes coverage during the waiting period before federal benefits are provided.

b. Paternity leave (congé de paternité in Québec, where this is the responsibility of the Ministry of Work, Employment and Social Solidarity)[125]

No statutory entitlement.

Regional or local variations in leave policy

- Québec offers up to five weeks of Paternity leave after birth. Three weeks at 75 per cent of average weekly earnings or five weeks at 70 per cent to an earnings upper limit of CAN$94,000 [€63,367.94] per year are available. Funding is the same as for Maternity leave.
- Fathers in Québec (including self-employed workers) are eligible if they have earned at least CAN$2,000 [€1,348.25] in the 52 preceding weeks. This covers the parent who did not give birth. For same-sex male parents, the partner of the biological father is entitled to adoption benefits if he was part of the adoption process. In the case of two female parents, the partner of the birth mother is entitled to Paternity leave and Parental leave benefits if her name is on the birth certificate.

c. Parental leave (*congé parental*)

Length of leave (before and after birth)

- See regional variations below.

Payment and funding

- The EI system provides two Parental leave options that apply to both parents of new-borns and newly adopted children. Standard Parental leave benefits stipulate that 'up to 40 weeks can be shared between parents, but one parent cannot receive more than 35 weeks' at 55 per cent of average insured earnings up to a maximum of CAN$668 [€450.32] per week (the same rate as Maternity leave). Alternatively, Extended Parental leave benefits offer longer duration for less money: up to 69 weeks can be shared, but one parent cannot receive more than 61 weeks at 33 per cent of earnings up to CAN$401 per week [€270.32]. In both cases, sharing benefits is incentivized[126].

[125] The French translation of the name of this ministry is *Travail, Emploi et Solidarité Sociale*.

[126] Government of Canada (2023) *Maternity and parental leave benefits*. Ottawa: Employment and Social Development Canada Available at: https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html

- *Parental Sharing Benefits:* An EI Parental Sharing Benefit[127] was implemented on 17 March 2019. This policy provides 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. It is important to note that families are only eligible for this new option if *both* parents qualify for and receive benefits.[128] 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.
- *Low-income families* (i.e., families with a net income of CAN$25,921 [€17,474.05] 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 benefit amount received depends on family net income and the number and ages of children in the family (under 18 years). In 2022-23, a total of 46,000 claims received the family supplement[129]. Evidence of the total number of claimants receiving the family supplement for low-income families for 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 CAN$25,921 [€17,474.05]), while average family income has risen. In September 2021 Québec raised the eligibility threshold for a benefits top-up to the equivalent of the annual minimum wage of a person who works 40 hours a week. The amount rose to CAN$28,080 [€18,929.49] in 2021. This threshold will now be indexed to minimum wage increases and it will increase to CAN$32,760 [€22,084.40] from 1 May 2024. In addition, in Québec the benefit calculation is now based on individual income instead of family income. Low-income parents who qualify for an increased benefit can see it reach up to 85% or 100% of their average weekly insurable income now, depending on the choice of plan. Finally, under the new top-up rules, both parents can receive an increase in their benefits simultaneously if they both qualify.
- *Working while on claim*: In Canada, it is possible for a claimant to receive EI 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

[127] Government of Canada (2019) https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parent-sharing.html Ottawa: Employment and Social Development Canada.

[128] For an overview of the high numbers of mothers who do not receive 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,* Vol.58,4: 543–562. Available at: https://doi: 10.1177/0022185616643558

[129] Employment and Social Development Canada (2024) *2022/2023 Employment insurance monitoring and assessment report*, *Canada.* Available at: https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2021/2020-2021_EI_MAR-EN.pdf

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 full-time week, they will no longer be eligible to receive benefits (regardless of earnings), but this will not decrease the total amount of weeks payable 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. Québec has different rules regarding working while receiving QPIP benefits (see additional details below).

- *Students and post-doctoral fellows*: Parental leave duration was is 12 months for student researchers and post-doctoral fellows receiving federal research grants or scholarships. This programme is administered by federal Tri-Council funding agencies (see footnote 7).

Flexibility in use

- Both in Canada and in Québec, benefits payment can be claimed by either parent or can be shared (if both parents qualify). In Canada, the total duration is 35 weeks (40 weeks if shared) under the standard plan, which stipulates that leave benefits must be used within 52 weeks after the birth. In Québec, the period during which Parental leave can be taken is 78 weeks or 18 months after the birth.
- When they apply for benefits, parents must choose either the standard plan or the longer extended benefit plan and this decision cannot be changed at a later date.
- Each of the 14 labour laws establishes rules regarding flexibility of use. For details, see notes under Table 2 in 'Regional or local variations in leave policy'. Parents of a new-born or newly adopted child who is hospitalized for an extended period have a window of up to two years to claim Parental benefits.
- Parental leave benefits can be combined with EI-covered Sickness or Compassionate Care benefits or Family Caregiver benefits while a parent is on leave.
- Canadian Forces members ordered to return to duty while on Parental leave or whose Parental leave is deferred because of military requirements may receive benefits for an extended window of up to two years following their child's birth or adoption.

Regional or local variations in leave policy

- As Canada has 14 jurisdictional Employment Standards acts, provinces and territories use different unpaid job-protected leave entitlement criteria. In all jurisdictions but Quebec, where residency determines eligibility for QPIP, place of employment, rather than residency, determines which legal rules parents must follow. These rules pertain to length of leave, flexibility of use, potential extensions related to special circumstances, eligibility for leave, and employment entitlements during leave (e.g., accrual of work benefits such as pensions). Additional regional variations in eligibility for leave

entitlement are noted in the next section.

Following the federal government's introduction of an optional extended Parental benefit period of 61 weeks, it amended legislation to allow 63 weeks of unpaid, job-protected Parental leave for workers in federally regulated industries governed by the Canada Labour Code. The federal government works with the provinces and territories to encourage similar changes under provincial employment standards laws. The chart below shows which provinces and territories have made this change as of 2 May 2024. Most jurisdictions require continuous leave within and across types of leave. In Québec, paternity and parental leave can be broken down into weeks.

Table 2: Maximum Duration of Unpaid Leave Entitlement by Jurisdiction

Employment Jurisdiction	Maternity Leave (weeks)	Paternity Leave (weeks)	Parental Leave (weeks)	Adoption Leave and surrogate mothers (weeks)
Federal	17		63*	63*
Alberta	16		62	62
British Columbia	17		61-69**	61-69**
Manitoba	17		63	63
New Brunswick	17		78***	78***
Newfoundland and Labrador	17		61	78****
Northwest Territories	17		61*****	61*****
Nova Scotia	16		77	77
Nunavut	17		37	37
Ontario	17		61-63+	63
Prince Edward Island	17		62	62
Québec	18	5	65	65
Saskatchewan	19		59-71++	19++
Yukon	17		63*	63*

Table2 notes:

* 71 if shared.

** In British Columbia, both Standard and Extended leaves are available. If both parents are sharing standard parental leave, they can receive up to 40 weeks, but one parent cannot receive more than 35 weeks of standard benefits; if both parents are sharing extended parental leave, they can receive up to 69 weeks, but one parent cannot receive more than 61 weeks of extended benefits.

*** In New Brunswick, parents may take a maximum 78 weeks leave, including maternity leave and child care (parental) leave.

**** In Newfoundland and Labrador, adoptive parents can also take 17 weeks of unpaid adoption leave, in addition to 61 weeks of parental leave, for a total of 78 weeks.

***** In the Northwest Territories, an additional 8 weeks is available if leave is shared.

+ In Ontario, 61 weeks is available for birth mothers who have taken Maternity leave; otherwise, 63 are available.

++ In Saskatchewan, 59 weeks are available to the primary parent who took full Maternity or adoption leave; 71 weeks are available for the parent who did not.

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

- In most provinces and territories, 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, Nova Scotia, Québec, and the federal jurisdiction, where there is no minimum length of service required. From shortest to longest duration, Alberta requires a minimum of 90 days with the same employer, Ontario and Saskatchewan require 13 continuous weeks, and Newfoundland and Labrador requires 20 continuous weeks. Prince Edward Island requires employment over any 20 weeks in the previous 52 weeks of leave, while New Brunswick requires six months of continuous employment and Manitoba requires seven months. The Northwest Territories, The Yukon Territories and Nunavut require 12 months.
- Additionally, in all jurisdictions, a medical certificate is required or may be requested by the employer and an employee must notify the employer (usually two to four weeks in advance or 6 weeks in Alberta, 8 weeks (2 months) or sooner in New Brunswick), of their intent to take Maternity or Parental leave. Employees are often required to provide advance notice of their intended date of return.
- Non-citizens and migrant workers with a valid social insurance number and who meet other eligibility criteria may be eligible for Maternity and Parental benefits[130].
- To be eligible for EI paid benefits in Canada, a parent must have worked in insurable employment for 600 hours in the previous 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 have earned a minimum net income of CAN$8,492 [€5,724.69] in 2023.
- Self-employed workers in Québec are automatically included in the benefits programme and are eligible for 25 or 32 weeks of shareable parental benefits (excluding additional weeks in the case of a more equal split) if they have earned at least CAN$2,000 [€1,348.25] in the 52 weeks preceding the birth of their child.
- Québec has less demanding eligibility conditions that allow more parents, including self-employed workers and students, to receive benefits: it no

[130] Government of Canada (2020) *Maternity and parental leave benefits*. Ottawa: Employment and Social development Canada. Available at: https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/eligibility.html

longer requires individuals to have worked 600 hours over the previous 52 weeks, but simply to have earned an insurable income of CAN$2,000 [€1,348.25]. This threshold has remained unchanged since 2006; as a result, with each passing year, it is increasingly easy to qualify to receive benefits.
- Although nearly 80 per cent of full-time Canadian students are in the labour force, they are unlikely to work enough hours to qualify for federal EI leave benefits in Canada. By comparison, under QPIP, earning CAN$2,000 [€1,348.25] over the previous year enables more students to access Parental leave benefits.

Specific differences between Québec QPIP and EI-based benefits in the rest of Canada

- In terms of benefits, the QPIP offers a basic entitlement of seven weeks at 70 per cent of average insured income, plus 25 weeks at 55 per cent, up to an earnings ceiling of CAN$94,000 [€63,367.94] a year. There is also a 'special' plan, which applies to Parental leave, offering a shorter period of leave (25 weeks) with higher benefits (75 per cent of earnings).
- Under the Basic plan, parents gain 4 additional shareable weeks at 55 per cent if each parent takes at least 8 weeks of shareable parental or adoption leave. Under the Special plan, parents gain 3 additional shareable weeks at 75 per cent if each parent takes at least 6 weeks of shareable parental or adoption leave.
- Parental leave can be taken up to when the child is 18 months.
- *Working while on claim*: It is possible for a claimant to receive QPIP benefits while continuing to work. Since September 2021, parents can combine work income and benefits, up to 100 per cent of the weekly income recognized for the calculation benefits, regardless of the type of benefits (maternity or exclusive for the person in connection with pregnancy or delivery, paternity or exclusive for the non-birthing parent, shareable parental in connection with the birth of a child or surrogate pregnancy, exclusive to the woman or person for pregnancy or childbirth, shareable childcare, exclusive adoption, adoption-related welcome and support, shareable adoption). Earnings above this cap will result in dollar-for-dollar benefits deductions.

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

- In Nova Scotia, if the child for whom leave is taken is hospitalized for more than 1 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 EI parental benefits are provided in the case of different circumstances (a court case challenging this policy regarding multiple births was rejected in 2011), although parental benefits can be combined with EI benefits for family caregivers for children who are critically ill.

- In Québec, non-shareable parental benefit weeks are granted to each parent and solo parents in case of multiple births or adoptions (5 weeks to each parent or single parent at 70 per cent in the Basic plan and 3 weeks to each parent or single parent at 75 per cent in the Special plan). Non-shareable parental benefit weeks are also granted to single parent (5 weeks at 70 per cent in the Basic plan and 3 weeks at 75 per cent in the Special plan).

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 and some also offer additional periods of leave. A survey conducted by Statistics Canada in February and March of 2020, before the full onset of the COVID-19 pandemic, revealed that 41.9 per cent of Canadian workers had access to Supplemental Maternity, Paternity, Parental or Employment Insurance income as an employer-provided benefit. Access to this supplemental income was far more prevalent among workers with permanent (continuing) jobs than among fixed contract, temporary, seasonal, or on-call workers[131]. Data from Statistics Canada's Employment Insurance Coverage survey indicate that in 2019, 30 per cent of mothers with an infant under 12 months who worked as a paid employee in the previous two years received a top-up payment from their employer[132].
- 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 exist under labour laws or regulations at national or provincial levels.
- In some collective agreements in the Québec public service (for example, in education), it is possible to defer 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 types of leave and flexible working

Adoption leave and pay

- The same regulations for unpaid Parental leave apply for adoptive parents and birth parents, except in four jurisdictions (see Table 2). In three cases, adoptive parents are eligible for Adoption leave that can be added to

[131] Statistics Canada (2021) 'Aspects of quality of employment in Canada, February and March 2020', *The Daily, 22 March 2021.* Available at: https://www150.statcan.gc.ca/n1/daily-quotidien/210322/dq210322a-eng.htm

[132] Choi, Y. (2023). The likelihood and timing of mothers returning to work after parental leave. Statistic Canada, Economic and Social Reports. Catalogue no. 36-28-0001.

Parental leave. The EI programme offers Parental leave benefits, but not Maternity leave benefits for parents of newly adopted children.

- In Québec, the QPIP offers multiple types of adoption benefits:
  - Non-shareable benefits: five weeks to each parent at 70 per cent (three weeks at 75 per cent under the special plan)
  - Shareable Adoption-Related Welcome and Support Benefits: 13 weeks at 70 per cent (12 weeks at 75 per cent under the special plan).
  - Shareable benefits: 32 weeks (seven weeks at 70 per cent + 25 weeks at 55 per cent). Under the special plan, the QPIP offers 25 weeks at 75 per cent. Benefits are extended when shared by both parents. Under the basic plan: four additional shareable benefit weeks at 55 per cent once eight shareable adoption benefit weeks have been paid to each parent. Under the special plan: three additional shareable benefit weeks at 75 per cent once six shareable adoption benefit weeks have been paid to each parent.
  - In case of multiple adoption: Non-shareable benefits of five weeks at 70 per cent (three at 75 per cent under the special plan)
  - For single parents: Non-shareable adoption benefits of five weeks at 70 per cent (three at 75 per cent under the special plan)
- The period during which adoption leave can be taken is 78 weeks (18 months) in Québec.

Time off for the care of dependents (see also Section 3)

- The Canada Labour Code (covering employees in federally regulated industries) has changed to provide up to five days per year for personal or family responsibility leave, including three paid days after three months of continuous employment.
- British Columbia, Alberta, Manitoba, Ontario, New Brunswick, Prince Edward Island, and Nunavut allow 3 to 5 days of unpaid leave per year to care for a sick child or family member; Newfoundland and Labrador allows up to 7 days of unpaid sick leave or family responsibility leave.
- In Québec, employees are entitled to 10 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).
- All jurisdictions have Compassionate Care leave provisions, which entitle employees to take 27 or 28 weeks of unpaid time off to care for (or arrange care for) a family member who 'is at significant risk of death within a 26 week period', and which generally align with unpaid leaves available to employees under provincial legislation. EI Compassionate Care benefits provide up to 26 weeks of benefits for those caring for an individual of any age who requires end-of-life care using the same rules required for parental leave benefits. In addition, two more recently introduced benefit programs are the '**Family caregiver benefit for children**,' that provides up to 35 weeks of benefits for those caring for a critically ill or injured child under the age of 18 years and the '**Family caregiver benefit for adults**' that offers up to 15 weeks of financial assistance for those caring for a critically ill or injured person over the age of 18 years or a family member who has experienced a significant change in their health and requires the care or

support of one or more family members. Each of these benefits are offered through EI, providing up to 55 per cent of recipients' earnings, to a maximum of CAN$668 [€450.32] per week.[133] Provisions for unpaid leave that match these benefit programs are provided under the Canada Labour Code and provincial/territorial employment standards legislation.

- The 35 weeks of Family Caregiver Benefits for Children 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 hours of insurable employment during the qualifying period[134]. These caregiving 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. All provinces and territories have amended their legislation to provide matching periods of unpaid leave (36-37 weeks for the care of Critically Ill Children and 16-17 weeks to care for a Critically Ill Adult).

Specific provision for (breast)feeding

- None.

Flexible working

- *Work-Sharing* is a small, federally run program supported through the Employment Insurance (EI) fund designed to minimize layoffs. Although not specifically designed for parents, it allows employees to reduce their weekly working hours by 10-60 per cent. Employers and employees must agree to participate in Work-Sharing and apply together. The duration of Work-Sharing is a maximum of 26 weeks; if needed, an extension may be requested, providing up to 12 additional weeks, bringing the maximum up to 38 weeks. Participants in this program receive EI benefits to supplement their wages and the employer must maintain all existing employee benefits during the Work-Sharing agreement. In the province of Québec, while some larger firms made it possible for workers to reduce their hours, many did not. There were no governmental regulations in Québec with respect to this.
- In the federal and Québec jurisdictions, a pregnant woman or nursing mother is entitled to consult with a health care practitioner to establish whether continuing any aspect of her work poses a risk to her health or that of the unborn child or nursing infant. If needed, she is obliged to ask her employer to temporarily modify her duties or to assign her to another position if necessary.

[133] Government of Canada (2023) *EI caregiving benefits*. Ottawa: Employment and Social Development Canada. Available at: https://www.canada.ca/en/services/benefits/ei/caregiving.html

[134] Government of Canada (2018) *Introducing a new EI Family Caregiver benefit*. Ottawa: Employment and Social Development Canada. Available at: https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/adult-care.html

- In Québec, a pregnant worker can qualify for Workers' Compensation if no other suitable position is available at their workplace.
- Employees in the federal jurisdiction have a right to request flexible working arrangements after 6 months of continuous employment. Employees may request changes to the number of work hours per week, their work schedule, or the employee's location of work, such as working from home or a satellite location. Employers are required to consider such requests, but may not grant them if the requested change would result in additional costs that would constitute an undue financial hardship for the employer or would result in negative impacts on the quality or quantity of work, the ability to meet customer demand, and/or the performance of the employee's workplace. No other jurisdiction has introduced a formal right to request flexible work arrangements, but they may be introduced through collective agreements.
- Following the substantial changes in work arrangements that occurred during the Pandemic, including the significant number of employees who worked from home, negotiations about work from home, required office days, and hybrid arrangements have been common in the popular and business press. Individual employers and, in some cases, unions have been involved in trying to reconcile employer and employee needs and preferences. There is also some interest in the adoption of four-day work weeks among some employers, but most of this is occurring in individual workplaces and is not framed as an employee's right or as an employment policy specifically designed to facilitate earning and caring roles.
- In November 2023, 30 per cent of parents with at least one child five years or younger worked exclusively from home or had a hybrid arrangement, including 33.2 per cent of mothers and 27.4 per cent of fathers. In comparison, 23.5 per cent of workers without a child five years or younger worked exclusively from home or had a hybrid work arrangement[135].

[135] Statistics Canada (2023) 'Labour Force Survey, November 2023', *The Daily*, 1 December 2023.

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

Early childhood programs fall under provincial jurisdiction, requiring that federal leadership and funding be paired with provincial/territorial government commitments and collaborative relationships to effect significant, sustained changes in early childhood policies and provision. Recent efforts, beginning in 2017 and gaining considerable momentum since 2021, are finally resulting in transformative changes in Canada's approach to early learning and childcare, including significant commitments to ensure Indigenous-led programs that respect and honour Indigenous children, families, and communities. While not without significant challenges, significant multi-year funding and the negotiation of bilateral agreements with each province/territory[136] and with Indigenous partners as part of a Canada-wide Early Learning and Child Care system are designed to result in more affordable, accessible, inclusive, high-quality childcare for all Canadians who wish to use it[137].

In December 2022, the government introduced legislation that would enshrine in law current programs and policies to establish and sustain progress made to develop a Canada-wide early learning and childcare system. Bill C35, An Act Respecting Early Learning And Child Care In Canada, became law in 2024.

There is no entitlement to early childhood education and care in Canada. Parents must make their own arrangements for childcare at the end of parental leave in order to return to paid work. The most current information available estimates that in 2021 there was a full or part-day childcare centre/preschool space available for only 28 per cent of children aged 0 to 5 years across the country.[138] In 2023, a higher proportion of parents of young children had difficulty finding available child care (62 per cent, compared to 53 per cent in 2019). Difficulties finding and affording childcare, particularly outside of Québec, may result in parents postponing their return to the work force, limiting their work hours, or using multiple or temporary arrangements[139].

Childcare programme policies, licensing standards, and funding mechanisms are under provincial/territorial jurisdiction and vary considerably, including childcare subsidy programmes. These programmes subsidize childcare for young children (birth to 5 years old) and before and after school care for older children. Under

[136] Separate funding is provided to Quebec, given its well-developed child care system in an asymmetrical agreement.

[137] Government of Canada (2021) *A Canada-wide Early Learning and Child Care Plan.* Ottawa: Department of Finance Canada. Available at: https://www.canada.ca/en/department-finance/news/2021/12/a-canada-wide-early-learning-and-child-care-plan.html

[138] Beach, J., Friendly, M., Nguyen, N.T., Borges Nogueira, P., Taylor, M., Mohamed, S., Rothman, L. andForer, B. (2023) *Early childhood education and care in Canada 2021*. Toronto: Childcare Resource and Research Unit.

[139] Statistics Canada (2023) 'Child Care Arrangements, 2023', *The Daily*, 5 December 2023. Available here: https://www150.statcan.gc.ca/n1/daily-quotidien/231205/dq231205a-eng.htm

this programme, only families that can provide continual proof that both parents (or a single parent) are working or studying can qualify, and childcare must be provided by a licensed early childhood programme or a regulated childcare provider. Eligibility criteria are income-based and social (i.e., for children with a disability or special need and for families referred by Child and Family Services agencies) and there are minimal fees and surcharges in some provinces. Most provinces offer publicly funded kindergarten to children who are five years old.

Although most parents do not qualify for provincial/municipal childcare subsidies, they 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 are the very parents who are less likely to qualify for Parental leave entitlement and benefits. Levels of funding, available places, and waitlist backlogs vary by municipality and province and change over time; often, there are long waiting lists for these subsidies.[140]

Across the country, childcare fees vary depending on provincial policies and market rates, with infant care being the most expensive. Canada's patchwork of provincial/territorial childcare policies continues to limit children's access to high quality early childhood programmes and has a considerable impact on family incomes and women's employment.[141] As aforementioned, many provinces/territories are improving access and/or reducing parental fees under the new childcare plan, but the limited supply of qualified early childhood educators remains an issue. There are strong calls by childcare advocates and women's groups to ensure that every jurisdiction develops an effective Early Learning and Child Care (ELCC) workforce strategy. While the new childcare plan accounts for workforce concerns, the extent to which the provinces/territories are implementing measures—such as appropriate wage grids and improvements to working conditions and benefits in order to attract, recruit, and retain qualified early childhood educators—vary considerably. Plans for expansion first require stabilizing the existing supply of programs, which has been impacted to a significant degree by decreased enrolments and additional expenses required during the Pandemic[142].

In Québec, there is a network of non-profit childcare financed largely by the Québec government, which in 1997 offered day care at CAN$5 [€3.37] a day. The February 2014 budget increased the amount parents pay for childcare to CAN$7.79 [€5.25] and it was increased to CAN$8.25 [€5.56] in 2019 and CAN$8.70 [€5.86] in 2020.[143] In 2024, the daily rate for subsidized care is CAN$9.10 [€6.13]. Subsidized spaces are insufficient to meet demands; however, parents who use unsubsidized childcare are entitled to a refundable tax credit that reimburses

[140] Macdonald, D. and Friendly, M. (2020) *In progress: Child care fees in Canada*. Ottawa: Canadian Centre for Policy Alternatives.

[141] 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.

[142] MacDonald, D. and Friendly, M. (2021) *Sounding the alarm: COVID-19's impact on Canada's precarious child care sector*. Ottawa: Canadian Centre for Policy Alternatives. Available at: https://www.policyalternatives.ca/TheAlarm.

[143] Finances Québec (2020) *Connaître le coût quotidien net des services de garde* [Knowing the net daily cost of childcare services]. Available at : http://www.budget.finances.gouv.qc.ca/Budget/outils/garde_fr.asp

between 26 and 75% of their expenses, depending on family income. In 2021, Québec announced the introduction of a 'Major initiatives for families' (*Grand chantier pour les familles*) to complete Québec's childcare network. The objective is for the network to be completed by 2025, so that every child has access to a childcare space. In 2024, there is still an important lack of childcare spaces, with more than 30,000 children on the waiting list.

Additional Supports for Parents and Young Children

In addition to provincial/territorial welfare systems that provide social assistance to low-income Canadians, Canada's tax system and, specifically, federal child benefits provide financial support, particularly to low and modest-income families.

As of July 2024, the Canada Child Benefit (tax-free monthly payments to eligible families with one or more children under 18 years of age)[144] provides a maximum annual benefit of up to CAN$7,437 [€5,013.48] per child under the age of 6 and up to CAN$ 6,275 [€4,230.15] per child between 6 and 17 years of age to eligible families. The Canada Child Benefit may be supplemented by a federal childcare expense deduction, which typically must be claimed by the parent with the lower net income. The Canada Child Benefit may be augmented by up to CAN$ 3,173 [€2,139] per year for each child in the family with a disability. Along with provincial benefits, the Canada Child Benefit, which is indexed to inflation, and is recalculated each July, is a critical component in Canada's National Poverty Reduction Strategy.

In addition to childcare and income supports, each jurisdiction funds and is responsible for a variety of other services. Parenting support programs and services for newcomer families are among these. In addition, each jurisdiction oversees specific early intervention and other services for children with disabilities, including speech and language, mental health services for children and youth, and unique programs for specific populations such as children with autism spectrum disorders and other conditions. Access to appropriate services is recognized as a critical resource for families.

No formation for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

The Minister of Employment, Workforce Development and Disability Inclusion announced on 12 March 2023 that, in major reforms to employment insurance that will be announced in 2023, a new 15 week parental benefit for adoptive parents will be introduced (which will include parents whose child is born via surrogacy).

[144] *Canada Child Benefit and related provincial and territorial programmes. For the period from July 2021 to June 2022*. Available at: https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/t4114/canada-child-benefit.html#ccbycs

The Minister is also quoted as saying that increases to weekly EI maximums is 'on the table'.[145]

Québec enhanced the additional support offered to low-income parents. It raised the eligibility threshold for a benefits top-up to the equivalent of the annual minimum wage of a person who works 40 hours a week. The amount rose to CAN$28,080 [€18,929.49] in 2021 from CAN$25,921 [€17,474.05]. This threshold will now be indexed to minimum wage increases. In May 2023, it rose to CAN$31,720 [€21,383.31]. It will rise to CAN$32,760 [€22,084.40]. from 1 May 2024. Also, the benefit calculation is now based on individual income instead of family income. Low-income parents who qualify for an increased benefit can see it reach up to 85 per cent or 100 per cent of their average weekly income now, depending on the choice of plan. Finally, under the new top-up rules, both parents can receive an increase in their benefits simultaneously if they both qualify. Before September 2021, the increase could only be granted to one parent when both received benefits at the same time. The way supplements are calculated has also been changed.

In February 2024, Quebec passed a law that made the names of maternity and paternity benefits more inclusive of sexual minorities, transgender, and non-binary parents. Maternity benefits are now referred to as 'maternity benefits or exclusive benefits for the person, in connection with pregnancy or delivery'. Paternity benefits are now termed 'paternity benefits or exclusive benefits for the non-birthing parent and exclusive or shareable parental benefits in connection with the birth of a child'[146]

4. Uptake of leave and benefits

Unpaid leave

There is no source of information on the uptake of unpaid leave. 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[147], and EI administrative data that are collected by Employment and Social Development Canada (ESDC) and published in an annual Employment Insurance (EI) Monitoring and Assessment Report by the Employment Insurance Monitoring Commission. The EICS excludes parents in the three territories and those living on First Nation reserves. Until 2020, the EICS was based on data collected only from mothers with a child aged 12 months or less and asked

[145] Annie Bergeron-Oliver (2023) 'New Canada parental benefit will be arriving 'in the coming months'. Toronto: CTV News. Available at: https://www.ctvnews.ca/politics/new-canada-parental-benefit-will-be-arriving-in-the-coming-months-1.6310351

[146] https://www.legisquebec.gouv.qc.ca/en/document/cs/A-29.011

[147] The Conseil de gestion de l'assurance parentale (CGAP) collects data on the take-up of benefits in Québec. These data are only collected for parents who receive benefits and that are relevant for the payment of these benefits and therefore, little is known about new parents who do not receive benefits. The CGAP plans to work on the profile of parents who do not receive benefits, based on both internal and external databases, and on the linkage of the administrative data it holds with other databases.

them about fathers' use/intended use of leave and benefit.[148] The EICS and Employment and Social Development Canada (ESDC) sources sometimes report national figures, which obscure the major differences in patterns of leave and benefit taking between parents in Québec who utilize the QPIP programme and those in the rest of Canada who utilize EI leave benefits. ESDC provides annual information on EI Maternity and Parental benefits, with some disaggregation (see below for mothers' and fathers' use of benefits). Recent changes to EICS methods have resulted in the latest reports referring to parents and spouse/partners, rather than to mothers and fathers.

Paid Leave

The 2022 EICS found the following uptake data for all of Canada based on survey parents of a child 18 months or younger: 81.9 per cent had insurable employment (18.1 per cent did not), 77.1 per cent received maternity and/or parental leave benefits, and 4.8 per cent did not claim or receive benefits. Of the 77.1 per cent for the country, this breaks down into 56.2 per cent receiving benefits from the Employment Insurance program and 20.9 per cent from Quebec Parental Insurance Plan[149].

Receipt of EI Benefits

The most recent *EI Monitoring and* Assessment *Report* (2022/2023) covers the period from 1 April 2022 to 31 March 2023. This report provides information about the uptake of the extended Parental leave benefits option that was introduced in December 2017.

The 2022/23 EI Monitoring and Assessment Report states that during the 2022-2023 Fiscal Year, there were 236,140 new parental benefit claims.[150] Less than 1 per cent of all parental benefit claims (about 1,200) came from adoptive parents. The vast majority of EI parental benefit claims (70.7 per cent) were made by women; however, the percentage of claims established by men was 29.3 per cent, compared to 23.5 per cent the previous year. Prior to the introduction of the parental sharing option, women received 90.6 per cent of the total amount of parental benefits paid and men received 9.4 per cent.

Parents whose children were born or placed for adoption on or after 3 December 2017 had the option to choose to take standard or extended parental benefits. Standard parental benefits provide up to 35 weeks of benefits at 55 per cent of

[148] Beginning with the 2020 survey, data are collected from both mothers and fathers of children aged 18 months or younger in the reference year.

[149] Statistics Canada (2023) 'Employment Insurance Coverage Survey, 2022'. *The Daily*, 23 November 2023. Note that the Quebec population is 23 per cent of the Canadian population.

[150] Employment and Social Development Canada (2024) *2022/2023 Employment insurance monitoring and assessment report*, *Canada.* Available at: https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2021/2020-2021_EI_MAR-EN.pdf

weekly insurable earnings over a maximum of 12 months – with 40 weeks of benefits available to parents who choose to share parental benefits as a result of policy changes introduced in March 2019. Extended parental benefits provide 61 weeks of benefits at a benefit rate of 33 per cent of weekly insurable earnings with an additional 8 weeks of benefits available to couples who share benefits over a maximum of 18 months. In the fiscal year 2022-2023 (FY22-23), 18.2 per cent of all parental claims were for extended benefits. The average weekly extended parental benefit amount received was CAN$339 [€228.53] in FY22-23; the average weekly standard benefit received was CAN$560 [€377.51] weekly, with 59.1 per cent of standard benefit claimants receiving the maximum weekly benefit available. In FY22-23, 58.6 per cent of claimants received the maximum weekly extended parental benefit rate.[151]

Using weeks and amounts of benefits claimed expressed per family (rather than per claim), analysis for 2022/23 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 (93.4 per cent) used the full 15 weeks available for an average duration of 14.7 weeks. The average number of weeks of parental benefits received in 2022/23 was 32.7 weeks for mothers and 17.9 weeks for fathers for those receiving standard parental benefits. Among parents who claimed extended benefits, mothers received an average of 57.0 weeks of Parental leave benefits and fathers claimed 34.7 weeks.[152] Data from the 2021 EICS survey revealed that one quarter of new parents (both mothers and fathers) outside Quebec (25.2 per cent) chose the extended EI parental benefits option[153].

Sharing paid benefits between parents

Eligible parents can share and use benefits at the same time or at different times. Based on the most recent EICS survey, in 2022, the use of paternity and parental benefits among spouses was considerably higher in Quebec than in the rest of Canada in 2022 where 92.9 per cent of spouses or partners had claimed or intended to claim paternity or parental benefits from QPIP, compared with 31.3 per cent on average in the other nine provinces[154].

The EI Monitoring and Assessment Report for 2020/2021 was the first report to provide results on sharing and using the additional weeks of parental benefits made available to parents whose children were born or adopted on or after 31 March 2020.

Of all families sharing standard parental benefits, 88.4 per cent used at least one of the extra weeks available to them, and 56.1 per cent used all 40 weeks of

[151] Calculated from data found at: *https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2021/2020-2021_EI_MAR-EN.pdf*

[152] Ibid.

[153] Statistics Canada (2022) 'Employment Insurance Coverage Survey, 2021', *The Daily*, 24 Nov 2022

[154] Statistics Canada (2023) 'Employment Insurance Coverage Survey, 2022', *The Daily*, 23 November 2023.

parental benefits offered. 81.4 per cent of families used 1 or more weeks available through shared extended parental benefits, while 37.1 per cent used all 69 weeks of parental benefits available. In nearly all families, both parents took maternity or parental leave at the same time, with an average of 5.2 weeks of overlap for families receiving standard parental benefits, and 8.1 weeks for those receiving extended parental benefits. The average duration of shared parental benefits was, for standard parental benefits, 17.9 weeks for men and 32.7 weeks for women; for shared extended parental benefits, the average leave duration was 34.7 weeks for men and 57.0 weeks for women.

Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two headings: 'mothers' and 'fathers'.[155] 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

Based on EICS data, the proportion of Québec parents who are eligible for and receive benefits under the QPIP program is higher than in the rest of Canada. In 2021, 99.8 per cent of recent mothers with insurable employment received QPIP Maternity or Parental leave benefits, compared to 89.3 per cent of mothers in the rest of Canada[156]. This means that, of parents with insurable employment, 0.2 per cent in Québec and 10.7 per cent outside Québec were not receiving benefits. In 2021, 82.9 per cent of parents with a child aged 18 months or younger outside of Québec had insurable employment. This left 17.1 per cent without insurable employment, and therefore not eligible to receive any benefits. Thus, adding 10.7 per cent and 17.1 per cent, we see that 27.8 per cent of parents outside Québec did not receive any parental benefits in 2021. It is critical to pay close attention to these exclusions, as they are not reflected in reporting by Statistics Canada.

In the rest of Canada, the vast majority of mothers who receive Maternity benefits (98.3 per cent) go on to receive Parental leave benefits. Women tend to receive Parental benefits for longer periods than men. In 2022/23, the average duration of standard, unshared Parental benefits was 32.7 weeks for women compared to 17.9 weeks for men; for unshared extended benefits, the average duration was 57.0 weeks for women and 34.7 weeks for men[157].

[155] By fathers, we refer to spouses/partners of recent mothers. This includes same-sex partners.

[156] Statistics Canada (2022) 'Employment Insurance Coverage Survey, 2021', *The Daily*, 24 November 2022. Available at: https://www150.statcan.gc.ca/n1/en/daily-quotidien/221124/dq221124b-eng.pdf?st=PAARNK8c

[157] Employment and Social Development Canada (2024) *2022/23 EI monitoring and assessment report*. Available at: *https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2023/2022-2023-EI_MAR-EN.pdf*

In FY22-23, 92.4 per cent of mothers used all of the 15 EI maternity weeks offered to them, with an average duration of 14.6 weeks[158]. On average, QPIP mothers took 45.9 weeks of benefits in 2021[159].

The average weekly Parental benefit for mothers receiving the standard benefit was CAN$541 [€364.70] compared to CAN$606 [€408.52] 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 CAN$327 [€220.44] per week for women and CAN$372 [€250.78] for men. Most parents who received both standard and extended Parental benefits received the maximum weekly benefit available (for standard benefits, 71.4 per cent used the maximum of 35 weeks offered; for extended benefits, 70.5 per cent used all 61 weeks available to them).[160]

Fathers

In 2022/23, fathers accounted for 29.3 per cent of those who claimed Parental leave benefits outside of Québec. Previous years have shown a slow but steady increase in the uptake of Parental leave benefits among eligible fathers in Canada (excluding Québec), indicating that more couples are sharing benefits. In 2019, for all provinces combined (including Québec), EICS survey responses indicated that the proportion of fathers who claimed or intended to claim Parental leave rose to 46.6 per cent in 2022, compared to 32.1 per cent in 2020.[161] These data obscure major differences in the uptake of Parental leave by fathers in and outside of Québec; since the administrative data on QPIP show a participation rate of fathers of 74 per cent in 2021[162], these figures tend to overestimate the number of fathers who use benefits throughout the rest of Canada.

The introduction of the QPIP, 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: from 27.8 per cent in 2005 to 85.6 per cent in 2019.[163] In 2021 in Québec, both parents took parental leave in 72.3 per cent of all births registered

[158] Ibid.

[159] Gouvernement du Québec (2023) *Profil des Prestataires 2021* [Profile of Service Providers 2021]. Régime québécois d'assurance parentale. Available at: https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/conseil_gestion_assurance_parentale/statistiques/profil_prestataires/Profil-Prestataires-2021.pdf

[160] Employment and Social Development Canada (2024) *2022/23 EI monitoring and assessment report*. Available at: *https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2023/2022-2023-EI_MAR-EN.pdf*.

[161] Ibid.

[162] Gouvernement du Québec (2023) Profil des Prestataires 2021, Régime québécois d'assurance parentale. Available here: https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/conseil_gestion_assurance_parentale/statistiques/profil_prestataires/Profil-Prestataires-2021.pdf

[163] Statistics Canada (2020) 'Employment insurance coverage survey 2019', *The Daily*, 16 November 2020. Available at: https://www150.statcan.gc.ca/n1/daily-quotidien/201116/dq201116b-eng.htm.

by QPIP. In the remaining families, only one parent was paid benefits: 8.2 per cent were fathers and 19.5 per cent were mothers. Thus, for 80.5 per cent of births covered by QPIP, fathers took leave (either Paternity, Parental or both).[164]

On average, fathers who receive benefits following a birth or adoption take significantly fewer weeks than women who receive benefits.[165] The 2022/2023 *EI Monitoring and Assessment Report* indicated that fathers received an average of 17.9 weeks of standard unshared Parental benefits following birth or adoption, compared to 32.7 weeks for mothers under the standard Parental benefit option; men took an average 8.6 weeks of standard shared parental benefits, while women took 31.7. For shared extended benefits, fathers received an average of 17.1 weeks, compared to 54.8 weeks for mothers; for unshared benefits, men took an average of 34.7 weeks, and women 57.[166]

As for Quebec, almost all fathers took advantage of the maximum weeks of paternity benefits to which they were entitled. With regard to parental shareable benefits, 35 per cent of QPIP fathers used them in 2021. On average, QPIP fathers took 9,7 weeks of benefits in 2021.

In summary, patterns of parental leave and benefit taking are continuing to evolve as Canada's EI leave benefits and Québec's QPIP policies change, with both offering more flexibility and encouragement of benefit sharing between men and women. A recent public consultation on Parental leave and benefits reflects concerns about expanding access to leave benefits, increasing benefit levels, and ensuring wider access for diverse populations.

[164]Gouvernement du Québec (2023) Profil des Prestataires 2021, Régime québécois d'assurance parentale. Available here: https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/conseil_gestion_assurance_parentale/statistiques/profil_prestataires/Profil-Prestataires-2021.pdf

[165] https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/conseil_gestion_assurance_parentale/statistiques/profil_prestataires/Profil-Prestataires-2020.pdf

[166] Employment and Social Development Canada (2024) *2022/23 EI monitoring and assessment report*. Available at: *https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2023/2022-2023-EI_MAR-EN.pdf*

Chile[167]

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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 *(pre y postnatal maternal)* (responsibility of Ministry of Labour and Social Security)

Length of leave (before and after birth)

- Eighteen weeks: 6 weeks the birth and 12 weeks after the birth.
- It is obligatory to take all the leave.
- In addition, women are entitled to a further 12 weeks of leave after obligatory Maternity leave is finished.

Payment and funding

- 'Dependent' worker: One hundred per cent of earnings, with a taxable cap of UF73.20 [€1,968] per month.[168] To avoid fluctuations, an average income is calculated for 3 months from the beginning of the Maternity leave. The obligatory monthly contribution to pension insurance (10 per cent) is also paid.
- Payments are made to the parent by the health insurance institution of the worker; each worker can choose between a private (ISAPRE) or public (Compin-FONASA) health insurance.

[167] Please cite as: Bosch, M.J. (2024) 'Chile country note', in Dobrotić, I., Blum, S., Dobrotić, I., Kaufmann, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[168] The national currency is the Chilean peso. *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. Conversion of the UF currency undertaken on 19 August 2024 using: https://www.unitconverters.net/currency/clf-to-eur.htm.

- ‘’Independent worker: One hundred per cent of earnings with a taxable limit of UF73.20 [€1,968] per month; a monthly payment is made based on the average earnings of the worker, which is calculated based on the commercial invoice issued 3 months before the beginning of the Maternity leave.
- Payments are made to the parent by the health insurance institution of the worker.

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 6 weeks to a total of 18 weeks.
- Women can choose to transfer a period of the 2nd part of her leave to the father. This transfer can be done in one of two ways: (i) the mother transfers the last 6 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 [€]; or (ii) the mother transfers 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:
  - 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 administration of the individual pension funds (the name in Chile is AFP.
    - 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 6 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; single 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 7 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 the whole period.

Payment and funding

- One hundred per cent of earnings.
- Payments are made to the parent by the employer.

Flexibility in use

- The father can choose to take leave in 1 continuous period immediately after childbirth or can distribute the 5 days over the 1st 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 recognized in Chilean law.

c. Parental leave

No statutory entitlement.

d. Other types of leave and flexible working

Adoption leave and pay

- Parents that adopt a child are entitled to the same leave as biological parents. If the adopted child is over 6 months of age, the mother is only able to use the 1st part of Maternity leave.

Time off for the care of dependents

- Every working mother or father is entitled to paid leave in the case of serious illness of a child under the age of 1 year. 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 UF73.20 [€1,968]. The father can take the leave only if the mother permits 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.
- In the case of serious illness (i.e., cancer, organ transplant, or terminal disease) or a serious accident impacting a child between 1 and 18 years of age, every working mother is entitled to take up to 10 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. One hundred 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[169].
- Sanna Law[170] was approved in December 2017. Its main purpose was the creation of a compulsory insurance for working mothers and fathers, in case they have to take care of a child under 18 years of age, with a serious illness. In this way, working parents receive 100 per cent of their salary while they are absent, with no taxable cap. This insurance is financed by 0.03 per cent of employees' taxable income. Dependent workers should have at least eight months of contributions to the pension system through AFP in the last 24 months. In the case of independent workers, they are responsible to contribute with this percentage, but also should have at least 12 months of contribution to the pension system in the last 24 months; and their health insurance payment must be up to date. Finally, laid off workers are also entitled to this benefit if they register at least 12 months of contributions to the pension system before the leave starts.
- Since the law's implementation, the number of situations covered by the insurance has increased. Since February 2018, if a son or daughter has cancer, parents can leave for 15 days from work; this period may be extended to 90 days full-time or 180 days part-time in a period of 12 months. From July 2018, organ transplant coverage was added, in which parents are entitled to 15 days of leave, with possibility of extension to 90 days full-time or 180 days part-time in a lapse of 12 months. In January 2020, the coverage was extended for parents with a child diagnosed with a terminal disease, in which case the working parent is entitled to a leave until the death of the child. Finally, in February 2020, coverage was extended for parents with a child that suffered a serious accident. In this situation, parents are entitled to use 15 days (which may be extended to 45 days).

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

[170] Ministerio de Trabajo y Previsión Social (2020) *Ley SANNA*. Gobierno de Chile

Since December 2020, this benefit is granted also with respect to minors who suffer serious accidents or who are left with permanent functional sequelae.

- Every worker is entitled to take a leave of up to 10 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).

Specific provision for (breast)feeding

- Every working mother has the right to use at least 1 hour daily to feed a child under the age of 2 years. This can be taken in one of 3 ways: (i) during the working day; (ii) dividing the breastfeeding hour into two half hours (at the beginning or at the end of the working day); or (iii) postponing the beginning of the working day or leaving earlier.
- The employee receives 100 per cent of her earnings.

Flexible working

- See section 3 for measures introduced in 2024 to increase opportunities for flexible working, especially for workers with dependents.

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

The maximum period of post-natal leave is around five and a half months, paid at a high rate. There is no entitlement to Early Childhood Education and Care (ECEC).

The Labour Law requires 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.[171] In practice, this law has become a 'tax' for female employment, so increasing the cost of labour for the employer and providing a real obstacle to women joining the labour market.

Other ECEC policies are focused on the most vulnerable families in the country. 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

[171] Dirección del Trabajo (2019).*Código del Trabajo.* Santiago de Chile.

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.[172]

- 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.

In 2018, JUNJI kindergartens and nurseries[173] covered 92 per cent of the target population, which is children from the bottom 60 per cent of households, in terms of wealth, enrolled in the Social Registry of Homes (*Registro Social de Hogares*). This means that the coverage of the program descended from 2017, when kindergartens received 98 per cent of the target population[174]. In terms of attendance, JUNJI kindergartens and nurseries presented a low increase from 77.2 per cent in 2017 to 79.0 per cent in 2018.

The situation of the Integra Foundation[175] for both nurseries and kindergartens is similar: the programme covered 93.4 per cent of its target population in 2018.

These numbers may suggest that the coverage of kindergarten population for vulnerable families is quite high, however, the potential population with needs of primary education is much higher. A recent evaluation made by the Ministry of Social Development, stated that JUNJI kindergartens and nurseries only cover 21.6 per cent of the population that face a gap between parental leave and elementary education in Chile.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Implementation of the 40 hour law

- The 40 hour law was approved in April 2023, and its implementation starts in April 2024. This new law allows the possibility of measuring the working hours monthly, with a maximum average of 45 weekly hours. It will not be allowed to exceed 40 hours more than 2 weeks in a month.
- This allows the possibility to have an additional 2½ days of rest per month and greater margins of adaptation to the workplace processes to generate more formal jobs. The new law also allows employees to distribute the 40 weekly hours into 4 working days of 10 hours each. This allows for 3 days of rest or averaging the workday. This ends the current rigidity that limits a

[172] PNUD (2014) *Chile Crece Contigo: El desafío de la protección social a la infancia.* Santiago de Chile.

[173] Ministerio de Desarrollo Social (2018) *Informe de Seguimiento de Programas Sociales: Jardín Clásico Administrado por Junji y Vía Transferencia de Fondos.* Santiago de Chile.

[174] Ministerio de Desarrollo Social (2017) *Informe de Seguimiento de Programas Sociales: Jardín Clásico Administrado por Junji y Vía Transferencia de Fondos.* Santiago de Chile.

[175] Ministerio de Desarrollo Social (2018) *Informe de Seguimiento de Programas Sociales: Jardines Infantiles y Sala Cuna de Administración Delegada.* Santiago de Chile.

minimum of five days and a maximum of 6 days per week. These measures, in turn, should favor those who are currently away for long periods of time from their homes when they have to move to other regions or to isolated tasks to work, such as mining or construction, providing possibilities beyond the exceptional days with previous authorization of the Work Direction.

- Another flexibility that this new law includes is the possibility of compensating overtime with additional holidays, with a maximum of 5 days a year, which will allow, in addition to more rest time, reduction of the gap between school and work vacations, a reality that affects women's employment.
- A family-oriented advantage of this law is a 2 hour time band for mothers, fathers or caregivers of children up to 12 years of age to anticipate or delay the start of their work by up to 1 hour. This is a right that will help to better align working days with schedules of educational and care systems.
- The new 40 hours law includes the possibility of teleworking with or without a maintained shift.
- The Labor Directorate has issued four rulings aimed at the following[176]:
  - Informing about the content and entry into force of a Law N°21.561 that amends the Labor Code with the purpose of reducing the working hours, published in the Official Gazette on April 26, 2023.
  - Informing about the distribution of working hours and agreements on extending the weekly limit.
  - Informing about the reduction of working hours in contracts established under Article 22, paragraph 2 of the Labor Code.
  - Informing about the compensation for overtime hours and holidays.

Law on the Reconciliation of Personal, Family, and Work Life since January 2024[177][178]

- The law, that came into force in January 2024, establishes the right to remote work or telecommuting, allowing workers to perform all or part of their daily or weekly schedule in these modalities to the extent that the nature of their functions permits it. Those who can access this right are workers who have personal care responsibilities for a child under 14 years of age, or who are responsible for the care of a person with a disability or in

[176] Dirección del Trabajo (2023) Noticias por año: Dictamen sobre ley de reducción de la jornada laboral a 40 horas. https://www.dt.gob.cl/portal/1627/w3-article-125562.html https://www.dt.gob.cl/portal/1627/articles-125562_recurso_1.pdf https://www.dt.gob.cl/portal/1627/articles-125562_recurso_2.pdf https://www.dt.gob.cl/legislacion/1624/articles-125573_recurso_pdf.pdf https://www.dt.gob.cl/legislacion/1624/articles-125738_recurso_1.pdf

[177] SENADIS (2024) *Sala de Prensa: Entre en vigencia la Ley de conciliación de la vida personal, familiar y laboral* [Press Room: The Law on the reconciliation of personal, family and work life comes into effect]. Available at: https://www.senadis.gob.cl/sala_prensa/d/noticias/9156/entra-en-vigencia-la-ley-de-conciliacion-de-la-vida-personal-familiar-y-laboral

[178] Ministerio de Desarrollo Social y Familia (2024) Ley de conciliación de la vida Personal, familiar y laboral Available at: https://www.desarrollosocialyfamilia.gob.cl/noticias/gobierno-destaca-entrada-en-vigencia-de-ley-de-conciliacion-de-la-vida-personal-familiar-y-laboral

a situation of severe or moderate dependence, regardless of the age of the person being cared for. These must be unpaid care tasks.

- Furthermore, the following principles are incorporated in Title II of Book II of the Labor Code:
  - Positive Parenting: includes the practical capacities and functions of responsible adults to care for, protect, educate, and ensure the healthy development of their children.
  - Social Co-responsibility: involves promoting in society the reconciliation of personal, family, and work life, especially for those who work and perform unpaid care tasks.
  - Protection of Motherhood and Fatherhood: aims to promote equal opportunities and treatment between women and men, preserving the health and well-being of children as well as their parents.
- Additionally, labour rights are recognized to promote the reconciliation of family life. For example, the right to preferential use of statutory holidays, establishing that workers who have care responsibilities for a child under 14 years of age or a teenager under 18 years with a disability have the right to request statutory holidays during the vacation period set by the Ministry of Education, with their request being given priority over those without these responsibilities.
- Likewise, the right to request adjustments to shift systems is acknowledged. This means that workers meeting the criteria have the right, during the vacation period defined by the Ministry of Education and when the nature of their functions allows it, to request temporary modifications to shifts or the distribution of the daily and weekly schedule to reconcile work with care needs during these periods.
- In both situations, workers must demonstrate that they are caregivers of individuals entitled to these rights. For example, this can be done through birth certificates of the child, registration in the National Disability Registry, or caregiver registration for a person in a situation of dependence or severe disability.

4. Uptake of leave[179]

a. Maternity leave

Data on the use of the obligatory period of Maternity leave is only available for up to 2017. According to the Ministry of Labour and Social Security, approximately 42.9 per cent of mothers in that year took the leave 6 weeks before the birth of the child. Additionally, 44.6 per cent of mothers took Maternity leave after childbirth. These percentages are based on all mothers, but Maternity leave can only be taken by women who are employed, and the female employment rate is

[179] INE (2019) *Anuario de Estadístcas Vitales, 2017;* 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; Superintendencia de Seguridad Social (2020) *Estadísticas de Seguridad Social*. Available at: https://www.suseso.cl/608/w3-propertyvalue-10364.html

48.5 per cent.[180] The data also does not include women working in national defense (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 44.4 per cent in 2017. Approximately 99 per cent of women who took the leave did so full-time, which means taking 12 weeks of leave. This ratio has been a continuous tendency until 2019.

Leave is transferred to fathers in very few cases. Only 1,802 transfers have been made from 2011 to 2019. This means that, every year, only 0.2 per cent of leaves have been transferred to the father. 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: (i) many women are still breastfeeding at a time when they might transfer leave; (ii) the decision to transfer leave is the mother's to make; (iii) the legal procedure for transferring leave is complex and unknown in most human resources departments due to its low uptake; and (iv) fathers do not have the same maternal jurisdiction that mothers have at work. Maternal jurisdiction lasts two years, while paternal immunity only doubles the period in which they took the leave.

b. Paternity leave

No information available.

c. Parental leave

No statutory leave entitlement.

[180] INE (2017) *Brechas de género en el mercado laboral chileno a nivel nacional*. [Gender gaps in the Chilean labor market at the national level]. Available at: http://historico.ine.cl/genero/files/estadisticas/pdf/infografias/0_infografia_brecha_genero_mercado_laboral.pdf

China[181]

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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.

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

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

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

Length of leave (before and after birth)

- Ninety-eight calendar days: 15 days before the birth and 83 days after the birth.
- It is not obligatory to take leave.

Payment and funding

- One hundred per cent of earnings.
- 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).

[181] Please cite as Wu, F. (2024). 'China country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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, all provinces in mainland China have extended the duration of Maternity leave to employees who comply with fertility laws and regulations especially after the implementation of the three-child policy at the national level in 2021 (see below). This varies from extending leave from the national entitlement of 98 days to 128 days (in Jiangsu) to extending leave for up to one year (in Tibet). The most common extension is to 158 days (in Beijing, Shanghai, Tianjin, Zhejiang, Hebei, Hubei, Guangxi, Fujian, Shanxi, Inner Mongolia, Liaoning, Anhui, Shandong, Hunan, Sichuan, Guizhou, Yunnan, Ningxia, Shaanxi, and Xinjiang). Among them, 30 days can be added to leave if the mother gives birth to two children or three children (Hebei, Inner Mongolia and Zhejiang), and half a year can be added if the mother gives birth to three children (Shaanxi). The Maternity leave is provided for 178 days in Guangdong and Chongqing, and 180 days in Heilongjiang, Jilin and Gansu. Finally, in Henan, Jiangxi, Hannan and Qinghai, 188 days of leave are provided.
- In Shanghai, there are three additional provisions. First, 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. Second, women who need to be exempted from work to protect their foetus can, upon presentation of a medical certificate, take a 'foetus protection leave.' Third, female employees can take two and a half months break before giving birth to a child (paid at 80 per cent of their earnings) after the approval of working unit.
- In Beijing, there are also three additional regulations. Firstly, with the consent of employers, female employees may take an additional one to three months of maternity leave (158 days in Beijing). Secondly, couples can adjust the allocation of extended maternity leave with the consent of employers. If the wife voluntarily reduces the extension of maternity leave, the paternity leave enjoyed by the husband can be increased by the corresponding number of days. Thirdly, the employing unit should reduce the labour quota of pregnant employees based on their specific situation. For example, for female employees who are pregnant for seven months or more, appropriate rest time should be arranged during working hours, and night shift work between 22:00 to 6:00 is not allowed.

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.
- 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[182], following which the Chinese government made changes to Maternity leave and Paternity leave policies (December 2015). Then, in May 2021, the universal three-child policy was implemented, 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 2022, 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 10 to 30 days.

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

- 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.
- Female employees who miscarry within 4 months of pregnancy can have 15 days of maternity leave; female employees who miscarry after four months of pregnancy shall have 42 days of maternity leave.
- 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

[182] 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.

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 ten days (Shanghai) to 30 days/one month (Yunnan, Gansu, Henan, Anhui, Jiangxi, Guangxi and Tibet) with 15 days the standard in most areas. In Shaanxi, five and 15 days respectively can be added to Paternity leave if the husband and wife live in different places and if the wife gives birth to three children. In Inner Mongolia, Liaoning, Hunan, Sichuan and Chongqing, leave is provided for 20 days. In Ningxia and Jilin, leave can be extended to 25 days. 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.

Payment and funding

- One hundred per cent of earnings.

c. Parental leave (育儿假)

Length of leave

- No statutory entitlement nationally.
- However, in most provinces, Parental leave is provided ranging from five days (Beijing and Shanghai) to 30 days/one month (Shaanxi): in Shanxi, Gansu and Qinghai leave is provided for 15 days, but ten days is most common. Parental leave in Jilin and Jiangsu is only promoted, with no number of days specified, while there are no relevant regulations in Tibet and Xinjiang.

Payment and funding

- Where Parental leave is provided, parents taking leave receive full earnings.

Eligibility

- All employees who conform with fertility policies are eligible.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Time off for the care of dependants

- China does not legally recognise same-sex marriage, so all family policies refer to heterosexual couples.
- Currently, 25 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 five days (Zhejiang and Guangdong) to 20 days (Henan, Heilongjiang, Inner Mongolia, Yunnan, Anhui, Tianjin and Shandong), with 15 days being the standard in Hainan, Guangxi, Hubei, Shanxi, Sichuan, Guizhou, Liaoning, Hunan, Hebei, Shaanxi, Gansu and Ningxia. Of the 25 provinces, eight allow children with a sibling/s to receive nursing leave: Hubei (ten days), Heilongjiang (ten days), Yunnan (ten days), Tianjin (ten days), Hebei (seven days), Sichuan (seven days), Guizhou (seven days) and Ningxia (seven days).
- In Jiangxi, 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.

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 some 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 to breastfeeding leave until the child's first birthday, paid at no less than 75 per cent of the employee's basic wage. In addition, Hainan Province stipulates that the applicable groups of relevant provisions on holidays include contract workers and temporary workers. 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.

Flexible working

No statutory entitlement.

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. There is an entitlement to ECEC from 3 years of age. There is, therefore, a gap of over two and a half years between the end of well-paid leave and an ECEC entitlement.

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 national data, only 4 per cent of children under the age of three years were in ECEC in 2015.[183] Participation of children aged three years or older in ECEC was 79.6 per cent in 2017.[184]

No formation for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

No changes reported.

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.

A survey on the implementation of maternity leave for female employees in 2021 found that when asked 'how long have you taken maternity leave', the result shows that about four-fifths of female employees take the full amount of maternity leave, but nearly 22 per cent of female employees take less than 98 days of maternity leave.

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

[183] 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

[184] 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

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 information available.

Colombia[185]

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April 2024

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 Health System)

Length of leave (before and after birth)

- Eighteen weeks: 1 or 2 weeks before the birth and 16 or 17 weeks after the birth. If for medical reasons a mother does not take the one week before birth, she is entitled to take all 18 weeks after birth.
- It is obligatory to take the post-natal leave weeks.
- Any woman who is pregnant or covered by Maternity leave or by breastfeeding provisions cannot be dismissed without 'just cause' approved by the Ministry of Labour.

Payment and funding

- Dependent worker (Employee): during the leave, the employer pays the employee's full salary. The Health Provider institution (*Entidad Promotora de Salud,* EPS) of the employee re-imburses the employer for 100 per cent of an ordinary salary, but only 70 per cent of an 'integral salary', i.e., salary plus social contributions. The employer has up to three years to claim the leave money from the EPS.
- Independent worker (Self-employed): for independent workers who issue invoices and contribute to the health system, the EPS reimburses 100 per cent of the Basic Income Value (IBC, i.e., the worker's income on which their

[185] Please cite as: Idrovo-Carlier, S. (2024) 'Colombia country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

social security contribution is calculated) for 18 weeks, or for the months that the worker has contributed before the birth of the child.
- EPS is funded by contributions of 12.5 per cent of earnings, 8.5 per cent from the employer and 4 per cent from the employee.

Flexibility in use

- Women must take the first 12 weeks of leave. The following 6 weeks may be transferred to their spouse or partner, which is called 'Shared Parental Leave' (*Licencia parental compartida*). These 6 weeks must be taken in one continuous period and cannot be taken simultaneously with the mother, unless the mother has a certified post-natal illness.
- Mother or father can take the last six weeks of leave part time, working half time and extending the period of leave correspondingly.

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

- Dependent worker: employees with permanent job contracts are entitled to take Maternity leave. For employees on fixed-term contracts, the employer must cover the Maternity leave fully and extend the contract until the end of the leave.
- Independent worker: independent workers are entitled to Maternity leave benefits if they meet the following requirements:
  - To be affiliated to the Health System (EPS) as a contributor.
  - To have contributed to the Health System during the period of pregnancy. If the worker has not paid contributions to the health system during pregnancy, she can pay her dues up to the birth date. In which case she will receive 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 mother

- In the case of multiple births or if the child is born with a disability, leave is extended by 2 weeks for a total of 20 weeks.
- In the case of a premature birth, the weeks between the actual birth and the planned birth date will be added to the 18 weeks of Maternity leave. In the case of multiple births and premature and multiple births, the two additional weeks for multiple births will be added to the difference in time between the actual birth and the planned birth date plus the 18 weeks of Maternity leave.
- In the case of an abortion or a premature non-viable birth the mother is entitled to paid leave for 2 to 4 weeks
- 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 after childbirth, the mother is entitled to use the full period of Maternity leave.

- Same-sex couples who adopt a child can determine who will take the leave (and who will take Paternity leave), but this decision cannot be changed later.

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

Length of leave

- Fourteen working days. The length of the leave will increase by one additional week for every one percentage point that unemployment decreases compared to the unemployment rate at the time the law was implemented, upto a maximum of 5 weeks.
- Any worker whose spouse or partner is pregnant or in the 18 weeks after birth and not employed cannot be dismissed without 'just cause' approved by the Ministry of Labour.

Payment and funding

- As for Maternity leave.
- Employees must notify their employer in advance of the expected date of birth, and immediately once the child is born. The father must present the civil registration of the newborn child to the EPS within 30 days of the birth in order for the institution to pay the leave.

Flexibility in use

- Paternity leave starts immediately after the child´s birth. The father can choose to take the second week of leave half time and extend the leave period by an additional week. Leave has to be taken continuously and cannot be interrupted, unless the employer agrees.

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

- All employees are eligible if they have a contract, permanent or fixed term.
- Independent workers who have contributed to the health system during pregnancy are entitled to Paternity leave benefits.
- Same-sex couples who adopt a child can determine for one time only who will take the leave (paternity or maternity) and will enjoy all the benefits of said 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

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- Parents that adopt a child are entitled to the same leave as biological parents.

Time off for the care of dependants

- Each parent is entitled to 10 days leave annually to care for a child under 18 years of age in the case of a severe illness or terminal condition. Parents can ask their respective employers for the leave at different times.
- 100 per cent of earnings are paid to employees on leave, with the employer re-imbursed by the health provider institution (EPS).
- Parents can take the leave continuously or in shorter periods, but with the employer's agreement.
- All dependent workers are entitled to 5 working days of leave when a relative (father or mother; son or daughter; brother or sister; grandfather or grandmother; grandchildren; spouse or partner; mother or father-in-law) dies ('mourning leave'). The leave begins immediately after the death of the relative and can be extended up to ten days. The employee is fully paid by the employer.

Domestic calamity leave (Calamidad doméstica)

- All dependent workers are entitled to take leave in the case of a grave domestic crisis, i.e., hospitalization of a relative for whom he/she is economically responsible; earthquake, flood, fire, vandalism, burglary; any other situation that greatly affects the worker. The leave is fully paid.
- There is no specified length for the leave but two criteria need to be considered when determining it: reasonability and proportionality.

Specific provision for (breast)feeding

- Every working mother has the right to use 2 breaks daily of 30 minutes each to feed a child under the age of 2 years. This can be taken in one of three ways: (i) during the working day dividing the breastfeeding hour into two half hours; (ii) starting the working day later; or (iii) leaving earlier. The breaks are fully paid.
- Larger employers or those employing 50 or more women must provide premises (*salas amigas*) for mothers to express milk for their children.

Flexible working

No statutory entitlement.

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

The maximum period of post-natal leave is around four months, and this is fully paid. It is compulsory for children to attend ECEC from five years of age. leaving a gap of over four years between the end of well-paid leave and the start of an entitlement to ECEC. Since the implementation of the 2011 *Estrategia para la Atención Integral de la Primera Infancia - De Cero a Siempre* (Early Childhood Comprehensive Care Strategy – From Zero to Forever), there is a national goal to achieve universal coverage of ECEC with a particular focus on the country's poorest and most vulnerable children. The actors involved in this strategy are the Ministry of National Education (*Ministerio de Educación Nacional*, MEN), the Ministry of Health and Social Protection, and the Colombian Institute for Family Welfare (*Instituto Colombiano de Bienestar Familiar*, ICBF). Decree 1411 of 29 July 2022[186] establishes the right to early childhood education for all children from 0 to 6 years; at present, this entitlement is a goal and not achieved. The decree underlines the importance of caring for pregnant women in order to strengthen the role of the family during the first years of life.

The following table, from an OECD report[187], explains the different types of ECEC provisions:

Types of ECEC provision in Colombia			
Modality	**ECEC service**	**Share of provision and beneficiaries (2013/14)**	**Key characteristics**
Community modality	Traditional Community Family Home Community Welfare Homes (FAMI) Grouped Community Welfare Homes	-69% of all ECEC provision (about 47.158 centres) -635.208 children	It targets children up to five or until they enter the education system. In most cases these services operate in the homes of local or community mothers. The care component predominates in these services. Under the new strategy some community modalities will become part of the institutional modality while the majority will

[186] www.mineducacion.gov.co/1780/articles-411579_archivo_pdf.pdf

[187] OECD (2016) *Education in Colombia, Reviews of National Policies for Education*. Available at: https://doi.org/10.1787/9789264250604-en.

			remain in the homes of community mothers.
Family modality	Family-based community centres	-25% of all ECEC provision (about 16.779 centres) -789.610 children and expectant and breastfeeding mothers	The care component predominates in this modality and it targets mainly children from before birth up to two, but may include children until the age of five. Provision is prioritised for children and families living in rural areas or with difficulty accessing institutional care settings. The programme includes educational home visits and group meetings.
Institutional modality	Child Development Centres Multi-purpose community centres Company-based centres Other types (social nurseries, child centres, and infant and pre-schooler care centres)	-7% of all ECEC provision (about 4.468 centres) -445.489 children	The government has focused on developing Child Development Centres (*Centros de Desarrollo Infantil,* CDIs), particularly in urban areas. They have a comprehensive model which aims to provide both a care and educational component. Staff include ECEC teachers, psychologists, social workers, nutritionists, and nurses.
Pre-primary school modality	Pre-kindergarten and kindergarten	-197.264 children in public schools	These grades are part of formal education and are intended for 3-4 year-olds as initial education.
	Transition year	-800.052 children in public schools	Compulsory and intended for 5-year-olds under the Law 115 of 1994.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

New labour reforms currently under discussion (April 2024) include five weeks paid Paternity leave and a new care leave policy.

4. Uptake of leave

a. Maternity leave

No information available.

b. Paternity leave

No information available.

c. Parental leave

No statutory leave entitlement.

Croatia[188]

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April 2024

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

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

a. Maternity leave (*rodiljni dopust*); Maternity exemption from work (*rodiljna pošteda od rada*); Maternity care for the child (*rodiljna briga o novorođenom djetetu*) (responsibility of the Central State Office of Demography and Youth)

Length of leave (before and after birth)

- **Maternity leave**: 28 calendar days before the expected date of birth, then until the child turns 6 months of age. The start of leave is determined by the mother's doctor.
- It is obligatory for mothers to take 98 calendar 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 6 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 payment.
- A parent who does not meet the condition of at least 6 months of continual insurance (or 9 months of insurance with interruptions over the last two years) before the leave starts receives 125 per cent of the 'budgetary base

[188] Please cite as: Dobrotić, I. and Varga, M. (2024) 'Croatia country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

rate' of €441.44 per month. The net average earnings in December 2023 were €1,191[189], and the minimum net wage in 2024 is €671.93.

- **Maternity exemption from work/maternity care for the child**: 70 per cent of the budgetary base rate per month.
- Payments are not taxed.
- Funded by the Croatian health insurance fund from health care contributions (Maternity leave) and general taxation (Maternity exemption from work/maternity care for the child).
- 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 1 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). For each childbirth or adoption, the mother is entitled to 6 months of 'additional pension insurance period' (the father can be entitled only if he has used most of the Maternity leave).

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 and transfers the right to Maternity leave to the father in a written form.
- 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 6 months of age cannot exceed the period of part-time leave taken before the child reaches this age, and the maximum period of part-time leave is until 9 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. In the latter case, the mother must, along with the request for termination of the right, also submit a request for the transfer of the right to the father.

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

- **Maternity leave**: all employed and self-employed parents 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 who meet the following conditions: they are Croatian nationals or foreigners with a

[189] See: https://podaci.dzs.hr/2023/hr/58119

registered permanent stay in Croatia, who have resided in Croatia continuously for at least 3 years until birth, are registered with the unemployment office and have health insurance.
- **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' continuous residency (as a national or foreign citizen granted long-term residence or permanent stay 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; single 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 of previous earnings with an upper limit of €565.04 per month. She must fulfil eligibility criteria for full benefit (9 months of the previous insurance period without interruptions or 12 months with interruptions within the period of 24 months before the leave start); if eligibility criteria are not met, she has a right on the minimum benefit of €110.36 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.
- In the case of a stillborn child or if the child dies while the mother is on Maternity leave (or Parental leave), the mother can continue using the Maternity leave (or Parental leave) for another three months after the child's death.

b. Paternity leave (*očinski dopust*) (responsibility of the Central State Office of Demography and Youth)

Length of leave (before and after birth)

- Ten working days.

Payment and funding

- One hundred per cent of average earnings, calculated on the average earnings on which health care contributions were paid during the 6 months prior to the leave, with no upper limit on payment.
- A parent who does not meet the condition of at least 6 months of continual insurance (or 9 months of insurance with interruptions over the last 2 years) before the leave starts receives 125 per cent of the 'budgetary base rate' of €441.44 per month.
- Payments are not taxed.
- Funded from general taxation.

- Fathers wanting to use their right have to notify their employer in writing no less than 15 days before their intended start of leave. Leave right and benefit are administered and paid for by Croatian health insurance fund.

Flexibility in use

- The leave can be used until the child turns 6 months of age.

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

- Employed and self-employed fathers are eligible.
- Same-sex couples are eligible in cases where they both have the right of parental care over the child in accordance with the Same-sex Life Partnership Act.[190]

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

- Fifteen days for twins or other multiple births.
- In the case of a stillborn child, the father has the right to Paternity leave. If the child dies while the father is on Paternity leave, the father can continue to use the remaining Paternity leave days.
- Leave cannot be transferred to another person.

c. Parental leave (*roditeljski dopust*) / Parental exemption from work (*roditeljska pošteda od rada*) / Parental care for the child (*roditeljska briga o novorođenom djetetu*) (responsibility of the Central State Office of Demography and Youth)

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 6 months of age until the child turns 1 year of age, for the first- and second-born child; or until the child turns 3 years of age for twins, the 3rd and every subsequent child.

Payment and funding

- **Parental leave**: 100 per cent of average earnings for the first six months, or eight months if both parents use Parental leave, with an upper limit of

[190] https://www.zakon.hr/z/732/Zakon-o- per centC5 per centBEivotnom-partnerstvu-osoba-istog-spola

225.5 per cent of the budgetary base rate[191]; 125 per cent of the budgetary base rate after the first six (or eight) months or if parents do not fulfil the condition of either six months of continual insurance period or nine 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.
- Payments are made to parents by the Croatian health insurance fund.
- Payments are not taxed.
- 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 the 2nd child is born within this first year, the pension insurance based on the birth of the 1st child stops, and 1 year pension insurance based on the birth of the 2nd child begins).

Flexibility in use

- Parental leave is a personal right of both parents, with 2 months of their entitlement being non-transferable. The father's entitlement is conditional on the mother's participation in the labour market. In other words, if the mother is unemployed/inactive, the father cannot use their entitlement to parental leave, and the mother must use the entitlement to parental exemption from work/parental care for the child. The only exception is the situation in which the mother did not use or does not meet the eligibility criteria for parental exemption from work/parental care for the child.
- Parents can use their entitlement at the same time or consecutively.
- Parental leave can be taken in the following ways: (i) fully (i.e. in one period); (ii) partially (no more than 2 times per year, each time for no less than 30 days); (iii) part-time (duration is doubled, and compensation is 110 per cent of the budgetary base rate).
- Leave can be taken until the child turns 8 years of age.
- Unless leave starts right after Maternity leave ends, a parent has to notify their employer in writing no less than 30 days before their intended start of leave.
- Parental exemption from work/parental care for the child: if a mother terminates their leave due to employment/self-employment, the father has the right to use the unused share of leave with the mother's written consent.

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

- Same as for Maternity leave (including in terms of citizenship/residency conditions for unemployed/inactive parents).

[191] The budgetary base rate amounts to €441.44 per month.

- 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.[192]

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

- Fifteen months (450 days) per parent for twins, other multiple births, and the third and every subsequent child. Two months are non-transferable from one parent to another (i.e., a maximum leave for a couple is 30 months). This leave is paid at a lower rate of 125 per cent of the budgetary base rate after the child turns one (or 14 months if both parents use their entitlements, see *Payment and funding* above for the benefit level until the child is 12 or 14 months of age).
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

d. Childcare leave or career breaks

- If parents have fully used Maternity and Parental leave, one of the employed parents has the right 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.

e. Other types of leave and flexible working

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 6 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 3rd child or any subsequent child in the family, or of a child with developmental difficulties. The (self-)employed parent who is not on adoption leave, has a right to the 'leave of the second adoptive parent' (*dopust drugog posvojitelja*) of the same duration and with the same benefit level as Paternity leave. After this period of leave, the adoptive parents of a child under eight years of age have the right to Parental leave under the same conditions as biological parents (see 1c). They receive all the other rights that employed/self-employed parents do.
- In the case of other adoptive parents (i.e., not employed or inactive), one adoptive parent has the right to adoption exemption from work/adoption care for the child (providing the spouse of the adoptive parent is not the parent of

[192] https://www.zakon.hr/z/732/Zakon-o- per centC5 per centBEivotnom-partnerstvu-osoba-istog-spola

the child) of 12 months for an adopted child under 18 years of age. This leave is extended for 60 days in the case of the adoption of twins, 2 or more children or a child that is the 3rd child or any subsequent child in the family, or of a child with developmental difficulties. Unused leave can be transferred to the other adoptive parent on resumption of employment/self-employment under the same condition as parental exemption from work/parental care for the child. Payment is at 70 per cent of the budgetary base rate.

Time off for the care of dependants

- There is an entitlement to leave if a co-resident spouse or child is ill, with length and payment depending on the child's age: for a child under 3 years of age, up to 60 working days per family for each illness at 100 per cent of average earnings (minimum of 25 per cent of budgetary base rate); for a child aged 3 to 7 years, up to 60 working days per family for each illness at 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 asingle with a child (e.g., single parents and divorced parents). All payments are subject to an upper limit of €565.04 per month. It can be used on a part-time basis.
- A worker has the right to 7 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.
- A worker has the right to 5 days of unpaid leave per year to provide care to a member of the immediate family or a person living in the same household who is in care need due to serious health issues.

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.

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 125 per cent of the budgetary base rate (recalculated to the hourly rate, and paid only for hours outside of the working day). The right can be exercised by one of the parents, provided that both parents work, or by an employed parent who takes care of the child asingle (e.g., single parent, the other parent cannot take care of a child due to their own health, etc.).
- 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 8 years old. Parents can then work shorter hours, until there is a need. Payment during this period is: (i) during leave, 125 per cent of the budgetary base rate; (ii) during shorter working hours, the difference in salary if the beneficiary has 9 months of continual insurance period or 12 months of insurance with interruptions in the last two years, otherwise 70 per cent of the budgetary base rate recalculated to the hourly rate. The right can be exercised by one of the parents, provided that both parents work, or by an employed parent who takes care of the child asingle (e.g., single parent, the other parent cannot take care of a child due to their own health, etc.).
- An employee has the right to be absent from work for one day in a calendar year because of a particularly important and urgent family reason caused by illness or an accident (i.e., force majeure leave).
- An employee has a right to request telework to be able to balance work and family obligations or personal needs better for a certain period of time in the case of (i) a need for health protection due to a diagnosed illness or disability, (ii) pregnancy or care for children under the age of 8 years, or (iii) personal care for a family member or a household member (due to serious health reasons). An employee may request to terminate the agreement on telework before the end of the period for which the agreement was concluded. The employer must consider the employee's request for telework (or its earlier termination), taking into account the needs of the employee and the organisation. The employer must provide a written response within 15 days, and in the case of the rejection or the approval of the request with a delayed start of implementation, these should be explained.
- An employee with a child under eight years of age or an employee providing personal care for a family member or a household member (due to serious health reasons) has a right to request part-time employment (in a written form), or a change or adjustment of the working time schedule (i.e., flexible working arrangement). An employee can request this change only if they have been previously working for an employer for 6 months (before the request). An employee may request to terminate the agreement on a flexible working arrangement before the end of the period for which the agreement was concluded. The employer must consider the employee's request for a flexible working arrangement (or its earlier termination), taking into account the needs of the employee and the organisation. The employer must provide a

written response within 15 days, and in the case of the rejection or the approval of the request with a delayed start of implementation, these should be explained.

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).

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

The maximum period of paid post-natal leave is 12 or 14 months (depending on whether both parents use leave entitlements) for the first and second born child, or 34 or 36 months (depending on whether both parents use leave entitlements) 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 ceiling for Parental leave (flat-rate for (self-)employed parents who do not fulfil eligibility criteria, occasionally employed, and unemployed or inactive parents). All children must attend a pre-school programme of Early Childhood Education and Care (ECEC) for at least 250 hours, a year before starting primary school at six years of age as preparation for school (minimum 150 hours if the local community cannot organise a full programme): attendance is obligatory. There is, therefore, a gap of around 4.5 years between the end of leave and the start of this period of obligatory attendance of 150-250 hours per year, and around 5.5 years between the end of leave and the start of primary school.[193]

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

No changes reported.

4. Uptake of leave

a. Maternity leave

No information available on overall uptake rates. Although there is the possibility for fathers to use part of Maternity leave (if mothers agree), official data show that

[193] Dobrotić, I. (2022) 'The (in)equality dynamic of childcare-related policy development in post-Yugoslav countries', *Journal of European Social Policy*, Vol.32, 3:270–286. Available at: https://doi.org/10.1177/09589287221088167

Maternity leave is predominantly used by mothers. According to the latest information (2023), fathers used the transferred right in 0.23 per cent of cases (156 fathers). Maternity exemption from work is predominantly used by mothers: only one father used the right in 2023, and in the case of maternity care for the child, fathers accounted for 0.1 per cent of all users in 2023 (6 fathers).[194]

b. Paternity leave

In 2023, 16,289 fathers used Paternity leave (16,078 of them for 10 days, and 202 of them for 15 days).[195]

c. Parental leave

There is no official information on uptake rates, but Parental leave is predominantly used by mothers. According to the latest official data (2023), fathers account for 4.2 per cent (2,022 fathers) of all Parental leave taken. Parental exemption from work and parental care for the child is also predominantly used by mothers: fathers account for 0.1 per cent of all users of parental exemption of work (5 fathers) and for 0.35 per cent of all users of parental care for the child (38 fathers).[196]

[194]https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e_o_radu_Pravobraniteljic.pdf

[195] Ibid.

[196] Ibid.

Cyprus[197]

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April 2024

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

Length of leave (prior to and following childbirth)

- Twenty two weeks, including two weeks before the birth.[198]
- It is obligatory to take 11 weeks, including 2 weeks prior to the week of the expected birth and the rest following childbirth.

Payment and funding

- Seventy-two per cent of earnings with no upper limit.
- Payments are not taxed.
- Payments are funded by the Social Insurance Services, with contributions by employers, employees (6.8 per cent of earnings from each) and the State (4.3 per cent).

Flexibility in use

- Maternity leave can start 2 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 and voluntarily insured women who are expecting a child, have adopted a

[197] Please cite as: Angeli, M. and Venetiadi, A. (2024) 'Cyprus country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A. Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[198] The Maternity Protection (Amendment) Law of 2024 (L. 14(I)/2024). Available at: https://www.cylaw.org/nomoi/arith/2024_1_014.pdf

child up to 12 years of age, surrogate mothers or mothers who have got a child through surrogacy are entitled to Maternity leave.
- Persons who have a permit or the right to reside and work in Cyprus are entitled to the benefits irrespective of nationality.

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 the birth of multiple children, the period of 22 weeks remains the same for the second child but is increased by four weeks for the third child (e.g., 22 weeks for twins and 26 weeks for triplets). Payment increases to 80 per cent, 90 per cent or 100 per cent of earnings for the second, third and fourth child respectively.
- 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 after the first 63 days in an incubator, the employee is entitled to an additional week of leave for every additional 14-day period of hospitalisation up to a maximum of eight additional weeks in total.
- In order to be granted leave over and above a period of 22 weeks, the employee must provide her employer with written certification from the hospital and from a doctor with the relevant speciality.
- In the case of surrogate mothers, there is 14 weeks of leave starting two weeks before the expected week of confinement; and 22 weeks in the case of a woman getting a child through surrogacy, starting 2 weeks before confinement or from the same week. The leave period remains the same for the 2nd child and extends to 26 weeks for the 3rd or more children.

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

- 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.
- Some private companies cover the remaining 28 per cent for the first child: 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.

b. Paternity leave

Length of leave

- Two consecutive weeks.

Payment

- Seventy-two per cent of earnings with no upper limit.
- Payments are not taxed.
- Payments are funded by the Social Insurance Services, with contributions by employers, employees (6.8 per cent of earnings from each) and the State (4.3 per cent).

Flexibility in use

- Paternity leave may be used across any 2 consecutive weeks up to two weeks after the end of the Maternity leave, following the birth or the adoption of the child.
- The right to Paternity leave also applies in the case of childbirth resulting in the birth of a stillborn child.
- If the mother passes away before or during childbirth, or during her Maternity leave, the right to Paternity leave increases by the same number of weeks as the remaining weeks of Maternity leave that the mother would have been entitled to if she had not passed away.

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

- Paternity leave is granted to men whose partners has given birth or had a child through a surrogate mother; or have adopted a child under the age of 12 years.

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, payment increases to 80 per cent, 90 per cent or 100 per cent of earnings for the 2nd, 3rd and 4th child respectively.

c. Parental leave

Length of leave

- Eighteen weeks per parent per child.
- Leave is an individual entitlement, part of which (2 weeks) is transferable to the other parent.
- Only up to 5 weeks of leave can be taken in any one calendar year (or 7 weeks if there are 3 or more children).

Payment and funding

- Six weeks is paid at 72 per cent of earnings with no upper limit, and due to be extended to eight weeks (see Section 3); the remaining period is unpaid.
- The employee's social insurance contribution continues to be paid into their social insurance fund for the entirety of the leave period, directly from the Social Insurance Services.

Flexibility in use

- Parental leave can be taken at any time between the birth of a child and the child turning 8 years of age. Parents with disabled children can take Parental leave until their child reaches the age of 18 years.
- Parental leave can be taken for between 1 week (minimum) and 5 weeks (maximum) per calendar year for 1 or 2 children, and 7 weeks for 3 or more children.
- When one parent has taken Parental leave of at least 2 weeks, they can transfer 2 weeks from the rest of their leave to the other parent.

Eligibility

- All employed parents with non-disabled children up to the age of eight years or disabled children up to the age of 18 years, who have completed at least six months of continuous employment with the same employer and have been employed for a period of twelve months within the previous twenty-four months before the start of the period for which parental leave benefits are being applied.
- 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; single 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 the expected week of birth.
- In the case of widowed parents or single parents the leave can be increased to 23 weeks.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- Twenty weeks if the child is under the age of 12 years.
- Fourteen weeks for surrogate mothers and 18 weeks for mothers who have a child through a surrogate mother.

Time off for the care of dependents

- An employee is entitled to take 5 days of unpaid care leave annually, provided that there is a documented need for it. The leave may be taken as one continuous period or in parts.

- Any employee is entitled to unpaid leave of up to 7 days a year, on grounds of *force majeure* (i.e., for urgent cases such as a dependant being sick or in an accident). A dependant is defined as a child, husband, wife, parent, brother, sister, grandfather, or grandmother of the employee.
- Such leave may be taken as one continuous period or in parts.
- 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 1 hour later, leave work 1 hour earlier, or take a 1 hour break during the workday for a period of 6 months.

Flexible working arrangements

- Working parents have the right to request flexible working arrangements for care reasons. This includes adjusting employment patterns through remote work, flexible schedules, or reduced hours. To be eligible, employees must have completed six months of continuous employment with the same employer. Employers must respond to requests within one month and have the right to reject or postpone the request, providing relevant reasoning for their decision.

Antenatal appointments and care

- Pregnant employees are permitted paid time off for antenatal examinations, provided that such examinations need to 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 is six months, with well-paid leave lasting only 5.6 months (including the new Parental leave). Attendance at ECEC is obligatory for children from the age of four years and eight months. There is a gap, therefore, of just 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.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

The Maternity Protection (Amendment) Act of 2024 has replaced and repealed the previous laws to align with EU Directive 2019/1158. The new amendment introduces several key changes, such as the extension of maternal leave allowance for 22 weeks for the first child, instead of 18. This is also valid for a woman getting a child through surrogacy. Additionally, there is an increase in Maternity leave for adoption by 2 weeks. Finally, for adoptions the leave increased from 16 to 20 weeks.

Cyprus is set to gradually reduce the minimum age for compulsory pre-primary education entry over the next few years, following the recent passing of a new law by the government. The plan consists of three phases, starting in the 2023-2024 academic year where the minimum age will be lowered by 2 months, allowing children who are 4 years and 6 months old before 1 September 2023 to attend pre-primary school. The following year, the minimum age will be lowered by an additional 2 months, allowing children who are 4 years and 4 months old before 1 September 2024 to attend. Finally, in the 2025-2026 academic year, the minimum age for mandatory pre-primary education will be lowered by 8 months, allowing children who are 4 years old before 1 September 2025 to attend. Pre-primary education will be compulsory and free during all three phases.

4. Uptake of leave

a. Maternity leave

6,383 applications for Maternity leave were approved in 2023.

b. Paternity leave

3,754 applications for Paternity leave were approved in 2023.

c. Parental leave

3,084 applications for Parental leave were approved in 2023.

Czech Republic[199]

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April 2024

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)

- Twenty-eight weeks: 6 to 8 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

- Seventy per cent of daily assessment base up to a maximum payment of CZK53,910 [€2,127.38][200] in 2024 per month.
- Payments are made to mothers by the Social Security Administration. Employees apply to their employer (including former employers), who will ensure that the application and other documents relevant to the benefit decision are forwarded to the relevant Social Security Administration.
- Payments are not taxed.
- Payments are funded from the sickness insurance scheme with contributions by employers, paying 2.1 per cent of earnings. From 1 January 2024, the employee also pays sickness insurance at 0.6 per cent of earnings.

[199] Please cite as: Kocourková, J. (2023) 'Czech Republic country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[200] Conversion of currency undertaken for 15 July 2024, using: https://data.ecb.europa.eu/currency-converter.

Flexibility in use

- Leave can be started 6 to 8 weeks before birth.
- From the start of the 7th week after childbirth, either parent may use the leave, i.e., the mother may alternate with the father of the child, with no restriction on the frequency of alternation. If the father uses the leave, he must do so for at least 7 days.
- Parents on leave can work from the start of the 7th 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 2 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; single parent); or delegation of leave to person other than the mother

- In the case of multiple births, the length of leave is increased by 9 weeks.
- When the child is stillborn, the mother is granted 14 weeks of Maternity leave.

b. Paternity leave

Length of leave

- Fourteen calendar days.

Payment and funding

- Seventy per cent of daily assessment base up to an upper limit of CZK25,144 [€992.23] in 2024 per fourteen days.
- Payments are made to fathers by the Social Security Administration. Employees apply to their employer (including former employers), who will ensure that the application and other documents relevant to the benefit decision are forwarded to the relevant Social Security Administration.
- Payments are not taxed.
- Payments are funded from the sickness insurance scheme with contributions by employers, paying 2.1 per cent of earnings. From 1 January 2024, the employee also pays sickness insurance at 0.6 per cent of earnings.

Flexibility in use

- It can be taken at any time during the 6 weeks after the birth of the child. The period of the 6 weeks can be prolonged by the child's hospitalization period.
- All 14 days must be taken as one continuous period.

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

- Sickness insured workers, including employees and self-employed men.
- The recipient must be officially registered as the father.
- It is also payable to a father whose child was stillborn or died within 6 weeks of the date of birth.

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 3rd birthday. Leave is an individual entitlement, but only one parent at a time is entitled to the benefit.

Payment and funding

- A parental benefit or **Parental Allowance** – *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).
- A parent who personally and duly cares for a child who is the youngest in the family is entitled to the Parental Allowance. The Parental Allowance is provided until the total amount of CZK350,000 [€13,811.61] has been drawn, before the child's third birthday. In the case of twins or more children born at the same time, the total amount extends to CZK525,000 [€20,717.41]. One time payment of the unused amount is provided if another child is born before drawing the entire amount of CZK350,000 [€13,811.61].
- A parent may choose the amount of monthly Parental Allowance they receive and thus the period of its drawing. The monthly amount of Parental Allowance is calculated based on the same daily assessment base as is used for the determination of Maternity benefit or Sickness benefit related to the child's confinement or adoption according to the Act on sickness insurance. If at least one parent in a family is a person participating in sickness insurance, the amount of Parental Allowance can reach 70 per cent of 30 times the daily assessment base (in 2024, CZK53,910 [€2,127.38] per month at the most). When the daily assessment base can be determined for both parents, the higher one is used for calculation. If the daily assessment base cannot be set for any parent, parents may select a monthly amount of

up to CZK13,000 [€513]. In the case of twins or more children born at the same time the monthly amounts are adjusted accordingly.
- While Parental leave can only be taken up to the child's 3rd birthday, the parental benefit is paid until the child's 4th birthday.
- Payments are made to the parent by the Labour Office of the Czech Republic.
- Payments are not taxed.
- Payments are funded from general taxation.

Flexibility in use

- The choice of the amount of Parental Allowance can be changed once every 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 Allowance. 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 2 years of age, parents must not use a publicly funded ECEC service for more than 92 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; single 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 CZK525,000 [€20,717.41]. 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 CZK19,500 [€769.50].
- Parental Allowance 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 types of leave and flexible working

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 an upper limit of CZK1452 [€57.30] per day.
- A parent can take no more than 9 days of leave in one continuous period, 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.

Specific provision for (breast)feeding

- None.

Flexible working

- Only two forms are regulated by law, namely flexible working (§ 85, 97 and 98 of Act No. 262/2006 Coll. of the Labour Code) and part-time work (§ 80 of Act No. 262/2006 Coll. of the Labour Code). Moreover, according to § 241 of the Labour Code, in the case of an employee caring for a child under the age of 15, the employer is obliged to grant the request for part-time work unless serious operational reasons or the nature of the work prevent it. Homeworking is not yet regulated by law and therefore there is no legal entitlement to it. According to the amendment to the Social Security Contributions Act, part-time work should be easier for parents with children under 10 years of age, as it allows employers to receive a 5 per cent discount on the social security contributions they pay for part-time workers. However, part-time workers often have less opportunity for job advancement, less entitlement to employee benefits, less job security and less participation in company training programmes. There is also a disadvantage in terms of reduced income and the impact on social security, which is reflected in low pensions.

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

The maximum period of paid post-natal leave is three years, but the period of well-paid leave depends on how parents use the Parental Allowance. There is an entitlement to Early Childhood Education and Care (ECEC) from three years of age

and attendance is compulsory from five years of age, one year before compulsory schooling begins. There is no gap, therefore, between the end of leave and an ECEC entitlement but a gap between the end of well-paid leave and the start of an ECEC entitlement.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3.Changes in policy since April 2023 (including proposals currently under discussion)

Since 1 January 2024 the parental allowance has been increased from CZK300,000 [€11,838.52] to CZK350,000 [€13,811.61] and the lduration of its receipt has been reduced by one year to three years for children born from 1 January 2024 while for children born by the end of 2023, the parental allowance remained CZK 300,000 [€11,838.52] with the a duration of 4 years.

In April 2023, the government approved an amendment to the Labour Code which should improve the position of parents with children under 10 years of age, as they will be entitled to flexible working, part-time working and homeworking, unless the employer gives written reasons for refusing them. However, the amendment still needs to be approved by the Parliament.

4. Uptake of leave

a. Maternity leave

Nearly all mothers take Maternity leave.

b. Paternity leave

Over 40 per cent of fathers take Paternity leave, with the proportion of men taking Paternity leave increasing slightly since 2018 when it was introduced, i.e., from 38 per cent in 2018 to 43 per cent in 2021.

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 (Parental Allowance), in comparison to women, has remained negligible: in 2001, men accounted for 0.77 per cent of recipients of this benefit, and subsequently there was 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, however, there have 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). Since 2011 a slight and continuous increase is apparent. In 2015, 5,100 men received the parental benefit (i.e., 1.8 per cent of

all recipients) and in 2016, 5,200 men received the parental benefit (i.e., 1.9 per cent of all recipients). Currently, the proportion of men drawing parental allowance is close to 2 per cent.

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[201]

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April 2024

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: With the implementation of the EU Directive 2019/1158 from August 2022, the term *Leave* is commonly used in the general guidelines. For the sake of clarity, the following terms are applied in the report: *Graviditetsorlov* (Pregnancy leave) is the leave to be taken by the mother before birth; *Barselsorlov* (Maternity leave) the leave reserved for the mother after birth; *Fædre/med-moderorlov* (Paternity/co-mother leave) the leave reserved for the father or same-sex co-mother after birth; and *Forældreorlov* (Parental leave) the leave available for both parents after birth.

a. Pregnancy and Maternity leave (*Graviditets og fødselsorlov*: *see* 'note on terminology') (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- Fourteen weeks: 4 weeks before the birth and 10 weeks following birth.
- It is obligatory to take the first 2 weeks after birth.
- Employees in municipalities and regions are entitled to 8 weeks before the birth and employees working in the state sector 6 weeks prior to birth.

[201] Please cite as: Rostgaard, T. and Ejrnæs, A. (2024) 'Denmark country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

Payment and funding

- All employees and self-employed persons are entitled to a daily cash benefit based on former earnings, up to an upper limit of DKK4,695 [€629][202] per week for full-time employees, before tax. This is the same amount paid for unemployment and sickness benefit.
- Payments are taxed, typically between 38 to 41 per cent.
- Funded by the state from general taxation, except for the initial 8 weeks when municipalities bear half of the cost.

Pension payments

- The Danish pension system is based on three pillars: (i) a universal and tax-based public pension scheme; (ii) occupational pensions which may be quasi-mandatory given the collective agreements' and (iii) 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

- Leave must be taken within the first 10 weeks after birth. However, the 8 weeks following the 2 weeks of obligatory leave after the birth can be postponed if the mother returns to part-time work and in agreement with the employer.
- If the mother is employed and returns to full-time work, up to 8 weeks leave can be transferred to the father or co-parent, if they were co-residing at birth. The weeks of leave must be taken within 1 year.

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 4 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 3 of those 4 months, and they must be working up to the 1st day of the leave. Workers with temporary contracts are excluded only if they are not eligible for unemployment benefit.

[202] Conversion of currency undertaken for 25 August 2024, using: https://data.ecb.europa.eu/currency-converter.

- Eligibility for the cash benefit for self-employed persons (including helping a spouse) is based on at least part-time professional activity for at least six months within the last 12-month period, of which one month immediately precedes the paid leave. Likewise, the company must produce a profit. Eligibility also requires that the person is caring for the child on a daily basis. If the individual has recently started their company and has been self-employed less than 6 months, they can count regular paid work (not including various forms of public benefits) as work.
- People who have just completed a vocational training course for a period of at least 18 months, or who are doing a paid work placement as part of a vocational training course, are eligible for the cash benefit.
- Unemployed people are entitled to cash benefits from unemployment insurance or similar benefits (activation measures).
- Mothers who have a child while studying are entitled to a total of up to 12 months' extra study grant, with the understanding that the 14 weeks of Maternity leave are covered via the study grant. Male students are entitled up to 6 months extra 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; single parent); or delegation of leave to person other than the mother

- In the case of illness or death, the 2 weeks of obligatory leave can be transferred to the father or co-parent.
- There is no additional right to 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.
- However, parents with triplets or more children can apply for an extra 26 weeks of parental leave to be shared between parents. This leave cannot be extended or postponed.

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

- Under collective agreement and/or work contracts, full earnings may be paid during leave, i.e., their employer supplements the state benefit. However, a number of collective agreements and work contracts have the requirement that the employee must have been employed in the company for a certain period, for instance 18 months. This positions young women poorly in regard to their right to full pay but also for taking up work elsewhere.[203]
- The percentage of the Danish workforce that is covered by collective agreements has remained stable since 2012 but has previously declined especially among the younger age groups, which means that fewer younger

[203] 'Vil virksomheder helst undgå unge kvinder med planer om at blive mødre?', *Politiken*, 3 March 2023

workers are ensured pay during leave via a collective agreement.[204] In 2018, 82 per cent of the total workforce was covered by such collective agreements (compared to 74 per cent in the private sector).[205]

- To help employers finance the costs of these supplements, different leave reimbursement funds have been set up, starting in 1996 when a leave fund was set up to reimburse private employers' leave costs, so that the cost for compensation was pooled. In 2005, it was made obligatory for all municipal employers to pool the 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 be members of a leave fund. As illustration, in the largest private leave fund, DA-Barsel, private employers pay DKK1,200 [€161.09] per year for each full-time employee and receive reimbursement of up to DKK222.51 [€29.87] per hour for up to 31 weeks.[206] [207]; the additional cost of compensation for employees with higher hourly rates than this must be borne by individual employers. 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 entitled to coverage of full earnings for the whole period of Maternity, Paternity and Parental leave.[208]
- In 2010, an evaluation of the funds covering the private sector 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.[209] 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 reference to larger flexibility in men's

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

[205] DA Analyse (2020) *I Danmark er de fleste dækket af overenskomst [Most are covered by collective agreements in Denmark*] Available at: https://www.da.dk/politik-og-analyser/overenskomst-og-arbejdsret/2018/hoej-overenskomstdaekning-i-danmark/.

[206] https://www.dabarsel.dk/refusion/satser/ As of July 2023, the types of leave are reimbursed differently: Maternity Leave before birth and Paternity Leave (DKK199.26 [€26.71] per hour), Maternity after birth (DKK207.76 [€27.84] per hour), and Parental leave (DKK222.51 [€29.69] per hour).

[207] See https://www.dabarsel.dk/refusion/satser/ and https://www.dabarsel.dk/bidrag/satser

[208] https://www.danskindustri.dk/vi-radgiver-dig-ny/personale/graviditet-og-barsel/betaling-ved-graviditet-og-barsel/

[209] COWI (2010) *Evaluering af barseludligningsloven* [*Evaluation of the Maternity Compensation Act*]. Copenhagen: Ministry of Employment.

use of Parental leave, due to the removal of a clause in the collective agreement for this sector (See section 1c 'Additional note')[210].

- 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, the argument being that it was too costly to cover such a small group sufficiently. This was 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.[211] In Denmark, eight per cent of new enterprises are headed by a woman under 35 years of age. The fund was re-instated 31 January 2021. All self-employed earning more than DKK244,140 [€32,719.96] annually are obliged to be a member. Only self-employees working full-time are covered.

b. Paternity/co-mother leave (Fædre/medmoderorlov: see 'note on terminology') (responsibility of the Ministry of Labour)

Length of leave

- Ten weeks.

Payment and funding

- Tax and funding as for Maternity leave.

Pension payments

- Payments as for Maternity leave.

Flexibility in use

- If the employer agrees, the 8 weeks of leave can be taken part-time, as single days or single weeks, and must be taken within a 10 weeks period.
- These eight weeks can also be postponed, subject to agreement with the employer and if the employee has returned to full-time work.
- Eight weeks can be transferred to the mother.

Eligibility

- Employees and self-employed people in a recognized partnership, including same-sex partnerships. The parental status must have been established. The provisions are the same as for Maternity leave.

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

[211] https://dm.dk/akademikerbladet/aktuelt/2016/februar/slut-med-selvstaendiges-barselsfond-og-udvidet-loenstatistik/

- Children born into a female same-sex family can be adopted by the co-mother as a step-child from birth. This means that an adoptive mother who is the registered partner or spouse of a female biological mother is also entitled to the Paternity (and Parental) leave cash benefit. Male same-sex couples who have conceived children via a surrogate mother do not have the same possibilities. Legally, there can only be 2 parents, in this case the biological mother and father. The non-biological father can only adopt the child after 2½ years and does therefore not have eligibility for Paternity (and Parental) leave,[212]
- Unemployed fathers receive unemployment benefit and people on sickness benefits receive sick benefit in the two weeks of 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 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

- Fourteen weeks for each parent.
- Leave is an individual entitlement, of which 9 weeks are non-transferable.

Payment and funding

- As for Maternity leave.
- Tax and funding as for Maternity leave.

Pension payments

- Payments as for Maternity leave.

Flexibility in use

- If the employer agrees, the leave can be taken part-time, as single days or single weeks, and must be taken within a 10 week period.
- There is the right to postpone up to 5 weeks of leave until after the child is 1 year, but leave must be taken before the child is 9 years. Subject to agreement with the employer, more weeks can be postponed.
- Both parents can be on leave at the same time.

[212] Semanda, F. (2017) *Normbrydende forældre-barn relationer i retlig belysning* [*Norm-breaking parent-child relationships in legal perspective*]. Det Juridiske Fakultet, Københavns Universitet.

- Each parent can prolong their total leave period 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 for Maternity leave.
- Fathers who are studying receive a total of up to 9 months' extra study grant.
- Same-sex parenting couples have the same eligibility as described above (see 1b).

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)

- Multiple births as for Maternity leave
- In the case that the mother and father/co-mother do not cohabitate at the time of birth, or do not have shared custody, or if the child only has one judicial parent at the time of birth (i.e., if the child is conceived by donor or the other parent has passed away), the single parent has a right to 46 weeks of leave after birth. Single parents nay transfer up to 13 weeks of leave to near family members.
- In LGBT+ families, each legal parent can transfer up to 13 weeks of leave to so-called 'social parents', who are defined as: the spouse of a legal parent, the cohabiting partner of a legal parent if they have lived together for a minimum of 2 years, a known donor with a parental relation to the child, or the spouse/cohabiting partner of the known donor if this person has a parental relation to the child. (i.e., non-biological co-parents). This means that leave can be shared between two legal parents and two 'social parents'.

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 above in section 1a additional note.
- See 1a for the reimbursement fund for the self-employed.
- 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 9 weeks' Parental leave with payment: 3 weeks for the father, 3 weeks for the mother, and 3 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, until now it is 8+5+3 weeks, i.e., the father has now the right to half of the earmarked weeks[213] [214]. 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. It is now 7+6+6 weeks
- After the introduction of the earmarked leave in September 2022 parents are now situated equally in regard to their right to Parental leave after divorce.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- For adoptive parents, the same regulations for leave apply as for other parents, with the exception that there is a right to take 2 of the 48 weeks by both parents together.

Time off for the care of dependents

- Most working contracts and labour market agreements include the right to take 1 day of leave to care for a sick child. Public employees are entitled to 2 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.

Specific provision for (breast)feeding

- None.

Flexible working

- Parents (including co-mothers and social parents) with 1 or more children under 9 years old are entitled to apply in writing for changes in work hours

[213] CO Industri & DI (2017) *Industriens Overenskomst 2017-202*0 [Industrial Agreement 2017-2020]. Available at: https://di.dk/Shop/Overenskomster/Produktside/Pages/Produktside.aspx?productId=6549

[214] CO Industri & DI (2020) *Industriens Overenskomst 2020-2023* [Industrial Agreement, 202002023]. Available at: https://www.danskindustri.dk/vi-radgiver-dig-ny/di-dokumenter-for-personale/personalejuras-dokumenter/overenskomster/industriens-overenskomst/

or work patterns fora specific period of time. Flexible work may include distance working, working from home, or a reduction in working hours. If the application is denied, the employer must explain the reason, The right against dismissal, which is in place during leave, now also encompasses when the employee applies for changes in the work arrangement.

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

The maximum period of post-natal leave is 18 months, or just under 11 months if taken full-time paid at the normal rate. There is an entitlement to Early Childhood Education and Care (ECEC) from when the child is six months of age, so there is no gap between the end of well-paid leave and an ECEC entitlement.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

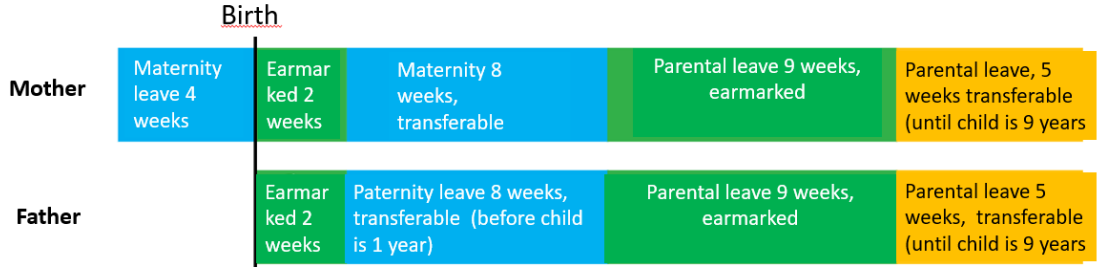
3.Changes in policy since April 2023 (including proposals currently under discussion)

Since January 2024 it has become possible for parents to transfer Parental leave to near family members and to non-biological co-parents. From this date also, social parents have the right to request flexible working.

After the implementation of the EU Directive from August 2023, the total leave period following birth for each parent is 24 weeks. This means that the child can be cared for at home until it is 48 weeks old, which is the same as before the reform. The leave period is composed as follows (see Figure 1):

- Two weeks non-transferable earmarked leave for each parent (Maternity and Paternity/co-mother leave),
- Thirteen weeks transferable leave for each parent (for the mother 8 weeks Maternity and 5 weeks Parental leave, and for the father 8 weeks of Paternity and 5 weeks of Parental leave)
- Nine weeks of non-transferable, earmarked leave for each parent (Parental leave).
- In addition, there are 4 weeks non-transferable, earmarked prior to the birth for the mother (Pregnancy leave).

Figure 1. Composition of leave periods, mother and father



4. Uptake of leave

Statistics on the uptake of leave do not provide data on the proportion of parents using either Maternity, Paternity or Parental leave. Instead leave uptake is grouped across the three forms of leave.[215]

Also, data on leave uptake for all Danish parents has only been available since 2015. Prior to this, data covered only those who were eligible for a cash benefit. As of 2021, 88 per cent of fathers and 84 per cent of mothers were eligible. Parents who are not eligible for leave often use instead annual vacation and it is difficult to estimate how much time they actually spend with the child. Therefore, most statistical accounts use data on parents who are eligible only and the following presentation will mainly focus on parents with eligibility for the cash benefit. Throughout this part of the report, we will refer to the latest available figures, which are for the most part from 2021 and therefore before the introduction of the European Commission Directive.

a. Mothers on leave

As of 2021, 83 per cent of all mothers took leave with benefit.[216] Focusing further on cohabiting couples who were both eligible for the cash benefit, in 79 per cent of cases both took leave (not necessarily at the same time.[217] Statistics indicate that in these couples where only the mother took leave, mothers' leave uptake is stable over time. Eligible mothers took on average 284.2 to 279.1 days between 2015-2021, while mothers who have taken leave alone took 303.4 to 302.61 days over the same period.[218] [219]

Well-educated mothers take the shortest leave (in contrast, the opposite is the case among fathers; here, well-educated fathers). 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, while mothers employed in information and communications take the shortest leave.[220] Danish research confirms that women in general still lose out in life-time earnings when they take leave.[221]

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[215] https://www.statbank.dk/BARSEL04

[216] https://statistikbanken.dk/Barsel04

[217] https://statistikbanken.dk/Barsel05

[218] https://statistikbanken.dk/Barsel04

[219] The number of leave days from 2015-2020 differ from the 2020 report due to a change of reporting methods in Statistics Denmark. A day comprising just one hour's maternity counted for a full day in the previous report while it only counts for a fraction of a day in this report. Also, the number of leave days are only counted up until the child turns one year old.

[220] Danmarks Statistik (2017) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016* [*Statistical overview: Unemployment benefits for pregnancy, childbirth and adoption*] 2017: 9, København: Danmarks Statistik

[221] Kleven, H, Landais, C. and Søgaard, J.E. (2019) 'Children and Gender Inequality: Evidence from Denmark', *American Economic Journal: Applied Economics*, vol. 11, 4: 181-209. Available at: https://doi.org/10.1257/app.20180010

While these figures reflect the situation before the implementation of the EU Leave Directive, there is indication that the introduction of the quotas has had its intended effect. A report from March 2023 surveying members of the Danish Society of Engineers shows that female members now either planned or took shorter leave than before the implementation of the EU Directive. After the reform, they on average planned or took 33.2 weeks, which is 4.4 weeks shorter than in a similar survey the year before.[222] The union concludes that the reform has been successful in that there is more gender balance in leave take-up.[223]

b. Fathers on leave

Seventy-eight per cent of eligible fathers in 2021 took leave with benefit, and 68 per cent of the total number of fathers took leave. Overall, the proportion of fathers taking leave has not changed since 2015.

There has over time been a change in fathers' average take-up of leave days. Earlier accounts from 2007-2010 have shown 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 and data for 2011-2013 showed some stabilization in these figures.

This increase in fathers' leave days may be explained by the introduction of a fathers' quota in the collective agreements and (partly) by the removal of the clause in the collective agreement of the industrial sector, which led to larger flexibility in leave use for employees covered by this agreement, especially fathers[224] (see 1c).

Applying new methods to account for leave uptake introduced in 2015, there appears again to be an increase in father's leave days. However, part of the explanation may be a change in statistical reporting[2.5] Among couples where both are eligible and regardless of how the leave was shared, the average days that fathers took in the period from 2015-2021 increased from 29.7 to 35.6 days.[225] In couples, where both took leave, these days increased also, from 36.5-44.6 days. In the few families where the fathers were the only parent to take Parental leave, their leave uptake in 2021 was 53.4 days.[226]

Statistics on fathers' leave uptake based on data from 2021 and most recent data also show that:

- Well-educated fathers and fathers with a high income take the longest leave.[227] High educated eligible fathers take 52.3 days compared to 19.4 days among fathers with lower secondary education.
- Fathers living in the largest cities take the longest leave. E.g. eligible fathers living in Copenhagen city take on average 51.5days, compared to 25.5 days in

[222] https://ida.dk/om-ida/nyt-fra-ida/oeremaerket-barsel-virker

[223] https://ida.dk/om-ida/nyt-fra-ida/oeremaerket-barsel-virker

[224] DR Nyheder (2014) 'Mænd i industrijob tager mere barsel', 25 January 2014.

[225] https://statistikbanken.dk/Barsel04

[226] https://www.statbank.dk/BARSEL04

[227] Danmarks Statistik (2017) *Fædres brug af orlov* [*Fathers' use of leave*], København, Danmarks Statistik, p. 1

West Jutland.[228] The explanation is again found in the level of education with persons with higher education being concentrated in the larger cities.

- Fathers employed in the public sector take the longest leave period (50 days in 2014).[229]
- Fathers employed in male-dominated branches take five days less than the average[230].
- Self-employed fathers take the least leave (16 days).[231]
- Fathers with well-educated partners take 60 per cent longer leave than fathers on average.[232]
- Fathers share of the total leave increase from 6 percent in 2003 to 14 percent in 2021.[233]

A report from March 2023 surveying members of the Danish Society of Engineers compared leave plans before and after the implementation of the EU Directive. The union concludes that the reform has been successful in that before the reform, fathers planned or took 9.5 weeks. After the reform, fathers planned to take or took 13.6 weeks.[234]

In addition, preliminary analysis of fathers' take-up of leave comparing fathers of children born before and after the implementation of the EU Directive, suggests that within a period of six months the father's quota has affected an increase of 3.5 weeks in leave for fathers/other parent, and 4.5 weeks less for mothers. Based on data for 30,000 children, the analysis shows that before the EU directive mothers on average took 40.36 weeks, and now 35.88 weeks, while fathers/other parents took seven weeks and now 10.5 weeks.

49 per cent of fathers/other parents take up to 11 weeks, while 27.6 per cent take only the two weeks of Paternity leave. Prior to the implementation of the directive, this proportion was 55.7 per cent.[235]

[228] https://statistikbanken.dk/Barsel04

[229] Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik, p. 1

[230] Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik, p. 1

[231] Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik, p. 1

[232] Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik, p.4

[233] https://statistikbanken.dk/Barsel04

[234] https://ida.dk/om-ida/nyt-fra-ida/oeremaerket-barsel-virker

[235]https://www.atp.dk/nyheder-og-indblik/helt-nye-tal-om-oeremaerket-barsel

Estonia[236]

Katre Pall

April 2024

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 (*emapuhkus)* (responsibility of the Ministry of Economic Affairs and Communications)

Length of leave (before and after birth)

- One hundred calendar days: an employed mother can use Maternity leave up to 70 days before the child's expected date of birth and 30 calendar days after the child's expected date of birth.
- It is obligatory to take 30 days after the birth.

Payment and funding

- One hundred per cent of average earnings, calculated based on employment during reference period, with no upper limit on payment.
- A mother who is considered as a non-active person (not employed) receives the mother's parental benefit for 30 consecutive calendar days starting from the birth of the child. Benefit paid at benefit rate 725 euros if the mother did not work during reference period.
- Payments are made to the mother by the Social Insurance Board.
- Payments are taxed.
- Funded from general taxation.

[236] Please cite as: Pall, K (2024) 'Estonia country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

Flexibility in use

- If the mother takes Maternity leave at least 31 days before the expected date of birth of the child, her Maternity leave duration is at least 61 days. The unused days of Maternity leave are transferred over to the period of the shared Parental leave.
- If the mother takes Maternity leave later than 30 calendar days before the expected date of birth of the child then her Maternity leave duration is at least 30 calendar days. In this case, the unused days of the Maternity leave are not carried over to the period of the shared Parental leave.

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 1 month.
- There are no conditions linked to length of service.
- Self-employed people qualify for mother's parental benefit with 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; single parent); or delegation of leave to person other than the mother.

- None.

b. Paternity leave (*isapuhkus – literally 'father's leave'*) (responsibility of Ministry of Economic Affairs and Communications)

Length of leave (before and after birth)

- Thirty calendar days.

Payment and funding

- One hundred per cent of earnings, calculated according to the rules of parental benefit (see 1c).
- Payments are made to the father by the Social Insurance Board.
- Payments are taxed.
- Funded from general taxation.

Flexibility in use

- Leave can be taken during 30 days before the expected birth of a child up to the time the child reaches 3 years of age.
- Leave can be taken by calendar days.

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

- All employed fathers with permanent or temporary employment contracts are entitled to Paternity leave. There are no conditions linked to length of service. All fathers are entitled to parental benefit for fathers regardless of employment status (i.e. including unemployed and inactive).
- Self-employed or unemployed fathers are not eligible for Paternity leave but are entitled to parental benefit for fathers.
- Spouses in same-sex couples are eligible for Paternity leave and benefit.

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

- None.

c. Parental leave (*vanemapuhkus)* (responsibility of Ministry of Economic Affairs and Communications)

Length of leave

- Until the child reaches 3 years of age.
- Leave is a family entitlement.

Payment and funding

- Shared parental benefit (jagatav *vanemahüvitis)* is paid at 100 per cent of personal average earnings (calculation is based on reference period of 12 months prior to pregnancy) for 475 days (i.e., 68 weeks): from after the end of Maternity leave, and with an upper limit of €4,733.53 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 for 515 days (altogether with mother's parental benefit and fathers' parental benefit 575 days). The minimum benefit paid to parents who worked in the reference period is the minimum wage: €820 per month (i.e., in case of very low wage or short work experience). For parents who were not working during the reference period, the parental benefit is paid at a flat rate (benefit rate) of €725 per month.
- Payments are made to the parent by the Social Insurance Board.
- All payments are taxed.
- All types of parental benefits are funded from general taxation.
- There are two types of pension credits for parents with children under 3 years of age (independent of Parental leave or employment), available simultaneously. The state pays a social security contribution, calculated based on the minimum wage, to the first pension pillar (public pay-as-you-go system) over 3 years. Also, the state pays contributions to the second pension pillar (public contributions-based system) over 3 years: the sum of this public pension contribution is 4 per cent of the average wage.

Flexibility in use

- Parental leave may be used as one continuous period or in several periods at any time until a child is 3 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 (€2,366.76). 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 €725 (benefit rate).
- Fathers can take Paternity leave and/or receive Parental Benefit for Fathers during mother's Maternity leave or Parental leave.
- Parents will be able to take up to 60 days of parental leave at the same time. At this time, both parents receive parental benefit.

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 benefits. Also, a parent's spouse, a person in custody of the child, and adoptive parents have the right to parental benefits.
- Fathers are eligible for shared parental benefit after having used father's parental benefit.
- Spouses in same-sex couples are eligible for shared 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; single parent); or delegation of leave to person other than the mother

- None.

d. Childcare leave or career breaks

No statutory entitlement; see Section 1e for supplementary annual holiday entitlement.

e. Other types of leave and flexible working

Adoption leave (lapsendamispuhkus) and pay

- Seventy days of adoption leave per child for parents adopting a child under 18 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 3 years, and qualify for parental benefits.
- Same-sex couples can adopt as a couple.

Time off for the care of dependents

- Fourteen 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. Paid by the Health Insurance Fund.
- Parents with a disabled child may take one day of leave per month with full earnings replacement. Paid by Social the Insurance Board.
- Child leave benefit: each parent is entitled to a total of ten days of child leave per child (i.e., a total of 20 days per child in the case of two parents) until the child reaches the age of 14 years (leave is not calculated on a per-year basis, but all days will be spread over the period until the child reaches the age of 14 years). The child leave benefit is paid under similar principles to that of the parental benefit, 50 per cent of previous income. Child leave can be taken for each child separately, up to a maximum of 30 calendar days per year. Paid by the Social Insurance Board.
- Seven paid calendar days for illness of a family member. Paid by the Health Insurance Board.
- Five working days per year to care for a relative with a severe disability. There is a flat-rate payment based on minimum wage. Paid by the employer who is reimbursed by the Social Insurance Board.
- Benefits paid by the Health Insurance Board are financed from social tax contributions, payments by the Social Insurance Board are funded from general taxation.

Specific provision for (breast)feeding

- Breastfeeding mothers with a child under 18 months of age can take either one 30 minute breastfeeding break every 3 hours or a 1 hour break per day. The state compensates the breaks 100 per cent, except for mothers who receive parental benefit for raising a child. Funded from general taxation. Paid by the employer along with salary who can later claim compensation from Social Insurance Board.

Flexible working

- An employee has the right to request opportunities for reconciliation of work and family life, including flexible working arrangements from the employee. The employer is required to provide an explanation to the person whose application has been refused or postponed.

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

The maximum period of post-natal leave is 36 months, with just over half of the period paid at a high rate. According to the Social Welfare Act, municipalities are obliged to provide a place in Early Childhood Education and Care (ECEC) for all children (but there is no individual right to a place), starting from the age of 18

months. In principle, therefore, there is no gap between the end of well-paid leave and an ECEC entitlement; however, in practice, not all municipalities are fully 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 pay a special childcare benefit to working parents who use a private licensed carer or centre.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3.Changes in policy since April 2023 (including proposals currently under discussion)

Starting from 1 January 2024, same-sex couples in Estonia gained the right to marry. Consequently, spouses in same-sex couples also acquired the right to receive paternity benefits, shared parental benefits, and adoption benefits. Additionally, same-sex couples can now adopt both within and outside of their family.

4. Uptake of leave

a. Maternity leave

No information available. In 20212, 9,172 persons received maternity benefit (9,810 persons in 2021).[237] In 2022, there were 11,646 births, but there is no information on how many of these mothers were eligible for Maternity leave.

b. Paternity leave

In 2020, the number of men who used Paternity leave represented 60 pe cent of live births, rising to 74.7 per cent in 2021.[238] There is no information available on take up of Paternity leave for 2022, but 10,546 men received paternity benefit, which represents 90.5 per cent of live births during the year.

c. Parental leave

No information available in take up of leave. Information is available only for recipients of the benefit. In 2022, 30,644 persons received shared parental benefit of whom 17.4 per cent were men and 82.6 per cent women. In August 2021 83.8 per cent of parental benefit recipients were women and 16.2 per cent men[239]; these numbers are recipients during the month, and do not reflect the number of days the benefit is received (which could be just for one day).

The share of benefit paid to fathers has increased over time from just 1-2 per cent in 2004-2006 to 7.4 per cent in 2013 and 2017.[240] The increase started in 2007

[237]Statistics Estonia.

[238] Statistics Estonia

[239] Author's calculations using data from the Social Insurance board.

[240] Author's calculations based on Social Insurance Board data.

after fathers were allowed to take up the parental benefit right after the end of Maternity leave (when the child was 70 days old). Previously the access was limited, and they could take the benefit only after child was six months old.

However, these numbers do not reflect the level of take-up of Parental leave by fathers as leave-taking is not an eligibility condition for receiving the benefit. While working while receiving the benefit is allowed, in August 2021, 72 per cent of male recipients of the parental benefit (9.2 per cent of females) received simultaneously also income from work. In 2019, 57 per cent of fathers receiving parental benefit continued working during the whole period and 8 per cent worked at least for six months of the benefit period. The wage received was as an average higher than average wage in the country.[241] This indicates that many fathers, although receiving the benefit, are not the primary caregivers. Due to the changes in legislation that enable them to receive 150 per cent of the average wage plus parental benefit simultaneously, fathers' uptake of the benefit has increased, but they continue working.

d. Other types of leave and flexible working

In 2016, 28 per cent of parents who received benefit for nursing a sick child under the age of 12 years (i.e., care leave certificates) were men (in 2015 this was 27 per cent, and in 2014 this was 26 per cent).[242]

[241] Source: Social Insurance Board.

[242] Estonian Health Insurance Fund, based on the calculations of the Ministry of Social Affairs.

Finland[243]

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April 2024

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 leave scheme came into effect in August 2022 and major changes were introduced in leave policy. 'Maternity leave' was replaced with 'Pregnancy leave' and 'Paternity leave' was abolished as Parental leave was divided evenly between parents.

a. Pregnancy leave (formerly Maternity leave, see note on terminology) (raskaus*vapaa/graviditetsledighet*[244]) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave (before and after birth)

- Forty working days (for all types of leave, one calendar week consists of 6 working days). Leave can start 30 days before and no later than 14 days before the estimated due date.
- It is obligatory to take leave for the last two weeks before the due date and two weeks after the birth.

[243] Please cite as: Miettinen, A., Närvi, J. and Lammi-Taskula, J. (2024) 'Finland country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

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

Payment and funding

- Ninety per cent of the individual's annual earnings between €10,665 and €67,296, with a lower percentage (32.5 per cent) for earnings above this level. Parents not employed and those whose annual earnings are less than €10,665 get a minimum flat-rate allowance of €31.99 per working day (€800 per month). In 2023, 14 per cent of pregnant/birthing parents received the minimum allowance, decreasing from 15 per cent in 2022.
- Pregnancy allowance is not paid for days when the pregnant/birthing parent is working, but the days cannot be saved and used later. Working on Sundays does not affect the benefit.
- A pregnant parent can receive the pregnancy allowance when studying during pregnancy. Receiving study grant payments does not prevent payment of the pregnancy allowance.
- Payments are made to the parent by the Social Insurance Institution (Kela). If an employer pays a salary to the parent during Pregnancy leave on the basis of collective agreements, the pregnancy allowance is paid to the employer.
- Payments are taxed.
- Earnings-related payments are funded by the sickness insurance scheme, financed by contributions from employers (in 2024, 47 per cent of the total cost), contributions from employees (in 2024, 40 per cent of the total cost), and the remaining 13 per cent is funded by the state. In 2024, employers pay 1.15 per cent of their total salary bill and employees pay 1.01 per cent of their taxable earnings higher than €16,518: these percentages are subject to annual change in the state budget. The minimum flat-rate allowances and 5 per cent of the benefit expenditure are funded from state taxation.
- Pregnancy leave accumulates the beneficiary's pension based on 121 per cent of the yearly earnings from which the leave benefit is calculated (2024). 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 €857.15 a month.

Flexibility in use

- None. Pregnancy allowance days must be taken consecutively and cannot be postponed until later.

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

- Entitlements are based on being insured under the Finnish Health Insurance Act.
- The basic formula is that a person entitled to family benefits is also entitled to leave.
- A pregnant/birthing parent is entitled to pregnancy allowance after the pregnancy has lasted 154 days.
- Benefits are based on annual income in the preceding 12 months regardless of length of service. In certain situations (for example, the parent has recently returned to work after Parental or Child Home Care leave), the

allowance can be calculated on the basis of the last three months of the 12 month period. If the estimated due date of the new baby is before the previous child turns three years old, parental allowance can be based on the same annual or earned income that was used to calculate the allowance for the previously born child.

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

- In the case of premature birth, if the baby is born earlier than 30 days before the due date, the birthing parent is entitled to benefit and leave from the next day for the following 40 days.
- In case of miscarriage, if the pregnancy has lasted at least 154 days the parent who was pregnant can get pregnancy allowance for 40 days and parental allowance for 65 days if not working.
- Pregnancy allowance is paid only to the pregnant/birthing parent, it cannot be transferred to the other parent even if the beneficiary falls ill during pregnancy leave. If the beneficiary dies or is unable to care for the child, the other parent is entitled to parental benefit.

Additional note (e.g., frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)

- Many collective agreements now include full pay during Pregnancy leave and part of Parental leave for both parents. There is not yet information of the coverage. During periods of full pay, the daily benefit is paid to the employer. However, as shown in the 2020 Labour Force Survey, 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 women on leave (called Maternity leave in the old system) received pay from the employer. In addition, according to a study by Kela on Family Leave Compensation paid to employers, around 2020 in only a half of the started leaves (called Maternity leave in the old system) was the benefit paid to the employer (on the basis of the employer paying full wage for the employee during leave).[245]

b. Paternity leave (*isyysvapaa/faderskapsledighet*)

No statutory entitlement. But see Note on terminology and section 1c on Parental leave.

[245] Miettinen, A., Mustonen, J. and Räsänen, T. (2022) Perhevapaakorvauksen käyttöönotto. Tuloksia selvityshankkeesta [Introduction of family leave compensation. Results from the survey project]. Kela Työpapereita 167/2022.

c. Parental leave (*vanhempainvapaa/föräldraledighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave

- One hundred and sixty working days per parent.
- Leave is an individual entitlement, part of which (63 days) is transferable to the other parent or to a partner who is not the child's parent or to the partner of the child's other parent or to another person who is the child's legal guardian.

Payment and funding

- Ninety per cent of earnings to both parents for the first 16 Parental leave days. For the remaining period, benefit is paid at 70 per cent of the individual's annual earnings between €13,713 and €43,740, with a lower percentage for earnings above this level (40 per cent up to €67,296 and 25 per cent above this). Those whose annual earnings are less than €13,713 before the birth get the minimum flat-rate allowance (€31.99 per weekday, appr. €800 per month).
- Payments are taxed.
- Funding is the same as for Pregnancy leave.
- Pension is the same as for Pregnancy leave.

Flexibility in use

- The birthing parent can take Parental leave after the end of Pregnancy leave. The baby's other parent can take Parental leave from the day the baby is born.
- Parents can get parental allowance at the same time for a maximum of 18 days.
- Parental allowance can be used flexibly at the times of one's preference, in as many and as short periods (minimum one day) as requested until the child turns 2 years. However, employed parents can take Parental leave in 4 periods, each of a minimum duration 12 days per calendar year, and if the employer agrees, in more periods or even as individual days.
- Parental allowance is not paid for days when one is working more than five hours. As parental allowance is only paid for weekdays (Monday to Saturday) one can, however, work on Sundays or midweek holidays.
- Leave can be taken part-time if the daily working time is no more than five hours per day. One day of partial Parental leave decreases the leave by half a day. Partial parental allowance is half of what the allowance is for full-time leave. To get the partial Parental leave, employed parents must make an agreement with their employer regarding part-time work.
- Parents can take partial Parental leave for the same period of time.

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

- Entitlement is based on being insured under the Finnish Health Insurance Act, just as it is for Pregnancy leave.
- Parental allowance is available to biological or adoptive parents, and to any legal guardian of a child. Same-sex couples have the same leave rights as other couples.
- Both parents are entitled to Parental benefit even if the parents do not live together, provided that the parent is not working and is responsible for childcare.
- One can get Parental benefit while studying during Parental leave, as long as one is able to take care of the child.

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

- In the case of multiple births, the length of leave is extended by 84 days for each additional child. Parental leave is divided equally between both parents: in the case of twins, both parents get 202 days and in the case of triplets for 244 days of Parental leave. A parent of twins can transfer 105 days and a parent of triplets 147 days to the other parent.
- In multiple birth families, in addition to the usual 18 days, 90 days can be taken out at the same time for the second and each additional child.
- If, due to premature birth, the Pregnancy leave has started earlier than 30 days before the expected date of delivery, Parental leave is extended by as many days. Both parents can use half of these additional days or transfer some or all of them to another person.
- If the child is stillborn, or dies shortly after birth, the birthing parent is entitled to Pregnancy allowance and an additional 65 Parental allowance days (the birthing parent is always entitled to 105 consecutive Pregnancy and Parental leave days if the pregnancy has lasted 154 days). The other parent is entitled to 24 Parental allowance days starting from the day following the child's death. If the child dies later, but before 2 years of age, each parent is entitled to 24 Parental allowance days, starting from the day following the child's death (if there are Parental allowance days left). Parents can use these 24 days at the same time.
- If the pregnant/birthing parent dies and the other parent does not care for the child, the Parental benefit can be paid to another person responsible for the care of the child.
- Parental allowance cannot be used for 2 different children at the same time. Parents can choose for which child they apply for the benefit. Otherwise, there are no restrictions concerning the use of parental allowances payable on the basis of different children.
- If the right to parental allowance starts after a 1 year old (but below 2 years old) child has moved to Finland, the number of available parental allowance days is halved.
- Single parents can use all 320 days of Parental leave if the other parent has not been confirmed, the other parent is not the child's legal guardian, the

other parent is not insured under the Finnish Health Insurance Act or the other parent is, due to illness or injury, unable to take care of the child and cannot therefore be paid parental allowance. Of the 320 days, 126 days can be transferred to another person.

d. Childcare leave or career breaks

- Childcare leave, referred to as 'Home-care leave' (*hoitovapaa/ vårdledighet*) can be taken after 160 Parental benefit days have been used, until a child's third birthday. While taking leave, a parent can receive Child home care allowance *(kotihoidon tuki/hemvårdsstöd).*
- Childcare leave can be taken in two parts, the minimum length being one month. Parents can alternate the use of Child home care allowance and Parental leave in the case that one parent (usually the father) uses their Parental leave days later and not right after the other parent (usually the mother) has used their quota days.
- The Child home care allowance can be paid to any parent – whether or not they are on Childcare leave from their job – as long as their child is not in a childcare service provided or funded by the local authority.
- The Child home care allowance consists of a basic payment of €377.68 per month, with an additional €113.07 for every other child under three years of age and €72.66 for every other pre-school child over three years of age, plus a means-tested supplement (up to €202.12 per month).
- The average Home-care allowance per family in 2022 was €426 per month.
- In 2022, 21 per cent of municipalities paid a municipal supplement to the Child home care allowance, most commonly in big municipalities. These supplements averaged €169 per month per child, with a range from €50 to €350.[246] The municipalities usually impose specific conditions on paying the supplement, most frequently that all children in the family below school age have to be taken care of at home. Paying a municipal supplement has become less common: in 2014, 30 per cent of municipalities 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 Private day care allowance *(yksityisen hoidon tuki/privatvårdsstöd)*, which is €192.28 per month per child. An addition of up to €265.85 per month per child can be paid, based on the size and income of the family. In 2022, 37 per cent of municipalities paid a municipal supplement to the private day care allowance, the average varying between €221 to €412 in full-time care depending on the age of the child and the type of ECEC. The local authorities usually impose specific conditions on paying the supplement, most frequently related to the hours of private day care. In 2022, 39 per cent of municipalities offered a service voucher for private day care services, the average varying between €444 to €1,115 (depending on the type of ECEC used, family income, and child's

[246] Lahtinen, J. and Svartsjö, M. (2022) Kotihoidon tuen ja yksityisen hoidon tuen kuntalisät ja palveluseteli [Municipal supplements of home care allowance and private care allowance and service vouchers]. Helsinki: Kuntaliitto.

age): offering vouchers has grown more popular among the municipalities over the years[4].
- Child home care allowance and municipal supplement are taxable income.
- During Childcare leave, pension is accumulated as if the earnings were €857.15 per month. These earnings accumulate the pension at a rate of 1.5 per cent per year.
- Child home care allowance is mainly funded by the municipalities. The state funds those allowances which are paid for a child who is not residing in Finland but at least one of the parents is working in Finland and is covered by employment pension insurance.

e. Other types of leave and flexible working

Parental leave for adoptive parents and pay

- Adoptive parents of a child (under 18 years of age) are eligible for Parental leave of 320 working days. Each parent is entitled to 160 days of leave starting from the day the child comes to their care, up until two years have elapsed from that date.
- Entitlements are based on being insured under the Finnish Health Insurance Act.
- Adoptive parents in both same- and opposite-sex couples are entitled to Parental leave allowance.
- A single parent who adopts and takes care of a child is entitled to all 320 days of Parental leave the same way as single parents having biological children.
- An adoptive parent can receive parental benefit also during studies as long as the parent is able to take care of the child.
- Adoptive parents are entitled to Child home care allowance for a period which ends two years after the day when the child comes to their care, even if the child is older than three years of age (but below school-age).
- A parent who adopts their partner's child (intra-family adoption) is entitled to the same Parental allowance and parental leave days as parents having biological children when their parentage has been confirmed. If the biological parent has already used more than 160 days, the adoptive parent is entitled to the remaining days.

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 3 or 4 days at a time. A parent with joint custody who does not live with a child is entitled to the leave.
- 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 7 years, a severely ill child between the ages of 7 and 15 years, or in the rehabilitation of a child under the age of 16 years.
  - because they provide home care for a severely ill child under the age of 16 years, 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 €13,713 and €43,740, with a lower percentage (40 per cent for annual earnings up to €67,296, and 25 per cent above this) for earnings above this level. Employees whose annual earnings are less than €13,713 get a minimum flat-rate allowance of €31.99 per working day (€800 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.

Specific provision for (breast)feeding

- None. Breastfeeding leave has not been considered necessary, as Parental leave available to the mother lasts until the child is 9 to 10 months old.

Flexible working

- Parents can work reduced working hours (Partial Childcare leave, *osittainen hoitovapaa/partiell vårdledighet*) from the end of Parental leave until the end of the child's second year at school. The employee is entitled to Partial Childcare leave if 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.

- Parents of children under three years of age are entitled to 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 €179.49 per month if the weekly working hours are no more than 30 hours, or 80 per cent of the normal full-time hours, and €269.24 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 receive Flexible care allowance even if the child attends municipal ECEC. Flexible 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.
- Employees taking Partial Childcare leave during the child's first and second year at school are entitled to Partial care allowance *(osittainen hoitoraha/partiell vårdpenning)* of €108.15 per month. Partial 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.
- Partial care allowance and Flexible care allowance are taxable income.
- Partial care allowance and Flexible care allowance are funded by the municipalities.

Compensation for employers for indirect leave costs

- Employers are able to claim compensation for indirect leave costs such as finding and training a replacement for a female employee taking Maternity/Pregnancy leave. The compensation is available to employers who pay full-time employees a salary during at least one month of their leave. A prerequisite for family leave compensation is that the employee must have at least three months' service before the leave or, in the case of an adoptive parent, before the Parental leave, and that the employment must last at least one year. The amount of the lump-sum compensation is €2,500. In 2023, the Social Insurance Institution (Kela) paid compensation to over 4,250 employers for over 20,800 parents[247]; this is less than half of the parents taking Maternity/Pregnancy allowance in 2023.

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

The maximum period of paid post-natal leave is 36 months (including low paid Home-care leave). The maximum period of highly paid leave is 13.8 months after birth. As there is an entitlement to Early Childhood Education and Care (ECEC) from the month the child turns nine months old, there is no gap between the end of well-paid leave and an ECEC entitlement.

[247]Social Insurance Institution, statistical data Perhevapaakorvaus [Compensation for family leaves]. Available at: https://tietotarjotin.fi

If a parent takes part of her/his Parental leave days after the child has started in ECEC, the child is entitled to return to the same daycare place if the leave is no longer than 13 weeks.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

4. Changes in policy since April 2023 (including proposals currently under discussion)

The Parental leave reform that took effect in 2022 introduced several comprehensive changes to the leave scheme – including a gender-neutral terminology, symmetrical allocation of leave quotas for each parent with a possibility to transfer part of the quota to the other parent, a longer parental leave in total and increased flexibility in use – and no new changes in policy have taken place since then.

As the other childcare allowances (Child home care allowance, Private day care allowance, Flexible care allowance and Partial care allowance) were not changed in the reform, a further reform of the childcare allowances has been proposed, including by a working group on social security and services for children and families under the Social Security Committee.[248] It is also stated in the government programme 2023 that the leave system will be further developed in order to acknowledge the best interest of children, promote equality in parenthood and in working life, increase families' freedom of choice and flexibility, and advance possibilities to participate in early childhood education and care.[249]

5. Uptake of leave

Due to the leave reform in 2022 being so recent, the following information on uptake is mainly based on the previous leave scheme. Therefore, in this section the old leave terminology is used, in which leave users are called 'mothers' and 'fathers'. However, in statistics and research the gender and the relationship to the child of the users of fathers' leave entitlements is not specified. Preliminary information on the uptake of leaves after the 2022 reform is reported at the end of the section 4c.

a. Maternity leave / Pregnancy 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/Pregnancy leave work during the leave period. Since the reform in 2022,

[248] https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164687/Sosiaaliturvakomitea_2023_2.pdf?sequence=1&isAllowed=y.

[249] Programme of the Government 2023 http://urn.fi/URN:ISBN:978-952-383-818-5

parents cannot work and receive full Parental allowance at the same time, but they may choose to work part time and receive partial Parental allowance.

b. Paternity leave[250]

Before the 2022 reform, Paternity leave of nine weeks included one to 18 days of leave which could be taken while the mother was on Maternity or Parental leave, and the remaining days (54 days minus the days taken when the mother was on Maternity/Parental leave) were to be taken after the Parental leave. Statistics allow for a different review of the uptake of these two different types of Paternity leave. Similarly, since the 2022 reform, up to 18 days of Parental leave can be taken during the other parent's Parental leave.

A majority of fathers have taken the one to 18 days of Paternity leave during the time when the mother was on their leave. On the basis of the statistics on recipients of maternity allowances and father's Parental leave allowances, 70-74 per cent of fathers have taken this leave[251]. This percentage describes the uptake of Paternity leave (simultaneously with the mother) in relation to started Maternity leaves for children born between 2011 and 2021. The proportion of fathers who took this section of Paternity leave fell from 74 per cent in cohorts born in 2011 to 69 per cent in cohorts born in 2018, but since then it increased again to 74 per cent in cohorts born in 2021. Although the statistics on maternity allowances do not cover all children born in Finland, a Kela study based on fathers' leave uptake on children's birth cohort basis, the percentages were about the same.[252]

Since 2008, the average length of the leave taken while the mother is on Maternity or Parental leave has been 15 working days (15.6 days in 2022[253]).

According to a survey in 2022, just before the leave reform, the take-up of Paternity leave (simultaneously with the mother) was quite common among fathers except for those not in employment or with very low income who less typically took the leave compared to other fathers.[254] The reasons for not taking the short Paternity leave have, in previous studies, most often been the father's work situation, the family finances, or the father not having a job.[255] [256]

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[250] One to 18 days which can be taken while the mother is on leave.

[251]The Social Insurance Institution, statistical database (Kelasto): Vanhempainrahojen kertymätiedot [Cumulative information on parental leave allowances].

[252] Miettinen, A. and Saarikallio-Torp, M. (2020) 'Isälle kiintiöidyn vanhempainvapaan käyttö ja sen taustatekijät' [Trends and socioeconomic determinants in the use of father's quota], *Yhteiskuntapolitiikka,* Vol.85, 4

[253] *Statistical Yearbook of the Social Insurance Institution 2022*. Helsinki: Kela 2023.

[254] Saarikallio-Torp, M., Lammi-Taskula, J. and Närvi, J. (2024) 'Isien perhevapaiden käyttö' [Fathers' use of parenting leaves], in Kinnunen, A., Lammi-Taskula, J., Miettinen, A., Närvi, J. and Saarikallio-Torp, M. (eds.) *Perhevapaat ja työn ja perheen yhteensovittaminen muuttuvassa työelämässä* [Parenting leaves and the reconciliation of work and family in changing working life]. Helsinki: Kela.

[255] Lammi-Taskula, J., Salmi, M. and Närvi, J. (2017) 'Isien perhevapaat' [Fathers on family leave], 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.

[256] Närvi, J. (2018) *Isä hoitaa – vai hoitaako? [Daddy takes care – or does he?]*. Working paper 1/2018. Helsinki: THL.

c. Parental leave and fathers' individual leave (i.e., the days of Paternity leave to be taken after the Parental leave)

Parental leave, which before the 2022 reform was 158 days and could be used by either parent, has been mostly taken by mothers. Before the reform, almost all mothers took all days of Parental leave, whereas only a small and slowly growing share of fathers has taken Parental leave[252]. Calculated on the basis of started maternity allowances, the share of fathers taking Parental leave has grown from four per cent in children born in 2014 to almost seven per cent among fathers of children born in 2021.[251] The average length of fathers' Parental leave has been about 57-61 days.[257] Fewer than four per cent of mothers were working to any extent during their leave period. Since the reform in 2022, working while receiving full Parental allowance is not allowed.

The popularity of the fathers' individual leave (that part of Paternity leave which could be taken after Parental leave) increased gradually since its introduction in 2003. Before the 2013 reform, about 30 per cent of fathers of children born in 2012 took this leave, then called fathers' month. Since the 2013 reform, the share of fathers taking this leave has grown from 42 per cent in children born in 2013 to 56 per cent among fathers of children born in 2021.[251] The percentages are calculated in relation to started maternity allowances. Annual statistics show that the average length of leave taken by fathers after Parental leave rose from 28 days in 2014 to 33 days in 2022.[253]

Statistics indicate that one in four fathers have not taken either Paternity or Parental leave, not even the one to 18 days' leave while the mother is on leave. In the birth cohort-based analysis, the proportion of non-users was 29 per cent in 2006, decreasing gradually to 23 per cent in the 2016 birth cohort.[252]

Since 2013, it has been possible to postpone taking Paternity leave until the child turns two years of age. Analysis of the uptake statistics suggests that during the following ten years, a shift towards leave uptake nearer the child's second birthday took place.[252] A study based on survey data collected in 2013 indicated 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.[255] According to a survey in 2022, half (52 per cent) of the fathers using Paternity leave after Parental leave period took the opportunity to postpone the take-up, and 61 per cent took the leave in several parts.[254]

While the fathers' individual leave, (the part of Paternity leave to be taken after Parental leave before 2022, and the 'fathers' month' before 2013, which was intended to be taken when the child's mother is not on leave), has become more and more popular, also its contribution in strengthening fathers' independent care responsibility has grown: in 2013, in the majority of families the mother, even if not on leave, stayed at home during at least part of the father's Paternity leave weeks, whereas in 2022, only one in four mothers stayed at home and most were either working or studying.[254] Significantly more fathers thus now seem to use the leave to care for the child alone, without the mother being present.

[257] *Statistical Yearbook of the Social Insurance Institution 2021*. Helsinki: Kela 2022.

According to a register-based study and a survey in 2022 (on fathers with children born in 2016 and in 2019–2021), fathers of a first- or second-born child as well as fathers with high education level or a good income, and especially those whose partners have a high education level and a good income were more likely to take the Paternity leave after Parental leave, whereas the leave was less typically taken by self-employed or unemployed fathers or young fathers under the age of 25.[252] [254] Among employed fathers, the take-up of this leave was more common if the father worked in a female-dominated workplace, or in a workplace with a large number of employees.[258]

The most common reason that fathers gave, in a survey in 2022, for using the Paternity leave after Parental leave was to be able to spend more time with the child; this was mentioned by nearly all fathers who took the leave (fathers with children born in 2019–2021). Other commonly mentioned reasons (by more than 60 per cent of fathers) were that taking Paternity leave felt right and self-evident, that parenthood was considered as a joint responsibility, and that it is fathers' job to take care of young children. Slightly less than half of fathers also mentioned that they wanted to help the child's mother. The two most common reasons that fathers gave for not taking the Paternity leave after Parental leave were that their spouse was taking care of the child supported by the Child home-care allowance, or that they thought the family's finances did not allow it. The spouse not having a job as well as work-related obstacles such as the nature of work, the work situation or pressure also hindered fathers from taking their leave quota, but these reasons were mentioned significantly more rarely. Very few fathers mentioned negative attitudes at their workplace as an obstacle.[254] Work-related reasons for not taking the leave could be explained by how fathers' work tasks are generally organized during leave or other absence from work: fathers have reported that a substitute is seldom hired, and work tasks are most commonly shared between fellow workers or, among white-collar employees, are left to be taken care of by the father himself, even when taking leave.[256] [258]

According to the above-mentioned 2022 survey, besides fathers' individual leave, the Parental leave that could be used by either of the parents was more typically taken by highly educated fathers, fathers of first-born children, and those with a spouse who had a higher education level and income[254].

The part-time option for taking Parental leave was not popular before the 2022 reform. Statistics show that in 2003 (the first year that it was available), 37 parents received the Partial Parental allowance and in 2022, still only 463 parents used

[258] Närvi, J., Saarikallio-Torp, M. and Miettinen, A. (2024) 'Vanhempien työmarkkina-asema, työn laatu ja perhevapaiden käyttö' [Parents' position in the labour market, quality of work and the use of parenting leaves], in Kinnunen, A., Lammi-Taskula, J., Miettinen, A., Närvi, J. and Saarikallio-Torp, M. (eds.) *Perhevapaat ja työn ja perheen yhteensovittaminen muuttuvassa työelämässä* [Parenting leaves and the reconciliation of work and family in changing working life]. Helsinki: Kela.

it.[259] Although the number of parents using this option was in slight increase, taking part-time Parental leave was still very rare.

Information on the take-up of Parental leave after the 2022 reform

As the 2022 leave reform introduced a longer leave quota for fathers as well as more flexibility in taking Parental leave on a part-time basis or in several segments, changes are also expected in the patterns of take-up of these types of leave in the coming years.

Preliminary information suggests that fathers have increased the amount of Parental leave they take. In 2022, fathers had used 12.6 per cent of all Parental leave days paid between January and September (before the reform), and in 2023, their share of all Parental leave days paid between January and September had grown to 15.2 per cent. However, the majority of fathers have also used the possibility to transfer a part of their leave to the mother. The information on fathers' take-up of Parental leave while the mother is using her leave for those parents who were eligible to the new Parental leave scheme is not yet available[260].

d. Childcare leave or career breaks

Almost all families (87 per cent in 2020[261]) take advantage of the Child 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 women. Only 6 to 9 per cent of the recipients of HCA per year (2006-2021) have been men. In 2022, 8.5 per cent of the recipients of HCA were men.[259]

In the long run, HCA has become less popular; the proportion of children aged zero to two years taken care of at home supported by HCA has dropped from 58 per cent in 2000 to 36 per cent in 2022.[253] The overall decreasing popularity matches the growing proportion of young children attending childcare services from 2000 to 2021: 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 38 per cent (and children aged two to 70 per cent).[262]

Annual statistics also enable an assessment of uptake periods of HCA. In families receiving this allowance at some point before their child turns three years of age[263], periods taken have divided rather evenly: in 2020, 31 per cent took fewer than seven months; 29 per cent took between seven and 12 months; 28 per cent took between 13 and 24 months; and 12 per cent took longer than 24 months (the

[259] *Kelan Lapsiperhe-etuustilasto 2022* [Social Insurance Institution Statistics on Family Benefits, 2021] Official Statistics of Finland, Social Security 2023.

[260] https://tietotarjotin.fi/uutinen/839248/perhevapaauudistuksen-voimaantulosta-vuosi-nain-isat-ovat-kayttaneet-vapaita-tahan-mennessa

[261] Statistical Yearbook of the Social Insurance Institution 2020; Take-up of child care subsidies before the child's 3rd birthday. Helsinki: Kela 2021.

[262] Säkkinen, S. and Kuoppala, T. (2021) *Varhaiskasvatus* 2020 [Early childhood education 2020] Helsinki: THL Statistical Report 32/2021.

[263] 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.

maximum length being 26 to 27 months)[261]. However, the proportion taking the longest period of leave has declined from 25 per cent (2003) to 12 per cent (2020), while the proportion taking the shortest periods rose from 26 to 31 per cent. In the long run, from cohorts of children born 2010 to 2018, the median lengths of HCA periods have decreased from 14 months to 11 months, and the proportion of mothers using HCA for 13 months or more has decreased from 54 per cent to 40 per cent.[264]

The proportion of fathers taking HCA has remained low. The (few) male recipients of HCA took much more often the shortest periods than their female counterparts (71 per cent in 2020), and of all men taking HCA, 9 per cent took it for more than 12 months.[261]

A survey in 2022 with parents who had a child between 2019–2021 shows that HCA was more typically taken by fathers with a high education level and high income on one hand, and by fathers outside the labour force or with low income on the other hand. The use of HCA was also more common among those fathers whose spouses had a high education level and a high income.[254]

According to the same survey, fathers' main reasons for not taking Home-care leave with HCA were family finances and that the mother was taking care of the child at home, which slightly less than half of the surveyed fathers said hindered them from taking Home-care leave. Additionally, one in four fathers did not consider taking the leave to be necessary, and one in five fathers thought that the child was ready to start at day care. Work-related reasons such as the nature of their work or work pressure were mentioned by only one in ten fathers.[254]

Mothers' take-up of child-care leave or HCA is related to their education and position in the labour market as well as their family type. A study using Kela's register data on parents of children born 2010-2018 found that highly educated mothers and those with high income (before the birth of the child) were more likely not to use HCA at all, or used it for shorter periods than lower-educated/low-income mothers. Longer periods of HCA were also more common among mothers with many children, with immigrant background, if the mother was a single-parent or had been unemployed before the childbirth.[264]

Findings from a survey in 2022 to parents with a child born between 2019–2021 show that while the use of HCA among mothers was almost equally common despite their socioeconomic or demographic background, longer HCA periods were more often taken or planned by single mothers, mothers with low education level, low income, who were unemployed, or by those who did not have an effective employment contract (and were not working as entrepreneurs) at the time of the

[264] Miettinen, A. and Saarikallio-Torp, M. (2023) 'Äitien kotihoidon tukijaksot lyhentyneet - väestöryhmittäiset erot yhä suuria' [Mothers' home care allowance periods have become shorter - large differences between population groups], *Yhteiskuntapolitiikka,* Vol.88, 2.

birth of their child (one fourth of the respondents).[265] [266] However, an insecure position in the labour market can have a twofold effect as mothers who had experienced several periods of unemployment or even a threat of unemployment in their job also more typically than other mothers did not use HCA at all. Among mothers who had been employed before the birth of their child, longer HCA periods were taken among those working in the municipal sector and in female-dominated workplaces.[258]

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 2018, 65 per cent of highly educated mothers with a one to two year old child had returned to paid employment, compared to only 21 per cent of mothers with no secondary education.[267] Research findings suggest that the length of leave periods taken by women depends on their level of education, employment status, and their possibilities and experiences in the labour market, as well as how easy it is to find employment, especially for those with a low level of education. The HCA, therefore, has partly become an income source for unemployed women with low employability, even if HCA is lower than the basic unemployment benefit, while at the same time it still functions as an alternative to the use of childcare services for parents with an employment contract. However, values and attitudes also play a role as especially longer periods of HCA seem to be taken by women who identify strongly with the role of mothers as caregivers, instead of the less socially valued identity of the unemployed. In the 2022 survey, the most common reasons for mothers to use HCA were the wish to spend more time with the child and to care for the child longer at home, that the mother considered the child too young to start in early childhood education and care and that she considered home care as important for the child.[265] As for a suitable age for a child to start in ECEC, mothers in the survey commonly reported it to be between 1.5 to 2 years, fathers between 1 to 2 years. Parents' views have also changed in recent years; especially mothers are now more positive than a few years ago towards younger children participating in ECEC.[268]

[265] Miettinen, A. and Närvi, J. (2024) 'Äitien kotihoidon tuen käyttö' [Mothers' use of home care allowance], in Kinnunen, A., Lammi-Taskula, J., Miettinen, A., Närvi, J. and Saarikallio-Torp, M. (eds.) *Perhevapaat ja työn ja perheen yhteensovittaminen muuttuvassa työelämässä* [Parenting leaves and the reconciliation of work and family in changing working life]. Helsinki: Kela.

[266] Kinnunen, A. and Miettinen, A. (2024) 'Yhden vanhemman kotitaloudet ja perhevapaat' [Single parent households and parenting leaves], in Kinnunen, A., Lammi-Taskula, J., Miettinen, A., Närvi, J. and Saarikallio-Torp, M. (eds.) *Perhevapaat ja työn ja perheen yhteensovittaminen muuttuvassa työelämässä* [Parenting leaves and the reconciliation of work and family in changing working life]. Helsinki: Kela.

[267] Statistics Finland, Labour force study, Families and Work 2018.

[268] Saarikallio-Torp, M., Närvi, J., Miettinen, A. and Kinnunen, A. (2024) 'Neuvottelu lapsen hoivan jakamisesta' [Negotiations on child-care arrangements], in Kinnunen, A., Lammi-Taskula, J., Miettinen, A., Närvi, J. and Saarikallio-Torp, M. (eds.) *Perhevapaat ja työn ja perheen yhteensovittaminen muuttuvassa työelämässä* [Parenting leaves and the reconciliation of work and family in changing working life]. Helsinki: Kela.

The Flexible Care allowance, available from the beginning of 2014, has gradually increased its popularity. In 2014, 15,766 families, and in 2022, 19,837 families received Flexible Care allowance, although the proportion of children under three years old being taken care of by this allowance is low, about seven per cent.[259] Flexible Care allowance has been more popular among highly educated mothers and those whose spouse has high income level, although, compared to the previous Partial Care allowance with a lower benefit, the new allowance has increased the take-up also among mothers with lower education levels.[269] In 2022, 12 per cent of the Flexible Care allowance recipients were men.[259]

In 2018, one in four women with children aged one to two years old worked part-time.[267]

In 2022, Partial Home-care allowance during the child's first and second years at school was used by 15,686 families, to take care of seven per cent of children seven and eight years of age. 11 per cent of the recipients of Partial Home-care allowance were men.[259]

The use of the Private Day Care allowance for children under the age of three is relatively rare. Altogether 11,561 families received Private Day Care allowance in 2022 for children aged zero to seven years. Two per cent of one-year-olds and three per cent of two-year-olds were taken care of supported by this allowance in 2022.[259]

e. Other types of leave and flexible working

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 (2018),[270] 72 per cent of employed women and 61 per cent of employed men with children under ten years of age had taken temporary childcare leave during the past 12 months – this is compared to 67 per cent of women and 52 per cent of men in 2013. In families where both parents have full-time employment, 76 per cent of mothers and 69 per cent of fathers have taken temporary childcare leave, compared to 71 per cent of mothers and 60 per cent of fathers in 2013. Although women still take temporary childcare leave more often than men, the gender gap has decreased over the past years.

[269]Pekkarinen, T. and Tuomala, J. (2019) 'Joustavan hoitorahan työllisyysvaikutusten arviointi' [An assesment of the effects of the Flexible care allowance on employment]. *Valtioneuvoston selvitys- ja tutkimustoiminnan julkaisusarja 2019*:46. Helsinki: Valtioneuvoston kanslia.

[270] Sutela, H., Pärnänen, A. and Keyriläinen, M. (2019) *Digiajan työelämä – Työolotutkimuksen tuloksia 1977–2018* [Working conditions Surveys 1977–2018*].* Helsinki: Statistics Finland.

France[271]

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April 2024

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

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

a. Maternity leave (*Congé de maternité*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave (before and after birth)

- Sixteen weeks: 6 weeks before the birth and 10 weeks after the birth. It is obligatory to take at least 8 weeks in total, including 6 weeks after the birth.

Payment and funding

- One hundred per cent of earnings, up to an upper limit of €3,864 per month. In the public sector, the leave is fully paid (i.e., there is no upper limit). In the private sector, some employers (particularly larger companies) pay in full, others do not.
- Payments are taxed.
- Funded by health insurance[272], financed by contributions from both employees and employers. The total amount of this contribution is 15.45 per cent of gross pay, including all social contributions, with employees contributing 2.35 per cent and employers 13.10 per cent.

[271] Please cite as Sponton, A. (2024) 'France country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[272] The present social security system, including statutory health insurance, officially came into being with the Ordinance of 4 October 1945 which aimed to cover all the so-called 'social risks'. In 1967 social security was separated into four branches: health insurance (which represents the largest share of expenditures devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

Flexibility in use

- Up to 3 of the 6 weeks of pre-birth leave can be postponed until after birth, allowing for a total of 13 weeks of post-birth leave.

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

- All employees and self-employed workers. There is some length of service conditionality for the self-employed (to have been working for at least six months).
- Jobseekers are eligible for compensation if they receive or have received unemployment benefit in the last twelve months. In this case, the duration of the Maternity leave postpones the end of their unemployment benefit.
- Leave is available for same sex parenting couples for the person giving birth.

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 twins, the length of leave is increased to 34 weeks (12 weeks before birth and 22 weeks after); and in the case of triplets, the length is increased to 46 weeks (24 and 22 weeks)
- In the case of the mother already having two children, the length of leave is increased to 26 weeks (8 weeks before birth and 18 weeks after).

b. Paternity leave (*Congé de naissance – literally 'birth leave'* - and *Congé de paternité et d'accueil de l'enfant* – literally 'leave for looking after a child') (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave

- Four weeks, consisting of 25 calendar days of '*congé de paternité et d'accueil de l'enfant*' plus, for employees only, 3 extra working days of '*congé de naissance'*.

Payment and funding

- ***Congé de paternité et d'accueil de l'enfant***: Payment and funding as for Maternity leave (see 1a).
- ***Congé de naissance***: paid by the employer.

Flexibility in use

- It is obligatory to take at least one week immediately after the birth. Employees must take the 3 days of *congé de naissance* and 4 days of *congé*

de paternité et d'accueil de l'enfant together; self-employed workers must take 7 consecutive days of *congé de paternité et d'accueil de l'enfant*.
- After the first mandatory week, the remaining days can be divided up to two additional periods of at least 5 days each, within the 6 months following the birth. So, in total, Paternity leave can be divided into a maximum of 3 periods. For example, after the first mandatory week, fathers can take 2 more weeks 2 months later, and a last week in the fifth month.

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

- All employees are entitled to the 3 days of *congé de naissance*, without seniority requirement.
- All employees and self-employed workers are eligible for the 25 calendar days of *congé de paternité et d'accueil de l'enfant*. There is some length of service conditionality for the self-employed, e.g., to have been working for at least 6 months.
- Jobseekers are eligible for compensation if they receive or have received unemployment benefit in the last 12 months. In this case, the duration of the Paternity leave postpones the end of their unemployment benefit.
- Leave is available for same-sex parenting couples and for cohabiting couples, including if the partner is not the biological father.

c. Parental leave (*Congé parental*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave

- Until the child reaches 3 years of age.
- Leave is an individual, non-transferable entitlement.

Payment and funding

- A childcare allowance or childrearing benefit - 'PreParE' ('*Prestation partagée d'éducation de l'enfant')* - is paid to all parents and is income-related and dependent on whether the recipient works and, if so, for how long. The basic benefit is €428.71 per month if not working; €277.14 per month if working less than half of full-time hours; and €159.87 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, depending upon the size of the family and paid either at a full rate €184.81) or at a part-rate (€92.40).
- For parents with *a single child*, *PreParE* is paid for six months per parent after the end of the Maternity leave, i.e. to a maximum period of 12 months if both parents claim benefit, which can only be received if the parent receiving the benefit stops employment or reduces working hours. For parents with *two or more children* (under 20 years of age), *PreParE* can be paid until a child is three years old, but only for a maximum period of 24 months to any one parent, which means that the remaining 12 months can only be received by the other parent if he/she stops employment or reduces working hours.

- 'PreParE' is not taxed.
- *PreParE* is funded by the local CAFs (*Caisse des Allocations Familiales*), the Family Allowance funds that are part of the social security system and provide a wide range of benefits for families with children. CAFs are financed by contributions from employers only, amounting to 5.4 per cent of gross wages, and not by employees unlike the Maternity and Paternity leaves that are funded from the health insurance scheme.
- Non-employed parents (including those taking leave) receive pension credits for childrearing: '*Assurance Vieillesse du Parent au Foyer*' (AYPF) *(see* http://www.caf.fr/aides-et-services/s-informer-sur-les-aides/petite-enfance/assurance-vieillesse-du-parent-au-foyer-avpf). AYPF is paid by the local CAFs (*Caisse des Allocations Familiales*) to guarantee retirement rights to people who stop or reduce their professional activity to take care of one or several children or a 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 full-time leave simultaneously. They can also take part-time Parental leave simultaneously and receive benefit at the same time from the *PreParE,* but the total amount of payment cannot exceed €428.71 (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: e.g., with 1 child it is necessary to have worked without break for 2 years preceding birth, with 2 children for 2 of the 4 years preceding birth, and with 3 children for 2 out of the 5 years preceding birth.
- Leave is available to 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; single 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

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

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

Time off for the care of dependants

- Every employee is eligible for an unpaid leave *(Congé de présence parentale*) to care for a sick child under the age of 16 years. Legally, periods of leave cannot exceed three days per year (or five days in specific cases), but this is a minimum and most collective agreements have special arrangements, as in the public sector where employees can take 14 days a year to care for a sick child.
- *Allocation Journalière de Présence Parentale (AJPP):* in cases of a serious disability or illness of a child under 20 years, every employee with at least one year of employment with an employer is entitled to paid leave to care for her/his child, or to work part time, for a period of up to three years. The allowance is paid for a maximum of 310 days over the 3 year period, and the level of the allowance depends on the duration of work in the enterprise and on the family structure; in couples, the amount is €64.54 per day if one parent stops work completely. A similar period of leave is possible for employees who need to care for a relative at the end of life, either a child or a parent living in the same house.

Specific provision for (breast)feeding

- None.

Flexible working

- The 'family tax credit' (*Crédit d'Impôt Famille*, CIF), introduced in 2004, is a financial incentive provided to companies to encourage them to develop family-friendly initiatives for their employees. The CIF stipulates that 25 per cent of related expenses are deductible from taxes paid by the company up to an upper limit of €500,000 per year and per company.
- Employees in the public and private sector are entitled to work part time for family reasons. Parents have therefore a right to request or to reduce their working time if the child is aged under three years but under the condition that the request is made in the context of being on a statutory Parental leave and that the parent has been working with the company for at least one year.
- Parents have the right and are guaranteed to return to work afterwards on full-time or part-time basis.

- All employees (not specifically parents) have also a right to (request to) work (a certain percentage) from home. The most common arrangement is to combine one or two days of telework with three or four days in the office during the week. Under such an agreed arrangement their employment contract cannot be broken by employers.

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

The maximum period of post-natal leave is three years, but most of this is low paid; leave paid at a high rate lasts for less than 4 months. There is an entitlement to Early Childhood Education and Care (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'; attendance is also compulsory from 3 years. There is no gap, therefore, between the end of leave and an ECEC entitlement, but a substantial gap of more than 2½ years between the end of well-paid leave and an ECEC entitlement.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Since 20 August 2023, the self-employed are entitled to Maternity and Paternity leave benefits if they have been working over the past 6 months, instead of 10 months previously.

In January 2024, the government announced a leave reform, to be implemented in 2025. Details are currently under discussion. At the time of writing (April 2024), this reform plans the replacement of the 2 years Parental leave with a shorter leave (each parent could stop their activity in the six months following the birth). The compensation rate could be 50 per cent of the wage, with a ceiling at €1,800 per month. This proposed reform is vulnerable to political changes.

4. 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

Take-up rate of Paternity leave is stable[273,274] (70 per cent) but varies greatly according to the father's labour market situation: only 34 per cent of self-employed fathers take the leave, compared with 80 percent of fathers on permanent contracts.[275]

Take-up also varies according to the level of income: from 58 per cent among fathers belonging to the first quintile of the income scale to 79 per cent among the most well-off fathers, while this rate rises to 92 per cent among fathers in the middle-income quintiles (€2,500 to €2,999 per month).

On the other hand, take-up rate is higher in large companies with more than 200 employees (88 per cent) than in companies with less than 10 employees (75 per cent).

c. Parental leave and childrearing benefit (*PreParE*)

It is impossible to calculate the number of parents on Parental leave because employers are not required to provide information about take-up. Statistics are limited to childcare allowance (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 2022, 222,700 families received a childcare allowance (*PreParE)*. Research provides evidence that women make up 94 per cent of parents taking leave, and there has been little change since the introduction of *PreParE*; 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.[276]

A number of factors help to explain why fathers are so reluctant to claim Parental leave, including: the unequal gender distribution of domestic and child-raising tasks within the family still persisting in France; traditional value systems; in most couples, the man earning more than the woman; and a workplace culture in the private sector that makes it difficult for a man, in particular at management level, to take Parental leave. The small number of fathers who take childcare allowance full time are mostly blue-collar workers or employees with a stable job beforehand. Compared to fathers who do not take Parental leave, they are more likely to work in female-dominated sectors and to have partners with a higher level of education,

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[273] Gosselin, H., and Lepine C. (2018) *Évaluation du congé de paternité*, Inspection générale des affaires sociales (Igas), 2018-022R.

[274] Guedj, H. and Le Pape M.-C. (2023) 'Premiers jours de l'enfant : un temps de plus en plus sanctuarisé par les pères via le congé de paternité' [The child's first days: a time increasingly protected by fathers through paternity leave], *Etudes et Résultats*, 1275.

[275] Sponton, A. (2023) 'Reluctant Fathers? A Mixed-Methods Approach to Grasp the Diversity of Mechanisms Behind Paternity Leave Non-Take-Up', *Population*, vol.78, 1: 83-116.

[276] Onape, 2023

a higher status job and higher earnings. Besides, the majority of fathers on Parental leave take it on a part-time basis.[277]

According to the ONAPE (2022)[278], the number of mothers and fathers receiving the *PreParE* (not working at all or working on a part time basis) has been continuously decreasing over the last ten years, with a decrease of 3.3 per cent between 2022 and 2021. Among the beneficiaries receiving the *PreParE*, 54 per cent were stopping their work, 46 per cent worked part-time.

This strong 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 allowance provided under strict eligibility conditions by the Social Security.

[277] Onape Reports (2004-2021) Observatoire national de la petite enfance (Onape) | Bienvenue sur Caf.fr

[278] Observatoire National de la Petite Enfance (2022) *La lettre de l'observatoire national de la petite enfance, decembre 2022*. Paris: CNAF. Available at: lLettre de l'Observatoire | caf.fr

Germany[279]

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N.B. Germany is a federal state.

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

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

Note on terminology: German legislation (*Bundeselternzeit- und Elterngeldgesetz* (*BEEG*)) differentiates two dimensions of Parental leave: '*Elternzeit*' refers to job protection rights and the right to work part-time; '*Elterngeld'* and '*ElterngeldPlus'* 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)

- Fourteen weeks: 6 weeks before the birth and 8 weeks following the birth.
- It is obligatory to take 8 weeks after the birth.
- A woman may not be dismissed during her pregnancy, up to 4 months after a miscarriage after the 12th week of pregnancy and until the end of her protection period after the birth, but at least until 4 months after the birth.
- Beyond the Maternity leave period, pregnant women are also protected from workplace hazards, night work, overtime hours and – in the case of asylum seekers – from deportation.

[279]Please cite as: Reimer, T., Blum, S., Schober, P., Son, K. and Stertz, A. M. (2024) 'Germany country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P., and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

Payment and funding

- One hundred per cent of the average income in the last 3 months before Maternity leave, with no upper limit on payment.
- Self-employed and non-employed women who are not covered by a public health insurance do not receive any Maternity leave benefit but can apply for up to €210 per month, which is paid by the state social security system.
- A woman who is prohibited from working before or after giving birth receives maternity protection benefits from her employer. Maternity protection pay is the average income in the last three months prior to the start of the pregnancy.
- Payments are made to the mother by the employer, who can apply for reimbursement from the responsible health insurance institution.
- Payments are not taxed. However, they are counted when calculating the applicable tax rate ('progression clause'). In effect, it can lead to being grouped in a higher tax rate class, and thus to higher taxes on the rest of the income.
- Funded by the mother's health insurance (€13 per day) 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. Benefits for mothers with an income below €390 per month are paid by the mother's health insurance alone and match their prior income. Employers pay a contribution to 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.
- Mothers receiving unemployment benefits are also entitled to paid Maternity leave benefits which are paid by their health insurance at the same amount as their previous unemployment benefit.

Flexibility in use

- Expectant mothers may choose to continue with paid work or education during the last six weeks before delivery, if they explicitly declare that it is their personal decision to do so. During the postnatal period of Maternity leave, however, no paid work is allowed for reasons of health protection, for eight weeks, or twelve weeks in the case of premature and multiple births. In case of a stillbirth, women may resume working after three weeks if it is their personal decision and if there are no medical concerns.

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

- The entitlement to Maternity leave benefits depends on whether the woman is employed and whether she is covered by health insurance. The following groups are entitled to benefits:
  - All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €520 per month)
  - Students and pupils, including vocational training
  - Female voluntary workers (voluntary social/ecological year)
  - Self-employed women

- Asylum seekers
- If not covered by public health insurance, students, pupils, women in voluntary work, self-employed women, and asylum seekers receive instead a minimum Maternity leave benefit of at most €210 per month.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single 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 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.
- Adoptive mothers are currently not eligible for Maternity leave but are entitled to Parental leave.

b. Paternity leave

No statutory entitlement. However, fathers in Germany living together with the mother and the child are entitled to two exclusive months of Parental leave and corresponding benefits (see 1c), which can only be used by them and not by their wife/partner. Many fathers who claim parental allowance use part of this entitlement directly after the birth in a similar way to Paternity leave (see Section 4).

c. Parental leave (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

Length of leave (*Elternzeit*)

- Until the child reaches 3 years of age.
- Leave is an individual entitlement, i.e., both mother and father can take leave until the child is three years old. Parental leave can be taken by either parent alone or by both parents together.
- A portion of up to 24 months can be claimed between the child's 3rd birthday and the age of 8 years. The 3 years of Parental leave are counted for each child.

Payment and funding (Basiselterngeld/ElterngeldPlus)

- An income-related benefit is paid for a certain period if a parent takes full-time (maximum of 14 months) or part-time (maximum of 28 months) leave. Parents can choose between (or successively combine) two types of leave benefit payments: *Basiselterngeld* (full-time leave) and *ElterngeldPlus* (part-time leave).

Basiselterngeld:

- Replaces a proportion of former income, if parents take leave to care for their child/ren.
- Paid for a period of up to 12 months after the child is born.
- 'Partner months' (*Partnermonate*): two bonus months are paid on top of the 12 months if both parents take at least two months of leave or for single parents.
- Income replacement rate: paid at a level of 65 per cent[280] of the preceding year's net earnings[281], 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 32 hours per week) by combining *Basiselterngeld* and *ElterngeldPlus*.
- 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 mothers to 10 months (12 for single mothers).
    - Parents who have not been working before birth are eligible to receive the minimum rate of €300 per month.

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 months (plus 4 'partner months') and may be used in the first two years after childbirth.
- Partnership bonus (*Partnerschaftsbonus)*: 2,3 or 4 bonus months are paid if both parents work part-time at least 2, 3 or 4 subsequent months, respectively, for 24 to 32 hours per week.
- Income replacement rate: paid at a level of 65 per cent (see footnote 5) of last year's net earnings (see footnote 6) 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.

[280] 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 that 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. For parents on leave who work part-time during the leave, the income replacement rate is 65 per cent of the difference between the previous year's net earnings before birth and the current earnings after the birth.

[281] The net earnings are estimated with fixed social security reduction rates, calculated on the individual's former gross earnings. Special payments such as holiday pay and Christmas bonuses paid once a year are not considered in the calculation.

- Parental leave entitlements are individual entitlements and both parents can receive their Parental leave benefits at the same time. Since 2024 simultaneous use of *Basiselterngeld* from both parents is only possible for a maximum of 1 month and only within the first 12 months of the child's life.
- There is a supplementary payment for parents with more than one young child (*Geschwisterbonus*): if there are 2 children under 3 years of age, or 3 or more children under 6 years of age, or 2 children of which at least 1 is disabled and under 14 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.
- 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 (parents may decide how pension credits are to be divided). For each child born after 1 January 1992, 3 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 €33.05 in Western Germany and €31.89 in Eastern Germany. Pension credits for child-rearing are currently paid through Germany's contribution-based pension system.
- The *Elterngeld* itself is exempt from taxation, i.e., it is a net benefit with no taxes deducted. However, it is counted when calculating the applicable tax rate ('progression clause'). In effect, the parental leave benefit can lead to being grouped in a higher tax rate class, and thus to higher taxes on the rest of the income.
- The *Basiselterngeld* and *ElterngeldPlus* are funded by the federal government, through general taxation.

Flexibility in use

- Parents can choose between *Basiselterngeld* and *ElterngeldPlus* or combine both types of paid leave.
- Recipients of *Basiselterngeld* and *ElterngeldPlus* may work up to 32 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 (67 to 100 for lower incomes) per cent of the margin between the present and the former income, in addition to their employment income.
- Parental leave can be separated into a maximum of three leave periods (more intervals are subject to employer approval). However, once the child is over 14 months old and both parents completed their parental benefits, they cannot apply for a new period of parental benefit receipt even if they have not exhausted the maximum length.[282]

[282] Parents who were 'key workers' during the COVID-19 pandemic (i.e., working in a 'system-relevant' occupation) were entitled to postpone Parental leave benefit months that they wanted to take between 1 March and 31 December 2020 until after the crisis. They

- Most (24 months) of the unpaid Parental leave period can be taken until the child's eighth birthday.

Regional or local variations in leave policy

- Parental leave legislation is federal. However, two federal states (Bavaria and Saxony) provide additional payments to carers/families (for more information, see 1d).

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

- Parental leave (*Elternzeit*): all parents gainfully employed at the date of birth. During the Parental leave, parents must not be employed more than 32 hours per week.
- Parental benefit (*Basiselterngeld* & *ElterngeldPlus*):
  - all parents not employed more than 32 hours per week
  - parents must live in the same household with the child (this includes separated parents with joint custody)
  - other people who take over the care, when parents are ill, disabled, or have died
  - adoptive parents and foster parents
  - self-employed parents
  - same-sex couples
  - parents or a single parent with a net income equal to or less than €200,000[283] (from 1 April 2024)
  - 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; single 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 or if the parent is still in education or vocational training.
- If a child is born at least 6 weeks before the due date, parents receive an additional month of parental allowance; if the child is born 8 weeks early, there are 2 additional months of parental allowance; in the case of 12 weeks early 3 months; and in the case of 16 weeks early 4 months.

can also still take basic parental allowance later, even though their child is older than 14 months.

[283] Reduced as of 1 April 2024, before that only parents with a maximum income of €300,000 and single parents with a maximum income of €250,000.

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 break

- Two federal states, Bavaria and Saxony, grant cash-for-care allowances (*Landeserziehungsgeld/Familiengeld*), available from the 13th month after childbirth and until the child's third birthday. The benefits are paid in addition to other social benefits.
- Bavaria grants parents €250 per month for each child in the second and third year of life, i.e., from the 13th to the 36th month of life, increased to €300 per month from the third child onwards. It is a benefit for all families, regardless of income or employment. Parents in Bavaria can also receive family allowance if the child attends a crèche or is looked after by the family.
- In Saxony, parents receive *Landeserziehungsgeld* if they do not use childcare facilities during that time. They may also not work more than 30 hours per week during the time the payments are received (exception: if they are in training). Duration: If starting to receive state child-raising allowance in the second (third) year of the child's life: for the first child: for 5 (9) months, for the second child: for 6 (9) months, from the third child: for 7 (12) months. Parents get income-related payment of up to €150 per month for the first child, up to €200 for the second, and up to €300 for each additional child. Beginning at a net household income of €24,600 (€21,600 for single parents), payments are successively reduced. This threshold rises per additional child by €3,140.

e. Other types of leave and flexible working

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 15 days of leave per child (30 days for a single parent). Parents usually receive 90 per cent of their net salary during the period of leave. The maximum annual leave period per working parent is 35 days per year (70 for single parents), even in case of three or more children. If the child is hospitalized, the annual leave period is unlimited.
- A relative of a care-dependent person is entitled to 10 days of short-term leave if that person has an unexpected illness, as well as 6 months of long-term care leave. Both entitlements are unpaid.
- *Pflegezeit* (caring time) entitles employees in a workplace with more than 15 employees to apply for up to 10 days of paid leave (over a care-dependent's lifetime) at 90 per cent of their income, if they need to care for a dependent relative; 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 6 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 in a workplace with more than 25 employees to reduce their working time to a minimum of 15 hours per week for a period of up to 2 years, if they need to care for a dependent relative. During this period, the lower income of employees can be compensated by receiving an interest-free loan from the Federal Office for the Family and Civil Engagement. The loans have to be paid back within 48 months after the start of the leave of absence. 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. *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.

Specific provision for (breast)feeding

- Mothers have a right of 60 to 90 minutes for breastfeeding per day. This time must be fully paid. Mothers who work from home have to be paid the average hourly wage for breastfeeding time.

Flexible working

- Part-time leave taking is possible during Parental leave as described above in Section 1c.
- Reductions to part-time (*Teilzeit*)[284]: employees who have worked longer than 6 months in the same workplace with more than 15 employees are entitled to reduce their working hours, unless there are operational reasons to oppose it. The operational reasons include the cases where the reduction in working hours causes severe impairment in workflow, organisation, and safety issues, or results in a disproportional amount of costs. Reduction to part-time hours (*Teilzeit*) does not entitle employees to return to full-time afterwards.
- Temporary part-time ("*Brückenteilzeit"):* employees who have worked longer than 6 months in the same workplace with more than 45 employees are entitled to reduce their working hours for 1 to 5 years and then return to full-time afterwards. Employers may refuse employees' requests for such temporary working hours reductions on the grounds of operational reasons.

[284] In Germany, 27 per cent of women in part-time employment have reduced their working hours due to childcare, compared to just under 6 per cent of men (https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/04/PD24_N017_13.html).

- There are no statutory regulations that entitle employees to request to work from home, although many collective and individual company agreements include the possibility to work from home.

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

The maximum period of post-natal leave 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. There is an entitlement to Early Childhood Education and Care (ECEC) for all children from the age of one year. Thus, there is no gap between the end of well-paid leave and an ECEC entitlement. The federal law regulating the entitlement to ECEC (SGB VIII) does not specify how many hours of ECEC children are entitled to, but maintains that it can be defined on the basis of need (e.g., full-day care needed according to employment hours). An influential review[285] of this federal law suggested that four hours per day Monday through Friday are the minimum hours necessary to adequately promote the development of 1 to 3 year-olds and thereby created an almost *de facto* minimum of 20 hours per week. Ten federal states explicitly defined their own mostly longer minimum hours thresholds. Yet, many services in Western German states still do not offer opening hours that allow for the full-time employment (of both parents), while full-day care has remained the norm in Eastern German states.

In 2023, 856,584 children under the age of three were in day care (including children at 'day parents'. The childcare ratio nationwide in March 2023 was 36.4 per cent (2022: 35.5 per cent). A considerable gap remains between East Germany and West Germany: in East Germany 54.2 per cent of children under the age of three attended day care facilities compared to 32.7 per cent in West Germany. For the age group three years up to six years (mandatory school age), 90.9 per cent of children attended kindergarten in March 2023, and here the difference between West Germany (90.4 per cent) and East Germany (93.3 per cent) was small.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

For births from 1 April 2024, both parents can receive *Basiselterngeld* for a maximum of 1 month at a time; previously it was 2 months. It is also now only possible within the first 12 months after the birth.

[285]Meysen, T. and Beckmann, J.M. (2013) *Rechtsanspruch U3: Förderung in Kita und Kindertagespflege* [Legal claim U3: Funding in daycare and child day care]. Baden-Baden: Nomos

A new upper income limit for the Parental leave benefit came into force on 1 April 2024:

- For births until 31 March 2024, couples who jointly earn up to €300,000 per year can receive Parental leave benefit. For single parents, the limit is €250,000.[286]
- From 1 April 2024, this limit will fall to €200,000 for both couples and single parents.
- From 1 April 2025, the income limit will fall once again to the maximum amount of €175,000 per year, both for couple and single parents.

4. Uptake of leave

a. Maternity leave

There is a 100 per cent uptake as it is prohibited to work for 8 weeks after birth.

b. Paternity leave

No statutory leave entitlement; please see numbers of fathers' uptake of Parental leave in the first month after the birth of a child below.

c. Parental leave and parental benefit

In 2023, about 1.3 million women and 462,101 men in Germany received parental benefits. The share of fathers amongst parental benefit recipients overall was 26.2 per cent in 2023.[287] In the same year, 614,000 recipients of Parental leave benefits planned to claim *Elterngeld Plus*, namely 40.9 per cent of eligible mothers and 17.7 per cent of fathers. Overall, the proportion of recipients of paid Parental leave who also planned to receive part-time Parental leave was 34.8 per cent (2022: 32.8 per cent). Demand for paid Parental leave in part-time has therefore steadily increased since its introduction in 2015. The average duration of planned paid Parental leave in 2023 was for those who claimed these benefits as in the year before significantly longer for women (14.8 months) than for men (3.7 months). 57 per cent of fathers who claim parental leave benefit do so (also) for the first month after the birth of the child and thus use Parental leave entitlements as an equivalent to Paternity leave

The data on the final payments for births in 2020[288] show that 67 per cent of the parents of children born in 2020 who claimed Parental leave benefits were employed before the birth of the child (90.8 per cent of fathers and 56.4 per cent of the mothers).

The 2007 Parental benefit reform had the explicit aim to raise fathers' uptake of leave, and the data by the Federal Statistics Office show that the proportion of fathers taking Parental leave benefits has risen since its introduction in that year.

[286] The upper limits relate to taxable income, not gross earnings.

[287] Statistisches Bundesamt [Federal Statistical Office] (2024) https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/03/PD24_124_22922.html

[288] Destatis 2024: https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Elterngeld/_inhalt.html#236198

For births in 2020, parental benefit was taken up by 43.7 per cent of fathers (2015: 36.9 per cent; 2019: 43.5 per cent). The proportion of fathers in the group of those who claim paid Parental leave entitlements remain almost unchanged at 26.2 per cent in 2023 (2022: 26.1 per cent). However, the proportion of fathers has risen continuously since 2015, when it stood at 20.9 per cent. There were substantial regional variations amongst the German federal states, from only 20.4 per cent in Saarland to 30.1 per cent in Saxony.[289]

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https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/03/PD24_124_22922.html

Greece[290]

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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[291]; (ii) leave arrangements for public sector employees that are covered by basic laws and the Code for Civil Servants and relevant legislation.

[290] Please cite as: Hatzivarnava-Kazassi, E. and Karamessini, M. (2024) 'Greece country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[291] 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.

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

a. Maternity leave (basic leave – *Άδεια Μητρότητας;* special leave for the protection of maternity – *Ειδική Άδεια για την Προστασία της Μητρότητας)*

Length of leave (before and after birth)

- **Basic leave**: 17 weeks: 8 weeks before the birth and 9 weeks after the birth.
- It is obligatory to take all the leave.
- **Special leave**: 9 months, granted after basic Maternity leave and before the beginning of the Childcare leave (if the latter is taken as reduced daily hours of work).

Payment and funding

- **Basic leave**: 100 per cent of earnings, paid by the e-EFKA, on the condition that these do not exceed those granted to insured persons who belong to the highest insurance class of e-EFKA (the National Social Security Agency, where all employees working under private law contracts are insured (former IKA-ETAM). However, if the amount of salary/wage exceeds this upper limit, the employee can claim a supplementary benefit that is equal to the difference between the employee's salary and the basic benefit received by e-EFKA. The supplementary benefit is granted by DYPA, the Public Employment Service which is, *inter alia*, the social insurance fund for income protection against unemployment.
  Mothers are entitled to a 50 per cent reduction of their insurance contributions for the twelve months that follow the birth month or the twelve months following the maternity benefit irrespective of whether they work or are on leave during this period.
- **Special leave**: minimum daily wage as defined by law, as well as social insurance coverage. It is funded by DYPA (Public Employment Service).
- **Basic leave**: payments are taxed. **Special leave**: payments are not taxed.
- 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, as long as the total time taken remains at 17 weeks.
- **Special leave**: if the parent uses Childcare leave as a continuous time off work, then the special leave is taken after the Childcare leave. If not, the leave is taken after the basic Maternity leave.
- Mothers have the right to transfer up to 7 months of the leave to fathers.

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. Mothers adopting a child up to eight years of age are also entitled to receive the post-natal part of the leave. Parents in same-sex couples have to declare which parent will make use of the leave.

- **Special leave**: those insured in e-EFKA with fixed-term or permanent contracts or self-employed, as well as farmers. Mothers acquiring children through surrogacy as well as adoptive mothers of children up to eight years old are also entitled to this benefit. Mothers can transfer up to seven months of their leave to fathers, irrespectively of the employment status of fathers. Parents in same-sex couples declare who will make use of the leave. The parent making use of the leave in same-sex couples can transfer up to seven months to the other parent.
- Self-employed women, who are directly insured in the Social Security Fund for the Self-Employed (OAEE now e-EFKA) and the United Fund for the Self-Employed (ETAA now e-EFKA), 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. 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; single parent); or delegation of leave to person other than the mother

- None.

b. Paternity leave *(Άδεια πατρότητας)*

Length of leave

- Fourteen working days.

Payment and funding

- One hundred per cent of earnings.
- Payments are made and funded by the employer.
- Payments are taxed.

Eligibility

- There are no length of service conditions or conditions related to the conjugal or family circumstances of the working father
- In cases of adoption or foster care, the Paternity leave is granted for children up to eight years old after the placement of the child in the family.

- Same-sex fathers are entitled to this leave but they have to declare who will make use of the leave.

Flexibility

- Two days can be granted before the date of expected birth and the rest should be granted fully or partially within 30 days after birth.

c. Parental leave *(Γονική Άδεια)*

Length of leave

- Four months per child for each parent.
- Leave is an individual non-transferable right.

Payment and funding

- For the first two months, the Public Employment Service is obliged to pay each parent monthly the Parental leave benefit that corresponds to the level of minimum wage.
- The leave is considered as real time service. The paid part of the leave is fully insured. The non-paid part of the leave can be fully insured too but in this case the employee pays both the employee and employer contributions.

Flexibility in use

- Leave may be taken up to the time that the child turns 8 years of age.
- Leave may be taken in one or several periods of time or as daily reduced hours or as days of leave distributed weekly or monthly, subject to the agreement of the employer who, in case of disagreement with the time suggested by the employee, needs to explain in writing the reason of his/her disagreement. In any case, the employer needs to provide the leave within 2 months from the submission of the request.

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

- All employees who have completed 1 year's continuous or consecutive fixed-term contacts with the same employer.
- Though the leave is for each child, it is necessary that 1 year of work with the same employer is completed after the end of any Parental leave taken for a previous child.
- Adoptive and foster parents receive the leave from the time that the child is placed in the family.

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

- Parents with twins or children born in multiple births can receive the benefit for an additional 2 months, irrespectively of the number of children born together.

- Parents who are single due to the death of the other parent or total removal of custody or non-recognition of the child by the other parent are entitled to the receive double Parental leave (time and benefit).

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

- Leave is granted by the employer according to a set of priorities: requests for Parental leave from parents of children with a disability, with 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) and mothers who have taken their basic and special Maternity leave are dealt with as an absolute priority. Also, priority is given to parents whose child is hospitalised or ill or whose spouse or close relative is seriously ill as well as parents of multiple or premature births. So, though the employer cannot refuse Parental leave, he/she can negotiate with the employee to take it later if other employees who request leave at the same time meet the priority criteria.
- Parental leave and the form that is provided should be recorded in the government platform ERGANI.

d. Childcare leave *(άδεια φροντίδας τέκνου)*

- A working parent, even if his/her spouse is not working, is entitled to a childcare leave that may be taken as: (i) 2 hours fewer per day for the first 12 months and 1 hour less per day for another six months; (ii) full working days that are distributed on a weekly basis; (iii) a period or equal periods of time during the 30 months after Maternity leave. This last option means that a parent can take a number of months off work, up to an estimated 3.6 months or (iv) any other way that the two parties agree. The leave is a family entitlement and is fully compensated. Working parents have an independent right to the use of this leave, after deciding who and for how long each will take the leave.
- This leave is considered part of working time, so is paid and funded by the employer with no upper limit on payment and no reclaiming provision for the employer.
- Adoptive and foster parents are also entitled to this leave from the time the child enters the family.

e. Other types of leave and flexible working

Time off for the care of dependents

- **Carer's leave***:* Each working person that completed six months of continuous work or work with consecutive fixed-term contracts is entitled to an unpaid carer's leave up to 5 days in a year for the care of a person who lives in the same household that needs such care due to a serious medical reason.
- **Absence due to reasons of *force majeure*:** Up to twice a year and up to 1 day each time a working parent or carer is entitled to a paid leave for

reasons of *force majeure* for urgent family reasons related to illness or an accident.

- **Leave for children's sickness***:* Up to 6 working days per year per parent of unpaid leave if the parent has one child; up to eight working days if they have 2 children; and up to 10 working days if they have 3 or more children. Children should be under sixteen years of age or older if they need special care. The leave is also granted for other dependent members of the family (e.g., a disabled spouse, as well as disabled parents or unmarried siblings who cannot care for themselves and the worker cares for them if their annual income is less than the basic income of an unskilled worker).
- **Leave for visiting children's school***:* up to 4 working days' paid leave per year per parent for each child that attends school up to the age of 18, funded by the employer. This is a family leave and can be taken only by the one parent or shared between them.
- **Leave for parents of children with a disability***:* 1 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, irrespectively of their age, need regular transfusion or dialysis or a transplant or have cancer, significant learning difficulties, Down's syndrome, or autism**: 10 working days' paid leave per year, funded by the employer. This is an individual right.
- **Leave for parents due to the hospitalisation** of a child, irrespectively of his/her age, which requires their immediate presence: up to 30 working days' unpaid leave per year. This is an individual right.
- **Leave for working parents who are single** due to the death of their spouse or because are unmarried and have the exclusive care of the child up to the age of 12 years: in addition to other leaves, 6 working days' paid leave per year. If the parent has 3 or more children, the leave is 8 working days per year. The leave payment is funded by the employer.
- **Leave for medically assisted reproduction**: Working women are entitled to seven paid working days for such medical treatment.
- **Pregnant working women who need to attend prenatal examinations** during their working time are excused from work in order to attend such medical appointments.
- **Leave for grieving parents***:* Working parents, unconditionally, can obtain a 20 day paid leave in the case of the death of their child

Specific provision for (breast) feeding

- None

Flexible working

- Each working parent of a child up to 12 years of age or a carer is entitled, for caring reasons, to ask for flexible working arrangements such as telework, flexible daily work schedule and or part-time work. To claim such arrangements the working parent or carer must have completed six months of continuous work or consecutive fixed-term work contracts with the same

employer. The employer should document the reason for possible rejection or postponement of the request.

Work rights of people taking leave/flexible working arrangements

- Working people do not lose any of their work rights due to the up taking of leave/flexible working arrangements and return to the same or an equivalent position with the same terms and conditions of work. Working people cannot be dismissed for the above reasons and if a dismissal takes place the employer should explain the reasons in writing.
- It is forbidden to discriminate against workers because they used their leave and flexible arrangements rights or because they submitted a complaint against their employer for not conforming to the law.
- Working women cannot be dismissed during pregnancy and for 18 months after birth. This also holds for working women in same-sex couples who bear and give birth to a child. Working fathers cannot be dismissed for six months after birth. In same sex couples, the parents declare to their employers who will make use of the protection.
- The Ministry of Employment and Social Affairs is obliged to upload on its website information regarding the leave and related rights, while the employers are obliged of inform their employees of these rights.

ii. Public sector (responsibility of the Ministry of the Interior)[292]

a. Maternity leave *(Άδεια Μητρότητας)*

Length of leave (before and after birth)

- Five months: 2 months before the birth and 3 months after the birth.
- It is obligatory to take all the leave.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.
- Maternity leave is fully insured and gives entitlement to full pension rights.
- Payments are made to the mother by the employer.
- Payments are taxed.
- 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 5 months. If the birth takes place after the time envisaged, the leave is

[292] 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.

extended until the actual birth date, without any respective reduction in the post-natal leave.

Eligibility

- There are no conditions linked to the length of service.
- Mothers that adopt a child up to eight years age or that obtain a child through surrogacy are also entitled to receive the post-natal part of the 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 mother

- In the case of multiple births, Maternity leave after the birth is extended by 1 month for each additional child.
- For every child after the 3rd, the length of post-natal leave is extended by 2 months.

b. Paternity leave *(Άδεια Πατρότητας)*

Length of leave (before and after birth)

- Fourteen working days. Two days can be granted before the date of expected birth and the rest should be granted fully or partially within 30 days after birth.

Payment and funding

- One hundred per cent of earnings.
- Payments are made to the father by the employer
- Payments are taxed.
- Funded through general taxation.

Eligibility

- There are no conditions linked to the length of service or conditions related to the conjugal or family circumstances of the employee.
- In cases of adoption or foster care, Paternity leave is granted for children up to 8 years old after the placement of the child in the family.

c. Parental leave *(Γονική άδεια)*

Length of leave

- Five years per parent.
- Leave is an individual non-transferable entitlement.

Payment and funding

- For employees with 1 or 2 children, the employer, for each child, pays the parent the Parental leave benefit for the first two months. The level of payment corresponds to the level of minimum wage (see below provisions for special categories of parents).

- Funded by general taxation.
- For each child, 4 months of the Parental leave are considered as real time service for pension or other purposes.

Flexibility in use

- Leave may be taken at any time until the child turns 8 years, in one period or several periods of time or as daily reduced hours.

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

- There are no conditions linked to the length of service.
- An employee can use this leave if his/her spouse does not make use of the childcare leave or flexible working arrangements at the same time
- An employee can make use of this leave irrespectively of the employment situation of his/her spouse.
- In cases of separation, divorce, widowhood, or birth without marriage, only the parent that cares for the child is entitled to this leave.
- Adoptive and foster parents receive the leave from the time that the child is placed in the family.

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

- In the case of 3 or more children, 3 months of the leave are fully paid.
- Employees with twins or triplets or multiple births can receive the Parental leave for each child and can, in addition to the 2 paid months, receive the benefit for 2 extra months irrespectively of the number of children in multiple births.
- Parents that are single due to the death of the other parent or total removal of parental custody or non-recognition by the child by the other parent can receive a double leave, i.e., for both length and payment.
- Priority in the granting of the leave is given to special categories of parents such as disabled parents or with a disabled child or a child with long-term or sudden illness, parents with many children, single parents as defined above and mothers following their Maternity leave. Priority is also given to parents due to the hospitalisation or illness of the child or due to disability or serious illness of the husband/wife, partner or relative, to parents of twins, triplets or multiple births as well as to parents following premature birth.

d. Childcare leave *(άδεια φροντίδας τέκνου)*

- A parent can use this fully paid leave in two ways: (i) in a single continuous period of 9 months or (ii) as reduced hours of daily work, that is, 2 hours less per day until the child turns 2 years old and 1 hour less if the child is between 2 and 4 years old.
- 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 severe disability, the leave is extended by 1 month if it is taken as one continuous period or by 6 months if it is taken as reduced daily hours of work. In the case of multiple births, an extra 6 months is provided for each child if is taken as reduced daily hours of work; in the case of the birth of a 4th child, flexible working is extended by 2 years.
- Adoptive and foster parents of children up to 4 years of age also have the right to receive care leave, that is, reduced working hours per day or the nine months leave unless the time that is left before the child turns four years old is less than nine months.

e. Other types of leave and flexible working

Adoption leave and pay

- Three months fully paid leave is granted to adoptive and foster parents during the first 6 months of the finalization of the foster or adoption process if the child is younger than 8 years. One of these months can be granted before the finalization of the process. Parents that obtain a child through substitute motherhood have the right to a three month fully paid leave immediately after the birth of the child.

Time off for the care of dependants

- Leave for children's illness: up to 4 working days of paid leave per year if the employee has 1 or 2 children; up to 7 working days of paid leave per year if the employee has 3 children; up to 10 working days of paid leave per year if the employee has 4 or more children; and up to 8 working days of paid leave per year if the employee is a single parent. The leave constitutes an individual right. In addition, parents are entitled to 1 month of unpaid 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 4 working days of paid leave for 1 child, and up to 5 working days for 2 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, even if they are adults have a serious intellectual disability or Down's syndrome or Pervasive Developmental Disorder that prevent them from working. In the case the employee cares for more than one person the leave goes up to 32 days per year. In the case that more than one employee is entitled to this leave (i.e., spouses caring for a child with PDS), the leave can go up to 32 days for both.
- Employees that are not entitled to the above leave and either themselves or his/her child, irrespective of his/her age, has disability classified as being

more than 50 per cent that prevents him/her from working are entitled to a special paid leave of 6 working days annually. In the case the employee cares for more than one person the leave goes up to 10 working days annually. In the case that more than one employee is entitled to this leave, the leave can go up to 10 days for both.

- Employees who have a spouse or a child that suffers from cancer and is subject to various forms of treatment are entitled to a special leave for the day the treatment takes place and the following day.
- Leave to undergo fertility treatment: Working women are entitled to seven paid working days.

Specific provision for (breast) feeding

- None

Flexible working

- Employees can ask for the reduction of their hours of work by up to 50 per cent, with a reduction of their pay, for a period of up to 5 years. The hours of non-employment are not considered as real time service. For working parents of children up to eight the leave does not need an approval of the Service Council.
- Employees with children or spouses with a disability can reduce their working time by 1 hour per day, with full recompense of pay.

All of the above provisions that address heterosexual working parents, also address same-sex working parents, who have to declare which parent will make use of each provision.

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

There is an entitlement to ECEC at around four years of age. This means that there is no gap between the end of post-natal leave and an entitlement to ECEC for public sector workers, but there is a gap of around two years for workers in the private sector. However, the gap is larger for both groups (almost 2.5 years for the private sector and almost 3 years for the public sector) if one considers paid leave only.

According to Eurostat statistics, levels of attendance at formal ECEC services for children both under and over three years of age had fallen due to the pandemic. For children above three it fell from 94.1 per cent in 2019 to 86.9 per cent in 2020, 83.4 per cent in 2021 and 80.5 per cent in 2022. For children below three it fell from 32.4 per cent in 2019 to 21.5 per cent in 2020 but went up to 32.3 per cent in 2021 to fall again to 29.1 per cent in 2022. These percentages fall below the EU average (27 countries), which for children over three attendance was 89.2 per cent, while for children below three it was 35.9 per cent in 2022.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

In February 2024 an important reform took place and this was the introduction of equality in civil marriages (Law 5089/24). This meant that same-sex couples as all other parents could marry, have children and have parental rights which include leave entitlements.

Another important change is that the provision of the 9 months special Maternity leave, which is available to mothers who are employees in the private sector, has been extended to self-employed mothers and mothers who are farmers. As in the case of mothers who are employees, the law also allows these categories of mothers to transfer up to 7 months of this leave to fathers (article 151 of the Law 5078/23). With this extension a step forward with regard to the equal treatment of mothers working in the private sector was made, though some reservations have been expressed about whether gender inequality in the take-up of leave is reinforced as it is a leave for mothers who can grant part of it to fathers.

Finally, a new 20 day paid leave was introduced, without any conditions attached to it, for grieving parents who have lost a child (article 93 of the law 5018/2023).

4. Uptake 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.

In any case, the available data show an overwhelming use by mothers of the fully compensated Childcare leave (see 1d). In 2022, 2 per cent of female employees in full-time employment compared to only 0.09 of per cent of male employees used this leave.

The recent introduction of an obligation to digitally record leaves may fill the gap in the provision of this kind of data at least for the private sector but the system is still far away from being fully implemented.

Hungary[293]

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April 2024

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 Section 1c. (GYES and GYED) include the word *gondozás*, that is 'care'. By contrast, GYET - available for families with at least three children, after the youngest child is older than three years of age (see Section 1d) - includes the word *nevelés*, that is 'upbringing'. The Hungarian terms for these three leave arrangements (Sections 1c and 1d) literally refer only to the payment element, although, in practice, they cover both leave periods and cash benefits (e.g., GYES is *Gyermekgondozást segítő ellátás*, literally 'allowance to support childcare'[294]). The payment related to Maternity leave, has been re-named as 'infant care payment' (CSED – *Csecsemőgondozási díj*) in 2015.

[293] Please cite as: Gábos, A and Makay Zs. (2024) 'Hungary country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[294] The name of GYES has been slightly modified since 2016, while keeping the acronym (previously *Gyermekgondozási segély*).

a. Maternity leave (*csecsemőgondozási díj,* CSED) (responsibility of the Ministry of Culture and Innovation, State Secretariat for Family Affairs)

Length of leave (before and after birth)

- Twenty-four weeks: up to 4 weeks prior to birth.
- It is obligatory to take 2 weeks.

Payment (csecsemőgondozási díj) and funding

- One hundred per cent of average daily earnings, with no upper limit on payment. 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 a current income), the payment is twice the daily amount of the official minimum wage.
- Social security (health and pension insurance) contributions continue to be paid and are not deducted from the gross amount of CSED.
- Payment is made to the mother either by the corporate social insurance payment services (when the employer has more than 100 persons on payroll) or the Treasury (in other cases).
- Payments are taxed at 15 per cent, but family tax credit can be applied.
- Funded by the NHIF (National Health Insurance Fund), which is financed through contributions from employers, employees, and general taxation: employers and employees both pay 6 per cent of gross earnings.

Flexibility in use

- The starting date can be from 4 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; single 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, the unused portion of Maternity leave can be taken after the child is home for up to 1 year after the birth of the child.
- 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[295] (responsibility of the Ministry of Culture and Innovation, State Secretariat for Family Affairs)

Length of leave

- Ten working days.

Payment and funding

- One hundred per cent of absence fee (i.e., equal to the payment received for annual leave), with no upper limit on payment during the first 5 days. Forty per cent of absence fee for days 6 to 10.
- Payments are made to the father by the employer and refunded for the first 5 days by the National Treasury. Payments for the remaining period are not refunded.

Flexibility in use

- Leave can be taken during the first 2 months of the child's life and can be split into no more than 2 periods.

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

- All employed, biological and adoptive 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.
- Fathers are also eligible in case of stillbirth or the death of the child.

c. Parental leave (responsibility of the Ministry of Culture and Innovation, State Secretariat for Family Affairs)

There are two types of leave and benefit: (i) for insured parents, *Gyermekgondozási díj* (GYED); and (ii) for non-insured parents, *Gyermekgondozást segítő ellátás* (GYES). Both are family entitlements.

[295] 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.

In addition, there is an individual, non-transferable entitlement to 44 days of leave for parents having at least 1 child below the age of 3 years and being employed for more than one year. Parents taking leave are paid 10 per cent of earnings.

Length of leave

- **GYED**: from the end of the Maternity leave period until the child's second birthday, for insured parents.
- **GYES**:
  a. From the end of GYED (child's second birthday) until the child's 3rd birthday, for insured parents.
  b. From birth until the child's 3rd 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 (HUF266,800 [€680.79][296] per month; the amount of the benefit is a maximum of HUF373,520 [€953.10]) in 2024.
- Payments are taxed and pension contributions are deducted, but family tax credit can be applied.
- Funding and delivery 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 [€72.72] 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 2 children; 300 per cent for 3 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 3 years of age (*bölcsőde*).
- The family can keep receiving the benefit after the 1st child if a 2nd child is born (sibling GYED).
- A parent taking GYES cannot work until the child is 6 months old, but can then work unlimited hours while still receiving the full benefit until the child's 3rd birthday. If the parent takes up GYES and works, they can still access public childcare for children under the age of 3 years (*bölcsőde*).

[296] Conversion of currency undertaken for 15 July 2024, using: https://data.ecb.europa.eu/currency-converter

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.
- 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 are eligible for two years of payment, beginning at the birth of the child. Those studying at undergraduate level receive a payment equal to the 70 per cent of the minimum wage, HUF186,760 [€476.55] per month in 2024, while for those at post graduate or PhD level, the payment is 70 per cent of the guaranteed minimum wage (HUF296,400 [€756.32]), HUF228,200 [€582.29] per month in 2024.
- 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 are eligible, as are guardians.

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

- **GYED**: The duration of the benefit lasts until the children's 3rd birthday in the case of twins.
- GYED can be also taken by non-pensioner grandparents, if they undertake the care and the upbringing of the child, while parents are working. One grandparent at a time can take GYED, but for more than one grandchild if the case. The amount of grandparents' GYED is the same as for parents: maximum 70 per cent of twice the minimum daily wage (HUF266,800 [€680.79] per month, which is a maximum of HUF373,520 [€953.10]).
- **GYES**: parents of a child with a long-term illness or disability can take leave until the child's 10th 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 1st to the 3rd birthday of the child, if the child is looked after in their own home and if the parents agree. 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 3 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 (CSED, GYES or GYED).

d. Childcare leave or career breaks

- Either parent in a family with three or more children under 18 years of age, may take leave during the period between the 3rd and 8th 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 work and, consequently, recipients are credited with social insurance contributions.

e. Other types of leave and flexible working

Adoption leave and pay

- The same regulations regarding Maternity. Paternity and Parental leave apply for adoptive parents as for other parents.
- Paternity leave can be taken during the 2 months following the official resolution.

Additional paid leave for parents

- Forty-four days of additional paid leave for parents having at least one child below the age of three years and being employed for more than one year. Both mothers and fathers are eligible (as well as adoptive parents) for these 44 days and they receive ten per cent of the absence fee. The employee can not be dismissed during the leave.

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 1 year, unlimited; 12 to 35 months, up to 84 days per child per year; 36 to 71 months, 42 days; and 6 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.
- 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 equal to the minimum wage, which is HUF266,800 [€680.79] per month. In the case that more than one child is affected, the amount of the benefit is 1.5 times the base amount, HUF373,520 [€953.10] in 2024. 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.
- Employees may request unpaid carer's leave for a maximum of five working days per calendar year to care for seriously ill family members and persons living in their households.

Specific provision for (breast)feeding

- Mothers are entitled to 2 paid 1 hour breaks per day for breastfeeding until a child is 6 months old; and to 1 1 hour break until a child is 9 months old. The number of hours is doubled in the case of twins.

Flexible working

- Employers are required to provide part-time employment for parents of children under 4 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 3 or more children, the possibility is available until the youngest child turns 6 years old.
- Working parents with children below the age of 8 years of age are eligible for flexible working hours and flexibility in their place of work, which requests can only be refused for a serious reason by the employer.
- Employed parents with children below 16 years of age are eligible to additional days off (for both parents): 2 days for 1 child; 4 days for 2 children; and 7 days for 3 or more children. Parents working in the Central Administration have double these days for leave.

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

The maximum period of post-natal leave is 3 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 insured parents taking leave are paid at a high earnings-related level until a child is two years old. Attendance at Early Childhood Education and Care (ECEC) (*óvoda*/kindergarten) from 3 years of age is compulsory for at least 4 hours per day. Children under 3 years of age are also entitled to an ECEC service (*bölcsőde*/nursery) place if the parent studies full-time or if the child turns 6 months old. However, there is a shortage of spaces in Hungary: while legislation is in place, implementation varies. According to legislation, therefore, there is no gap between the end of well-paid leave 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 effective entitlement to ECEC.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

No changes reported.

4. Uptake of leave

a. Maternity leave

Statistics are only available on the number of women receiving benefits.[297] The average number of mothers per month was 29,998 in 2023 (30,074 in 2022), which is 14.07 recipients per 1,000 women of fertile age in 2023 (13.85 in 2022). It is supposed that almost all eligible women take the leave.

b. Paternity leave

No information available since 2014.

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 2023 were: for GYED, 114,630 (114,774 in 2022), or 53.8 recipients per 1,000 women of childbearing (15-49) age (52.9 in 2022); for GYES, 146,255 (148,653 in 2022), or 68.6 recipients per 1,000 women of fertile age (68.5 in 2022); and for GYET, 28,801 (30,297 in 2022), or 13.5 recipients per 1,000 of women of childbearing age (14.0 in 2022). There is no information on the proportion of parents taking leave, how long they take, or on the number of fathers taking Parental leave.

There is no information about how many parents work either full-time or part-time while receiving one of the Parental leave benefits (GYED, GYES or GYET).

In 2022[298], the average monthly amount per recipient of GYED was HUF207,686 [€529.95], that of GYES was HUF31,316 [€79.91], while that of the GYET was HUF28,227 [€72.03]. The daily amount of the CSED was HUF12,390 [€31.62] (HUF9,537 in 2021 [€24.34].

d. Other types of leave and flexible working

In 2020, the total number of cases on paid leave to care for a sick child was 271,500 (21.7 per cent of all paid leave cases), while the total number of paid leave days to care for sick children was 1,297,000 (4.5 per cent of all paid sick leave days).[299]

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[297] 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, available at: https://www.ksh.hu/stadat_files/szo/hu/szo0050.html).

[298] https://www.ksh.hu/stadat_files/szo/hu/szo0007.html

[299] Statistical Yearbook 2020, National Institute of Health Insurance Fund Management. http://site.oep.hu/statisztika/2019/pdf/Evk19_e.pdf#pagemode=bookmarks&view=FitH&page=1

Iceland[300]

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April 2024

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; there is no separate Maternity or Paternity leave. 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. LGBT couples have the same rights as heterasexual couples in all areas. Sometimes the term *feðraorlof* (Paternity leave) is used in day-to-day conversations about the 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.

Foreldraorlof refers to the unpaid leave included in section 1d under the heading of 'Childcare leave', though it translates literally into 'Parental leave'.

[300] Please cite as: Arnalds, A. A., Eydal, G.B. and Gíslason, I.V. (2024) 'Iceland country note', in Dobrotić, I., Blum, S., Dobrotić, I., Kaufmann, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

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

- There is no separate Maternity leave, but it is obligatory for a parent that has given birth to take two weeks Parental leave after delivery and one month may be taken before the expected birth date (see 1c).
- Additional leave is possible if healthy working conditions for a pregnant person cannot be ensured or if a pregnant person has to stop working sooner than one month before expected birth due to health issues related to the pregnancy.
- Leave can be extended by two months if the person suffers from a serious illness in connection with the birth.

b. Paternity leave (*fæðingarorlof*) (responsibility of the Ministry of Social Affairs and Labour)

No statutory entitlement. See 'Note on terminology' at start of Part 1.

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

Length of leave (before and after birth)

- Six months per parent.
- Leave is an individual entitlement, 6 weeks of which is transferable to the other parent.
- It is obligatory for the parent giving birth to take 2 weeks of leave following the birth and 1 month may be taken before the expected birth date (see 1a).

Payment and funding

- Eighty per cent of the individual's average total earnings for a twelve-month period ending six months before birth, up to an upper limit of ISK600,000 [€4,018.75][301] per month.
- The minimum payment to a parent working shorter, part-time hours (i.e., between 25 and 49 per cent of full-time hours) is ISK160,538 [€1,075.27] per month; and the minimum payment for a parent working 50 to 100 per cent of full time-hours is ISK222,494 [€1,490.25] per month.
- For those working under 25 per cent of full-time hours, and those outside the labour market, the amount is ISK91,937 [€615.79] per month. Students/pupils (75 to 100 per cent of full-time studies) receive a flat-rate payment of ISK210,695 [€1,411.22] per month. As a frame of reference, the minimum wage in Iceland in 2024 was ISK430,950 [€2,886.47] per month.
- Non-employed parents are not entitled to any pension credits while caring for their child. Employed parents taking leave continue to accumulate their

[301] Conversion of currency undertaken for 15 July 2024, using: https://data.ecb.europa.eu/currency-converter.

pension entitlements (and in indeed all other entitlements) as if they were at work.
- Payments are taxed.
- Funded by the Maternity/Paternity Leave Fund, which is financed by an insurance levy paid by employers.

Flexibility in use

- Leave 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 periods 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)

- All biological or adoptive parents have individual rights to 6 months paid Parental leave, regardless of sexuality or marital status. Six weeks are transferable to the other parent. A non-custodial parent has a right to Parental leave if the custodial parent agrees to its access to the child while on leave or if courts decide on access.
- Icelandic citizenship is not required, but activity in the Icelandic labour market for 6 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.

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 a miscarriage after 18 weeks, the parents are entitled to 2 months of leave each and, in the case of stillbirth after 22 weeks, each parent is entitled to 3 months of leave.
- Parents have shared right to 3 additional months of leave for each additional child in the case of multiple birth and the same goes for adoptions.
- If a child has to stay in hospital for more than 7 days after birth, suffers from serious illness or disability that calls for increased care by parents, it is possible to extend the leave for up to 7 months. This is a joint right, which parents can divide as they choose.
- 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 12 months paid Parental leave.
- If a mother is unable to fulfil her legal duty to name the father of a child she has a right to all 12 months.

- 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.
- If a parent is subject to restraining order, if either parent has no right to Parental leave, neither in Iceland nor elsewhere and if either parent will not be taking care of the child due to being prohibited access by authorities with that right or the courts the other parent has the right to all twelve months.
- If one parent is entitled neither to Maternity/Paternity leave nor to a maternity/paternity grant under this Act, and also has no independent entitlement to Maternity/Paternity leave or a maternity/paternity grant in another state, the other parent shall acquire an entitlement to a maternity/paternity grant for up to 12 months in connection with the birth, primary adoption or taking of a child into permanent foster care. If one parent has an independent entitlement to Maternity/Paternity leave or a maternity/paternity grant in another state, the other parent may acquire an entitlement to a maternity/paternity grant for up to twelve months, minus the entitlement which the aforementioned parent has in another state in connection with the birth, primary adoption or taking of a child into permanent foster care.

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

- Each parent may take 4 months of non-transferable unpaid leave until the child is 8 years old.

e. Other types of leave and flexible working

Adoption leave and pay

- Regulations on paid Parental leave apply if the child is younger than 8 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.

Bereavement leave (sorgarorlof)

- A parent is entitled to 6 months leave following the death of a child, three months following a stillbirth and two months following a miscarriage, with payment as for Parental leave.

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 is 20 months when there are two parents, 12 months of well-paid leave and then each parent has 4 months of unpaid leave. 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 public ECEC services, many parents opt for private childminders or similar solutions to bridge this gap. There are few private childminders and in most cases the parents need to bridge the gap without public support.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

None but it should be noted that as part of a labour market settlement the government has agreed to raise the ceiling on payments from ISK600,000 [€4,018.75] to ISK700,000 [€4,688.55] in 2025, ISK800,000 [€5,358.34] in 2026 and ISK900,000 in 2027 [€6,028.13].

4. Uptake of leave

a. Maternity leave

In 2021 (the last year for which final figures are available) 95 per cent of women applying for leave used at least the 4.5 months which are available only to mothers. For more details, see Section 4c.

b. Paternity leave

See 4c.

c. Parental leave (i.e., parents' joint rights)

In total, 77.7 per cent of fathers of children born in 2021 took a period of leave (which could involve using a part or all of their individual right to 6 months, of which 4.5 months are non-transferable), taking an average of 131 days' leave (compared to 213 for mothers). There has been an increase in the average number

of days used by fathers, following a lengthening of each parents' quota from 4 to 4.5 months in January 2021.

Out of parents of children born in 2020, 30 per cent of men and 32 per cent of women took leave in one continuous period; the remainder took their leave in two or more periods.

Ireland[302]

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April 2024

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 Social Protection)

Length of leave (before and after birth)

- Forty-two weeks.
- It is obligatory to take at least 2 weeks before the birth and 4 weeks after the birth.

Payment and funding

- A maternity benefit rate of €274 per week 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.
- Payments are made to the mother by the Social Insurance Fund (SIF).
- Payments are taxable.
- Funded by the SIF, 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 11.05 per cent.

[302] Please cite as: Köppe, S. and Szelewa, D. (2024) 'Ireland country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

Flexibility in use

- Leave can be started between 16 and 2 weeks before the expected date of delivery.

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 or 52 weeks of prior contributions paid in the case of self-employed.
- Transgender men who have obtained a gender recognition certificate and subsequently given birth are covered by the employment law protections surrounding maternity and pregnancy related leave and entitlements and hence, have the right to maternity leave[303].

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 6 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 Social Protection)

Length of leave

- Two weeks.

Payment and funding

- A paternity benefit payment of €274 per week.
- Paid, taxed and funded as for Maternity leave.

[303] Work Life Balance and Miscellaneous Provisions Act 2023.

Flexibility in use

- Paternity leave may be taken at any time within the first 6 months following the birth or adoption of a child, but must be taken one continuous period.

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

- To be eligible for paternity benefit, an employee or self-employed person 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 paternity leave or 52 weeks of prior contributions paid in the case of self-employed.
- 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.

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

- Employers can provide top-ups. All public sector workers receive a 100 per cent salary top-up; in the private sector, about 52 per cent of companies provide top-ups.[304] In total, Köppe (2023) estimates that about 55 per cent of fathers have access to top-ups.[305]

c. Parental leave (responsibility of the Department of Social Protection)

Length of leave

- Twenty-six weeks per parent.
- Leave is an individual non-transferable entitlement. 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.

Payment and funding

- None.

Flexibility in use

[304] Ibec Research Unit (2020) *Paternity Benefit Report 2020*. Dublin: Irish Business and Employers Confederation.

[305] Köppe, S. (2023) 'Ireland's Paternity Leave: Sluggish Benefit Take-up and Occupational Inequalities', *Journal of Family Studies,* Vol.29, 6: 2524-2539. doi: 10.1080/13229400.2023.2179527

- Leave may be taken up to the child's 12th birthday, and up to their 16th birthday in the case of children with disabilities and serious illnesses.
- Leave may be taken in separate periods of a minimum of 6 continuous weeks. Employers may grant shorter periods of leave at their discretion; for example, parents may break the leave into working days or hours (or a combination of both).
- Parents can be on leave together, for part of the period or for the whole period.
- If parents have more than 1 child, Parental leave is limited to 26 weeks in a 12 month period.
- If parents work part-time, their entitlement to parental leave is reduced on a 'pro-rata basis'.

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

- All employees who have completed one year's continuous employment with their current employer. If the child is very near the age threshold and an employee has been working for a current employer for more than 3 months but less than 1 year, Parental leave can be used pro-rata.
- 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 a 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 are eligible for carer's leave and can take that leave until the child's 16th birthday.

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. Parent's leave (responsibility of the Department of Social Protection)

Length of leave

- Seven weeks per parent.
- Leave is an individual non-transferable entitlement, except in specified circumstances such as the death of one of the parents.

Payment and funding

- A Parent's benefit of €274 per week.
- Paid, taxed and funded as for Maternity leave.

Flexibility in use

- Parent's leave may be taken at any time within the first 2 years following the birth or adoption of a child.
- Parents must take Maternity/Paternity leave before Parent's leave.
- Employees who are entitled to Paternity leave and Parent's leave can take these leave entitlements in whichever order they wish subject to the relevant time limits.
- Leave may be taken as a continuous period of 7 weeks or in individual weeks.
- Parents can be on leave together.

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

- The 'relevant parent' entitled to the leave includes an employed or self-employed: parent of the child, a spouse, civil partner or cohabitant of the parent of the child, a parent of a donor-conceived child, the adopting parent or parents of a child, the spouse, civil partner or spouse of the adopting parent of the child, as well as each member of a married same-sex couple, of a couple that are civil partners of each other, or of a cohabiting same-sex couple.
- A person who has satisfied the PRSI conditionality for maternity/paternity/adoptive benefit will be deemed to have satisfied the conditionality for Parent's benefit.

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 a person other than the parents

- In the case of multiple births or the adoption of more than 1 child at the same time, a parent is only entitled to 1 period of Parent's leave.
- Where one of the parents entitled to leave dies within the period of 52 weeks following the birth or adoption of a child, the employed surviving parent of the child is entitled to a period of transferred Parental leave.

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

- The leave can be postponed by the employee in case the employee becomes ill after notifying their employer of their intention to take the leave or in the event of hospitalisation of the child.
- The leave can be also postponed by the employee if the date of placement of a child for adoption is postponed or where the child's birth occurs after the date selected by the employee as that on which parent's leave will begin. In these circumstances, the parent will be entitled to select another date, but must comply with the sequence of the leave (i.e., only after taking Maternity leave or transferred Paternity leave, where applicable).
- The leave can be postponed by the employer if taking the leave by the employee would result in substantial adverse effect on the operation of their business, profession or occupation. Reasons for postponement can include: the seasonal variations in the volume of work, the unavailability of another person to carry out the duties of the employee during the leave period, staffing levels over the period of the requested leave.
- In the private sector, about 19 per cent of companies provide top-ups[306]; compared to Maternity/Paternity leave, public sector employees do not receive top-ups.

e. Childcare leave or career breaks

No statutory entitlement.

f. Other types of leave and flexible working

Adoption leave and pay

- Forty weeks of leave for adopting mothers or sole male adopters of children under 8 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 3 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 3 and 8 years at the time of adoption, the leave must be taken within 2 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 2 weeks' statutory Paternity leave from employment or self-employment following the birth or adoption of a child.
- Parent's leave and Parent's benefit is also available for adoptive parents of children.

[306] Ibec Research Unit (2020) *Parent's Leave Report 2020*. Dublin: Irish Business and Employers Confederation.

Time off for the care of dependents

- Leave for medical care enables employees to provide care or support for a serious medical reason to a specified person who is a child, co-habitant, parent, grandparent, sibling or co-occupant of the same household. The leave, which is unpaid, is available for 5 days per year, and may be taken as single or multiple days.[307]
- Three days of paid leave per worker within any 12 consecutive months, up to a limit of 5 days within any 36 consecutive months (treated as *force majeure*).
- Carer's Leave and Benefit is available to care for a dependent, mainly related to long-term care, but also in case of serious illness of a child or spouse; the dependent does not have to be a family member or spouse, but can be a friend or colleague. Unpaid leave can be taken of between 13 and 104 weeks. A Carer's Benefit can be paid, at a rate of €249 per week for one dependent, with an increased rate if dependent children are living in the household; when caring for more than one person the rate is €373.50 per week. To receive this benefit, a carer must have at least a total of 3 years of social contributions; continuous contributions in the last 39 weeks (see Maternity leave); and be younger than 66 years. The entitlement is based on the dependent needing care and the assessment is conducted by the Department of Social Protection after checking with the dependent's GP.

Specific provision for (breast)feeding

- 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 2 years old. These breaks are up to 1 hour per day, without reduction of pay, and can be taken in 60, 30 or 20 minute lengths[308].

Domestic Violence Leave

- Employees affected by domestic violence can take up to 5 days leave at full pay. The full wage replacement is unique in the Irish context compared to other leave entitlements, also since no income ceiling applies.
- There is no waiting period or minimum employment to claim the benefit and usually a needs test does not apply, e.g., providing proof.
- The domestic violence leave covers time for medical appointments, counselling, victim services, relocation, attend courts, legal advice, police services (*Garda Síochána*) and other related services.

[307] Work Life Balance and Miscellaneous Provisions Act 2023 and 'Unpaid Leave for Medical Care', Citizen Information Board. Available at https://www.citizensinformation.ie/en/employment/employment-rights-and-conditions/leave-and-holidays/unpaid-leave-for-medical-care/

[308] S.I. No. 342/2023 - Maternity Protection (Protection of Mothers Who Are Breastfeeding) (Amendment) Regulations 2023; 'Breastfeeding' Citizen Information Board. Available at: https://www.citizensinformation.ie/en/birth-family-relationships/after-your-baby-is-born/breastfeeding/

- Employers are eligible if the person abusing is a spouse, civil partner, cohabitant, current or former intimate partner, or dependent child under 18 years old. Furthermore, supporting relatives and friends can take leave when accompanying an employee taking domestic violence leave.

Flexible working and remote working

- Parents have the right to request flexible working and remote working with the options of normal working hours or patterns to be adjusted, including through remote working, flexible schedules or reduced hours[309]. Other eligible persons include those acting 'in loco parentis' (acting as a parent to the child) or a carer providing personal care or support to a specified person living in the same household, needing significant care for a serious medical reason.
- The child must be under 12 years, or under 16 years in the case of disability or long-term illness. Flexible working can also be requested to take care of a spouse or civil partner, cohabitant, parent or grandparent, brother or sister and a housemate.
- Eligibility requirements include 6 months of continuous service (continuous employment) before the flexible working arrangement can start.

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

The maximum period of post-natal leave available is nearly 24 months, but most of this is unpaid; leave paid at a low flat rate lasts for just under eight and a half months. All children from 2 years and 8 months old until they transfer to primary school (at around 4 years) can receive 15 hours of free 'early learning and care' per week for 38 weeks a year for a 2-year period under the Early Childhood Care and Education programme (ECCE). However, this is not yet a legal entitlement; the programme is available on a 'universal' basis, i.e., any child that has a place and is of the right age can take part, but is dependent on a family finding a place. The government proposes to introduce a legal entitlement to access ECCE by 2028.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

[309] Workplace Relations Commission 'Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working', https://www.workplacerelations.ie/en/what_you_should_know/codes_practice/code-of-practice-for-employers-and-employees-right-to-request-flexible-working-and-right-to-request-remote-working/

3.Changes in policy since April 2023 (including proposals currently under discussion)

The Parent's Leave and Benefit Act 2019[310] introduced two weeks of paid Parent's leave (not to be confused with Parental leave, see Section 1c) per parent as a new and separate scheme (for details, see Section 1d). The leave has been incrementally extended to 5 weeks (April 2021) and 7 weeks (July 2022), with a planned increase to 9 weeks by August 2024 to comply with the EU work-life balance directive.[311] The additional 2 weeks apply to children born after the implementation date.[312] Employers have the option of topping up the basic payment, should they wish (as is currently the case with Maternity and Paternity leave benefit).

The level of Maternity, Paternity and Parent's leave benefit was increased from €262 to €274 per week from the beginning of 2024.[313]

Teachta Dála (TD - Members of Parliament), Senators and Ministers are not entitled to these statutory leave schemes; a bill to extend Maternity leave to councillors was implemented on 21 December 2022.[314]. The Minister of Justice, Helen McEntee, was the first prominent cabinet member to take leave, for 6 months[315], and due to the absence of any statutory entitlement, she was assigned Minister without Portfolio during this period. There are no plans to extend Paternity/Parental leave to members of the Oireachtas (i.e., TDs and Senators) and ministers; and recent evidence shows reluctance among these career politicians to implement formal leave entitlements.[316]

The Work-life Balance Bill was signed into law on 4 April 2023 and is pending implementation by the responsible ministers.[317] The legislation introduces an unpaid leave for medical care (five days per carer), paid domestic violence leave (five days), improves rights for flexible working, and extends the entitlement for

[310] Parent's Leave and Benefit Act 2019, Number 35 of 2019. Available at: http://www.irishstatutebook.ie/eli/2019/act/35/enacted/en/pdf

[311] Government of Ireland (2023): Budget 2024, Expenditure Report. Dublin: Department of Public Expenditure.

[312]Citizen's Information Board (2022) *Parent's leave*. Available at: https://www.citizensinformation.ie/en/employment/employment_rights_and_conditions/leave_and_holidays/parents_leave.html

[313] Government of Ireland (2023) *Budget 2024, Expenditure Report*. Dublin: Department of Public Expenditure.

[314] Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022. Available at: https://www.oireachtas.ie/en/bills/bill/2022/110/.

[315] Department of Justice (2021) *Statement by Minister for Justice Helen McEntee – Maternity Leave*. *Press Release 11 March 2021.* Available at: *www.gov.ie/en/press-release/1e1f0-statement-by-minister-for-justice-helen-mcentee-maternity-leave/.*

[316] McMahon, S. (2023) 'Why is it so difficult to provide maternity leave for TDs and Senators?' *Irish Politics Forum,* 15 Sep 2023. Available at: https://politicalreform.ie/2023/09/15/why-is-it-so-difficult-to-provide-maternity-leave-for-tds-and-senators/.

[317] https://www.oireachtas.ie/en/bills/bill/2022/92/

breast feeding breaks from six months to two years after child birth.[318] On 7 March 2024, the Workplace Relations Commission published a Code of Practice outlining the best practice in considering the new statutory flexible work arrangements; it also provides template application forms and a template Work/Life Balance policy for the employers and HR managers (see the previous sections for details).[319]

4. Uptake of leave

a. Maternity leave

According to the social protection statistics, 42,131 maternity benefits were awarded for 2022.[320] The figures are considered to be generally static from year to year and follow changes in the birth rate.[321] In terms of costs, expenditure on the benefit was €263.3 million in 2022 (latest available).[322]

In 2020, the Irish Central Statistics Office (CSO) released a report examining employment data for people who received maternity and paternity benefits in 2019.[323] This reported that maternity benefit was paid to 5.3 per 100 employees in 2019, a slight decrease from 5.4 in 2018. Maternity leave take-up differed depending on the sector: public administration and defence had the highest sectoral rate of maternity benefit take-up at 8.3 per 100 employees in 2019, while the lowest rate was in accommodation and food services, at 2.5. The take-up of maternity benefit was highest in large enterprises (that is, with 250 or more employees). More than half (54 per cent) of maternity benefit recipients received a top-up payment from their employer in addition to their maternity benefit payment. Of those women who did not receive additional income from their

[318] Oireachtas (2022) *Report on pre-legislative scrutiny of the General Scheme of a Work Life Balance and Miscellaneous Provisions Bill 2022*. Dublin: Oireachtas. Ashe, S. (2022) *Work Life Balance and Miscellaneous Provisions Bill 2022. Bill Digest. Bill No. 92 of 2022, 11 Oct 2022*. Available at: https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2022/2022-11-09_bill-digest-work-life-balance-and-miscellaneous-provisions-bill-2022_en.pdf.

[319] Workplace Relations Commission 'Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working'. Available at: https://www.workplacerelations.ie/en/what_you_should_know/codes_practice/code-of-practice-for-employers-and-employees-right-to-request-flexible-working-and-right-to-request-remote-working/

[320] Department of Social Protection (2023) *Statistical Information on Social Welfare Services, Annual Report 2022*. Dublin: Department of Social Protection.

[321] CSO (2021) *Vital Statistics Yearly Summary*. Dublin: Central Statistical Office. Available at: https://www.cso.ie/en/releasesandpublications/ep/p-vsys/vitalstatisticsyearlysummary2020/,

[322] Department of Social Protection (2023) *Statistical Information on Social Welfare Services, Annual Report 2022*. Dublin: Department of Social Protection.

[323] CSO (2020) *Employment Analysis of Maternity and Paternity Benefits.* CSO statistical release, 02 June 2020. Available at: https://www.cso.ie/en/releasesandpublications/er/eampb/employmentanalysisofmaternityandpaternitybenefits2016-2019/

employer, the majority earned less than the flat-rate weekly maternity benefit amount from the Department of Employment Affairs and Social Protection.

One in ten (10.1 per cent) women in receipt of maternity benefit in 2018 did not return to paid employment in 2019. For workplaces with less than ten employees, 14.9 per cent of maternity benefit recipients in 2018 did not return to paid employment the following year, compared with only 3.4 per cent in large enterprises with 250 or more employees.[324] The likelihood of a woman not returning to paid employment also varied by sector: from 31.4 per cent for those in agriculture, forestry and fishing to 1.2 per cent in public administration and defence. It also drops with each additional child, particularly for those who have had four or more children.

A recent qualitative study shows the specific challenges of women in television and the media sector to take Maternity leave and achieve a more family friendly work-life balance within the sector.[325] A sector-specific challenge is the long working hours during filming, which pose particular problems for breastfeeding and care arrangements.

b. Paternity leave

Between 2016 and 2020 Paternity leave take-up increased from 34 to 48 percent, measured as the crude rate of the percentage of claimants in relation to births.[326] Köppe (2023) also shows that the highest take-up (54 per cent) was recorded in the first quarter of 2020. When adjusting for the employment rate, the highest recorded take-up is 64 per cent (Q1, 2020). The income net replacement rate of the statutory benefit is around 36 per cent of average earnings (in 2015 figures)[327]. In 2022, 28,246 fathers took leave[328], which – similar to Maternity leave – corresponds with the birth rate and rather suggests a stable and matured take-up.

According to CSO estimates that consider the social insurance entitlements of fathers, take-up has been at 58 and 55 percent in 2017 and 2018, respectively. The sectors with the highest rates of paternity benefit per 100 employees in 2019 were public administration and defence (5.6), industry (4.5) and financial and real estate (4.2).[329] Yet, between 2017 and 2018 the occupational segregation has increased[25]. Micro-enterprises with less than ten employees had the largest proportion of fathers who did not take paternity benefit to which they were entitled in 2018, at 62.1 per cent. Companies with 250 or more employees had the smallest proportion of fathers not taking paternity leave and benefit at 36.5 per

[324] Ibid.

[325] O'Brien, A. and Arnold, S. (2024). Combining motherhood and work in the creative industries: Mothers have the problem. Media, Culture & Society (early view), doi: 10.1177/01634437241229327

[326] Köppe, S. (2023) 'Ireland's Paternity Leave: Sluggish Benefit Take-up and Occupational Inequalities', *Journal of Family Studies,* Vol.29, 6: 2524-2539. doi: 10.1080/13229400.2023.2179527

[327] ibid.

[328] Department of Social Protection (2023) *Statistical Information on Social Welfare Services, Annual Report 2022*. Dublin: Department of Social Protection.

[329] CSO (2020) *Employment Analysis of Maternity and Paternity Benefits.* CSO statistical release, 02 June 2020.

cent[28]. Moreover, Köppe (2023) shows that older and younger fathers have a lower take-up. Overall, Köppe (2023) argues the relative low take-up is due to the low flat-rate benefit and occupational inequalities.

c. Parental and Parent's leave

In the first year when Parent's leave and benefit was fully available, 2020, 16,683 were awarded benefits and this increased to 51,395 in 2021 and 77,015 in 2022.[330] As the policy matures and more parents become eligible, we estimate a female take-up rate of almost 100 per cent and male take-up rate of about 50 per cent by early 2023 (crude rate); the gender rate, i.e., male share of female claimants, is 52.6 per cent.[331]

The latest CSO analysis reports all types of family leave take by all employees (see Table 1). Overall, take-up of Parent's leave is lower than for Maternity leave, because fewer employers top-up the statutory flat-rate for the former. As the figures relate to all employees, it is impossible to identify eligible parents and calculate a real take-up rate.

Table 1: Type of family leave taken in 12 months prior to Q1 2021, per cent of employees aged 18 years and over

Type of family leave taken							
Paid maternity or adoptive leave	Unpaid maternity or adoptive leave	Paternity leave	Unpaid parental leave	Parent's leave	Force majeure leave	Compassionate leave	No family leave taken
4.3	1.4	1.7	2.2	1.7	1.7	4.8	85.9

Source:www.cso.ie/en/releasesandpublications/ep/p-pwlbmr/personalandwork-lifebalance2021-mainresults/leaveintheworkplace/

d. Other types of leave and flexible working

No information available since a survey in 2001.

[330] Department of Social Protection (2023) *Statistical Information on Social Welfare Services, Annual Report 2022*. Dublin: Department of Social Protection.

[331] Own calculations. Mother's crude rate is lagged by 2 quarters to account for the maternity leave take-up in the first 6 months. Data is from DSP. (2024). Quarterly Statistical Report. Recipients by Sex. Dublin: Department of Social Protection. https://data.gov.ie/dataset/quarterly-statistical-report-recipients-by-sex?package_type=dataset

Israel[332]

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April 2024

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

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

a. Maternity leave (תקופת לידה והורות, *Tekufat Leida VeHorut*, literally 'Birth and Parenthood Period') (responsibility of the National Insurance Institute)

Length of leave (before and after birth)

- Twenty-six weeks: up to 6 weeks before the birth and the remainder following the birth.
- It is obligatory to take the first 14 weeks.

Payment and funding

- One hundred per cent of the average earnings in the 3 or 6 months prior to birth (the higher of the two) for the first 15 weeks, with an upper limit of 5 times the average salary (ILS1,655 [€418.68][333] per day). The remaining 11 weeks are unpaid.
- Payments are made to the mother by the National Insurance Institute.
- Funded by the National Insurance Institute, which is financed 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

[332] Please cite as: Perez-Vaisvidovsky, N. (2023) 'Israel country note', in Dobrotić, I., Blum, S., Kaufmann, G., Koslowski, A., and Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2023*. Available at: https://www.leavenetwork.org/annual-review-reports/

[333] Conversion of currency undertaken for 15 July 2024, using: https://data.ecb.europa.eu/currency-converter.

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 6 weeks of leave before birth. The leave may be shortened to 14 weeks, but no less than that.
- Working is 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; single parent); or delegation of leave to a person other than the mother

- A mother who has been hospitalised for 2 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 2 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 3 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 her (male) spouse (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 6 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 7 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)

No statutory entitlement. However, 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 2 days are treated and renumerated as sickness leave: workers receive no pay for the first day, and 50 per cent of their daily pay for the other 2 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 renumerated 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

- One year after childbirth for each parent.
- Leave is an individual, 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 2 periods of leave.

Regional or local variations in leave policy

- None.

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

- Parents are eligible for a leave period no longer than a quarter of the length of their employment with their current employer: up to 1 year of leave is allowed for 4 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; single parent); or delegation of leave to person other than the parents

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

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 8 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 suffering from a malignant disease are also entitled to renumeration from the first day.
- 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 6 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 7 days of their allotted sick leave to attend medical examinations and treatments related to the pregnancy.
- A worker may use up to 6 days per year of their allotted sick leave to care for a parent over 65 years of age.

Flexible working

- During the first 4 months from the end of the Maternity leave, mothers employed full-time are entitled to 1 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. The employer cannot deny the worker to take this hour, but he can restrict at what part of the workday it is taken. All mothers returning to work after Maternity leave and working full-time are eligible. There is no employment protection for this period.

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

The maximum period of post-natal leave is 12 months, but most of this is unpaid; well-paid leave runs for 3.5 months. There is no entitlement to Early Childhood Education and Care (ECEC).

Places in government-regulated and subsidised ECEC are hard to come by, the demand for children under three years of age exceeding supply. 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 unpaid Parental leave or else rely either on family assistance or expensive, unregulated private services.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review

3. Changes in policy since April 2023 (including proposals currently under discussion)

No changes reported.

4. Uptake of leave

a. Maternity leave

All eligible women use Maternity leave as it is obligatory: as of 2017, women eligible for paid leave account for 72 per cent of all women giving birth. Only 0.9 per cent per cent of women receiving Maternity leave benefit transfer part of it to their spouse.

b. Paternity leave

No information available.

c. Parental leave

No information available.

Italy[334]

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April 2024

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)

- Five months: at least 4 weeks can be taken before the birth. However, the pregnant woman also has a choice to work up to 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 5 months of mandatory Maternity leave after the birth of the child. Absence from work can take place 2 months before the childbirth if pregnancy is certified as 'at risk,' or if the Territorial Department of Labour certifies that the job is incompatible with pregnancy.
- It is obligatory to take all the leave.

Payment and funding

- Eighty per cent of previous earnings with no upper limit for salaried workers. For home helps, self-employed workers, and temporary agricultural

[334] Please cite as: Addabbo, T., Cardinali, V., Giovannini, D. and Mazzucchelli, S. (2024) 'Italy country note', in Dobrotić, I., Blum, S., Kaufmann, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024.* Available at: https://www.leavenetwork.org/annual-review-reports/

labourers, earnings are 80 per cent of conventional earnings determined each year by the law[335]. 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.

- 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.
- Payments are made to the mother either directly by INPS (National Institute for Social Security) or by their employer, who is recompensed by the INPS.
- Payments are taxed.
- Funded by the INPS, which is 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).

Flexibility

- For employees and workers enrolled in the Separate Social Security Fund '*Gestione separata*'[336], the 20 week period is compulsory, but there are two options for taking this Leave: (i) 4 weeks before the birth and 16 weeks after (upon presentation of a medical certificate); or (ii) 8 weeks before the birth and 12 weeks after. The allowance is accorded to autonomous female workers from 8 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 place before month 7 of the pregnancy, the amount of leave not used before birth is added to post-natal leave.
- Self-employed may also benefit from the allowance associated with a high-risk pregnancy. They are granted a daily allowance for leave periods within 2 months before childbirth in the event of pregnancy complications, ascertained by the local health authority.

[335] Self-employed women are entitled to an allowance of 80 per cent of their average salary for five months. Unlike employees, self-employed women are free to continue to work and issue invoices.

[336] 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. The Separate Management Fund (Gestione Separata INPS) is a pension fund to which self-employed workers and freelancers without a fund must register. Some professionals (such as lawyers, notaries, doctors) have, in fact, a pension fund dedicated to their activity.

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; single 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 1 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 an additional 20 per cent.

b. Paternity leave (*congedo di paternità*) (Ministry of Labour, Health and Social Policies)

Length of Leave

- Ten working days.
- It is obligatory to take all the leave.
- A further one day of optional Leave is available if the mother transfers part of her Maternity leave.

Payment and funding

- One hundred per cent of earnings with no upper limit; covered by imputed pension contributions.
- Paid, taxed and funded as for Maternity leave.

Flexibility

- Leave can be used from 2 months preceding the expected date of childbirth until 5 months after childbirth.
- Leave can be taken as separate days, but cannot be used on an hourly basis.
- In the case of multiple births, leave can be extended up to 20 working days.
- The employee must give a written notice on the intention to use the leave to the employer, at least 5 days in advance.

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 3 months' paid leave after the birth in the following circumstances: (i) the mother's death or severe illness; (ii) the child being left by the mother; or (iii) 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. However, the maximum total length of leave per family is 10 months, unless the father takes at least 3 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 7 months.
- Leave is an individual, non-transferable entitlement.

Payment and funding

- Both the father and the mother may claim Parental leave benefit for a child under 6 years of age, non-transferable to the other parent. Two months is paid at 80 per cent of earnings (in 2025, it will change to 1 month at 80 per cent and 1 month at 60 per cent), 7 months at 30 per cent, while 2 months are unpaid (this assumes the father takes at least 3 months leave so giving the family 11 months leave). The higher rates of payment can be shared between both parents or taken by only one as long as the period of higher payment falls within the first 3 months of non-transferable leave.
- Maximum total period covered by the Parental benefit is thus 9 months, of which:
  - the mother and father are each entitled to 3 months of paid leave, non-transferable to the other parent, to be taken within 6 years of the child's birth (or from the child's entry into the family in the case of adoption or fostering);

- both parents are entitled, alternatively, to an additional period of three months of paid leave.
- After 9 months of paid Parental leave, Parental benefit is means-tested, that is, it is paid only if the worker's individual income is less than 2.5 times the amount of the minimum pension (in 2021 equal to €515.28 per month) or in cases when parents use extended Maternity leave for severely disabled children within 12 years of the child's birth.
- Leave is unpaid if taken when a child is 6 to 12 years of age.
- Pension contributions for parents taking leave are made by the INPS.
- Paid, taxed and funded as for Maternity leave.

Flexibility in use

- Leave can be taken at any time until a child is 12 years old.
- Leave can be taken as a single continuous period up to a maximum of 6 months; or as shorter periods amounting to a maximum of 6 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.
- Single parents are entitled to 11 months of Parental leave, out of which 9 months are paid.

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 3 months, which can be taken only during the 1st year after a child's birth.
- The father is entitled to leave even if the mother is not employed, 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[337]; 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.
- Working parents registered with the separate management scheme are entitled to paid Parental leave as employees, under the following eligibility criteria:
  - parents must be enrolled in the separate management scheme as project workers, professionals and assimilated categories and must not be simultaneously receiving a pension or be enrolled in another form of compulsory social security;
  - there must be a valid professional employment relationship during the period of Parental leave;

[337] Art. 40c, Act of Law n. 151/2001: right to work reduced hours with full earnings compensation for the first 12 months after childbirth.

    - a parent must have paid at least 1 month of contributions in the 12 months preceding the start of the qualifying period.
- Parental leave is also provided for self-employed persons, i.e., entrepreneurs, artisans, freelancers, cooperative members, agents and sales representatives. Since there is no payroll, the 30 per cent allowance in this case is calculated on the conventional daily wage that the law establishes each year for each of these categories. Fathers are also entitled to this period of paid leave from work. For self-employed persons, however, Parental leave is shorter than for employees and subject to more constraints:
    - each parent is entitled to 3 months of leave for each child;
    - these 3 months can be requested within the first year of life or entry into the family; and not within the first 12 years;
    - women can take Parental leave after the end of Maternity leave;
    - the parent must have paid contributions in the month preceding the request;
    - only those who do not actually work (and therefore do not invoice) during the leave period can receive Parental benefit.
- Same-sex couples are eligible.
- Unemployed women are eligible for the maternity allowance granted by the National Social Security Institution for five months in place of the unemployment benefit. The maternity benefit payable is 80 per cent of the average daily global remuneration received in the last month of work.

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 per child, each parent is entitled to additional leave in the case of multiple births (e.g., the length is doubled for twins, and tripled for triplets).
- A single parent may take 10 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 types of leave and flexible working

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 5 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. Parental Leave for adoptive and foster parents can be taken within 8 years of the child entering the family but not after their 18th birthday; payment, generally, is 100 per cent of earnings for the first 30 days and 30 per cent of earnings for the subsequent 5 months, if taken within 3 years of the entry of the child into the family.

Time off for the care of dependents

- Unpaid leave can be taken with no limit for a child under 3 years of age, and 5 working days per year per parent for a child aged 3 to 8 years.
- Employees are entitled to 2 years of 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 an upper limit of €47,351 per year.

Specific provision for (breast)feeding

- Until a child is 12 months old, female employees are entitled to work reduced hours for breastfeeding, with full earnings compensation (1 hour less per day if working 6 hours per day or less; 2 hours less per day if working longer than 6 hours). Fathers are entitled to use this benefit in certain conditions, e.g., 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.

Flexible working

- Employees of any gender who have parental responsibility for a child under 6 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.' The law does not lay down

seniority requirements for the use of these rights. Those who have been previously converted to part-time status may return to full-time status and also have precedence over new full-time recruitments for the performance of the same duties or duties of the same level as part-time employees.

Leave for female victims of gender based violence

- Victims of gender-based 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 3 months, with a right to full pay. For the same period, they are also entitled to switch from full-time to part-time employment.

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

The maximum period of post-natal leave is 15 to 16 months (depending on bonus months if the father takes Parental Leave); however, there is only five months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children attend ECEC from three years of age.

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.

The National Recovery and Resilience Plan (NRRP) includes a specific line (Mission 4) on investing in ECEC infrastructure that is bound to increase ECEC availability in Italy.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

The 2024 budget law (L. 213/2023) introduces some important measures for families with children, including:

Parental Leave and Disability Protection

The 2024 Budget Law (Law 30 December 2023 number 213) increased the payment for Parental leave for employees, both in the public and private sector, who end the period of Maternity or Paternity leave after 31 December 2023, from 30 per cent to 80 per cent for 2 months in 2024; and from 30 per cent to 80 per cent for 1 month and 60 per cent for a 2nd month, starting in 2025.

Incentive for working mothers

Law number 213 of 30 December 2023 (Budget Law 2024) introduced a 100 per cent reduction from the share of social security contributions for disability, old age

and dependents of working mothers of 3 or more children employed by public employers and ptivate employees with permanent contracts (except for domestic workers). The measure, known as the 'bonus for working mothers', foreseen for the pay periods from 1 January 2024 to 31 December 2026, is valid until the month in which the youngest child turns 18 and, in any case, up to the maximum annual limit of €3,000, calculated on a monthly basis.

On an experimental basis, for the pay periods from 1 January 2024 to 31 December 2024, the bonus is extended to working mothers of 2 children with a permanent contract (excluding domestic work). In this case the benefit is valid until the month of the youngest child's 10^{th} birthday. Since this involves a reduction in the contributions paid by the worker, to be withheld from the pay slip, the beneficiaries see the effects of the bonus directly on their payslip, in terms of an increase in the net amount due.

Increase in the nursery or home support bonus

The text of the law provides for an increase in the nursery school bonus to €3,600 per year for children born from 1 January 2024, for families with at least 2 children. The increase is for families with ISEE up to €40,000 and with another child under 10 years old.

On 12 May 2022, the law 'Delegations to the Government for the support and enhancement of the family' (better known as the Family Act), an organic reform of family policies, came into force. The text outlines the regulatory framework and the time deadlines within which the Government will be called upon to approve the legislative decrees implementing the law, to support parenthood and the social and educational function of families, combating the birth rate, enhancing the harmonious growth of girls, boys, and young people and promoting the conciliation of family life with work, particularly that of women.

Delegating law 32/22 provides for the establishment of a universal monthly allowance for each dependent child up to adulthood, without age limits for children with disabilities; strengthens family support policies for educational and school expenses, and for sporting and cultural activities; reforms parental leave, with its extension to all professional categories, and make paternity leave mandatory and structural; introduce incentives for women's work (from deductions for care services to the promotion of flexible working); ensure the protagonism of young people under 35, promoting their financial autonomy with support for university expenses and the rent of their first home.

It is interesting to highlight how, in exercising the mandates envisaged, the Government will have to comply with the following principles and directive criteria:

- ensure the universal application of economic benefits to families with children, according to progressive criteria based on the application of indicators of the equivalent economic situation (Isee), also taking into account the number of dependent children.
- promote gender equality within families, encouraging female employment, particularly in the Southern regions, also through the preparation of work models aimed at harmonizing family working hours and encouraging the work of the second earner of income;

- affirm the social value of educational and learning activities, including non-formal ones, of children, through the recognition of tax breaks, exemptions, deductions from the taxable amount, or deductions from the income tax of expenses incurred by families or through the provision of a credit or economic contribution tied to the purpose
- provide for the introduction of organizational, communication, and simplification measures that favor families' access to the services offered and their identification.

The Government must adopt the individual implementing measures within the established timeframes. The main time deadlines foreseen for the adoption of the individual implementing measures are

- within 12 months of the entry into force of the enabling law (12 May 2023), a legislative decree establishing the universal allowance containing the reorganization and simplification of economic support measures for dependent children, as well as one or more legislative decrees for the institution and reorganization of support measures for children's education;
- within 24 months of the entry into force of the law (12 May 2024), one or more legislative decrees to strengthen, reorganize, harmonize, and strengthen the regulations relating to parental and paternity leave, incentives for female employment, support measures to families for the education of their children and for the achievement of financial independence.

4. Uptake of leave

a. Maternity leave

Maternity leave is obligatory for employees. The most recent data (INPS, 2023) for the private sector shows there were 179,602 beneficiaries, of whom 20,981 were fixed-term employees and 157,240 permanent workers.[338]

b. Paternity leave

In 2022, according to INPS data, 173,223 fathers in the private sector took paternity leaves (i.e., 11 per cent more than in the 2021 and 39 per cent more than in 2013), and 3,203 an optional leave[339]. According to INPS analyses,[340] the take-up of Paternity leave was 64 per cent in 2022. A multivariate analysis performed in INPS (2023) confirms the higher probability of leave-taking among fathers with a permanent contract, first-time fathers, fathers who reside in the Centre-North of Italy and white-collar male workers.

c. Parental leave

The most recent INPS data[341] for the private sector, including agriculture, show that there were 348,864 Parental leave beneficiaries. The data reveal that in 2022

[338] https://servizi2.inps.it/servizi/osservatoristatistici/13/19/o/432

[339] https://servizi2.inps.it/servizi/osservatoristatistici/13/19/o/300

[340] INPS (2023) XXII Rapporto Annuale, INPS September 2023, available at https://www.inps.it/it/it/dati-e-bilanci/rapporti-annuali/xxii-rapporto-annuale.html

[341] https://servizi2.inps.it/servizi/osservatoristatistici/13/41/o/427

77,875 males took 1,758,009 working days of leave and 270,989 females took 14,605,262 working days of leave. There were 2,222 Parental leave beneficiaries among self-employed workers.

According to INPS (2023), the probability of mothers taking Parental leave increases when a mother has a permanent contract and works in a larger firm.

Japan[342]

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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 *(Sanzen-Sango Kyūgyō,* literally 'pre-natal and post-natal leave'*)* (responsibility of the Ministry of Health, Labour and Welfare)

Length of leave (before and after birth)

- Fourteen weeks: 6 weeks before the birth, and 8 weeks after the birth.
- It is obligatory to take 6 weeks of leave.

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.
- Payments are not taxed, and the recipients are exempted from social insurance contributions.
- Funded from the Employees' Health Insurance system, which is financed by equal contributions from employees and employers. The system includes a

[342] Please cite as: Nakazato, H., Takezawa, J. and Nishimura, J. (2023) 'Japan country note', in Dobrotić, I., Blum, S., Kaufmann, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) International Review of Leave Policies and Research 2023. Available at: https://www.leavenetwork.org/annual-review-reports/

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 to work 6 weeks after childbirth if a doctor has confirmed that 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 4 months, counting from the month before childbirth.
- The 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; single parent); or delegation of leave to a person other than the mother

- In the case of multiple births, Maternity leave can be taken 14 weeks before birth.

b. Paternity leave (*Shusshōji Ikuji Kyūgyō*, literally 'Childcare Leave at Birth' also called *Sango Papa Ikukyū*, literally 'Postpartum childcare leave for fathers')

Length of leave

- Four weeks, i.e., 28 calendar days.

Payment and funding

- Sixty-seven per cent of daily earnings, up to an upper limit of JPY15,430 [€89.26][343] per calendar day.

[343]Conversion of currency undertaken for 15 June 2024, using: https://data.ecb.europa.eu/currency-converter.

- The benefit payment may be reduced or not provided, depending on the amount of the payment from the employer.
- Payments are not taxed, and the recipients are exempted from social insurance contributions.
- Funded from the parental leave section of the employment insurance system, which is financed by contributions from employees and employers, and the state: 0.2 per cent of all wages by employers and 0.2 per cent by employees. 1.25 per cent of the benefit payments is subsidised by the state. Leave benefits for employees in the public sector (national or local) are funded by mutual aid associations.

Flexibility in use

- Leave can be taken during the first 8 weeks after the birth.
- A parent can take Paternity leave in 2 periods.

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

- Employees employed on a day-to-day basis are not eligible for Paternity leave.
- Employees employed on a fixed-term contract are eligible only when it is not obvious that their employment contract will end within 8 weeks, and 6 months after the expected date of birth of a child or the date of the actual birth if it is earlier than the expected date.
- Workers may be excluded through the corrective agreement if they have been employed by the employer for less than one year.
- When the persons covered by employment insurance take Paternity 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 these months.
- Parents are eligible for the benefit payment even when they work during the leave period for a maximum of 10 working days (or 80 hours if they work more than 10 working days) for the 28 calender day leave period. This limit decreases proportionally to the length of leave actually taken.
- The benefit payment, however, is reduced according to the payment by the employers (see *Payment and funding for details)*.
- Self-employed workers are not eligible.
- Same-sex couples are not eligible.
- There are no payments for unemployed parents.
- The 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; single parent); or delegation of leave to a 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.

c. Parental leave (*Ikuji Kyūgyō,* 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.
- Leave is an individual, non-transferable 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 calendar 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 (i) admission to a childcare centre had been requested but was not forthcoming; or (ii) 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

- Sixty-seven per cent of previous earnings[344] for the first 180 calendar days of Parental leave taken by each parent with a minimum payment of JPY55,194 [€319.28] per month and a maximum payment of JPY310,143 [€1,794.08] per month; then 50 per cent of earnings with a minimum payment of JPY41,190 [€238.27] per month and a maximum payment of JPY231,450 [€1,338.87] per month. The average monthly earnings[345] of permanent, full-time female employees in 2023 were JPY281,800 [€1,630.13], whereas those of their male counterparts were JPY363,600 [€2,103.31].

[344] The benefit is calculated based on the earnings in the six months before the leave (bonus is not included in the calculation).

[345] Basic Survey on Wage Structure (Chingin Kouzou Kihon Tōkei Chōsa) 2023

- The benefit payment is reduced if the monthly payment from the employer exceeds 13 per cent of the individual's previous monthly earnings (for 180 calendar days from the start of the leave, 30 per cent for the rest).
- Payments are not taxed and the recipients are exempted from social insurance contributions.
- Funded from the Parental leave section of the employment insurance system, which is financed by contributions from employees, employers, and the state: 0.2 per cent of all wages by employers and 0.2 per cent by employees. 1.25 per cent of the benefit payments is subsidised by the state. Leave benefits for employees in the public sector (national or local) are funded by mutual aid associations.

Flexibility in use

- A parent can take Parental leave in 2 periods.
- 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 does not apply to an employee employed on a day-to-day basis.
- Parental leave only applies to an employee employed on a fixed-term contract when it is not obvious that their employment contract will end before the child reaches one year and six months of age.
- Workers may be excluded if (i) they have been employed by the employer for less than 1 year; or (ii) their employment is to be terminated within 1 year (or 6 months if leave continues until the child reaches 18 months of age); or (iii) they work 2 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 2 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' (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.
- Self-employed workers are not eligible.
- Same-sex couples are not eligible.
- There are no payments for unemployed parents.
- The 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; single parent); or delegation of leave to a person other than the parents)

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- Although there are no special leave provisions for adoption, adoptive children by 'special adoption'[346] (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 Paternity and Parental leave. In this case, female workers are eligible for these leaves, but not for Maternity 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 in daily or hourly units) per parent per year for a child under compulsory school age (6 years of age) if the child is injured, ill, or needs a health examination; or up to 10 working days per year if there are 2 or more children of this age. The leave is unpaid.
- Long-term family care leave can be taken for a spouse (including de facto), parents, children, parents-in-law, grandparents, siblings, and grandchildren for each occurrence of a condition where the family member requires constant care for a period of 2 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 3 periods or fewer. This leave is paid at 67 per cent of earnings.

Specific provision for (breast)feeding

- 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.

[346] There are two types of adoption in Japan. 'Special adoption' refers to the case of children aged 6 years or younger whose relationship to their biological 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.

Flexible working

- Until a child reaches the age of three years, the employers must provide the parents with the right to reduce their normal working hours to 6 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, and those with less than 2 scheduled working days per week). 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 22:00 and 05:00 – if the employee requests not to work these hours.

Measures to promote leave policy effective in workplaces

- Employers who employ more than 1,000 workers on a regular basis are obliged to publish information on the status of Parental leave take-up.
- Under the Act on the Advancement of Measures to Support Raising the Next Generation of Children (introduced as 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 who employ more than 1,000 workers on a regular basis are obliged to publicly announce at least once a year the status of the take-up of Parental leave by their employees.
- 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.
- When an employee informs the employer that the employee or the employee's spouse is pregnant or has given birth, or other facts equivalent

to it, such as adoption, the employer is obliged to inform the employee of the system concerning Parental leave and other related matters, and to take measures such as interviews to confirm the worker's intention with regard to the Parental leave request. The employer is prohibited from dismissing or otherwise treating the employee disadvantageously because the employee has requested these measures.

- Employers are obliged to take any of the following measures to ensure requests for Parental leave are facilitated:
  - Provide instructions about Parental leave for their employees
  - Establish a consultation system for Parental leave
  - Other measures to improve the employment environment related to childcare leave
- 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.

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

The maximum period of well-paid, post-natal leave is 14 months (including 2 months of bonus leave if parents share the leave period), which is nearly 8 months for mothers and 6 months for fathers. If fathers do not use their leave entitlement, the maximum period of well-paid leave is just under 8 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 entitlement to Early Childhood Education and Care (ECEC).

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 between demand and supply 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. Fees for ECEC services have been fully subsidized since October 2019 for all children aged three to five years (and the children up to 2 years of age in households exempted from local income tax) who are enrolled in these services.

Parents can apply for a childcare place for their children from 8 weeks after their birth (the end of the Maternity leave period) until they are school age if the child needs care because the parents are working[347] again, seeking employment, studying, in training, etc. However, there is a significant shortage of childcare places, especially in large cities.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

[347] 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.

3. **Changes in policy since April 2023** (including proposals currently under discussion)

The following legislative amendments are being debated in the National Diet.

Employment Insurance Act

To ensure stable financial management in relation to Parental leave benefits, the provisional measure (1.25 per cent) to reduce the national contribution to Parental leave benefits will be abolished, and the original 12.5 per cent will be restored. Implementation will be on the day of promulgation.

Child Care and Family Care Leave Act [Expansion of measures to realise flexible working styles in accordance with the age of children].

i. Employers are obliged to assess the needs of the workplace and provide workers raising a child of 3 years of age or older who has not yet entered primary school with measures to realise flexible working styles (change of starting time, telework, shorter working hours, granting new leave and other measures to facilitate raising a child while working, of which the employer chooses two), and allow them to use these measures at their choice. In addition, they are obliged to provide individual notification and get confirmation of intention to use such measures.
ii. Expanding the scope of workers subject to exemption from overtime work to include workers raising preschool children (currently up to three years of age).
iii. A short-term family care leave will be made available for participation in child events, etc., and the scope of eligible children will be expanded to include children in the third grade of primary school (currently, children before primary school age), while the system of excluding workers who have worked for less than 6 months based on a collective agreement will be abolished.
iv. Telework is added to the measures (obligation to make an effort) to be taken by employers regarding workers raising children up to 3 years of age.
v. Employers are obliged to listen to and give consideration to the individual wishes of workers regarding balancing work and childcare at the time of pregnancy and childbirth notification and before the child turns 3 years old.

Act on the Advancement of Measures to Support Raising the Next Generation of Children [Expanding the obligation to publicise the status of taking Parental leave and promoting and strengthening measures to support raising the next generation]

i. Expand the scope of the obligation to publicly announce the status of Parental leave taken to employers with more than 300 full-time workers (currently more than 1,000).
ii. When formulating an action plan based on the Act on the Advancement of Measures to Support Raising the Next Generation of Children, employers are obligated to monitor and set numerical targets relating to the status of taking parental leave.

Child Care and Family Care Leave Act [Reinforcement of measures to support balancing work and family care to prevent leaving the family care workforce]

i. Employers are obliged to inform about the support system for balancing work and family care and confirm workers' individual intentions to use it when they report that they are faced with caring for a family member.
ii. Employers are obliged to provide workers with information on the support system for balancing work and family care at an early stage and to improve the work environment (e.g., training for workers).
iii. The rule of excluding workers with less than 6 months' service from care leave, based on a collective agreement, will be abolished.
iv. Telework is to be added to the list of measures (obligation to make an effort) to be taken by employers for workers caring for family members.

The date for implementation of these amendments is 1 April 2025, with some exceptions.

4. Uptake of leave

a. Maternity leave

The figures in this section are taken from the 16th Japanese National Fertility Survey(*Shusshō Doukou Kihon Chōsa*)[348] based on a national sample of 547 married women under age 55 who gave birth to their first child in 2015-2018.

According to the survey conducted in 2021, 43.3 per cent of mothers who gave birth in 2015-2018 took maternity leave.

b. Paternity leave

According to the Monthly Report on Employment Insurance (Koyō *Hoken Jigyō Nenpō*) and the Monthly Report on Vital Statistics(Jinkō *Dotai Tōkei)* [349], 8.7 fathers per 100 live births in 2023 received Parental leave benefits as 'Childcare Leave at Birth'(Shusshōji Ikuji Kyūgyō).

c. Parental leave

The figures in this section, unless otherwise noted, are taken from the 2022 Basic Survey of Gender Equality in Employment Management (*Koyō-kinto Kihon*

[348] National Institute of Pipiulation and Social Security Reseach (2022) the 16th Japanese National Fertility Survey. Available at: https://www.ipss.go.jp/ps-doukou/e/doukou16/Nfs16_gaiyoEng.html

[349] Author's calculation using Ministry of Health, Labour and Welfare (2023-2024) *Monthly Report on Employment Insurance*. Available at: https://www.mhlw.go.jp/toukei/list/150-1.html and Ministry of Health, Labour and Welfare (2023-2024) *Monthly Report on Vutal Statistics*. Available at: https://www.mhlw.go.jp/toukei/list/81-1.html.

Chōsa),[350] based on a national sample of 3,683 private sector workplaces that employed five or more regular employees.

A large proportion (80.2 per cent) of female workers who had given birth between 1 October 2020 and 30 September 2021 had started or applied for Parental leave by 1 October 2022. The proportion had decreased by 4.9 per cent points from the previous year (85.1 percent).

The proportion of men was much lower: 17.13 per cent of male workers whose spouse had given birth between 1 October 2020 and 30 September 2021 had started or applied for Parental leave by 1 October 2022. The proportion increased by 3.16 percentage points from the previous year (13.97 per cent).

According to a survey conducted in 2021,[351] nearly a third (30.0 per cent) of female workers who returned to work from leave between 1 April 2020 and 31 March 2021 had taken 10 to 12 months of leave, and 34.0 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 65 per cent took less than 1 month of leave, and 26.5 per cent took 5 days to 2 weeks, 25.0 per cent took under 5 days.

The figures above do not take into account the number of female workers who had quit their jobs before the birth of their child.According to the Annual Report on Employment Insurance (Koy*ō Hoken Jigyō Nenpō*) and the Annual Report on Vital Statistics(Jink*ō Dotai Tōkei),* [352] 49.4 mothers per 100 live births in 2022 received parental leave benefits, 14.2 for fathers.

d. Other types of leave and flexible working

The 2022 Basic Survey of Gender Equality in Employment Management (*Koyō-kinto Kihon Chōsa*) shows the following proportion of workplaces providing other employment-related measures: reduced working hours (71.6 per cent); exemption from overtime work (67.1 per cent); flextime for childcare (15.2 per cent); starting/finishing work earlier/later (41.5 per cent); providing on-site childcare centre (4.0 per cent); subsidising childcare costs (7.0 per cent); and telework (11.5 per cent). The practical application of these measures varies between workplaces.

As for the use of these measures in the 2021 survey of Gender Equality in Employment Management (*Koyō-kinto Kihon Chōsa*), there are striking differences between how male and female workers used the options available to them. In 16.1 per cent of workplaces providing the reduced working hour's option, only female workers used this measure, while just 0.6 per cent of both female and male workers used it. In 5.9 per cent of workplaces providing on-site childcare centres,

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[350] Ministry of Health, Labour and Welfare (2023*) 2022 Basic Survey of Gender Equality in Employment Managemen*t. Available at: https://www.mhlw.go.jp/toukei/list/dl/71-r04/03.pdf

[351] Ministry of Health, Labour and Welfare (2022*) 2021 Basic Survey of Gender Equality in Employment Managemen*t. Available at: https://www.mhlw.go.jp/toukei/list/dl/71-r03/03.pdf

[352] Author's calculation using Ministry of Health, Labour and Welfare (2023) *2022 Annual Report on Employment Insurance*. Available at: https://www.mhlw.go.jp/toukei/list/150-1.html and Ministry of Health, Labour and Welfare (2023) *Annual Report on Vital Statistics*. Available at: https://www.mhlw.go.jp/toukei/list/81-1.html.

only female workers used them, while 1.5 per cent of both female and male workers used them. In 7.2 per cent of workplaces providing flextime for childcare, only female workers used this measure, while just 2.0 per cent of both female and male workers used it. In 13.4 per cent of workplaces providing telework, only female workers used them, while 6.6 per cent of both female and male workers used them.

Korea[353]

Eunkyung Shin, Sunju Lee, Jiyeon Kim (Ministry of Health and Welfare, Korea)[354] and **Soyoon Weon** (Chung-ang University)

April 2024

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, literally 'leave before and after childbirth') (responsibility of the Ministry of Employment and Labour)

Length of leave (before and after birth)

- Ninety calendar days: a minimum of 45 days must be taken after the 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 all the leave.

Payment and funding

- One hundred per cent of ordinary earnings (i.e., for contractually agreed working hours, excluding bonuses and/or overtime pay) at the time of taking leave, paid by the employer for the first 60 calendar days (75 calendar days for multiple births); then, 100 per cent of ordinary earnings paid by the Employment Insurance Fund with an upper limit of KRW2,100,000 [€1,401.97][355] for the last 30 calendar days (45 calendar days for multiple births).

[353] Please cite as: Kim, J., Lee, S., Shin, E. and Weon, E. (2024) 'Korea country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[354] 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.

[355] Conversion of currency undertaken for 15 July 2024, using: https://data.ecb.europa.eu/currency-converter.

- To reduce the financial burden on small- and medium-sized enterprises (SMEs), often called an affirmative support enterprise, the Employment Insurance Fund[356] pays for the first 60 days, up to a limit of KRW2,100,000 [€1,401.97]. 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 KRW6,300,000 [€4,205.92] (KRW8,400,000 [€5,607.89] for multiple births) 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 employees to be considered an SME (Employment Insurance Law, Enforcement Decree Article 12).
- The portion of payments paid from the Employment Insurance Fund is not taxed.
- 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 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 at least 180 days prior to the commencement of Maternity leave. For those not entitled to the benefit, the employer must pay for the first 60 calendar days.
- A woman who gave birth but is not eligible for the Maternity benefit (for example, self-employed workers or workers who were not insured for 180 days) can receive KRW1,500,000 [€1,001.41] for 90 calendar days (KRW500,000 [€333.80] per every 30 calendar days). This provision does not apply to unemployed or inactive mothers. Self-employed mothers engaged in economic activities at least three months within 18 months including the day giving birth prior to taking maternity leave benefits are 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 a person other than the mother

[356] 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.

- In the case of multiple births, the length of paid Maternity leave increases to 120 days (a minimum of 60 days must be taken after birth).
- In the case of a miscarriage or stillbirth, five to 90 days of leave are provided, depending on the length of pregnancy.

b. Paternity leave (배우자 출산휴가, literally 'Maternity leave for spouses') (responsibility of the Ministry of Employment and Labour)

Length of leave

- Ten working days.

Payment and funding

- One hundred per cent of earnings.
- Paid by the employer. The Employment Insurance Fund pays for 5 days on behalf of the SMEs to reduce the financial burden on the SMEs. The upper limit on payment for 5 days is KRW401,910 [€268.32]

Flexibility in use

- Leave can be taken within 90 days after the birth and can be split once, i.e., it can be taken in 2 periods.

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

- All employees whose spouse give birth.

c. Parental leave (육아휴직, literally 'Parental leave') (responsibility of the Ministry of Employment and Labour)

Length of leave

- One year per parent.
- Leave is an individual non-transferable entitlement.

Payment and funding

- Eighty per cent of ordinary earnings, with a minimum of KRW700,000 [€467.32] per month and an upper limit of KRW1,500,000 [€1,001.41] per month.
- Using part-time Parental leave, the employee can reduce working hours by one to five hours a day. For 1 hour reduction, 100 per cent of ordinary earnings is paid with an upper limit of KRW2,000,000 [€1,335.21] per month. For 2 to 5 hours reduction, 80 per cent of ordinary earnings with an upper limit of KRW1,500,000 [€1,001.41] per month is applied for the whole leave period, to encourage employees to use part-time Parental leave.

- Using the '6+6 Parents' Parental Leave Scheme (6+6 부모 육아휴직), if both parents take Parental leave simultaneously or sequentially for a child under 18 months of age (including leave during the pregnancy), then each parent's Parental leave benefit is increased for the first 6 months from 80 per cent of ordinary earnings to 100 per cent, with escalating ceilings by KRW500,000 [€333.80] for each additional month on leave. That is: 1) if both parents take Parental leave for one month, the upper limit is KRW2,000,000 [€1,335.21]; 2) if both parents take Parental leave for two months, the upper limit is KRW2,000,000 [€1,335.21] for the 1st month, and KRW2,500,000 [€1,669.01] for the 2nd month; 3) if both parents take Parental leave for six months, the upper limit is KRW2,000,000 [€1,335.21] for the 1st month, KRW2,500,000 [€1,669.01] for the 2nd month, KRW3,000,000 [€2,002.82] for the 3rd month, KRW3,500,000 [€2,336.62] for the 4th month, KRW4,000,000 [€2,670.42] for the 5th month, and KRW4,500,000 [€3,004.23].
- For single-parent families, higher payment is applied: the Parental benefit for the first three months of leave increases to 100 per cent of ordinary earnings with an upper limit of KRW2,500,000 [€1,669.01] per month; 80 per cent with an upper limit of KRW1,500,000 [€1,001.41] and a floor of KRW700,000 [€467.32] per month for the remaining months.
- Twenty-five per cent of the Parental leave benefit is paid as a lump sum if the employee returns to the same employer upon expiry of leave, and works for more than 6 months with the same employer afterwards. However, this rule is not applied for parents who take 6+6 Parental Leave Scheme, single-parent families, and when it is not the fault of the employee for not working for more than 6 months with the same employer (for example, closing or bankruptcy due to the economic recession from 31 March 2020).
- Payments funded by the Employment Insurance Fund are not taxed.

Flexibility in use

- Leave can be taken until the child reaches the age of 8 (or 2nd year in primary school).
- Pregnant workers can also take Parental leave.
- Full-time Parental leave can be split once, i.e., it can be taken in 2 periods. Part-time Parental leave can be split into 3 month periods.
- Instead of taking Parental leave on a full-time basis, employees can reduce their working hours.[357] Reduced working hours must be a minimum of 15 hours per week and cannot exceed 35 hours per week. The childcare working time reduction benefit is paid by the Employment Insurance Fund in proportion to the number of working hours. For instance, 100 per cent of average wage, with ceiling of KRW2,000,000 [€1,335.21] per month, is paid for the first five hours a week, then, 80 per cent of average wage, with ceiling of KRW1,500,00 [€1,001.41] per month, for the rest of hours.

[357] This part-time Parental leave is called 'Reduced Working Hours during Childcare Period'.

- If the employee takes only part-time Parental leave – in other words, does not take full-time Parental leave at all, they can take part-time Parental leave for up to two years.
- Both parents can take Parental leave at the same time.

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 1 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 a person other than the mother

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- The same Parental leave regulations apply in the case of adoption.

Time off for the care of dependants

- Employees are entitled to 90 days of unpaid family care leave per year when they need 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.
- Although family care leave should be taken in blocks of at least 30 days, employees can take family care leave of up to 10 days per year on a daily basis to take care of family members on account of illness, accidents, old age and childcare. Grandparents and grandchildren are covered by this 10 days' leave. The total number of unpaid leave per year is 90 days, i.e., these 10 days of leave are included within the total of 90 days of unpaid leave. These 10 days of family care leave are temporarily paid in order to lessen the family care burden caused by COVID-19.

Flexible working

- *Reduction of working hours*
  - All female workers within the first 12 weeks, or after 36 weeks of gestation, can reduce their working hours by 2 hours per day, without a reduction in pay.
  - Through Part-time Parental leave (see 1c).

- *Shortened Work Hours Programme*: Employees can use the Shortened Work Hours Programme, working 15 to 30 hours per week, for reasons such as family care, personal health issues, retirement preparation, and personal education. The initial shortened period should be within one year, but it can be extended once up to a total of three years. However, the total shortened period for educational reasons cannot exceed one year. Wages are paid in proportion to the reduced working hours. Unlike part-time Parental leave, there is no financial support provided for the wage decrease resulting from this Shortened Work Hours Programme.
  The employer may not allow a reduction in working hours for the following reasons: (i) if the worker has been employed for less than six months in the current business and applies for the reduction; (ii) if it is difficult to hire substitute workers; (iii) if it is difficult to perform the job with split working hours due to the nature of the work; (iv) if there is a significant impediment to the normal operation of the business; (v) if less than 2 years have passed since the previous reduction in working hours was implemented. After the reduction in working hours ends, the employer must reinstate the employee to the same position or a position with comparable level of wages as before. Family care is limited to care related to illness, accident, or old age of family members. Family members include the employee's grandparents, parents, spouse, spouse's parents, children, and grandchildren. For retirement preparation, employees should be aged 55 and above.

- *Flexible working without reducing working hours*: employees with a child (there is no age limit) can use flexible working programs described below.
  - Employees can adjust weekly or daily working hours within the limit of 40 hours of regular working hours per week.
  - Employees can work from their place of residence using mobile communication devices.
  - Employees can work in a remote work office adjacent to their place of residence or business travel location using mobile communication devices.
  - In order to promote the utilization of flexible working programs, the Ministry of Employment and Labour provides support to small and medium-sized enterprises for labour management costs or expenses related to the installation of mobile devices.

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

The maximum period of paid post-natal leave is 27 months. Well-paid leave runs for 27 months. There is no entitlement to ECEC, because of the very low birth rate (TFR 0.78 in 2022), there are enough places in ECEC services to meet demand; recently, many ECEC service providers, especially small-scale, have closed down, due to difficulties in recruiting enough number of children.

A childcare subsidy is available for all children aged five years or younger to attend any type of formal ECEC facilities, regardless of family income level.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

The upper limit for Maternity leave payment was increased from KRW2,000,000 [€1,335.21] in 2022 to KRW2,100,000 [€1,401.97] in 2023.

4. Uptake of leave[358]

a. Maternity leave

In 2023, a total of 72,204 employees took Maternity leave; the number of Maternity leave beneficiaries is more or less the same as that in 2022 (72,619). The provisional number of births in 2023 is 230,000.

b. Paternity leave

There is no available official data for Paternity leave take-up, as Paternity leave benefits are paid by employers. However, the Employment Insurance is financing the first five days of Paternity leave benefits for employees in SMEs since October 2019. The number of employees taking Paternity leave benefits from the Employment Insurance Fund was 18,270 in 2021 and 16,168 in 2022.[359]

c. Parental leave

In 2023, 126,008 employees took Parental leave, a decrease of 3.9 per cent (5,076) compared to 2022 (131,084), and about 1 out of 3 Parental leave takers, 28 per cent (35,336), were male employees. The proportion of male Parental leave takers has been rising in recent years; it was 8.5 per cent in 2016, 21.2 per cent in 2019, and 28.9 per cent in 2022. The average length of Parental leave taken was 8.9 months in 2023, which is very similar to the average length of leave in 2022.

Two-thirds of Parental leave users (67 per cent) take their Parental leave within 12 months after giving birth. In addition, gendered behaviour regarding Parental leave take-up is observed: mothers are more likely to take Parental leave when the child is young, while fathers are to take Parental leave around the age at which the child should go to primary school. Gradual transitions from a work-oriented to work-and-life balance culture are observed as Korea increasingly embraces family-friendly measures.

[358] The number in this section is related to the number of employees taking leave, which are covered by Employment Insurance. Therefore, the number of persons taking leave who are teachers (public and private), civil servants, part-time workers, etc. is not included. Please refer to footnote 4, which explains the coverage of Employment Insurance.

[359] Huh, M. (2023) *Legislative tasks to enhance access to Paternity leave*. National Assembly Research Service, Republic of Korea.

The number of employees taking part-time Parental leave was 23,188 in 2023, showing significant increase of 19.1 per cent (3,772). Male employees represented 10.4 per cent of all part-time Parental leave takers.

Annex: A new consolidated approach by Statistics Korea

From 2021, the Statistics Office in Korea announced provisional data on Parental leave take-up in 2020 using new data collection methods. While the data collected by the employment insurance only included private sector employees covered by the employment insurance scheme, the newly produced data by Statistics Korea includes both private sector employees covered by the employment insurance scheme and public sector employees (including teachers). In other words, the new data set has more accuracy in terms of coverage – only military officials and civil employees in the military covered by the military pension are excluded - compared to the data produced by the employment insurance.

A brief summary of the Parental leave system in Korea (2021):

	Private sector	Civil servants
Law	Act on gender equality in employment and support for work-family reconciliation	National Civil Servant Law; Local Civil Servant Law
Eligibility	Employee who has been employed more than six months at the same workplace one day before taking Parental leave	Civil servant
Entitlement	Employees who have a child not exceeding the age of eight (or in the second year of primary school) Pregnant female employees An employee who has worked the same workplace continuously for more than six months as of one day before taking Parental leave	Employees who have a child not exceeding the age of eight (or in the second year of primary school) *or w*hen a female civil servant gets pregnant or gives birth
Leave duration	One year per a child / Paid	Three years per a child (one year paid, two years unpaid)
Flexibility in use	As of June 2008, Parental leave can be split once; as of December 2020, Parental leave can be split twice	It can be used very flexible, as the employee wishes

Data collection method:

- Statistics Korea used data from the employment insurance and the national

health insurance in order to provide these statistics

- The major change, compared to earlier data, is in how the number of parents who take Parental leave is counted. To be specific, Statistics Korea counts the number of parents taking Parental leave per 100 births or per the number of parents who are entitled to take Parental leave. Statistics Korea counts only parents who take Parental leave for the child born in the same year, which does not fully reflect the status of Parental leave take-up. Therefore, with this new method, Statistics Korea includes in the data both the number of parents who have a newborn baby and take Parental leave and the number of parents who have a newborn baby and take Parental leave for its elder siblings. In other words, if a mother gave birth in 2018 and 2020 and took Parental leave in 2020 for the reason of the baby being born in 2018, the previous method would not count her as a Parental leave beneficiary, while the new method counts her as a Parental leave beneficiary.
- The number of Parental leave beneficiaries reflects the number of parents who took Parental leave in one year period. Therefore, if a parent took Parental leave in 2019 and is still on Parental leave in 2020, Statistics Korea will not include this parent in the number of leave beneficiaries in 2020.

	The period when Parental leave was taken	Inclusion in data in 2020
A	December 2019 ~ November 2020	Not included
B	January 2020~March 2020, September 2020~January 2021	Included as one take-up case
C	December 2019~March 2020, September 2020~January 2021	Included as one take-up case

Following the method described above, Statistics Korea produced a new data set ranging from 2010:

The number of Parental leave beneficiaries (unit: person, per cent, p)

	2010	2011	2012	2013	2014	2015	2016
Total	72,967	93,895	104,996	111,083	124,317	136,560	140,403
Father	1,967	3,053	3,691	4,498	6,219	8,220	11,965
percent	2.7	3.3	3.5	4.0	5.0	8.5	8.5
Mother	71,000	90,842	101,305	106,585	118,098	128,340	128,438
percent	97.3	96.7	96.5	96.0	95.0	94.0	91.5

	2017	2018	2019	2020	2021	2022 P

Total	142,038	153,741	163,256	171,959	175,110	199,976
Father	18,160	25,062	32,051	38,813	42,197	54,240
	12.8	16.3	19.6	22.6	24. 1	27.1
Mother	123,878	128,679	131,205	133,146	132,913	145,736
percent	87.2	83.7	80.4	77.4	75.9	72.9

* p = provisional value

Index	Formula and implication	2020	2021	2022
1	**The number of Parental leave beneficiaries**	171.959	175,110	199,976
	The number of parents who started taking Parental leave for a child under the age of nine (or the second year in primary school) / only includes the number of parents who take Parental leave in 2020/2021/2022.			
2-1	**The number of parents taking Parental leave among parents giving birth per 100 births in the year** the number of parents who gave birth in t took parental leave in the yea / *the number of births in the ye* × 100	27.3	29.7	35.0
	Estimates the number of parents taking Parental leave compared to the number of births			
2-2	**The number of parents entitled to take Parental leave among the parents who gave birth per 100 births in the year** the number of parents entitled to parental parents who gave birth in the y / *the number of births in the ye* × 100	111.5	114.9	115.8
	Estimates the number of parents entitled to Parental leave among those who gave births in the year			
2-3	**The percentage of parents taking Parental leave among parents entitled to Parental leave and who gave birth in the year**	24.5 per cent	25.8 per cent	30.2 per cent

	$\frac{\text{the number of parents taking parental l among parents entitled to take parental and giving birth in the year}}{\text{the number of parents entitled to take paren among parents who gave birth in the y}} 100$				
	Estimates the percentage of parents taking Parental leave among parents entitled to Parental leave and who gave birth in the year				
3	**For one child-parent, Parental leave take-up behaviour from t year to t+9 year (for those who are eligible to take Parental leave during the same period)**				
	Understands the parents' behaviour on Parental leave, for instance, the age of the child when Parental leave is taken and whether Parental leave is used in several blocks.				
	Parents who gave birth in 2011 and have only one child took Parental leave - *74.4 per cent of parents took Parental leave when the child was one year old.* - *10.8 per cent of parents took Parental leave when the child was six years old.* - *About one in five parents (18.5 per cent) took their Parental leave in blocks (at least one block), and mothers (19.7 per cent) are more likely to use their Parental leave with more than two blocks than fathers (9.3 per cent).* *Parents who gave birth in 2012 and have only one child took Parental leave:* - *73.5 per cent of parents took Parental leave when the child was one year old.* - *11.5 per cent of parents took Parental leave when the child was six years old.* - *About one in five parents (18 per cent) took their Parental leave in blocks (at least one block), and mothers (19.1 per cent) are more likely to use their Parental leave with more than two blocks than*				

	fathers (9.1 per cent).				
4	**The mother's employment status before and after giving birth**				
	Mothers who gave birth in 2020 were: - *44 per cent were employed on the date of giving birth* - *The number decreased by 10.1 percentage points compared to the same number 360 days before giving birth.* *Mothers who gave birth in 2021 were:* - *46.8 per cent were employed on the date of giving birth* - *The number decreased by 9.3percentage points compared to the same number 360 days before giving birth.*				

Latvia[360]

Inese Upite (Ministry of Welfare of the Republic of Latvia)

April 2024

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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)

- One hundred and twelve calendar days: 56 days before the birth and 56 days after.
- It is prohibited to employ a pregnant woman 2 weeks prior to the expected birth and a woman 2 weeks after the childbirth. The time of the expected birth and the fact of birth must be certified by a doctor.

Payment and funding

- For employed women: 80 per cent of earnings calculated based on the average salary on which insurance contributions have been paid for a period of 12 calendar months, ending 2 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 benefit is paid in 2 parts: the 1st part is calculated for the 56 calendar days (or 70 calendar days) before the due date, and the 2nd part is calculated for the 56 calendar days (or 70 calendar days) after the actual birth date.
- The average amount of the maternity benefit (in total) in 2023 was €2,785.79.96 for the first part of the leave and €2.417.72for the second part of the leave. The number of recipients during the year was €12 875 (around €1,072 per month).

[360] Please cite as: Upite, I. (2023) 'Latvia country note', in Dobrotić, I., Blum, S., Dobrotić, I., Kaufmann, G., Koslowski, A., and Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2023*. Available at: https://www.leavenetwork.org/annual-review-reports/

- Payments are not taxed.
- Funded from social insurance, which is financed by contributions from employees (9.25 per cent of earnings) and employers (20.77 per cent).

Flexibility in use

- If women have given birth before the prenatal leave, she is entitled to paid prenatal and postnatal leaves after the childbirth. Similarly, where the child was born before the prescribed date of birth, the period of Maternity leave and benefit will be extended accordingly.
- Flexibility regarding the start of the prenatal and the end of postnatal leave is agreed with the doctor and the employer.

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

- All women who have paid social insurance contributions in Latvia for at least 3 months in the period of the last 6 months before the 1st day of Maternity leave or for at least 6 months in the last 24 months.
- All women who are spouses of a self-employed man and who have joined the social insurance system voluntarily.
- In a case where employment has ended due to the company's liquidation, the benefit is provided if the leave has started no later than 210 days after the end of employment.
- All women who have lost the status of an employee or self-employed no later than 60 days before the first day of Maternity leave.
- For the period after childbirth, the 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 42nd 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 42nd post-natal day;
  - the child is a foundling (the child has been abandoned, and the mother is unknown).
- The right to the Maternity benefit ends 6 months from the 1st day of the 1st part of the leave (if the eligible person fails to apply until the end of that period, the right cannot be exercised).

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 a person other than the mother

- If the mother has required medical supervision due to the pregnancy (no later than at the 12th week of the pregnancy), 14 extra days 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 calendar days of leave after the birth are provided.
- In the case of premature birth, the maternity benefit is paid in the same amount as it would be if the birth would take place at the due date.
- If a person is entitled to the unemployment allowance and Maternity benefit

for the same time period, the unemployment allowance is suspended for that particular period, that is, only the Maternity benefit is paid.

b. Paternity leave (atvaļinājums bērna tēvam) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Ten working days.
- The leave has to be requested no later than 6 months after childbirth; the benefit has to be requested no later than 6 months after the first day of the leave.

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 the gross insurance contributions made during the period of 12 calendar months, ending one quarter before the quarter in which the leave begins.
- The average amount of the paternity benefit in 2023 was €602.33, and the number of recipients during the year was 8.478 (around 771 per month).
- Payments are not taxed.
- Funded from social insurance, which is financed by contributions from employees (9.25 per cent of earnings) and employers (20.77 per cent).

Flexibility in use

- Leave can be used within 6 months after childbirth.
- The leave can be divided into parts as agreed with the employer.

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

- The father of a child if the Paternity leave is granted no later than 6 months after the birth. If the paternity of the child has not been acknowledged (determined) or the child's father has died, or the father's custody right has been terminated, another person who is not the child's mother has the right to a leave of 10 working days upon request of the child's mother.
- The same insurance period eligibility criteria needed as for Maternity leave.
- One of the adoptive parents until the child reaches eighteen years of age.
- The right to the Paternity benefit ends six months from the first day of the Paternity leave.
- No specific regulation regarding same-sex couples (i.e., the right to the leave and thus the benefit is attached to any person who falls under the eligibility criteria mentioned above).

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 a 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)

- Eighteen months per parent.
- Leave is an individual, non-transferable entitlement, but only one parent may receive payment, for a maximum period of 17 months.

Payment and funding

Parental benefit

- Only parents who are participating in the social insurance system are eligible.
- Parents are entitled to choose the total period of receiving the Parental benefit, which consists of the Parental benefit and the non-transferable part of the Parental benefit. It is possible to choose one of the following benefit periods:
  i. 19 months, of which 15 months can be used until the child is 1.5 years old, with benefit at 43.75 per cent of previous earnings. The non-transferable part can be used by each parent until the child reaches 8 years of age;
  ii. 13 months, of which 9 months can be used until the child is 1 year old, with benefit at 60 per cent of previous earnings.. The non-transferable part can be used by each parent until the child reaches 8 years of age.
- The period of payment of the Maternity benefit, if the Maternity benefit has been granted to one of the parents, is included in the total Parental benefit period.
- Only one parent is able to use the whole period of Parental benefit, including the 2 non-transferable months: (i) if the child's paternity has not been determined; or (ii) the other parent has died; or (iii) custody rights have been revoked or discontinued for the other parent, or the Orphan's Court has ruled that one parent is actually not raising or caring for the child.
- Parental benefit is not taxable
- Funded in the same way as Maternity and Paternity leave.
- The average amount of the Parental benefit in 2023 was €800,37 per month for parents who chose to receive the benefit 13 months (number of recipients: around 1 988 per month, 54.01 per cent of which women), and €604.68. for parents who chose to receive the benefit 19 months (number of recipients: around 16 124 per month, 86,7 per cent of which women).
- The amount of Parental benefit is reduced to 50 per cent of the benefit granted if the beneficiary discontinues Parental leave in order to resume

working.
- Parental benefit payment period is extended by the period of the specified pregnancy leave if the child was born before the determined start of the pregnancy leave.

Childcare allowance

- Paid to one of the parents or the legal guardian of a child if the child has been taken under guardianship, or one of the adoptive parents, or a foster parent.
- 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 6 months from the 1st day of the child's life or the day the guardianship has been granted.
- If the parent is not a socially insured person (non-working), the benefit is granted from the date of the child's birthday, provided that no maternity benefit, parental benefit or child care benefit for the same period has been granted to the other parent due to the birth and care of this child.
- If the parent is a socially insured person (working), parental benefit and child care allowance are granted simultaneously for the care of the same child. Both benefits can be received at the same time, unless a maternity benefit for the same period has been granted due to the birth of this child. Parental benefit and childcare allowance for caring for the same child, for the same period of time, are granted to one person. Therefore, the parents in the family must agree on who receives child care benefits, as both benefits are given to one parent at the same time.

Flexibility in use

- Both parents are entitled to 18 months of leave until a child reaches eight years of age. Parental leave, upon the request of an employee, shall be granted as a single continuous period or in several periods (a period cannot be shorter than 1 calendar week without interruption).
- The employee has an obligation to notify the employer in writing one month before the beginning of the leave about the intention to use the leave, including the length of the Parental leave they plan to use (as a single period or in blocks).
- Employee has the right to request to use the Parental leave flexibly. An employer has the obligation to assess such a request and, not later than within 1 month from the receipt of the request of the employee, to notify the employee of the possibility of using the Parental leave in a flexible manner.
- The leave can be used simultaneously by both parents, but only one parent can receive the benefit. The recipient is allowed to transfer the right to benefit to the other parent, if needed. Also, it is allowed to work and receive the benefit, however, in those cases, the amount of the benefit is reduced (see above).
- Parents are entitled to transfer the benefits right to one another, except for

two non-transferable months.

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

- One of the parents (adoptive or biological) and who are participants of the social insurance system (see Maternity leave).
- 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.
- Women who are not (self-)employed at the date when the benefit is requested but were (self-)employed no later than 60 days before the first day of the Maternity leave, or 210 days before the first day of the Maternity leave in case of company's liquidation, or have lost the (self-)employment status during the 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; single parent); or delegation of leave to a person other than mother

- A guardian, foster parent or adoptive parent has the right to request a change in the length of parental benefit if the biological parent has had already used the right to parental benefit (only a remaining leave can be used).
- If the next child is born before the previous has reached 3 years of age, the parental benefit cannot be smaller than the benefit a parent received for the previous child.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

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.
- In addition, for a family that has adopted a child up to 18 years of age, one of the adopters can take 10 calendar days of leave.

Time off for the care of dependents

- Parents who have joined the social insurance system (employed, self-employed, or parents whose spouse is self-employed) are entitled to sick 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, or up to 30 days if a child has an injury caused by bone fracture;
- Parents whose child have been diagnosed with a severe illness and for whom the consilium has issued a respective decision; or parents who receive the allowance for the care of a disabled child if long-term hospital treatment is

needed are entitled to sickness benefit for a period up to 26 weeks in case of a continuous sickness or for no longer than three years in five years period in case of various sickness episodes.
- Grandparents, foster parents, guardians, or any other person who takes care of a child according to the decision of an orphans' court are also entitled to sickness benefit.
- The sickness benefit is calculated in the same way as the Maternity and Paternity benefit and is taxable.
- An employer shall grant a leave without retention of the remuneration, if it is requested by an employee who has to personally care for a spouse, parent, child, or another close family member or the person who lives with the employee in the same household and who requires substantial care or support due to a serious medical reason (caretaker's leave). Such leave shall be granted for a period not exceeding five working days within one year. The employee has the right to use such leave in parts.

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 3 hours (or at least 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 day.

Flexible working

- On their request, pregnant women, women in the post-natal period up to one year after the birth, and employed parents who have a child up to 14 years of age (or up to 18 years if a child has a disability) are entitled to part-time work; breast-feeding woman is entitled to part-time work through the whole period of breast-feeding, while an employee with a disability or an employee who is a parent caring for an adult with a disability, requiring special care from childhood, are entitled to part-time work with the right to return to a full-time work pattern when they need to do so.
- A pregnant woman is entitled to leave the workplace to undergo a health examination in the prenatal period if it is impossible to undergo it outside of working time.
- 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 3 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 or at any other time of their choice.
- Parents who have 1 or 2 children up to 14 years of age are entitled to additional paid annual leave of at least 1 working day.
- Parents who have 3 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 paid annual leave of 3 working days.
- An employee who has a child under 8 years of age or who has to personally

care for a spouse, parent, child, or another close family member or the person who lives with the employee in the same household and who requires substantial care or support due to a serious medical reason has the right to request from the employer to set an adaptation to the organisation of the working hours.

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

The maximum period of post-natal leave is 38 months, but only just over half of this is paid and only 1.9 months is well paid. 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 Early Childhood Education and Care (ECEC) in an 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. In principle, therefore, there is no gap between the end of leave and entitlement to ECEC and a gap of around 16 months between the end of well-paid leave and an ECEC entitlement. However, in practice, there are no municipalities that can offer a place in a municipal ECEC institution for all children: for instance, in October 2023, there were around 6 401 children from the ages of one and a half to six years who did not receive a place in a municipal ECEC institution. The most difficult situation is in Riga municipality, with 916 children waiting for a place in a municipal ECEC.

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 and is thus different in each municipality. In 2024, the average support of municipalities for children from one and a half to four years of age is €370.03, and the local municipalities' support for children who are undergoing mandatory preparation for primary education is €243.35.

In some municipalities, parents who choose to employ a childminder 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 2024, 14 municipalities provid such support. Average support is €222,22., and the amounts vary from €125 per month in Liepāja municipality and Ogre municipality to €310.80 per month in Talsu municipality. The allowance in Riga municipality is €242,66.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. **Changes in policy since April 2023** (including proposals currently under discussion)

Discussions and work are currently underway to make a conceptual decision about: (i) changing the funding for the parental benefit from the social insurance budget to the state budget, and so reducing the social insurance contribution rate by 1.16 percentage points; and (ii) increasing the amount of childcare allowance.

4. Uptake of leave

Data on the uptake are from the State Social Insurance Agency, and the data on the average salaries are from the Central Statistical Bureau.

a. Maternity leave

In 2023, 12,875 persons received the maternity benefit, which is around 9,3 per cent less than in 2021.

b. Paternity leave

In 2023, 8,478 persons received the paternity benefit, which is around 6 per cent less than in 2022.

c. Parental leave

The uptake of Parental leave benefit during the last 5 years has almost doubled. Most of the parents taking this leave are women (82.8 per cent of the total number in 2023). However, most of the working parents who received parental benefits were men (76 per cent in 2023).

d. Other types of leave and flexible working

No information is available.

Lithuania[361]

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April 2024

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

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

a. Maternity leave (*nėštumo ir gimdymo, motinystės atostogos)* (responsibility of the Ministry of Social Security and Labour)

Length of leave (before and after birth)

- Eighteen weeks: 70 calendar days before the birth and 56 calendar days afterwards.
- It is not obligatory to take Maternity leave.

Payment and funding

- 77.58 per cent of net earnings, based on the individual's earnings in the last 12 months, with no upper limit on payment. The minimum benefit cannot be less than €392 per month.
- Payments are taxed.
- Funded from the Social Insurance Fund (SODRA), which is financed by contributions from employers and employees. Self-employed people are obliged to pay social insurance contributions. Women taking Maternity leave receive pension credits to maintain their pension rights.

Flexibility in use

- None.

[361] Please cite as Braziene, R., Vysniauskiene, S. (2024) 'Lithuania country note', in Dobrotić, I., Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A., and Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2023*. Available at: https://www.leavenetwork.org/annual-review-reports/

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 under 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; single parent); or delegation of leave to a person other than the mother

- In the case of multiple or premature births or complicated deliveries, 14 extra paid days are provided.

b. Paternity leave (*tėvystės atostogos)* (responsibility of Ministry of Social Security and Labour)

Length of leave (before and after birth)

- One month, i.e., 28 calendar days.

Payment and funding

- 77.58 per cent of previous net earnings, with an upper limit of the country's average wage as calculated quarterly. The minimum benefit cannot be smaller than €392 per month.
- Taxed and funded as for Maternity leave.

Flexibility in use

- Leave can be taken within the 3 months immediately following childbirth.

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; single parent); or delegation of leave to person other than the mother

- None.

c. Parental leave (*vaiko priežiūros atostogos)* (responsibility of Ministry of Social Security and Labour)

Length of leave

- Until the child is 3 years of age.
- Leave is mainly a family entitlement, but each parent has an individual, non-transferable entitlement of two months.

Payment and funding

- One hundred per cent for the 2 non-transferable months per parent.
- For part of the remaining period, parents can choose between two options:
  - 77.34 per cent of net earnings until the child is 18 months of age, with an upper limit of the country's average wage as calculated quarterly[362]. The minimum benefit cannot be smaller than €392 per month. Two non-transferable months per each parent are paid 100 per cent net earnings.
  - 58 per cent of net earnings until the child is 12 months of age, with an upper limit of €2,050.53; and then 38.67 per cent of net earnings until the child is 24 months of age, with an upper limit of €1,171.57.
- The remaining period of leave until the child is 3 years of age is unpaid.
- Taxed and funded as for Maternity leave.

Flexibility in use

- Non-transferable months of Parental leave can be taken in one continuous period or several periods, alternating with the other parent.
- Parents can work whilst on leave/collecting parental benefit. But, if parents choose to receive 77.34 per cent of net earnings until the child is 18 months of age and start to work, the benefit is reduced by the amount of income they have received. If parents choose to receive 58 per cent of net earnings until the child is 12 months of age and 38.67 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.
- Parents cannot take leave at the same time.

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

- Parents are eligible for the 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.
- Grandparents are eligible for the parental benefit if they have paid social insurance taxes for at least 12 months during the last 24 months (grandparents cannot use two non-transferable months)
- Same-sex couples are not eligible.

[362] State Data Agency: https://vda.lrv.lt/lt/naujienos/pristatyti-pagrindiniai-darbo-uzmokescio-rodikliai/

- 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 a 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 2 average wages in the national economy.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- If a person adopts or takes a 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 2 weeks of unpaid leave per year.

Specific provision for (breast)feeding

- According to the Law on Safety and Health at Work, in addition to the general breaks to rest and eat at least every 3 hours, breastfeeding employees can be given a half-hour break for breastfeeding. At the mother's request, the breaks for breastfeeding may be joined together and used to shorten the working day. Breaks for breastfeeding are covered by the worker's average wage.

Flexible working

- The labour code describes different flexible working time arrangements, e.g., 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 working schedule, individual working regime, overtime, and summary working time).

- Parents can choose to work part–time. The right is granted to employees raising children up to 8 years of age. There are also opportunities to work part-time for an employee caring for a family member, as well as for an employee caring for a relative living with him.
- Parents can choose to work remotely and have flexible working hours. If the employer does not prove that this would cause excessive costs due to production necessity or the peculiarities of the work organization, he must comply with the employee's request to work remotely at the request of a pregnant, giving birth or breastfeeding employee, an employee raising a child under the age of eight, and for an employee raising a child up to 14 years of age or a disabled child up to 18 years of age alone, after the employee submits a request based on a health care institution's conclusion about his health condition or the need to take care of a family member or a person living with them. These listed employees will also be given the opportunity to work in their preferred working hours.
- Mother's Day (*mamadienis*) and Father's Day (*tėvadienis*): mothers and fathers raising one child under the age of 12 are entitled to additional rest time ('Mother's Day and Father's Day') once every three months, and those raising two children under the age of 12, when one or both children have a disability, 2 days per a month.
- Parents raising children under 3 years of age have the right to a reduced working time of 32 hours per week. This is relevant for employees of budgetary institutions, e.g., employees of state and municipal institutions that are supported by the state or municipality budget, Social Insurance Fund Board (*SODRA*), state and municipal enterprises, public institutions whose owner is the state or municipality, and the Bank of Lithuania. For part of the working time they are not working, the fixed salary is retained. This reduced working time will be applied to one of the parents (including adoptive parents) or guardians based on their choice until the child reaches the age of 3 years. The shortening of the working hours of employees of budgetary institutions will not only apply only to those who work full time (e.g., 40 hours per week), but also to employees with a lower rate of working hours and employees who work longer due to an agreement on additional work. The reduced working hours of 32 hours per week can be applied to employees who are currently subject to a reduced working hours: teachers, lecturers, healthcare professionals, etc.

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

The maximum period of post-natal leave is three years, but only the first year is paid at a high rate; if the option for the 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.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

From 1 January 2024, new incentives for additional work during the Parental leave year came into force. They are intended for those receiving minimum childcare benefits and other income or benefits, as well as maximum ones. Parents who receive the minimum childcare benefit and other income or benefits can work. Their benefits will not be reduced if the childcare benefit and other income or benefits do not exceed the minimum monthly salary. From the same date, the maximum compensatory earnings, when a person receives the maximum childcare allowance and wages, cannot exceed her/his former earnings. Neither of these provisions apply to non-transferable Parental leave months.[363]

From 1 January 2024, one-time payment upon the birth of a child will increase from €539 to €605, the child allowance will increase to €96.25, and for large and poor families or families raising a disabled child, the child allowance will increase by €152.9.[364]

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 available.

c. Parental leave

According to the information provided by SODRA, in 2023 mothers accounted for 73.8 per cent of all users of Parental leave benefit and fathers 26.4 per cent.

d. Other types of leave and flexible working

No information available.

[363] Ministry of Social Security and Labor: https://socmin.lrv.lt/lt/naujienos/auginantiems-vaikus-naujos-paskatos-papildomai-dirbti-bunant-vaiko-prieziuros-atostogose/

[364] State Social Insurance Fund: https://www.sodra.lt/lt/naujienos/nuo-liepos-keiciasi-kai-kuriu-sodros-ismoku-dydziai?lang=lt

Luxembourg[365]

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April 2024

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

a. Maternity leave (*congé de maternité*) (responsibility of the Ministry overseeing Social Security matters and the Ministry overseeing Labour matters)

Length of leave

- Twenty weeks: 8 weeks before the birth and 12 weeks after the birth.
- It is obligatory to take all this leave.

Payment and funding

- One hundred per cent of earnings with an upper limit of €12,854.64 per month, equal to five times the minimum social wage of an unqualified worker in Luxembourg.
- For private sector employees, payments are made to the mother by the National Health Fund (*Caisse Nationale de Santé*). For civil servants and public employees, payments are made to the mother by the employer (e.g., the state).
- Payments are taxed and subject to social contributions.
- 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

[365] Please cite as: Berger, F., Salagean, I. and Valentova, M. (2024) 'Luxembourg country note', in Dobrotić, I., Blum, S., Kaufmann, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[366] Supported by the Luxembourg National Research Fund (FNR) project C16/SC/11324101/PARENT

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 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 a 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 *(Pappecongé)*

- Employed and self-employed fathers, as well as any person recognised as a 2nd parent on the occasion of the birth of a child, are entitled to Paternity leave. Paternity leave is expressed in the law by 'leave due to extraordinary circumstances' (*congé extraordinaire*). It gives the right to take 10 working days off per child in the case of the birth or adoption of a child aged less than 16 years. The duration of 10 working days (80 hours) is reduced proportionally for workers who work less than 40 hours per week.
- The first 2 days (16 hours) of leave are paid by the employer and cover 100 per cent of earnings; from the 3rd day (17th hour) onwards, the leave paid by the employer is reimbursed to the employer by the state (the Ministry overseeing Labor matters) with a limit equal to 5 times the social minimum wage of an unqualified worker (€12,854.64 per month). The employer loses the right to reimbursement if the reimbursement application is not submitted within 5 months of the date of birth or adoption of the child.

- Paternity leave may be split, rather than taken as one continuous period. If the leave is split, it must be taken within 2 months of the birth or adoption.[367]
- Payments are taxed and subject to social contributions.
- Employers must be informed about the expected dates of the Paternity leave at the latest two months before the start of the leave. However, if the birth occurs more than 2 months earlier than the expected delivery date, then the obligation to notify the employer does not apply and the leave must be taken in full immediately after the birth of the child, unless the employer and employee agree on a flexible solution, i.e., that the employee will take all or parts of the leave at a later date.

c. Parental leave (*congé parental*) (responsibility of the Ministry overseeing Family Affairs)

Length of leave

- Between 4 and 20 months per parent, depending on their employment hours and the leave option they choose; see 'Flexibility in use' below for more detail.
- Parental leave is an individual, non-transferable entitlement.

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 (4 months or 6 months) receive between €2,570.93 per month (the minimum social wage) and €4,284.88 (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/en/conge-parental.html.
- Payments are made to parents by the *Zukunftskeess/Caisse pour l'Avenir des enfants*, a national fund which is placed under the responsibility of the ministry overseeing Family matters.
- Payments are taxed and subject to social contributions; pension contributions, therefore, accrue during the leave period.
- Funded from general taxation.

Flexibility in use

- Parents may choose between different length and payment options, depending on their employment situation:

[367] The details of the policy can be found here:
https://guichet.public.lu/en/citoyens/travail-emploi/conges-jours-feries/situation-personnelle/conge-paternite.html

Parents working 40 hours per week:

- Full-time leave of 4 or 6 months
- Part-time leave of 8 or 12 months
- Fractioned leave: 4 months within a maximum period of 20 months
- Fractioned leave: 1 day per week for up to 20 months

Parents working 20 hours or more per week:

- Full-time leave of 4 or 6 months
- Part-time leave of 8 or 12 months

Parents working ten hours per week or on apprenticeship contracts:

- Full-time leave of 4 or 6 months

- Both parents can take leave at the same time.

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

- Parents must have been affiliated to the Luxembourg social security system 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 10 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 3 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

- In the case that multiple children are born or adopted, parents are eligible to Parental leave for each child. Different Parental leave options may be chosen for each child.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- Adoption leave (*congé d'accueil*) is for 12 weeks, paid at 100 per cent of earnings up to a limit (€12,854.64 per month) equal to five times the minimum social wage of an unqualified worker in Luxembourg, and is available to all working persons who have belonged to a social security scheme at least for the 6 months preceding the commencement of the leave. This leave applies for adopting a child who has not yet turned 12 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.
- If the adoptive parent is not eligible for the adoption leave described above, the adoptive parent's benefits (or adoptive parents' benefits) form a 10 day leave if they are adopting a child under 16 years of age.
- Payment rules are the same as for Paternity leave.
- The adoptive parent’s benefit is paid by the National Health Fund.

Time off for the care of dependent children

- In the case of the sickness of a child, employees, self-employed and apprentices with dependent children younger than 18 years of age may take leave for family reasons (*congé pour raisons familiales*). The duration of this leave depends on the age of the child:
  - 12 working days per child if the child is under 4 years old;
  - Eighteen working days per child if the child is aged from 4 years old to fewer than 13 years old;
  - Five working days per child if the child is aged between 13 and 18 years old and the child is in hospital.
- For children who receive the special additional allowance and who have a disability of a certain severity (other than an illness or health disadvantage of exceptional severity):
  - The duration of the leave is doubled;
  - The hospitalization condition does not apply; and
  - The age limit of 18 years does not apply.
- The duration of the family leave can be extended for children with an illness or health disadvantage of exceptional severity, namely:
  - Evolving cancer; or
  - Pathology (disease) that requires hospitalization for more than two consecutive weeks.

  The duration of the extension is determined individually on a case-by-case basis and is limited to a total of 52 weeks for a reference period of 104 weeks.

- The family leave can be fractionated, meaning it does not have to be taken all at once. A fraction that does not exceed four hours is considered a half-day.
- A medical certificate must be presented to the employer as soon as possible following the worker's absence, and within three days to the competent health insurance fund. 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.
- 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.
- The employer pays the family leave to the parent, then reclaims the payments made (gross earnings plus employers' social contributions) from the Employers' Mutual Insurance Scheme (*Mutualité des employeurs*). The Employers' Mutual Insurance Scheme protects employers against the financial risk they may face when complying with their obligation to continue to pay wages to workers on sick or family leave (*Lohnfortzahlung*). The Employers' Mutual Insurance Scheme further reclaims the benefit from the National Health Fund.

Carer's leave (responsibility of the Ministry overseeing Labour matters)

- The carer's leave (*congé d'aidant*)[368] is a special leave (congé extraordinaire) granted to employees for providing personal care or assistance either to a family member or to a person living in the same household who requires considerable care or assistance for a serious medical condition.
- Family members include sons, daughters, mothers, fathers, spouses and partners.
- Employees working full time may benefit from a maximum of 5 working days (40 hours) of carer's leave during a reference period of 12 months of employment. In case an employee works part-time or works simultaneously for multiple employers, the duration of leave is pro-rated. Should periods of inactivity interrupt employment, then the 12 months reference period is prolonged by a duration equivalent to that of the inactivity.
- The leave may be split into hours and taken up in fragments.
- Employees and apprentices become eligible for this leave at the start of their employment contract.
- The employer of the carer must receive as soon as possible, and no later than three days after the start of an absence, a medical certificate showing that the person in need of care is unable to cope independently with physical, cognitive or psychological impairments or health-related constraints. Proof of a family relationship or of identical legal address for the carer and the person in need of care must also be provided.

[368] The policy is described in detail here:
https://guichet.public.lu/fr/citoyens/travail/conges-jours-feries/situation-personnelle/conge-aidant.html

- The carer's leave is paid at 100 per cent of earnings up to a ceiling (€12,854.64 per month) equal to five times the minimum social wage of an unqualified worker in Luxembourg.
- The benefit is taxed and social contributions are due.
- The leave benefit is paid to the carer by their employer. The employer subsequently reclaims half of the amount paid as gross earnings (up to ceiling) and employers' social contributions to the Ministry overseeing Labor matters. The leave is thus funded 50 per cent by the employer and 50 per cent by general taxation. The employer who has not asked reimbursement of the leave benefit within 6 months of the leave's end loses the right to be reimbursed.

Leave for reasons of force majeure (responsibility of the Ministry of Labour)

- Employees are entitled to leave for reasons of force majeure (*congé pour raisons de force majeure*)[369] for urgent circumstances such as an accident or the illness of a family member requiring the immediate presence of the employee.
- Employees working full time may benefit from a maximum of one day (8 hours) of leave over a reference period of 12 months of employment. In the case that an employee works part-time or simultaneously for multiple employers, the duration of leave is prorated. Should periods of inactivity interrupt employment, then the 12 months reference period is prolonged by a duration equivalent to that of the inactivity.
- The leave may be split into hours and taken up in fragments.
- The eligibility rules, payment and reclaiming rules and funding are the same as for the carer's leave.

Family hospice leave

- Family hospice leave for nursing a terminally ill person (*congé d'accompagnement d'une personne en fin de vie*): paid leave to care for a person at the end of life can be requested by any employee when a relative is suffering from a serious terminal illness. The leave duration is of maximum five days per year and per sick person. Entitled is an employee who has:
  - a first-degree relative in ascending or descending line (mother/father, mother/father-in-law, daughter/son or daughter/son-in-law); or
  - a second-degree relative in the collateral line (sister/brother, sister/brother-in-law); or
  - a spouse or (legally recognised) partner;

  who is terminally ill.[370]

[369] The policy is described in detail here:
https://guichet.public.lu/fr/citoyens/travail/conges-jours-feries/situation-personnelle/conge-force-majeure.html

[370] The details of the policy can be found here:
https://guichet.public.lu/en/entreprises/ressources-humaines/ conges/ situation-perso/conge-accompagnement-fin-de-vie.html.

- The family hospice leave is assimilated to sick leave. Thus during the family hospice leave the employer[371] pays the employee then reclaims the payments from the Employers' Mutual Insurance Scheme (*Mutualité des employeurs*). The Employers' Mutual Insurance Scheme then further reclaims the benefit from the National Health Fund.

Specific provision for (breast)feeding

- Upon return to work after Maternity leave, breastfeeding mothers are entitled to breastfeeding breaks: either 2 breaks of 45 minutes or 1 break of 90 minutes. These breaks do not lead to any loss of pay.

Flexible working

- No statutory arrangement.
- Special arrangements:
  - *For those at the end of statutory Parental leave***:** the Luxembourg Labour Code (Article L.234-47(11)) allows employees returning to work at the end of Parental leave to adjust their working hours. These employees are entitled to request a meeting with their employer in order to request an adjustment of their working hours for a maximum period of one year. The employer can refuse the employee's request, but must provide a reason for the refusal.The lack of the employer's motivation to adjust the working hours or an abusive motivation entitles the employee to claim damages and interest.
  - *For civil servants* (Law of 19 May 2003, Article 31)**:** on written request, civil servants have the right to part-time leave immediately after Maternity leave, adoption leave or Parental leave, or to unpaid leave. Part-time leave is considered consecutive to maternity, adoption or Parental leave even if a recreational leave period occurs between the two leaves. The part-time leave is granted for the purpose of raising one or more children who have not yet been admitted to the first year of primary education (starting at the age of four). If pregnancy or adoption occurs during this part-time leave, the part-time leave ends and the civil servant is entitled to maternity or adoption leave, Parental leave, unpaid leave or part-time leave. However, the maternity or adoption leave granted in this way is fully remunerated only if it occurs during the first two years following the beginning of the part-time leave. The part-time leave is considered as a period of full-service activity for the application of advancement in rank, increases in wage index, advancements in salary, promotions as well as for the right to admission to the promotion examination.

[371] In some cases this does not apply and the employee receives the benefit directly from the National Health Fund. Detailed rules about how in cash benefits are provided to employees in case of sick leave are explained here: :

https://cns.public.lu/en/employeur/arret-maladie-conges/arret-travail/maladie/duree-indemnite-pecuniaire.html

Part-time leave may be granted to civil servants upon request in the following cases: (i) for raising 1 or more dependent children under the age of 15 years; or (ii) for duly motivated personal, family, or professional reasons.

When a civil servant leaves a half-budget vacancy following part-time leave, another agent may be hired part-time, as needed by the service, on a temporary or permanent basis. When two civil servants from the same administration take part-time leave, another full-time agent may be hired, as needed by the service, on a temporary or permanent basis.

After part-time leave, the civil servant resumes full-time duties in their original service and in the same career. In the absence of a full-time vacancy in their original service, they resume their duties in another service, but within the same administration and, where applicable, the same ministerial department. A full-time vacancy may result from two part-time vacancies, one of which is, where applicable, already occupied by the beneficiary of the leave. When a full-time vacancy is not available in the same career or in the same administration, the part-time leave is extended until the occurrence of the first budgetary post vacancy, without prejudice to the possibility for the official to be transferred to another administration.

The official who benefits from part-time leave cannot engage in any lucrative activity during the leave.

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

The total duration of well-paid leave is up to 14.8 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. A legal entitlement to Early Childhood Education and Care (ECEC) begins at birth, but, in practice, only children who attend daycare or are cared for by a childminder may benefit from this entitlement.

With residents speaking a range of languages apart from the national language (Luxembourgish) and the two official ones (French, and German), Luxembourg has introduced a multilingualism education programme in ECEC services. The multilingual education programme gives the right to children aged from one to four years to attend 20 hours per week free of charge (46 weeks per year); only children attending centres may benefit from this education (those attended by childminders are excluded). Daycare may charge fees for children who attend more than 20 hours per week. Children aged three to four, who are in a part-time early education school (*éducation précoce*) are entitled to ten hours of multilingual education free of charge, and those who attend full-time early education school are not eligible for the free multilingual education programme.

A shortage of affordable daycare places means that in practice entitlement to ECEC is at three years of age, when children have the option to attend free early education school, or at four years of age when enrolment in ECEC is compulsory.

There is thus no gap between the end of well-paid leave and the start of the part-time entitlement to multilingual education, but there is a gap of 21 months before the start of the general operational ECEC entitlement (i.e. the free early education school) at three years.

ECEC provision has developed significantly in the last 15 years, including registered childminders and an important increase in places in centre-based 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.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

The minimum social wage has increased, which affects the minimum and maximum level of some benefits.[372]

In July 2023 draft law No. 8017 was passed into law, followed in August 2023 by draft law No. 8016. The two laws[373] [374] implement the EU Directive 2019/1158 of 20 June 2019 on work-life balance for parents and carers, and repealing Directive 2010/18/UE of 8 March 2010. The law of 29 July 2023 is applicable as of the 22 August 2023, whereas the law of the 15 August 2023 is applicable as of 21 August 2023.

Extension of scope of Paternity leave: the law of 29 July 2023 extends the right to Paternity leave to self employed persons who have paid contributions to the compulsory pension insurance for at least 6 months before the date of birth or adoption of the child. The right to Paternity leave is also extended to any person recognised as a 2nd parent on the occasion of the birth of a child, including same-sex parents.

Provisions regarding the duration of Paternity leave: the law of 29 July 2023 states that Paternity leave is due for each child, so in case of multiple births Paternity leave is extended by a maximum duration of 10 working days for each child.

[372] Paramètres sociaux valables au 1er janvier 2024 - Inspection générale de la sécurité sociale // Le gouvernement luxembourgeois

[373] https://legilux.public.lu/eli/etat/leg/loi/2023/08/15/a512/jo

[374] https://legilux.public.lu/eli/etat/leg/loi/2023/07/29/a524/jo

The law of 29 July 2023 also removes the employer's discretion to reduce Paternity leave to two days in case the request for the Paternity leave is not made at least 2 months before the expected start of the leave. In case of a premature birth occurring 2 months before the expected delivery date, the 2 months notice period no longer applies: the leave must either be taken in full immediately after the birth of the child or the employer and employee may agree on a flexible solution allowing the employee to take all or parts of leave at a later date.

Extension of scope of Parental leave: the law of 23 December 2022 removes the condition of being affiliated to the social security system at the moment of birth or adoption as an eligibility condition for Parental leave.

Adjustment of the right to Parental leave: the law of 15 August 2023 provides that if the employer refuses the option of Parental leave asked by the parent, then the employer must give a written explanation to the parent within 2 weeks of receiving the parent's request. The employer must further invite the parent to a meeting where the employer will propose in writing an alternative option of Parental leave. The meeting is to take place no later than 2 weeks from the date when the employer notified their refusal to the parent. If within 2 weeks of the meeting the parties have not reached an agreement, then the parent is entitled to chose between a 4 or a 6 month full-time Parental leave.

Extension of exceptional leave: the law of 15 August 2023 introduces Carer's leave and the leave for reasons of force majeure that have been described in section 1e.

Rights of employees applying for and benefiting from Carer's leave and the leave for reasons of force majeure:

The employer is not authorized to terminate the employee's employment contract or, where applicable, to invite the employee to a pre-dismissal interview on the grounds that the employee has applied for one of these leaves or has benefited from them. Any such termination would be considered null and void. Should a dismissal occur on such grounds, the employee may request within 15 days of the dismissal that the president of the Labour Court declare the nullity of the dismissal. The order of the president of the Labour Court shall be provisionally enforceable. It may be appealed by a simple application within 15 days from the notification of the clerk, in front of the magistrate presiding over the chamber of the Appeals Court. It shall be dealt with urgently, after hearing or duly summoning the parties.

During the entire duration of Carer's leave and the leave for reasons of force majeure, the employer is required to maintain the employee's position or a similar position corresponding to their qualifications and with at least equivalent salary. The duration of the leave is also taken into account in determining the employee's seniority rights. The employee keeps all the advantages they had acquired before the start of the Carer's leave and the leave for reasons of force majeure.

4. Uptake of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up the whole period of leave.

b. Paternity leave

The 2018 activity report of the Ministry overseeing Labour matters provides some numbers on the beneficiaries of the Paternity leave for whom the employer has asked the reimbursement from the State starting from the third day of the Paternity leave onwards (2018 data): 3,255 applications were filed of which 50 incomplete applications and 223 ineligible applications (applications must be sent within five months after the birth or the adoption). The 2019 annual activity report of the Ministry overseeing Labour[375] matters reported that in the year 2019, 5,333 Paternity leave applications were submitted and 4,351 applications were approved and funded. The 2020 annual activity report of the Ministry overseeing Labour[376] matters reported that in the year 2020, 5,899 Paternity leave applications were submitted and 6,177 applications were approved and funded (some of them were submitted the year before). The 2021 annual activity report of the Ministry overseeing Labour matters revealed that in the year 2021, 5,468 Paternity leave applications were submitted, out of which 5,219 were eligible for funding[377]. In the year 2022 the Ministry overseeing Labour matters has received 6,787 Paternity leave reclaim applications, of which 6,539 were found to be eligible. A total of 7,915 reclaims were refunded to employers (some of which were submitted in previous years). In 2023 6,455 reclaims were filed by employers to the Ministry overseeing Labor matters, 6,227 were deemed eligible and 3,760 reclaim applications have been refunded[378].

c. Parental leave

The first available source of uptake rates is the evaluation of Parental leave in Luxembourg completed by KPMG in November 2002.[379] In December 2013, a report for the Luxembourg Ministry of Family and Integration was completed by the Luxembourg Institute for Socio-Economic Research (LISER).[380] In February

[375] Ministère du Travail, de l'Emploi et de l'Économie sociale et solidaire (2019) 'Rapport d'activité 2019'. Available at : https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-travail-emploi/2019-rapport-activite/2019-rapport-activite-mteess.pdf

[376] Ministère du Travail, de l'Emploi et de l'Économie sociale et solidaire (2020) 'Rapport d'activité 2020'. Available at :

https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-travail-emploi/2020-rapport-activite/2020-rapport-activite-mteess.pdf

[377] Ministère du Travail, de l'Emploi et de l'Économie sociale et solidaire (2021) 'Rapport d'activité 2021'. Available at :

https://mteess.gouvernement.lu/fr/publications.rapport-activite_ministere-travail-emploi_mteess_2021.html

[378] Figures concerning the years 2022 and 2023 have been communicated by the Ministry of Labour for the purposes of this report (April 2024).

[379] 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

[380] Valentova, M. and 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 rédige pour le compte*

2020, a report financed by the Luxembourg Ministry of Family, Integration and the Great Region was realized by LISER.[381] In 2021 and 2022, scientific publications from the projects financed by the Luxembourg Research Fund (FNR) were published.[382] In 2023 two peer-rewiewed contributions produced in the framework of a COST Action project Parental Leave Policies and Social Sustainability have been published[383] as well as a scientific peer-reviewed publication.[384] In March 2024 a journal article[385] stemming from the PARENT project financed by the FNR has been published.

Time series showing the evolution of the number of beneficiaries of Parental leave as well as evolutions according to several characteristics of beneficiaries are published by the Inspection Générale de la Sécurité Sociale on its website[386] and

du ministère de la Famille at de l'Intégration [Parental leave use by parents of one child]. Luxembourg: Liser.

[381] Valentova, M., Amjahad, A., Genevois, A-S., Leduc, K. and Maas, R. (2020) Évaluation intermédiaire des résultats de la réforme du congé parental de 2016: Projet financé par le Ministère de la Famille, de l'Intégration et à la Grande Région [Intermediate evaluation of the Parental leave reform of 2016. Project financed by the Ministry of Family, Integration and the Great Region]. Esch-sur-Alzette: LISER. Available at : https://mfamigr.gouvernement.lu/dam-assets/publications/rapport-etude-analyse/conge-parental/Rapport-LISER-Evaluation-intermediaire-des-resultats-de-la-reforme-du-conge-parental-de-2016.pdf

[382] Valentova, M., Amjahad, A. and Genevois, A. S. (2022) 'Parental Leave Take-up and its Intensity. Do Partners' Workplace Characteristics Matter?', *Journal of Social Policy*, DOI:10.1017/S0047279422000885; Uzunalioglu, M., Valentova, M., O'Brien, M. and Genevois, A. S. (2021) 'When does expanded eligibility translate into increased take-up? An examination of Parental leave policy in Luxembourg', *Social Inclusion*, Vol.9, 2: 350-363; Amjahad, A., Valentova, M. and Maas, R. (2022) 'How Do Employers Respond to a Policy Reform of Parental Leave? A Focus on Fathers and Companies From Economy Sectors With Traditionally Lower Take-Up Rates', *Journal of Family Issues*, Vol.44, 12: 3089-3116.

[383] Dobrotić, I. (ed.), Son, K., Engeman, C., Valentova, M. and Aksoy, T. (2023) 'Comparative leave policy databases: which leave policy design elements are monitored through comparative leave policy indicators?' In I. Dobrotić and Á. Aðalbjörg Arnalds (eds.) *Parenting leave policy data gaps: a comparative critical analysis: COST Action Parental Leave Policies and Social Sustainability*. COST (European Cooperation in Science and Technology), pp.32-49. Available at: available at: https://osf.io/preprints/socarxiv/8g25k

Dobrotić, I., Dimitrova, E., Valentova, M., Mercan, M., Ilieva, K., Makay, Z., Reimer, T. and Aðalbjörg Arnalds, Á. and Bártova, A. (2023) European comparative surveys: what can we learn (or not) about parenting leave policy? In I. Dobrotić and Á. Aðalbjörg Arnalds (eds.) *Parenting leave policy data gaps: a comparative critical analysis: COST Action Parental Leave Policies and Social Sustainability*. COST (European Cooperation in Science and Technology), pp.11-32. Available at: available at: https://osf.io/preprints/socarxiv/8g25k

[384] Amjahad, A., Valentova, M. and Maas, R. (2023) 'How Do Employers Respond to a Policy Reform of Parental Leave? A Focus on Fathers and Companies From Economy Sectors With Traditionally Lower Take-Up Rates', *Journal of Family Issues*. Vol.44, 12: 3089-3116.

[385] Valentova, M. (2024) 'How Do Parents Care Together? Dyadic Parental Leave Take-up Strategies, Wages and Workplace Characteristics', *Work, Employment and Society,* DOI: 10.1177/09500170241229281/ ID: WES-Jul-2022-ARTC-313.R4).

[386] https://igss.gouvernement.lu/fr/statistiques/prestations-familiales.html

in its annual report on social security, the Rapport Général sur la sécurité sociale.[387] In December 2023 13,193 Parental leave benefits have been paid.

The annual activity report of the Ministry of Family and Integration (2022 is the latest)[388] provides information on the number of leave beneficiaries and shows several trends in the 2012-2022 period. The data in the report reveal that since 2016 Parental leave has become more and more attractive for fathers. In December 2016, 3,557 women took leave, compared to 1,163 men, while in December 2018, the number of female and male beneficiaries had equalized. In December 2022, the number of male beneficiaries exceeded the number of females taking the leave (numbers are not expressed in full-time equivalent) 7,169 men used the leave that year, compared to 5,529 women. For the type of Parental leave used by beneficiaries in 2022, about 68 per cent of female beneficiaries took the full-time version of leave, approximately 21 per cent opted for the part-time version, and only 11 per cent took the fractioned form of leave. Among male beneficiaries, the pattern looks very different; 30 per cent took the full-time version of Parental leave, 22 per cent used the part-time leave, and about 48 per cent opted for the fractioned type of leave.

d. Other employment-related measures

No information available.

[387] *IGSS (2023), Rapport general sur la sécurité sociale*. Available (in French) at https://igss.gouvernement.lu/fr/publications.html

[388] Rapport d'activité du ministère de la Famille, de l'Intégration et à la Grande Région (2022). Available at:

https://gouvernement.lu/fr/publications/rapport-activite/minist-famille-integration-grande-region/mfamigr/2022-rapport-activite-mfamigr.html

Malta[389]

Frances Camilleri-Cassar (University of Malta)

April 2024

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[390]

a. Maternity leave and Special Maternity leave (responsibility of the Ministry for Social Policy and Children's Rights)

Length of leave

- Eighteen weeks: 6 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 4 weeks may be taken immediately after these 14 weeks.
- It is obligatory to take 6 weeks following the birth.
- Special Maternity leave is granted when suitable alternative work and/or work hours (in terms of health and safety during pregnancy or during the 26 weeks starting from the date of confinement) are not possible. In such instances, the mother is granted leave, up to the time limit stipulated by the statutory Maternity leave.

Payment and funding

- For Maternity leave, one hundred per cent of earnings for 14 weeks with no upper limit on payment, followed by a flat-rate payment equivalent to the statutory minimum wage (€213.54 per week) for the final four weeks. During

[389] Please cite as: Camilleri-Cassar, F. (2024) 'Malta country note', in Dobrotić, I., Blum, S., Dobrotić, I., Kaufmann, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2023.* Available at: https://www.leavenetwork.org/annual-review-reports/

[390] 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.

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.
- Payments are taxed.
- Funded by employers (public or private), except for the final 4 weeks paid at minimum wage level, which is funded by the government, via the relevant benefit under the Social Security Act. Private employers receive a refund from the Maternity Leave Trust Fund for wages paid to women during their 14 weeks' Maternity leave.[391]

Flexibility in use

- None, except for 8 weeks of leave that can be taken before or after birth.

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

- All employees and self-employed women[392].

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 5

[391] The Maternity Leave Trust Fund addresses 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 is 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 goes into the fund. This policy does 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, the probability of maternity, the probability of women who exit the labour market before/during/after pregnancy, and the number of women working in the private sector. The fund is calculated on a 3, 6 or 12 month reimbursement system (yet to be established) by the government to employers after their payment for Maternity leave.

[392] A self-employed woman who has recently given birth is eligible for a Maternity leave benefit; this benefit is paid for four weeks, in addition to the first 14 weeks, as maternity benefit entitlement.

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[393] (public administration)[394] (responsibility of the Ministry for Social Policy and Children's Rights)

Length of leave

- Ten working days.

Payment and funding

- One hundred per cent of previous earnings with no upper limit on payment.
- Payments are taxed.
- Funded by the government as the employer.

Flexibility in use

- Must be taken up in one continuous period within 15 days following the birth or adoption of a child.

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

- Fathers or equivalent second parents from the date of commencement of employment.
- Same-sex couples 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; single parent) or delegation of leave to person other than the mother

- None.

b. Paternity leave (private sector)

Length of leave

- Ten working days.

Payment and funding

- One hundred per cent of previous earnings with no upper limit on payment.

[393] OPM Circular No. 11/2022.

[394]Manual on Work-Life Balance Measures, March 2023. https://publicservice.gov.mt/en/Documents/Public per cent20Service per cent20Management per cent20Code/PSMC per cent20Manuals/Manual_on_Work-Life_Balance_Measures.pdf

- Funded by the employer who claims a refund from the State Trust Fund according to the applicable rate established for the scheme.

Flexibility in use

- None.
- Must be taken up in one continuous period within 15 days following the birth or adoption of a child.

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

- Fathers or equivalent 2nd parents, on the birth or adoption of a child.
- Eligible also in case of still births, as provided under the maternity leave policy.

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.

c. Parental leave[395] (public administration) (responsibility of the Ministry for Social Policy and Children's Rights)

Length of leave (before and after birth)

- Twelve months.
- This is a family entitlement.

Payment and funding

- Two months[396] paid at the same rate established by the sickness benefit entitlement under the Social Security Act.
- Individual right of each parent, for a period of 4 months until the child has attained the age of 8 years.
- However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under 6 years of age. Credits are due for the first 3 children, even if the parent does not return to employment. Any credits for the 4th 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.

[395] OPM Circular No 117/92, MPO Circular No BI/6/94, MPO Circular No 28/96, OPM Circular No 15/1998, OPM Circular No 29/1998, MPO Circular No 108/2005 and MPO Circular No 3/2008, OPM Circular No 11/2022.

[396] Subsidiary legislation 452.125 The Work-Life Balance for Parents and Carers Regulation, Legal Notice 201 of 2022.

Flexibility in use

- Parental leave may be taken in one continuous period of 12 months or in continuous periods of 4, 6 or 9 months.
- Four months may be broken down into periods of 1 month at a time and taken until the child is ten 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 (e.g., related to employment or family circumstances)

- Every parent in employment, whether full-time or part-time, on an indefinite or fixed-term contract.
- Completion of 12 months of probationary period.
- Same-sex couples, legal guardians, adoptees and foster carers of children under 10 years of age are eligible[397].

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

- Public officers in the positions of head, director, or assistant-director are eligible for 4 months unpaid Parental leave instead of 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 6 year creditable performance required as an officer in the respective grade.

c. Parental leave[398] (private sector unless covered by Wage Regulation Orders)[399]

Length of leave (before and after birth)

- Four months per parent.
- The first 2 months are an individual, non-transferable entitlement; the second 2 months are an individual but transferable entitlement.

[397] OPM Circular No 117/92, MPO Circular No BI/6/94, MPO Circular No 28/96, OPM Circular No 15/1998, OPM Circular No 29/1998, MPO Circular No 108/2005 and MPO Circular No 3/2008.

[398] L.N. 201 of 2022, Employment and Industrial Relations Act (Cap.452) The Work-Life Balance for Parents and Carers Regulations, 2022.

[399] Thirty-one 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.

Payment and funding

- The first 2 months for each parent are paid; the remaining period is unpaid. The payment rate is the Married rate established for the Sickness Benefit.
- The benefit level is equal to the sickness benefit entitlement:
  - 50 per cent of previous earnings for children under 4 years of age;
  - 25 per cent of previous earnings for children 4 to 8 years of age.[400]
- Payments are made to parents by the employer who claims a refund from the State up to a maximum of 2 months leave per parent.

Flexibility in use

- Leave may be taken in periods of 1 month, up to the child's 8th birthday.
- The four months can be taken on one continuous period if the child is between 0 and 4 years, in which case only 4 weeks of the entitlement will be paid at the applicable rate and the remainder is unpaid; if the child is between 4 and 6 years, only 2 weeks of the entitlement will be paid at the applicable rate and the remainder is unpaid; if the child is between 6 and 8 years, only 2 weeks of the entitlement will be paid at the applicable rate and the remainder is unpaid.
- Parents cannot be on leave together.

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

- Each parent on the grounds of birth, adoption, child fostering or legal custody of a child.
- At least 12 months of continuous service.
- Self-employed workers and same-sex couples are not eligible.

d. Childcare leave or career breaks (public administration)

- A 5 year career break can be taken until a child is 10 years old by employees in the public administration; in the case of female employees, they must undertake 6 months employment either after Maternity or Parental leave, or else immediately after the career break. The 5 years must be taken in one continuous period and may be reduced to multiples of 3 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 once if both are public administration employees.

  There is no payment; 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 6 years of age. Credits are due for the first 3 children, even if the parent does not return to employment; any credits for the 4th 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.

[400] L.N. 201 of 2022. Employment and Industrial Relations Act (Cap. 452) The Work-Life Balance for Parents and Carers Regulations, 2022.

d. Childcare leave or career breaks (private sector)

- No statutory entitlement. Any career break is at the discretion of the employer.

e. Other types of leave and flexible working (public administration)

Adoption leave and pay

- The same as Maternity leave.
- International adoptees (i.e., persons who adopt a child from outside Malta) are entitled to additional separate periods of unpaid leave that do not exceed three months in total.

Time off for the care of dependants

- Public administration workers who have completed their respective probationary period may apply for up to one year of unpaid responsibility leave, to care for dependent elderly parents, children, spouse or partner in a civil union (renewable every year).

Specific provision for breastfeeding

- Women may take a maximum reduction for breastfeeding of 1 hour per working day without loss of payment, taken as 1 60 minute break, 2 30 minute breaks, or 3 20 minute intervals per day.

Flexible working

- Parents are not obliged to work overtime for a period of 12 months from the birth of their child.
- Employees in the public administration with three months 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.
- Flexi-week: employees in the public administration, who have held their current position for at least 3 months, may apply to work a 40 hour week over 4 or 6 days for 12 months (renewable every year).
- Remote working: up to 20 per cent of the weekly working hours may be worked remotely during usual office hours, subject to approval, and without providing justification. All employees in public administration who have held their current position for at least 3 months are eligible

- Extended remote working: all employees in public administration who have held their current position for at least 3 months may work outside usual office hours. Eligible are public officers whose job is suitable for remote working, and who provide supporting documents to justify a need. The eligibility for Extended Remote Working may include, but is not limited to the following reasons: (i) public officers who have children up to sixteen years that need to be taken care of; (ii) public officers who have dependent elderly parents, sons and daughters, or spouse/partner in a civil union; (iii) public officers who have valid medical/humanitarian reasons. In any of these cases the public officer is required to produce a medical specialist's certificate certifying that for medical or serious humanitarian and/or family reasons, they may not attend their duties fully from the office.

Specific provision for antenatal visits

- Release from work up to confinement, with no loss of pay or benefit.

Specific provision for medically assisted reproduction (IVF leave)

- One hundred hours of leave (60 hours for the receiving person, 40 hours for the other), fully paid.
- 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

- Three consecutive working days no later than the 1st working day following the marriage or civil union.

e. Other types of leave and flexible working (private sector)

Adoption leave

- Four months' unpaid leave, until the child is 8 years old, which may be used in one month periods.

Carers' leave

- Five working days per year.

- All employees who need to provide personal care or support to a relative or person in the same household for a serious medical reason.

Reduced hours

- Pro-rata benefits must be based on existing full-time working conditions.

Specific provision for breastfeeding

- None.

Flexible working

- Carers and employees with children up to the age of 8 years are entitled to request flexible working arrangements.

Medically assisted reproduction (IVF leave)

- One hundred hours of leave (60 hours for the receiving person, 40 hours for the other), fully paid.
- 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 is just under 76 months for public administration workers who use Parental leave and career breaks; or just over 11 months 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 Early Childhood Education and Care (ECEC) for children from 3 months of age who have a parent in full-time education or employment. There is, therefore, no gap between the end of well-paid leave and an ECEC entitlement for children with parents in employment or studying. However, all children are entitled to attend ECEC from 3 years, irrespective of whether the parent is economically active or a stay-at-home parent.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2022 (including proposals currently under discussion)

Paternity leave was extended from 5 days (in the public sector) and 1 day (in the private sector) days to 10 working days. It is paid 100 per cent of previous earnings with no upper limit on payments.

As of August 2022, the eligibility for Parental leave in the public sector extended to every parent in employment, whether full-time or part-time, on an indefinite or fixed-term contract. In the private sector, two months (out of four) of Parental leave have become non-transferable. Also, eight weeks of Parental leave must be paid at the level of sickness benefit.

Carer's leave in the private sector of five working days per year, one paid day, was introduced. All employees are entitled who need to provide personal care or support to a relative or person in the same household for a serious medical reason.

Employees in the public administration with at least 3 months of service (previously 1 year) may now apply to work flexi-time for 12 months. New forms of flexible working arrangements were introduced (see 1e (public administration)). Public service employees may submit a written request for remote working; however, the assessment of eligibility remains at the discretion of the head of the respective department. Details of the remote working policy, which include contact hours, employment conditions, eligibility and standards were published by the Public Service for its employees.

A proposal for menstrual leave of 12 days per year was tabled in Parliament in 2023. No decision has been made so far.

4. Uptake of leave (public administration)[401]

There has been no update to the Family Friendly Report since 2020.

a. Maternity leave

In 2020, a total of 769 women took their entitlement of the first statutory 14 weeks Maternity leave on full pay; 597 took the remaining low-paid 4 weeks.

b. Paternity leave

In 2020, 196 men took up their entitlement to Paternity leave, an increase of almost 50 per cent over the leave uptake in 2019.

c. Parental leave

There is a clear gender gap in the uptake of unpaid Parental leave. In 2020, women's share of the uptake was 98 per cent.

d. Childcare leave and career breaks

In 2020, women were predominantly the largest number of takers of the career break with a total of 229 (98 per cent) women compared with 4 men.

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).[402] Until leave-to-

[401] Family-Friendly Measures Report 2020, Standards and People Division, Office of the Prime Minister, Malta.

[402] Camilleri-Cassar, F. (2005) *Gender Equality in Maltese Social Policy? Graduate Women and the Male Breadwinner Model*. Malta: Agenda Publishing..

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).[403] The findings from this 2005 study seem to persist today.

e. Other types of leave and flexible working[404]

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.

In 2020, a total of 1,317 public officers chose to work Reduced working hours, 94 per cent of whom were women. Teleworking is a popular measure for both women and men. In 2020 and 2021, in the fifteen months of the pandemic, workers were strongly encouraged to telework to contain the spread of the virus. Others worked on a rota basis. No data is available as to the increase in the number of teleworkers over this time.

Flexitime seems to be the most preferred measure by both women and men. In 2020, of a total number of 1,418 public officers working flexitime, 816 (58 per cent) were women, compared with 602 men.

4. Uptake of leave (private sector)[405]

No information available.

[403] Ibid.

[404] Source: Family Friendly Measures Research Report 2020. People and Standards Division, Office of the Prime Minister, Malta. Available at: https://publicservice.gov.mt/en/people/Documents/People-Support-Wellbeing/Reports/FFM - 2020.pdf

[405] Based on personal communication with the Department of Industrial and Employment Relations, Malta: http://dier.gov.mt/en/Pages/home.aspx

Mexico[406]

Cándido Pérez (Early Institute[407])

April 2024

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 Instituto Mexicano del Seguro Social [private sector]; the Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, the Secretaría de Marina (Semar), the Secretaría de la Defensa Nacional (Sedena) and Petróleos Mexicanos (Pemex) [at federal level], state governments [at state level] [public sector])

Length of leave (before and after birth)

- Twelve weeks: 2 to 6 weeks before the birth and 6 to 10 weeks after the birth.
- It is obligatory to take all the leave.

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment for the standard period.

[406] Please cite as: Pérez, C. (2024) 'Mexico country note', in in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[407] 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).

- Fifty per cent of earnings for a period not exceeding 60 days if Maternity leave is extended.
- Payments are made to the mother by the social security fund (*Instituto Mexicano del Seguro Social*).
- Payments are not taxed. Maternity leave periods are also taken into account in the calculation of old age and other pension benefits.
- Payments are funded by the social security fund, which is financed by contributions from employers (around 25 per cent), employees (5 per cent) and the federal government (65 per cent).

Flexibility in use

- In the private sector, at the 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; however, some employees, such as in the *Secretaría de la Defensa Nacional*, can transfer up to two weeks 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)

- Some state governments such as Ciudad de México (2015) Yucatán (2016), Chihuahua (2017) and Puebla (2019) have extended Maternity leave for public sector employees, from three to four months (Yucatán), from 12 to 14 weeks (Chihuahua, Puebla and from 3 until 7.5 months, 40 per cent of earnings (Ciudad de México)

b. Paternity leave (permiso de paternidad) (responsibility of the Secretaría del Trabajo y Previsión Social and the Instituto Mexicano del Seguro Social [private sector]; the Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, the Secretaría de Marina (Semar), the Secretaría de la Defensa Nacional (Sedena) and Petróleos Mexicanos (Pemex) [at federal level], state governments [at state level] [public sector])

Length of leave

- Five working days.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment, paid by the employer.
- Payments are taxed.
- 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 50 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 government and other public agencies and academic institutions grant longer periods of paid Paternity leave than the legal minimum, usually between 10 and 15 days paid at full earnings. These include the *Secretaría de Bienestar*, the *Secretaría de Gobernación*, the *Secretaría de Relaciones Exteriores*, the Tribunal Electoral from the *Poder Judicial de la Federación*, the *Guardia Nacional*, the *Instituto del Fondo Nacional de la Vivienda para los Trabajadores*, the *Instituto Nacional de la Mujeres, the Instituto Nacional Electoral*, the *Comisión de Derechos Humanos de la Ciudad de México*, *El Colegio de la Frontera Sur*, the *Instituto Politécnico Nacional*, the *Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales*, the *Consejo de la Judicatura Federal* (90 days) and the state governments of Coahuila, Colima, Hidalgo, Jalisco, Mexico City, Michoacán, Morelos, Puebla, Tamaulipas and Yucatán. Public employees from the State of Michoacán are entitled to 20 days, those from the State of México and the State of Tlaxcala are entitled to 45 days, while public employees from the State of Nuevo León are entitled to 60 days, which is the longest Paternity leave in the country at state level.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- In the case of adoption, the mother is entitled to 6 weeks of paid leave, from the day that she receives the child; the father is entitled to 5 working days.

Time off for the care of dependants

- Parents are entitled to full-time leave to care for a child under 16 years of age diagnosed with cancer, during the period the child is in hospital or in need of continuous treatment (with certification by the public health service). The length of leave is up to 25 days, but the employee can demand as many periods of leave as are needed, up to 364 days during a three-year period. The scheme is paid at 60 per cent of earnings. The employee must have contributed to social security for at least 30 weeks in the 12 months before the date of diagnosis. When the employee does not meet this requirement, they must have contributed to social security at least 52 weeks before the date this leave starts. The leave is an individual right, but only one of the parents is entitled to use it. Any working parent with legal custody has the right to take it, both public and private employees.

Specific provision for (breast) feeding

- Mothers can have 2 fully-paid breaks per day, up to 30 minutes each, to (breast) feed their child (*periodo de lactancia*), until the child is 6 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 1 hour.

Flexible working

- None. The Federal Labor Law does provide protection for workers who spend more than 40 per cent of their work time at home or at an address of their choosing. It requires that the terms and conditions of teleworking be established in a written agreement between the employer and employee; it also includes a principle of reversibility, which allows for a return to face-to-face work if requested.

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

As a national policy, for most employees, the maximum period of paid post-natal leave is 10 weeks in the private sector and eight weeks in the public sector, paid at a high rate (maternity leave). Since 2019, attendance at Early Childhood Education and Care (ECEC) is both an entitlement and compulsory for children under 6 years old (*educación inicial and educación preescolar*), though there is not enough provision to ensure places for the youngest age group (0 to 3-years-old). There is, therefore, in practice a substantial gap of nearly three years between the end of leave and the start of an ECEC entitlement for most children.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Currently there are around 6 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 ten days and eight weeks. These proposals should be discussed or dropped without discussion during 2024.

4. Uptake of leave

a. Maternity leave

Maternity leave benefit covered about 13 per cent of the 1,891,388 births in 2022[408]. This percentage is low because only approximately 45 per cent of mothers are employed and only 40 per cent of this minority have formal employment, and are therefore entitled to Maternity leave

b. Paternity leave

No information available.

c. Parental leave and parental benefit

No statutory entitlement.

[408] Author's calculations based on data provided by the *Instituto Mexicano del Seguro Social*, the *Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado*, and the *Instituto Nacional de Estadística y Geografia*.

The Netherlands[409]

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April 2024

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)

- At least sixteen weeks: 4 to 6 weeks before the birth and 10 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, resulting in a longer period of leave.
- It is obligatory to take 4 weeks before and 6 weeks after the birth.

Payment and funding

- One hundred per cent of earnings up to an upper limit of 70 per cent of the 'daily maximum wage', which is set annually by the government, and is €274.44 in 2024.
- Payments are made to the mother by her employer, who claims back from the Employee Insurance Agency.
- Payments are taxed.
- Funded from the Employee Insurance Agency, which is financed by employers contributing between 2.6 and 7.64 per cent of employees' earnings.

[409] Please cite as: den Dulk, L. and Yerkes, M.A. (2024) 'Netherlands country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

Flexibility in use

- Leave can be started between 6 and 4 weeks before the expected date of delivery, but pregnant workers are not allowed to work between 4 weeks before the expected date, and 6 weeks after the actual date of delivery.
- After the 6 weeks' obligatory leave following delivery, mothers are entitled to use the remaining part of their leave in a flexible way, spread over a maximum of 30 weeks.

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

- All female employees.
- Self-employed women who have worked at least 1225 hours in the calendar year in which they give birth 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 (€2,069.40 per month before taxes for those aged 21 years and older in 2024).
- 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 10 weeks, if the child needs to stay at the hospital for more than 1 week after the birth.
- Delegation of 10 weeks of leave to the partner if the mother dies, even if the mother was self-employed or was not eligible for leave (e.g., because of not being in paid employment).
- In the case of multiple births, mothers are entitled to 20 weeks of Maternity leave (8 to 10 weeks before the due date and the remaining leave after the birth).
- In the case of miscarriage or stillbirth after 24 weeks, mothers are entitled to the full 16 weeks of leave.

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, e.g., a full-time job of 38 hours per week gives a leave entitlement of 38 hours (i.e., one week).
- Supplemental birth leave (*Aanvullend geboorteverlof*) is also available. The length of supplemental birth leave is 5 times the number of working hours per week, up to a maximum of 5 weeks, e.g., a full-time job of 40 hours per week gives a supplemental leave entitlement of five weeks.

Payment and funding

- The first week is paid by the employer at 100 per cent of earnings, with no upper limit on payment.
- The weeks of supplemental leave are paid at 100 per cent of earnings up to a maximum of 70 per cent of the daily wage, which is set annually by the government, and is €274.44 in 2024.
- Payments are made to the partner by his/her employer, who claims back from the Employee Insurance Agency.
- Payments are taxed.
- The weeks of supplemental leave are funded from the Employee Insurance Agency, which is financed by employers contributing between 2.6 and 7.64 per cent of employees' earnings.

Flexibility

- The first week of leave must be taken within 4 weeks after the birth of the child.
- The weeks of supplemental leave can be taken flexibly over a longer period, e.g., 1 week of leave can be taken 1 day a week for 5 weeks. The supplemental leave must be taken within 6 months following the birth of the child.

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

- Male and female employees who are the partner (by marriage, civil union or co-habitation of a woman giving birth) or who acknowledge the child.
- Self-employed partners/fathers are not entitled to birth leave.
- Employees in same-sex relationships are eligible if they have a relationship with the birth mother (by marriage, civil union or co-habitation) and legally recognize the child.
- Fathers or partners are eligible for the supplemental weeks of leave as long as they have taken the 1st week of birth leave.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; 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 arrangements with respect to the duration of paid birth leave and/or top-up payments for supplemental birth leave beyond the 70 per cent payment. Collective agreements may not deviate from the legislation if it disadvantages the employee. An initial evaluation of the supplemental leave shows that 79 per cent of employers top up the leave payment, primarily to the maximum wage

of the employee (63 per cent of employers who top up) or to the maximum daily wage of €274.44 (19 per cent of employers who top up)[410].
- Employers can temporarily refuse or change the take-up of supplemental birth leave up to 2 weeks before the leave is scheduled to begin. This can only occur if there are serious business reasons for doing so. For example, employers can change the days or weeks in which leave are taken, but this can only happen in consultation with the employee.

c. Parental leave (*ouderschapsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Twenty-six times the number of working hours per week per parent per child, e.g., 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

- The first 9 weeks of leave, if taken during the first year of the child's life, are paid by the Employee Insurance Agency at 70 per cent of earnings up to an upper limit of 70 per cent of the 'daily maximum wage', which is set annually by the government, and is €274.44 in 2024.
- Payments are made to parents by their employer, who claims back from the Employee Insurance Agency.
- Payments are taxed.
- Funded from the Employee Insurance Agency, which is financed by employers contributing between 2.6 and 7.64 per cent of employees' earnings.
- Taking 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; 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 8 years old.
- Parents are granted full flexibility in use unless uptake conflicts with serious business needs.
- Parents can take leave at the same time, if they choose.

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.

[410] Rossing, H. and Vissee, H. (2022) *Evaluatie WIEG Eindrapport*. Amsterdam: Regioplan. Available at: https://open.overheid.nl/documenten/ronl-0692237f7cac997ca0d9fed7bb8e28b55b97c904/pdf

- 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

- 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)

- Since paid leave was introduced in 2022, collective agreements can continue to supplement legislation, but it is not known the extent to which collective agreements extend or top up this leave. 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.[411]

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption (and foster care) leave and pay

- Each parent is entitled to 6 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 (both paid and unpaid) apply as for other parents. But while employed parents of adopted children are entitled to the full 9 weeks of paid Parental leave per child, employed parents of foster children and step-children are not entitled to a separate period of 9 weeks paid Parental leave per child; they are only eligible for a total of 9 weeks of leave, no matter how many foster or step-children they have.

[411] 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.

Time off for the care of dependants

- Short-term leave (*Kortdurend zorgverlof*) up to a maximum per year of 2 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 3 conditions: (i) an employer can refuse to grant the leave if the interests of the organisation might be seriously harmed; (ii) care must be necessary because of illness; and (iii) the employee must be the only person capable of providing care.
- Employees are also entitled to unpaid long-term leave (*Langdurend zorgverlof)* per year of up to 6 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: the employee must be the only person capable of providing care and 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 1 day if short-term leave (see above) is subsequently taken. The employer is required to pay 100 per cent of the employee's earnings.

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.

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.

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

The maximum period of post-natal leave per family is just over 16 months, some of which is paid and some of which is unpaid. Mothers are entited to 12 weeks fully paid post-natal Maternity leave, while fathers and partners have eligibility for only one fully paid week of leave, plus five weeks supplemental leave paid at 70 per cent. A further 12 months of Parental leave is available, 18 weeks of which is paid (9 weeks per parent); the remainder is unpaid unless supplemented by collective agreement. There is an entitlement for children to start school, on a voluntary basis, from 4 years of age, prior to compulsory schooling at 5 years of age. There is, therefore, a significant gap of nearly 40 months between the end of well-paid leave and an entitlement to Early Childhood Education and Care (ECEC) in the form of early admission to elementary school.

ECEC (VVE, or *voor- en vroegschoolse opvang* in Dutch) is partially subsidized by municipalities and offered to children aged 2½ to 4 years old. In many municipalities, ECEC is offered to children at risk of language or learning deficiencies; in some municipalities, all children aged 2½ to 4 years old are eligible. In short, considerable differentiation exists regarding eligibility and provision across municipalities.

Parents can also make use of market-based formal childcare services, and working parents may be entitled to childcare allowances.[412] The Netherlands is still recovering from a government crisis related to the provision of these childcare allowances, in which parents were falsely accused of fraudulently receiving allowances. In these cases, the allowance was rescinded and parents were required to pay back thousands of Euros retrospectively, with far-reaching social and economic consequences for the affected families.[413] Estimates from 2024 show that a total of 68,376 parents have requested reconsideration of their cases following a parliamentary inquiry into the affair.[414] Of these parents, 34,232 have been recognized by the government as having been affected. The complexity of compensating parents is huge and it the expectation is that it will take until 2030 before all cases have been resolved[415]. It remains unclear whether this childcare allowance crisis will affect childcare attendance levels.

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412 Yerkes, M.A. and Javornik, J. (2018) 'Creating capabilities: childcare policies in comparative perspective', *Journal of European Social Policy*, Vol.29, 4: 529-544.

413 Van Dam, C. J. L., Van Aalst, R. R., Leijten, R. M., Belhaj, S., Kuiken, A. H., Van der Lee, T. M., Van Wijngaarden, J. and Van Kooten-Arissen, F. M. (2020) *Ongekend onrecht. Parlementaire ondervraging Kinderopvangtoeslag*. Available at: www.tweedekamer.nl/sites/default/files/atoms/files/20201217_eindverslag_parlementaire_ondervragingscommissie_kinderopvangtoeslag.pdf

414 https://herstel.toeslagen.nl/dashboard-kinderopvangtoeslag/#:~:text=Voortgang%20herstelproces,toets%20en%20een%20integrale%20beoordeling.

415 https://nos.nl/nieuwsuur/artikel/2460354-compensatie-ouders-toeslagenaffaire-kan-zomaar-tot-2030-duren.

The National Childcare Quality Monitor (LKK) monitors the quality of childcare facilities in the Netherlands. Trend analysis shows a steady increase in the quality of childcare since 2008. In comparison to other countries, and based on international measures such as ITER-S/ECER-R and CLASS, the Netherlands is nowadays considered to have high quality childcare,[416] a considerable improvement from previous years. Trend analysis also shows that the demand for childcare continues to grow in the Netherlands, while at the same time, staff shortages are also growing.[417]

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

No changes reported.

4. Uptake of leave

a. Maternity leave

Statistics from 2021 show that 94 per cent of women who work and have a child younger than one year old took up Maternity leave. The remaining 6 per cent of women took supplemental Maternity leave, for example due to a longer hospital stay following birth. Moreover, a study examining the use of the flexible part of Maternity leave shows that relatively few women (less than 2 per cent) utilise the flexibility of the last part of the leave, i.e., after the first 6 weeks following delivery.[418]

b. Birth (Paternity) leave

Research shows that in 2021, 90 per cent of eligible fathers took birth leave directly after the birth of the child.[419] Almost all fathers took at least four days of leave. One-third of fathers took five weeks of leave or more[420]. The first evaluation of the

[416] Slot, P., Jepma, IJ., Mulder, P. et al. (2019) *Kwaliteitsmonitor Kinderopvang. Ontwikkelingen in de kwaliteit van de Nederlandse kinderdagopvang, peuteropvang, buitenschoolse opvang, gastouderopvang op basis van gecombineerde metigen 2017-2019* [*Childcare quality monitor. Developments in de the quality of the Dutch day care, toddler care, after school care, childminder care based on the combined measuremnets 2017-2019*], LKK: Universiteit Utrecht, Sardes.

[417] Slot, P., Bodine, R., Jepma, I., Muller, P., Breedeveld, M. and Leseman. P. (2023) *Knelpunten, werkbeleving en de gevolgen van COVID-19 in de kinderopvangsector* [Bottlenecks, work perceptions and the impact of COVID-19 in the childcare sector]. Landelijke Kwaliteitsmonitor Kinderopvang: Utrecht University and SARDES.

[418] Zwinkels, W. (2018) *Evaluatie flexible bevallingsverlof [Evaluation flexible Maternity leave]*. Epsilon Research: Ministry of Social Affairs and Employment.

[419] Statistics Netherlands (2022) *Emancipatiemonitor 2022*. The Hague: CBS.

[420] Alejandro Perez, S. and Souren, M. (2022) *Module Arbeid, Zorg en Kinderopvang 2021* [Module Labour, Care and Childcare 2021]. Den Haag: CBS. Available at: https://www.cbs.nl/nl-nl/longread/rapportages/2022/module-arbeid-zorg-en-kinderopvang-2021

new law suggests that the majority of fathers take this leave concurrently with mothers[421].

c. Parental leave

Statistics on the uptake of paid Parental leave, introduced in 2022, remain limited. According to news reports, a total of 124,000 parents claimed paid Parental leave in the first year of its implementation, which is approximately 36 per cent of parents in a given year.[422] Prior to the introduction of paid Parental leave, in 2021, 18 per cent of female employees with children up to eight years old took Parental leave. For male employees, this was 17 per cent.[423] The differences in uptake between men and women have decreased in recent years; in 2015, 21 per cent of women and 15 per cent of men took Parental leave. On average, men took 11 hours of leave per week which is 2 hours more than women, who took 9 hours per week on average; this difference is likely related to the difference in weekly working hours between men and women in the Netherlands, where more than two-thirds of women work part-time. Men, on average, use Parental leave over a shorter period of time than women (13 months versus 14 months).[424] These long periods of leave reflect the possibility of taking part-time Parental leave in the Netherlands and spreading the leave out over several months.

A 2019 study indicates that fathers not taking up Parental leave are influenced 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.[425] 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 partial pay to employees taking Parental leave[426]. Similarly, the initial evaluation of supplemental Birth leave suggests that the primary constraint for fathers and partners in using this leave is financial. In addition, one in five fathers and partners were less likely to take up supplemental

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[421] Rossing, H. and Vissee, H. (2022) *Evaluatie WIEG Eindrapport* [Evaluation WIEG Final report]. Amsterdam: Regioplan. Available at: https://open.overheid.nl/documenten/ronl-0692237f7cac997ca0d9fed7bb8e28b55b97c904/pdf

[422] www.parool.nl/nederland/ruim-120-000-ouders-maken-gebruik-van-nieuw-betaald-ouderschapsverlof~bb0da8c2/.

[423] Statistics Netherlands (2022) *Emancipatiemonitor 2022*. The Hague: CBS.

[424] S. Alejandro Perez and M. Soure (2021) *Module Arbeid, Zorg en Kinderopvang.* Den Haag: CBS. Available at: https://www.cbs.nl/nl-nl/longread/rapportages/2022/module-arbeid-zorg-en-kinderopvang-2021

[425] Centraal Bureau voor de Statistiek. (2019) *De werk-privébalans van vaders met jonge kinderen [The work-life balance of fathers with young children*]. The Hague: CBS.

[426] 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.

Birth leave because it was financially more advantageous for the mother to reduce her work hours or to stop working than for the father or partner to take up the supplemental Birth leave.

d. Other types of leave and flexible working

Care leave: a total of 12 per cent of female employees and 9 per cent of male employees provided long-term informal care (for more than 2 weeks) in 2022.[427] Workers with informal care responsibilities report that emotional support from their supervisor and colleagues plus flexible working hours are most beneficial when combining paid work and informal care.[428]

Relatively few employees with informal care responsibilities use short or long-term care leave. In 2021, only 7,000 employees used long-term care leave. The majority of those taking long-term care leave are women: 5,000 female employees used long-term care leave compared to 2,000 male employees.[429]

The take-up of short-term care leave is also low among employees who care for sick family members or friends for a short period of time (two weeks or less): 6 per cent of women and 9 per cent of men providing short-term care used short-term care leave in 2022. A majority of employees do not take any form of leave when providing short- or long-term care.[430]

Flexible working: the Flexible Working Act 2016 entitles employees to adjust their working hours and working times, and entitles employees to work from home. With respect to the right to adjust working hours, it is well known that many workers in the Netherlands work part-time. The Netherlands Institute of Social Research has published several reports on part-time work in the Netherlands.[431] [432] [433] [434] It is clear that part-time work is very popular (and for women even almost regarded as 'natural'). Most Dutch employees are satisfied with their amount of working hours,

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[427] Statistics Netherlands (2022) *Emancipatiemonitor 2022*. The Hague: CBS.

[428] Boer, A. de, Plaisier, I. and Klerk, M. de (2019) *Werk en* mantelzorg [Work and informal care]. The Hague: Sociaal Cultureel Planbureau.

[429] S. Alejandro Perez and M Souren. (2022) Module Arbeid, Zorg en Kinderopvang 2021 [Module Labour, Care and Childcare 2021]. Den Haag: CBS. Available at: https://www.cbs.nl/nl-nl/longread/rapportages/2022/module-arbeid-zorg-en-kinderopvang-2021

[430] Statistics Netherlands (2022) *Emancipatiemonitor 2022*. The Hague: CBS.

[431] Portegijs, W. and Keuzenkamp, S. (eds.) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk [Part-time working in the Netherlands*]. Den Haag: Sociaal en Cultureel Planbureau.

[432] Portegijs, W. (ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken [A picture of part-time working*]. Den Haag: Sociaal en Cultureel Planbureau.

[433] Keuzenkamp, S. (ed.) (2009) *Deeltijd (g)een probleem. Mogelijkheden om de arbeidsduur van vrouwen met een kleine deeltijdbaan te vergroten [Working part-time: (not) a problem?*], Den Haag: Sociaal en Cultureel Planbureau.

[434] Portegijs, W. (2022) *Eens deeltijd, altijd deeltijd. Waarom vrouwen in deeltijd blijven werken als ze 'uit' de kleine kinderen zijn* [*Once part-time, always part-time. Why women keep on working part-time when they no longer have small children*] Den Haag: Sociaal en Cultureel Planbureau.

suggesting that part-time work is, in most cases, voluntary.[435] However, research suggests 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.[436]

Labour market shortages have led to a debate on part-time work again in recent years, directed at part-time working women. In 2023, the government launched a campaign to entice these women to work more hours by asking them to discuss this option at home and at work. However, so far, no specific policies have been introduced that provide incentives for women to increase their working hours once their children grow older and need less care. Overall, therefore, part-time work appears to be a permanent choice for the majority of women; a decision to extend working hours once their children require less care depends on a broad range of factors, such as need for more income, the content of the work, encouragement of employer and/or partner, informal care responsibilities and own health.[437]

In 2020, the Flexible Working Act was evaluated. The evaluation shows that the introduction of the law did not lead to a major increase in flexible working requests or a substantial increase of collective agreements on flexible working. The evaluation shows that most employees are not aware of their entitlements. Hence, employees who submitted a request during 2016-2020 did not always refer to the law. Of the employees who participated in the evaluation, 16 percent submitted a request between 2016-2020. Most requests were related either to a decrease (27 per cent) or increase of working hours (44 per cent). Requests to adjust working times or place were less common (27 per cent and 15 per cent respectively). Requests to work fewer hours are granted (59 per cent), while requests to adapt the place of work were most often denied (only 25 per cent granted). However, the evaluation concludes that since the COVID-19 pandemic, working from home has become more common.[438] In 2022, 45 per cent of employees worked from

[435] Vlasblom, J.D., van Echtelt, P. and 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.

[436] Yerkes, Mara A. and Hewitt, B. (2019) 'Part-Time Work Strategies of Women and Men of Childbearing Age in the Netherlands and Australia', in Nicolaisen, H., Kavli, H.C. and Steen Jensen, R. (eds.) *Dualization of Part-Time Work – the New Normal?* Bristol: Policy Press.

[437] Portegijs, W. (2022) *Eens deeltijd, altijd deeltijd. Waarom vrouwen in deeltijd blijven werken als ze 'uit' de kleine kinderen zijn* [*Once part-time, always part-time. Why women keep on working part-time when they no longer have small children*]. Den Haag: Sociaal en Cultureel Planbureau.

[438] Ten Hoeve, Y., Talman, J., van Mierlo, J. and Engelen, M. (2021*) Evaluatie Wet flexibel werken. Onderzoek voor het ministerie van SZW* [Evaluation of the Flexible Working Act. Research for the ministry of SZW]. Den Haag: De Beleidsonderzoekers.

home, on average 11 hours per week[439]; in 2021 it was 47 per cent, working there on average 17 hours per week.[440]

[439] TNO (2023) *Nationale Enquete Arbeidsomstandigheden 2022, resultaten in vogelvlucht* [National Survey Working Condition 2022, an overview of findings]. Den Haag: TNO/CBS. Available at: https://monitorarbeid.tno.nl/wp-content/uploads/sites/16/2023/10/NEA-2022-Resultaten-in-Vogelvlucht-1.pdf

[440] TNO (2022) *Nationale Enquete Arbeidsomstandigheden resultaten in vogelvlucht [National Survey Working Condition an overview of findings*]. Den Haag: TNO/CBS.

New Zealand[441]

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April 2024

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, replaced '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)

- Twenty-six weeks: an employee can start their Primary carer leave up to 6 weeks before the expected date of delivery or the date on which the employee will become the primary carer of the child. Primary carer leave must be taken in one continuous period but there is no requirement to start the leave before the birth.
- It is not obligatory to take leave.
- In addition to the Primary carer leave, pregnant women can also take up to 10 days unpaid special leave for pregnancy-related reasons such as antenatal classes, scans or midwife appointments.

[441] Please cite as: Morrissey, S. and Masselot, A. (2024) 'New Zealand country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

Payment and funding

- One hundred per cent of earnings, up to an upper limit of NZD$712.17 [€397.77][442] per week before tax; this is referred to as 'Parental leave payments', even though paid for 'Primary carer leave'. The maximum payment is lower than the minimum wage, and is indexed annually by any percentage movement upwards in average ordinary time weekly earnings.
- Self-employed parents who make a loss or earn less than the equivalent of ten hours' pay at the highest rate of the minimum wage, receive a minimum rate of NZD$227 [€126.79] before tax per week. Payment is indexed annually by any percentage movement upwards in average ordinary time weekly earnings.
- No pension credits are accrued during the leave period.
- Payments are made to the parent by the Inland Revenue Department.
- Payments are taxed.
- Funded from general taxation.

Flexibility in use

- Usually, Primary carer leave commences 6 weeks before the due date for the woman who gives birth and who will take care of the child. If another person takes care of the child, Primary carer leave starts on the date that the employee becomes the primary carer in respect of the child. However, an employer and an employee can agree for Primary carer leave to start at any other time before the baby is due.
- In addition, 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 her employer to start Primary carer leave early, she retains the right to take 20 weeks' leave after the expected date of birth, with the overall leave period being extended accordingly (i.e., in such cases, more than 26 weeks of Primary carer leave can be taken).
- While the leave may be extended, the payment is only extended where the child is pre-term. This means that a mother may have access to longer Primary carer leave, e.g., 28 weeks, but will only receive 26 weeks' payment (unless pre-term payment applies). Any additional leave is deducted from the total period of Extended leave.
- The 'primary carer' is the birth mother who is pregnant or has given birth, but she may transfer any or all of the leave period and payment to her partner/spouse (including *de facto* and same-sex partners), or to another person who takes permanent primary responsibility for the care, development, and upbringing of a child who is under 6 years of age; in that case, Parental leave payments are available to eligible permanent primary carers other than the biological parents and formal adoptive parents.

[442] Conversion of currency undertaken for 16 July 2024, using: https://data.ecb.europa.eu/currency-converter.

- An employee is able to perform up to 64 hours of paid work, during the period they receive benefit payment, 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 does not qualify for 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.' For example, a full-time permanent employee who has changed jobs in the last 5 months does not meet the criteria to take Primary carer's leave as the criteria requires continuous employment for the same employer for 6 months. However, that employee meets the criteria for 'Parental leave payment' which do not require work to be with the same employer, but will only be able to obtain this payment if s/he can take Negotiated carer leave (and is the primary carer).

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

- Eligibility criteria for Primary carer leave are distinct from eligibility criteria for the payment made for the Primary carer leave (entitled 'Parental leave payment').
- 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 (There are different Extended leave entitlements available to parents depending on whether they are an employee who meets the 6 or 12 month eligibility criteria; see 1c). The mother (i.e., the woman who has given birth) 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 (e.g., same-sex partner or relative of either biological parent).
- 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 payment 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.
- If the birth mother transfers leave and payment to another 'primary carer', the person to whom it is transferred must meet the eligibility conditions for payment (i.e., have the required continuity of employment).

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 36th week of gestation (depending on the number of weeks that it is born prior to the 36th week).
- An employee who receives a pre-term baby payment may also work up to a total of three hours multiplied by the number of weeks in the payment period, in addition to the 'keeping in touch' days available during the parental leave payment period.
- Where an eligible mother has a child who is subsequently adopted, both the adoptive parent/s and the birth mother may access the leave and payment.
- In certain circumstances (e.g., death of the mother), the spouse/partner may receive the payment.
- Special (unpaid) leave of up to ten days can be taken by a mother before Primary carer's leave, for reasons connected with the pregnancy (e.g., for ante-natal checks).

b. Partner's leave (previously termed Paternity/partner leave: see 'note on terminology') (responsibility of the Ministry for Business, Innovation and Employment)

Length of leave

- One or 2 weeks depending on eligibility.

Payment and funding

- None.

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 10 hours per week, in the 6 or 12 months immediately before the expected date of delivery, are eligible.
- Same-sex parents are eligible.

c. Extended leave (see 'note on terminology') (responsibility of the Ministry of Business, Innovation and Employment)

Length of leave

- Until 6 or 12 months after birth, depending on eligibility and including any Primary carer leave (previously referred to as Maternity leave); Partner's leave (previously referred to as Paternity/partner leave) is additional.
- Leave is a family entitlement.

Payment and funding

- None, including 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.
- Leave can be taken as one continuous period of leave or several periods and can be started following Primary carer leave, Partner's leave, or after a period of return to work.

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

- Extended leave up to six months (26 weeks) after birth is available to employees who have worked for the same employer for an average of at least 10 hours per week, in the 6 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 up to 12 months (52 weeks) after birth is available to those employees who have worked for the same employer for 12 months. Where one partner is only eligible up to 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, the minimum statutory provisions.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

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 6 years can nominate which parent will receive the payment.

Time off for the care of dependents

- After the first 6 months of continuous employment, an employee may take up to 10 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.

Specific provision for (breast)feeding

- Employees are entitled to request breaks to breastfeed. Employer can refuse the request on the grounds that the break would disturb the operation of the business. There is no requirement that these breaks should be paid.[443]

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.

[443] Section 69Y from the Employment Relations Act 2000. Available at: http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM1940663.html.

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

The maximum period of post-natal leave is 12 months, but leave is paid for only 26 weeks, at a low rate (due to a low ceiling on earnings-related pay). Three to 5 year-olds are eligible for 20 hours per week of free early childhood education. from 3 years of age, though only for part-time nursery education (for a maximum of six hours' attendance per day and 20 hours per week); this is not, therefore, an entitlement but dependent on accessing a place offering free attendance.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Generally speaking, employers must match their employees' KiwiSaver pension contributions, but this obligation does not apply while employees are on Parental leave A proposal was included in the 2023 national budget for the government to pay 'matching' pension credits, on behalf of employers, to employees who continue to make their employee KiwiSaver contributions while on Parental leave. This proposal has not yet been enacted and it remains unclear if it will occur after a change of government in November 2023.

From 1 July 2024, parents can get back up to 25 per cent of their weekly ECEC fees (under a new scheme called Family Boost), to a maximum of NZD$75 [€41.89] per week, with payments every three months from the Inland Revenue Department.

4. Uptake of leave

The government does not currently routinely collect data regarding uptake of leave. An (unpublished) survey of public sector employees regarding uptake of leave by partners was conducted in 2017.

a. Maternity leave/primary carer's leave

No information available.

b. Paternity leave/partner's leave

No information available.

c. Parental leave/extended leave

No information available.

Norway[444]

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April 2024

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)

- There is no separate Maternity leave, but it is obligatory for women to take 6 weeks leave after delivery for health reasons, and 3 weeks may be taken before the expected birth date. These weeks are taken as part of Parental leave reserved for women before and after birth, and for which the term *mødrekvoten or* mother's quota is now used (see 1c).
- 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.

b. Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour and Social Affairs)

Length of leave (before and after birth)

- Two weeks after birth, referred to as 'daddy days' (plus 'father's quota', see 1c).

[444] Please cite as: Bungum, B. and Kvande, E. (2024) 'Norway country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

Payment

- None. 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 (e.g., 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 'flexibility' above).

c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children and Families)

Length of leave (before and after birth)

- Forty-six or 56 weeks, depending on payment level (see 'payment and funding' below) plus a further 3 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, see 1a) and 15 or 19 weeks are for fathers (*fedrekvoten* or father's quota); these are individual, non-transferable entitlements. 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 an upper limit of 6 times

the basic national insurance benefit payment NOK118,620 [€10,098.76] per month. When employees are included in collective agreements, the employers pay the difference between the upper limit and the parent's earnings.
- Non-employed women receive a flat-rate payment of NOK92,648 [€7,887.62] per child.
- Payments are made to parents by the National Insurance Scheme. Employers only pay direct to parents if they are contracted to pay above the upper limit of the parental money.
- Payments are taxed.
- 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 6 weeks, it is possible for the mother to postpone parts of the parental money period, as long as it is taken during the first 3 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 6 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 6 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 3 years after the child's birth. They can also choose whether to take the quota as part-time leave, as well as whether to take it as one continuous period or divided into several periods. This flexible use requires agreement with the employer.
- The family entitlement part may be taken as one continuous period, or split into shorter periods within the 3 year period.
- Both parents may take leave at the same time, except during the period of obligatory leave for the mother (i.e., 3 weeks before birth and 6 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 6 of the last 10 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 6 of the last 10 months prior to the birth) go back to work. According to data from 2011,[445] 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 3 year period within which leave must be taken may present a challenge, 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.

[445] 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.

d. Childcare leave or career breaks

- Each parent has the right to 1 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 [€638.52] 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 types of leave and flexible working

Adoption leave and pay

- The same regulations apply as for parents having their own children, except for the 3 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 NOK92,648 [€7,887.62].

Time off for the care of dependants

- Each parent of 1 or 2 children under 12 years of age has a right to 10 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 if they have more than 2 children, each parent has a right to 15 working days' leave per year. 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.

Specific provision for (breast)feeding

- The Work Environment Act grants all breastfeeding mothers the right to breastfeeding breaks of up to 1 hour per day for children under 1 year old. This leave is paid by the employer.

Flexible working

- Parents have a right to part-time work to care for children until they are 10 years old. Working hours can, for example, be reduced in the form of shorter working days, fewer working days per week or work-free periods during the year. Reduced working hours mean reduced pay, but also a right to return to the original level of employment after a period.
- This is an employee right that is stipulated in the Norwegian Working Environment Act (*arbeidsmiljøloven § 10-2, 4 ledd.*). The Working Environment Act gives the employee the right to reduced working hours for a period if it does not cause significant inconvenience to the employer (paragraph 10-2-4). The scheme primarily aims to meet parents' wishes for more time to spend with young children or to meet needs arising from problems in obtaining childcare during working hours. Parents with children under 10 years and single parents are considered to have good reason to seek part-time work.
- There have been new regulations (July 2022)[446] for the use of home offices in Norway, but these mainly deal with the rights and obligations of employees and employers. Caring for young children is not included as a reason for being able to have a home office. This is probably connected to the fact that Norway has full kindergarten coverage and that parents have the right to paid absence if the children are ill and must be at home with one of the parents.

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

The maximum period of post-natal leave is just over three years. About two years of this is unpaid (except for the recipients of 'cash-for care,' see 1d, but they may not use publicly-funded Early Childhood Education and Care (ECEC) services or, if they do, only part-time). Leave paid at a high earnings-related rate runs for nearly 14 months. There is an entitlement to ECEC from 1 year of age, available on a full-time basis at kindergartens (though if the child is born later than 1 September, there might not be a place ready until 1 year later). There is, therefore, no gap between the end of leave and an ECEC entitlement.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

[446] Nye regler for hjemmekontor - regjeringen.no

3. **Changes in policy since April 2023** (including proposals currently under discussion)

The Norwegian Parliament has recently unanimously adopted amendments to the National Insurance Act to increase the flexibility of the parental benefit scheme by extending the parental benefit period at 80 per cent coverage. The reason for the change is that under the current scheme, parents who receive 80 percent parental allowance for 59 weeks receive less total payment than parents who receive 100 per cent for 49 weeks. This will put these two alternatives on an equal footing by making the total benefit payment almost the same, regardless of the degree of compensation, by increasing the leave scheme with 80 per cent parental allowance from 59 to 61 weeks; these extra two weeks will be added to the joint part of the leave. The government proposes that the legislative change will apply to those who become parents as of 1 July 2024.

This change can be understood as an attempt to counteract mothers taking unpaid leave to a greater extent than before. Bakken (2023)[447] shows how the Norwegian parental allowance scheme as it is designed today, with mothers' and fathers' quotas and a joint part, lays down guidelines on how parents should allocate time at home with children. The number of days with Parental allowance that mothers and fathers take on average varies little with how satisfied they say they are with the distribution. This suggests that policy making and quotas have a strong influence on the distribution of the parental benefit period.

Satisfaction with the distribution of the parental benefit period shows clear gender differences. Most of the fathers were satisfied with their share of the parental benefit period, while most mothers answered that they wanted to be at home for longer. Within the limits provided by the quotas, most parents answered that they arrived at the distribution together; where one person had more influence, it was the mother.

Evensen, Kitterød and Teigen (2023)[448] have examined perceptions among mothers and fathers in Norway with children under the age of 20 months, as well as how attitudes to the length of Parental leave correlate with demographic and socioeconomic characteristics and attitudes to gender equality. They find that there is strong support among both fathers and mothers that some Parental leave should be reserved for fathers, but fathers more often than mothers want the leave period divided into two parts, for the mother and the father (i.e., with no joint part). In terms of their views on Parental leave, fathers can thus be considered more gender

[447] Bakken, F. (2023) 'Tatt av kvinnen – eller hvem bestemmer egentlig mest i fordelingen av foreldrepengeperioden?' [Taken by the woman - or who really decides the most in the distribution of the parental allowance period?], *Arbeid og velferd* // 1 // 2023, Available at: https://arbeidogvelferd.nav.no/asset/2023/1/01-0123_Arbeid_og_velferd-Tatt%20av%20kvinnen.%20Eller%20hvem%20bestemmer%20egentlig.pdf

[448] Evensen, M., Kitterød, R. and Teigen, M. (2023) 'Mild tvang, bred oppslutning: En analyse av holdning til deling av foreldrepermisjonen blant fedre og mødre' [Mild coercion, broad support: An analysis of attitudes towards sharing parental leave among fathers and mothers], *Søkelys på arbeidslivet* Vol. 40, 2: 1-18. Available at: https://doi.org/10.18261/spa.40.2.4

equality-oriented than mothers, despite the fact that men are generally less gender equality-oriented than women.

The government also proposes to change the cash-for-care benefit from 1 August 2024. If the proposal is adopted by the *Storting*, parents will only receive cash-for-care benefit up to and including the month in which the child turns 19 months old, a reduction from the current 24 months; this would mean that parents can receive cash support for a maximum of 7 months. The government's rationale for reducing the cash benefit is that as many children as possible should attend kindergarten, because it is good for the children and for society. The benefit is now being portrayed as a 'waiting subsidy' for those who have not yet secured a place in a kindergarten. The government wants to use the money saved from the reduced cash benefit to lower the price of kindergarten places.

4. Uptake of leave

a. Maternity leave

Nine out of 10 mothers have the right to parental money; the remainder do not meet the eligibility conditions.[449] 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.[450]

b. Paternity leave

The share of fathers who take time off work around the birth of the child is approximately the same as for the father's quota: 89 per cent. This figure includes fathers taking time off work in various ways, including Paternity leave, but also annual leave and other options. These survey data are not recent. There is no official, aggregated registration of the use of Paternity leave.

c. Parental leave

In the years prior to the introduction of the father's quota, 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.[4] 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

[449] 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.

[450] NOU 2017:6 *Offentlig støtte til barnefamiliene* [Public support for families with children]. Available at: https://www.regjeringen.no/contentassets/6ee74831e812490dad20852b7306dc11/no/pdfs/nou201720170006000dddpdfs.pdf

the father's quota, regardless of its length (NAV, 2017[451]). 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.

The importance of having a father's quota is illustrated in an article by Kvande and Brandth where they discuss the connection between leave design and its use.[452] They show that in granting fathers an individual, earmarked and non-transferable right, the welfare state has contributed to turning leave taking into a norm for modern fathering. The generosity in terms of length and full wage compensation strengthens it as a right in working life. Fathers being paid their full wages for staying at home taking care of their child emphasizes the dual-career norm. Their analysis also shows that the collision between fatherhood and the ideal of the unencumbered employee has weakened in many types of work organizations.

The results from the Parental Benefit Survey 2021 show that parents largely follow the set quotas in the parental benefit period, with fathers taking a third (father's quota), while mothers take two-thirds, i.e., the mother's quota plus the common part. In addition, mothers take unpaid leave most often and for the longest period; 48 per cent of the mothers and 11 per cent of the fathers took unpaid leave following the paid parental benefit period; and of these, the mothers took an average of 16 weeks unpaid leave, while the fathers took 11 weeks.[453] This study shows that the imbalance between mothers and fathers in overall leave-taking is greater than if only paid leave-taking is considered.

A recently published article[454] shows how the Norwegian parental allowance scheme as it is currently designed, with a mother's and father's quota and a joint

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[451] Parliamentary report based on Schou, L. (2017) 'Fedrekvoten – uttak og holdninger' [Father's quota: withdrawals and attitudes], *Arbeid og velferd*, 3: 81-95. See also *Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor?'* [*Fathers who do not take paternity allowance - how many, who and why?*]. Available at:

https://samfunnsforskning.brage.unit.no/samfunnsforskning-xmlui/handle/11250/2446441?locale-attribute=en.

[452] Kvande, E. and Brandth, B. (2019) 'Designing parental leave for fathers – promoting gender equality in working life', *International Journal of Sociology and Social Policy,* Vol. 40, 5/6: 465-477. DOI 10.1108/IJSSp-05-2019-0098

[453] Bakken, F. (2022) 'Ulønnet og lønnet foreldrepermisjon – mødre og fedres bruk og vurderinger' ['Unpaid and paid parental leave - use and assessments by mothers and fathers']*, Arbeid og velferd* nr.1-2022 NAV

[454] Bakken, F. (2023) 'Tatt av kvinnen – eller hvem bestemmer egentlig mest i fordelingen av foreldrepengeperioden?' ['Taken by the woman - or who really decides the most in the distribution of the parental allowance period'],

part, provides guidelines on how parents should allocate time at home with children. The number of paid days of leave that mothers and fathers take on average varies little with how satisfied they say they are with the distribution. This suggests that policymaking and quotas have a strong influence on the distribution of the parental benefit period.

Satisfaction with the distribution of the parental benefit period shows clear gender differences. Most of the fathers were satisfied with their share of the parental benefit period, while most mothers answered that they wanted to be at home longer. Within the limits provided by the quotas, most parents answered that they arrived at the distribution together. In those cases where one parent was the main decision-maker, it was the mother.

Although the use of the father's quota for Parental leave has become widespread among Norwegian fathers, there are some variations between different groups of fathers. While 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.

In a study of male managers' experiences, Kvande and Moen found that there might be a process of change going on within this group.[455] When fathers experience being 'irreplaceable' in caring for their child during the course of taking leave, it also influences how they practice their work as managers; they make themselves less accessible to their job, and experience being replaceable at work without it having an effect on their career development. These findings can be understood in terms of most fathers now take a relatively long period of leave, thus laying the foundation for a general change in practice that makes it easier for managers to take leave. However, this study has few informants, and future research will show whether the results apply to the majority of male mangers.

Moen, Kvande and Nordli explore how male managers in the engineering industry and male brokers in the finance industry use the father's quota.[456] The findings show how the use of the father's quota depends on different institutional logics, which sets the framework for the practice and culture of the two organizations. The male managers in the engineering industry have become unavailable and replaceable in their organizations, thus making it possible for the fathers to use the father's quota. In contrast to this, the institutional logic in the finance industry makes brokers available and irreplaceable in their organizations, thus making it difficult for them to use the father's quota.

Fathers' sharing of Parental leave also depends on their relationship to work. Fathers must sometimes negotiate with their employers when they want to take

[455] Kvande, E. and Moen, L.V. (2019) 'Å bli uerstattelig og omsorgen og erstattelig på jobb' [Becoming irreplaceable in caregiving and replaceable at work: Male managers' experience with the use of parental lea*ve*], *Norsk Sosiologisk Tidsskrift.* 05/2019.

[456] Moen, L.V, Kvande, E. and Nordli, K. (2019) 'Fathers' use of Parental Leave in Organizations with Different Institutional Logics', *Social Sciences,* vol.8, 1: 1-12.

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.

A survey based on registry data finds that low take-up of the fathers' quota among non-Western immigrant fathers is linked to low economic activity among mothers in this group[457]. There have also been studies of how Polish migrant fathers use the Norwegian Parental leave system. In a comparative study of work and family adaptations in Norwegian and Polish families, Bjørnholt and Stefansen[458] report that while the dual-earner/dual-earner model is strongly rooted among the Norwegian fathers, the Polish migrants use the Norwegian Parental leave schemes more eclectically, with the dual-earner aspect as the main factor. A second study[459], based on interviews with middle-class immigrant fathers from various European countries, shows that the father's quota, being a statutory right and generously compensated for, is understood as accepted by employers and is universally used by fathers. The principle of earmarking and non-transferability is experienced by these fathers as a great possibility to care for their children and perceived as important since both male and female employees are constructed as potential parents who will take Parental leave. It is in comparison with the care regimes of their homelands that their understanding of these design elements becomes evident. These results can be seen as supporting the tendency to convergence in attitudes towards Parental leave held by fathers from these countries.

As the father's quota has lengthened, flexible use has increased. In 2014, 25 per cent of eligible fathers took their father's quota part-time, combining leave and work. This figure was slightly reduced in 2015 and 2016. Also, as the quota has lengthened, parents rarely stay home together for the whole period, but it is quite common to stay home together part of the time.

The shareable Parental leave is, for the most part, taken by mothers. Figures from register data show that 14 per cent of eligible fathers took less than the father's quota, and only ten per cent took more in 2011. As the quota became longer, fewer fathers took the sharable leave. Father's use of this leave is, in part, dependent on the mother and her willingness to share: mothers who have invested in education and have strong ties to working life (e.g., work full-time and have higher-status work) are thus most likely to share. This means that fathers are more likely to take some Parental leave, when mothers have: a high level of formal education, high income and work status, and full-time employment.

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[457] Ellingsæter, A.L., Kitterød, R.H. and Østbakken, K.M.(2019) 'Immigrants and the "caring father": Inequality in access to and utilisation of parental leave in Norway', *Ethnicities,* Vol.20, 5: 959-982. DOI:10.1177/146819890109.

[458] Bjørnholt, M. and Stefansen, K. (2018) 'Same but different: Polish and Norwegian parents' work–family adaptations in Norway', *Journal of European Social Policy*, Vol.29, 2: 292-304. DOI: 10.1177/0958928718758824

[459] Kvande, E. and Brandth B. (2017) 'Individualized, non-transferable parental leave for European fathers: migrant perspectives', *Community, Work and Family,* Vol.20, 1: 1-16.

Poland[460]

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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 *(urlop macierzyński)* (responsibility of the Ministry of Family and Social Policy)

Length of leave (before and after birth)

- Twenty weeks: no more than 6 weeks can be taken before the birth.
- It is obligatory to take 14 weeks after birth.

Payment and funding

- Twenty weeks at either 100 per cent or 81.5 per cent of the mother's average earnings for the 12 months before the birth (in the form of maternity benefit, *zasiłek macierzyński*), with no upper limit on payment. If the mother chooses to take the 100 per cent option, Parental leave taken afterwards will be paid at 70 per cent of average earnings; if the 81.5 per cent option is taken, then Parental leave will be paid at that level.
- If the maternity benefit in a given month is lower than PLN1,000 [€235.32] [461], the difference is paid to the parents. This is especially important for minimum wage and other low paid parents who decide to receive

[460] Please cite as: Kurowska A., Godlewska-Bujok, B., and Michoń, P. (2024) 'Poland country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2023*. Available at: https://www.leavenetwork.org/annual-review-reports/

[461] Conversion of currency undertaken for 16 July 2024, using: https://data.ecb.europa.eu/currency-converter.

compensation at 100 per cent for 26 weeks or 60 per cent for 26 weeks. Female farmers are not covered by this system; they are paid the benefit of PLN1,000 [€235.32] during the first year after their child is born, regardless of income.

- If an employer has more than 20 employees, payments are made to parents by the employer who claims back from the Social Insurance Institution. Otherwise, payments are made to the parent by the Social Insurance Institution.
- Payments are taxed.
- Funded from the Social Insurance Fund, financed by contributions by employees (2.45 per cent of earnings), self-employed workers, and other insured persons (i.e., working in atypical forms of employment), with some additional finance from the state to cover pension contributions. There is no contribution from employers.

Flexibility in use

- No later than 21 days after the birth, the insured mother may declare if she wants to take the 81.5 per cent option, i.e., an option of combined Maternity and Parental leave, for the total of 52 weeks of leave (see Parental leave below).
- The mother can transfer non-obligatory periods of Maternity leave, i.e., 6 weeks, to the father if she opts for the 81.5 per cent option (see 1c).

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

- Insured workers, including all employees and self-employed men covered by social security insurance at the start of the leave.
- There is no explicit ruling about eligibility for same-sex couples, however the way that the provision is worded may lead to such a possibility: in some parts the legislation refers to the 'mother', but in others it refers to 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; single parent); or delegation of leave to person other than the mother

- In the case of multiple births, Maternity leave is extended to 31 weeks for twins, 33 weeks for triplets, 35 weeks for quadruplets, and 37 weeks for quintuplets and more.
- The mother may share this leave with other members of her family, if they are employed or insured and if the mother is not able to take care of a child.
- In the case of the death of a baby before the end of the 8th week, the mother has the right to 8 weeks of leave in total, and to at least 7 days after the death of a child who was older than 8 weeks of age.

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

- Individuals who are not eligible to receive maternity benefit (thus also parental allowance, see 1d) are eligible for parental benefit of PLN1,000 [€235.32] per month. The benefit is addressed particularly to unemployed people, students, and people working on some types of civil law contracts (uninsured); but economically inactive mothers and fathers (those not officially registered as unemployed) are also eligible. The benefit is not means-tested.
- The benefit is paid for 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. The first 14 weeks of benefit are available only for mothers (unless she is alive or takes care over a child).

b. Paternity leave *(urlop ojcowski)* (responsibility of the Ministry of Family and Social Policy)

Length of leave

- Two weeks.

Payment and funding

- One hundred per cent of average earnings for the 12 months before the birth, with no upper limit on payment.
- If an employer has more than 20 employees, payments are made to fathers by the employer who claims back from the Social Insurance Institution. Otherwise, payments are made to the parent by the Social Insurance Institution.
- Payments are taxed.
- Funded as for Maternity leave.

Eligibility

- The same as for Maternity leave, i.e., insured workers, including all employees and self-employed men covered by social security insurance at the start of the leave.
- 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

- Leave can be taken any time during the 12 months after the birth of a child.
- Leave can be taken in two separate parts, i.e., each part must be at least one week.

c. Parental leave *(urlop rodzicielski)* (responsibility of the Ministry of Family and Social Policy)

Length of leave

- Forty-one weeks.
- Twenty-three weeks of leave is a family entitlement; the remaining period of 18 weeks is an individual, non-transferable entitlement with 9 weeks for mothers and 9 weeks for fathers.

Payment and funding

- Payment depends on the payment option chosen by the mother taking Maternity leave. If, during Maternity leave, the mother opts to be paid at 100 per cent of earnings, Parental leave is paid at 70 per cent of average earnings for 12 months preceding the birth, with no upper limit on payment; if the mother opts to be paid 81.5 per cent of earnings during her Maternity leave, the Parental leave benefit is paid at the same level throughout. Payment for the father is 70 per cent of earnings for the first nine weeks. If the father takes longer leave, i.e., if he uses some of the transferable part of Parental leave, then the replacement rate depends on what replacement was used by the mother on Maternity leave (i.e., either 70 per cent or 81.5 per cent.
- If the average monthly benefit on Parental leave would be lower than PLN1,000 [€235.32], the difference is paid to the parent. Female farmers are not covered by this system; they are paid the benefit of PLN1,000 [€235.32] during the first year after their child is born, regardless of income.
- If an employer has more than 20 employees, payments are made to parents by the employer who claims back from the Social Insurance Institution. Otherwise, payments are made to the parents by the Social Insurance Institution.
- Payments are taxed.
- Funding is the same as for Maternity leave.

Eligibility

- The same as for Maternity leave: i.e., insured persons, including all employees and self-employed people covered by social security insurance at the start of leave.
- Parental leave must be taken before the end of the year when a child turns 6 years. A mother's non-eligibility for Parental leave does not cause the loss of the eligibility of an employed or insured other parent or employed or insured other member of the family (i.e., grandmother, uncle, brother, child etc.).
- If the employment contract expires during the Parental leave, the parent loses a right to the remaining part. However, s/he does not lose the right to maternity allowance, which s/he will receive until the end of the original period of this leave.
- Same-sex parenthood is not recognized in Polish law, making it impossible for same-sex parents whose child is born in Poland to share Parental leave.

Flexibility in use

- The 41 week period can be taken as one continuous period of leave, or as up to 5 separate periods. Parents can use the leave until the end of the calendar year in which the child turns 6 years old.
- Parental leave may be combined with part-time working, with a maximum of working half-time hours. In this case, payment is proportional to the working time, and leave is also extended proportionately, up to 82 weeks.
- Both parents can take leave at the same time, though the overall length of leave must not exceed 41 weeks in the case of a single birth.

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, Parental leave is extended to 43 weeks, regardless of the number of children born.
- Parents of a child holding a '*Za życiem*' ('for life') certificate have the right to take Parental leave in order to take care of the child for up to 65 weeks, in the case of one child, or 67 weeks, in case of multiple births. The certificate is issued in cases where a child has an incurable or life-threatening illness.

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, but the parent must have worked for over six months with any employer. Thirty-four months are a family entitlement, with one month as an individual entitlement for the mother and another month for the father.
- A further 36 months can be taken for a disabled child. The same rules as for regular childcare leave applies, except for the age of eligibility, which is extended until the child turns 18 years old.

Payment and funding

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego*) of PLN400 [€94.13] 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 [€158.61] or PLN764 [€179.79] in the case of a family with a child with a disability.
- Funded from general taxation.

Flexibility in use

- Leave can be taken until the end of the calendar year in which the child turns 6 years old.
- Parents can take leave in 1 continuous period or in a maximum of 5 separate periods.
- Parents can reduce their working time up to half of full-time hours during the period in which they take the leave.
- Parents can take leave at the same time.
- Both parents have an individual, non-transferable right to one month of leave. However, it could be transferable due to certain legal 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 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; single 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 [€94.13] per month is made in these cases, and the payment period can be extended up to 72 months.

e. Other types of leave and flexible working

Adoption leave and pay

- The same regulations apply as for parents having biological children.
- Parental allowance is paid if the adopted child is seven years old or younger (and in some cases up to 14 years).

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 (child or adult) living in the same household, paid at 80 per cent of earnings. The care benefit (*zasiłek opiekuńczy*) is paid by the employer and refunded by the Social Insurance Institution when the employer has over 20 employees (insured); in the case of an employer with less than 20 employees, the Social Insurance Institution pays the employee directly.

- 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 paid at 80 per cent of earnings for up to 60 days.
- An employee with a child under 14 years is entitled to 2 days (or 16 hours) of fully paid leave per year.
- An employee is entitled to two days or 16 hours off work during a calendar year due to *force majeure* arising from urgent family matters caused by illness or accident, if the employee's immediate presence is necessary. This leave is paid at half of earnings.
- An employee is entitled to carers' leave of 5 days during a calendar year to provide personal care or support to a person who is a family member or lives in the same household and who requires care or support for serious medical reasons. This leave is unpaid.

Specific provision for (breast)feeding

- Mothers who work at least 4 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 being breastfed (i.e., children not necessarily born at the same delivery and with no limit for the age of child breastfed). A mother of 1 child working full-time would be allowed 2 breaks per day of 30 minutes each. Breaks could be combined and granted at the beginning or end of the working day.

Flexible working

- An employee has the right to apply for flexible forms of work or remote work in certain conditions, such as: a pregnant employee or a pregnant employee’s spouse in the case of a complicated pregnancy; an employee who is the parent of a child who has a *Za życiem* certificate (see 1c) or other certificate for a disability. 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 refuse 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.

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

The maximum period of post-natal leave is four years, but most of this is means-tested and low paid; leave paid at a high rate runs for maximum of 14 months. There is an entitlement to Early Childhood Education and Care (ECEC) from 3 years of age. There is, therefore, no gap between the end of leave and an ECEC entitlement, but there is a nearly 2 year gap between the end of well-paid leave and an ECEC entitlement.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Parliament has approved a law to establish an Active Parent programme, but it is not clear if it will be introduced as it depends on the President's approval. The aim of the programme is to make it easier for mothers/parents to return to work after Maternity/Parental leave. To this end, a benefit of PLN1,500 [€352.98] per month will be paid, which can be used to pay for a crèche or employ someone - even a close relative - to look after a child.

4. Uptake of leave

The Social Insurance Institution (*Zakład Ubezpieczeń Społecznych, ZUS*) collects limited data on the amount and average level of benefits received by parents on Maternity, Parental and Paternity leave.

a. Maternity leave

In 2023, 66,900 women took Maternity leave with an average benefit of PLN111.52 [€26.24] per day.

b. Paternity leave

According to a recent report published by ZUS and Share the Care foundation[462], in 2023 the number of benefit recipients on Paternity leave was 182,100, slightly lower than in 2022 when it was 185,4200. But the lower number does not mean that the share of fathers using Paternity leave dropped; it actually increased from 60 per cent in 2022 to 67 per cent in 2023. The lower number of fathers using Paternity leave was due to lower fertility in 2023. The average benefit for fathers on Paternity leave in 2023 was PLN204.38 [€48.10] per day, nearly twice as high as the benefits received by mothers on Maternity leave.

[462] *Tata na rodzicielskim. Co mówią liczby o ojcostwie w Polsce* [What do the numbers say about fatherhood in Poland], Share the Care, ZUS, April 2024. Available at: https://sharethecare.pl/tata-na-rodzicielskim/

c. Parental leave

The data indicate that the transferable part of Parental leave is mostly taken by women (99 per cent). The total number of parents taking Parental leave benefit in 2023 was 360,800. The benefit on Parental leave when taken by mothers was, on average, PLN107.10 [€25.20] per day, while for fathers it was PLN152.72 [€35.94] per day.

As a result of the introduction of 9 weeks of paid Parental leave reserved for each parent in April 2023, more fathers make use of their Parental leave rights. In 2023 19,000 fathers took some leave compared to 3,700 in 2022. Nevertheless, still only a small proportion (about 7 per cent) of eligible fathers use their rights.

In 2022, expenditure on parental benefits for non-employed parents amounted to PLN678.5 [€159.67] million and accounted for 6 per cent of all expenditure on family benefits. It was collected by an average of 62,300 people per month.[463]

[463] GUS (2023) *Świadczenia na rzecz rodziny w 2022 . [Family benefits in 2020].* Informacje Sygnalne GUS. Available at: www.stat.gov.pl

Portugal[464]

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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 Labour, 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 obligatory for the mother to take 42 calendar days (six weeks) following the birth – 'Mothers-only Initial Parental leave' ('*Licença Parental Inicial Exclusiva da mãe*'). The remaining period may be divided by mutual agreement between the parents.

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- An extra 30 days (‘sharing bonus’) is available if parents share the leave. The Leave is then extended to 150 days or 180 days. See 'Flexibility' below for the 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 2 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 the father takes at least 60 consecutive days, or 2 periods of 30 consecutive days, after the mother returns to work, payment is increased to 90 per cent of earnings.
- If the parents decide to share the 30 days of the fifth month of Initial Parental leave to stay home at the same time (each maximum 15 days), the payment remains at 80 per cent of earnings for each parent. The total length of leave remains the same but ends earlier if a portion is taken at the same time (see 'Flexibility in use' below).
- The monthly payment of ‘parental benefit’ is based on the average of all gross earnings in the first 6 of the last 8 months immediately preceding the Leave (excluding Christmas and holiday subsidies and other work bonuses).
- Parents living in the Portuguese autonomous regions (Madeira and Azores) are entitled to a 2 per cent increase in Parental leave benefits compared to the mainland to compensate for the higher cost of living.
- If income is very low (see eligibility), there is an entitlement to ‘Social Initial Parental leave’, with a minimum payment of €13.58 per day (120 days or 120+30 days of shared leave), €10.86 per day (150 days of non-shared leave), or €11.20 per day (150+30 days of shared leave). These days of Social Initial Parental leave include the 42 days mandatory for mothers (‘Mothers-only Social Parental leave’)
- Non-employed parents receiving either social parental benefits or unemployment benefits may apply for pension credits for their child-rearing leave.
- Payments are made to the parent by the social security system.
- Payments are not taxed. Most parents taking leave receive a higher net income than during employment since the leave benefit is exempt from payment of social security and income tax; parents also continue to accrue pension credits and other entitlements while taking leave. However, holiday and Christmas bonuses from the employer are not automatically paid during the leave period, but beneficiaries can apply for them as a 'compensation benefit' from the social security system (except for self-employed parents).
- Funded by the social security system, which is financed by contributions from employers, employees, self-employed persons and voluntary forms of social security. In general, employers contribute 23.75 per cent (22.3 per cent in the case of non-profit organizations) and employees 11 per cent; self-employed persons contribute 21.4 per cent.

Flexibility in use

- Mothers have the option to take up to 30 days of their Mothers-only Initial Parental Leave before giving birth.
- Initial Parental Leave may be taken in the following ways:
  - A parent may take (after the mother's mandatory period) all 120 days at 100 per cent of earnings or all 150 days at 80 per cent of earnings, i.e., when there is no sharing of leave.
  - Parents may take 150 days at 100 per cent of earnings, provided 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 take 180 days at 83 per cent of earnings, provided the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or vice versa; if the father takes at least 60 consecutive days, or two periods of 30 consecutive days, after the mother returns to work, payment is increased to 90 per cent of earnings.
  - In the fifth month, parents can share a maximum of 30 days to stay home together, but each parent can only stay home with the other parent for a maximum of 15 days. Therefore, this option to stay home together shortens the total amount of leave from 5 months to 4½ months, or from 6 months to 5½ months.
  - Initial Parental leave can be combined with part-time work after the first 120 days of leave, i.e., either the 5th or the 6th months *or* both the 5th and the 6th months of Initial Parental leave can be taken on a part-time basis by each parent. With this option the 30 days of full-time leave become 60 days of part-time leave and total Initial Parental leave can be extended from 150 or 180 days (5 or 6 months) up to a maximum of 240 days, i.e., 120 days on a full-time basis plus 120 half-days (part-time basis), paid at 50 per cent of earnings; parents can combine part-time leave with part-time work, either simultaneously or sequentially.
- Initial Parental Leave of 120 or 150 days can be divided between the parents but cannot be taken by both parents at the same time, except in the cases mentioned above, i.e., in the 5th month parents can stay at home together for 15 days making a total of 30 days of leave; and in the option of taking leave simultaneously with part-time work after the 120 days, in which case benefit will be paid accordingly with a maximum of 15 full days per month (30 half-days per parent). If parents want to take their leave at the same time and both work for the same employer in a small business, the employer's consent is required.
- Single parents cannot claim the entitlements of the other parent.

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

- All female workers who have paid social security contributions for 6 months (continuously or intermittently, the latter being only possible if the period without contributions is less than 6 months); contributions made to other national or international compulsory social security systems may be considered under certain conditions.

- Eligibility for paid mandatory leave, i.e., 42 calendar days of 'Mothers-only Initial Parental leave', only requires that the mother has worked and made social security contributions for at least 1 of the 6 months preceding birth. If necessary, the month of birth will be considered, provided there is at least 1 day of work with deductions in that same month.
- Mothers with no or insufficient contributions are entitled to a monthly benefit ('Mothers-only Social Initial Parental leave') for the mandatory 42 days and 'Social Initial Parental leave' for the remaining days up to the 120 or the 150 days of leave. This leave can be taken either by the mother or the father under the same terms as Initial Parental leave. However, it only applies if they meet the low-income/flat-rate criteria which means that the monthly family income must be below 80 per cent of the Social Support Index (IAS) (€509.26 per month in 2024). The monthly amount and duration of Social Initial Parental leave are:
  - for non-shared leave, €407.41 for 120 consecutive days (80 per cent of the IAS) and €325.93 for 150 consecutive days (64 per cent of the IAS).
  - for shared leaves, €407,41 for 150 consecutive days (80 per cent of IAS) and €336,11 for 180 consecutive days (66 per cent of IAS).
- The father's entitlement to take or share Initial Parental leave, or Social Initial Parental leave, is the same as the mother's but it also depends on whether the mother is working or entitled for other reasons (e.g., low family income, receiving unemployment benefits). If the mother is not entitled at all, the working father can only take the Fathers-only Parental leave (see 1b).
- The sharing bonus applies only if both parents work or are eligible for other reasons (e.g., low family income, receiving unemployment benefits).
- Self-employed persons (who contribute to social security) and unemployed persons (who receive unemployment benefits) are eligible.
- Same-sex parents are eligible.
- The eligibility requirements are the same for the leave time and benefits.

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 leave period is extended by one month for each additional child, and the entire leave period is paid at 100 per cent, regardless of the number of days and whether or not parents share the leave.
- In case of death, mental illness or physical incapacity of a parent who is entitled to use the leave, the other parent is entitled to the remaining time (this is called 'Initial Parental Leave in the event of impediment of a parent to take Leave'). The father will always be entitled to a minimum of 30 days of leave if the mother dies, becomes mentally ill or has a physical incapacity within the 120 days after birth.
- A working grandparent is entitled to 30 consecutive days of leave after the birth of a grandchild if the parent is a teenager (i.e., under 16 years old) still living at home.

- In the event of poor health or work-related health risks to the mother and foetus, the pregnant mother is entitled to pre-natal maternity benefits for as long as the risk exists (this leave is referred to as 'Health risk Leave/benefit during pregnancy'). This Leave does not count toward 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 event of premature birth or hospitalisation of the child or of the parent taking the leave after birth, the leave period is extended by the duration of the hospitalisation, up to a maximum of 30 days, without prejudice to the duration of the Initial Parental leave. If the hospitalisation lasts longer than 30 days, the Initial Parental leave may be suspended for the duration of the hospitalisation, allowing the parent to request paid leave to care for a sick child (see 1e).
- If the birth occurs before the 33rd week of pregnancy (inclusive), the Initial Parental leave period is extended by as long as the child's hospitalisation lasts, and by 30 days after discharge from the hospital. A statement from the hospital confirming the duration of the hospitalisation is required for the additional time due to the hospitalisation to be added to the leave period.
- In the case of 'special risks' (i.e., 'night work' from 10 p.m. to 7 a.m. and 'exposure to special agents, processes or working conditions', both defined by law) during pregnancy, after childbirth and during breastfeeding, women may interrupt their work and are entitled to 'Leave/benefit for special risks', which is compensated at 100 per cent of earnings. This interruption requires a medical certificate confirming the risk to the health or safety of the mother and/or the development of the child, as well as a statement from the employer that it is not possible to assign the working mother/pregnant woman to another schedule or other duties. This Leave does not reduce the 120, 150 or 180 days of the 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 Labour, Solidarity and Social Security)

Length of leave

- Thirty-five calendar days, 28 days of which are obligatory.

Payment and funding

- One hundred per cent of gross income with no upper limit (mandatory and optional days).
- Parents living in the Portuguese autonomous regions (Madeira and Azores) are entitled to a two per cent increase in Fathers-only Parental leave benefits compared to the mainland to compensate for the higher cost of living.
- Non-working parents receiving either social parental benefits or unemployment benefits may claim pension credits for the period of leave.
- Paid, taxed and funded as for Initial Parental leave.

Flexibility in use

- Seven of the 28 obligatory calendar days must be taken immediately after birth; the remaining 21 days must be taken consecutively or in periods of at least seven days each, within the 42 days following the birth (i.e., during Mothers-only Initial Parental leave). The remaining seven optional calendar days must be taken while the mother is on Initial Parental leave (120 or 150 days).
- The law states that 28 calendar days are obligatory. The ACT (Authority for Working Conditions) conducts workplace inspections and has established new protocols and training for inspectors, who must inspect all forms of Parental leave uptake.

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

- As Initial Parental Leave.
- Eligibility for the paid obligatory leave period only requires that the father has worked and made social contributions for at least 1 of the 6 months preceding birth. If necessary, the month of birth will be considered, provided there is at least 1 day of work with contributions in that same month.
- Fathers who have no contribution record or with insufficient contributions are entitled to 'Fathers-only Social Parental leave', which includes the mandatory paid leave of 28 calendar days, as well as the 7 optional calendar days, but only if they meet the low-income/flat-rate criteria which means that the monthly family income must be below €407.41 (80 per cent of the Social Support Index (IAS): €509.26 in 2024); the daily payment is €13.58, which is 80 per cent of 1/30th of the IAS.

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

- The 28 mandatory calendar days of Leave are increased by two days for each additional child in the case of multiple births. The same applies to the seven optional calendar days that the father may take while the mother is on Initial Parental leave.
- In case of hospitalisation of the child during the period after childbirth, Fathers-only Parental leave is suspended, at the father's request, for the duration of hospitalisation.

c. Additional Parental leave ('*Licença Parental Complementar*' – formerly Parental Leave, see note on terminology) (responsibility of the Ministry of Labour, Solidarity and Social Security)

Length of Leave

- Three months per parent. Additional Parental Leave is an individual, non-transferable entitlement.

Payment and funding

- Payment varies according to different take up modalities:
  - *full-time leave*, up to a maximum of three months per parent, paid at 30 per cent of earnings or 40 per cent if both parents take up all the available 3 months on a full-time basis (with a minimum daily payment of €6.79, i.e., 40 per cent of 1/30th of the IAS).
  - *complementary part-time leave***,** for which each parent must take part-time leave combined with part-time work, i.e., each parent receives part-time earnings, paid by the employer, plus 20 per cent of parental benefit, paid by Social Security.
  - *complementary interpolated leave***,** for which **e**ach parent can interpolate full-time leave with part-time leave and combine the latter with part-time work. In this case leave is paid at 30 per cent of earnings or at 40 per cent if both parents take up all the available three months of leave. Complementary interpolated leave can be extended up to 4 or 5 months, e.g., 3 months at 30 full-time days + 30 half-days + 30 full-time days (payment for 75 full-time days at 30 per cent of earnings); 4 months at 30 full-time days + 60 half days + 30 full-time days (payment for 90 full-time days paid at 30 per cent of earnings); 5 months at 60 half-days + 30 full-time days + 60 half days (payment for 90 full-time days at 30 per cent of earnings). There is a minimum daily payment of €6.79 - 40 per cent of 1/30th of the IAS (€509, 26 in 2024).
- Parents living in the Portuguese autonomous regions (Madeira and Azores) are entitled to a 2 per cent increase compared to the mainland to compensate for the higher cost of living.
- Pension credits can be claimed by those on Additional Parental Leave (except for self-employed parents)
- Paid, taxed and funded as for Initial Parental leave.

Flexibility in use

- Paid Additional Parental leave may be taken up to the child's sixth birthday, i.e., it does not have to be taken immediately after the Initial Parental leave.
- Paid Additional Parental leave can be taken by both parents at the same time or consecutively. Unpaid leave can be taken on a part-time basis for 12 months per parent.
- 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.
- Adopting parents, foster families and same-sex parents 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 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 *(Licença para assistência a filho – formerly Special Parental leave)*

- 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 on a full-time basis, extended to three years when there is a third or subsequent child. Childcare 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 1e), there is a suspension of the work contract. This means that all 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 considered in the calculation of old age and disability pensions. Non-employed parents are not eligible to leave, payment, or pension credits.

e. Other employment-related measures

Adoption leave and pay

- When a child under 15 years old is adopted or fostered, the adopting or fostering parents are entitled to Initial Parental leave on the same conditions and payment as described for Initial Parental leave (see 1a), including the sharing bonus. In the case of multiple adoptions, leave will be extended by 30 days for every subsequent child adopted, and paid at 100 per cent of earnings regardless of the number of days and whether or not there is sharing between adopting parents. 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.
- In the event of hospitalisation of the child, the leave period is extended by the duration of the hospitalisation, without prejudice to the duration of the Initial Parental Leave.
- Adopting or fostering parents can take up to 30 days of the 120/150 days of Initial Parental Leave during the process of the child's transition/delivery to

their care. Adoptive and foster fathers are entitled to the Fathers-only Parental Leave (see 1b). In case of multiple adoptions, Fathers-only Leave will be extended by 2 days for every subsequent child adopted.
- Adopting or fostering parents also benefit from time off to care for a dependent child (see below).

Time off for the care of dependants

- Up to 30 days per parent and 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. Leave is increased by 1 day for each additional 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.
- An additional 15 days per parent and per year can be used to take care of sick children above the age of 12 (when older than 18 years of age, the child must belong to the same household). Leave is increased by 1 day for each additional child.
- Paid at 100 per cent of net earnings up to a maximum of 65 per cent of gross earnings. Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent. Entitlement to payment implies that the other parent works and does not take the same leave at the same time; therefore if the father is not working or preventing from taking care of the child, and the mother takes leave, she will not be entitled to payment from Social Security. Both leaves are an individual entitlement but cannot be taken at same time by both parents.
- Grandparents are also entitled to take leave from work in order to substitute for 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. Paid at 100 per cent of net earnings up to a maximum of 65 per cent of gross earnings
- 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 6 months' leave (referred to as leave to care for a disabled or chronically ill child; *Licença para assistência a filho com deficiência, doença crónica ou oncológica*), which may be extended up to 4 years or 6 years if the need is supported by a medical statement (no limit in case of a terminal illness) 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 (€509,26 x 2). Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent.
- 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.

Specific provision for (breast)feeding

- Parents are entitled to 2 hours nursing leave per day during the 1st 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 mothers, fathers or shared by both (in which case, 1 hour can be taken by each parent). This absence 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 2 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: 1 hour in the morning and 1 hour in the afternoon (unless negotiated otherwise with the employer).
- In cases of multiple births, leave is increased by 30 minutes for every additional child. When mothers are breastfeeding, the 2 hours' reduction can last for as long as the child is breastfed.

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 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 5 days per week or working 3 full days per week. Employers and employees can agree on other arrangements. Part-time work may be extended to up to 2 years (3 years in the case of 3rd and subsequent children, four years in the case of chronically ill or disabled children).
- Parents working part-time or in a flexible working regime, cannot be penalised in their evaluation and career progression.
- If there is a disabled or chronically ill child below one year of age, one of the parents may apply for a 5 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 attend school meetings, until children reach 18 years of age, with no reduction in their earnings.
- Adopting and fostering families are entitled to be absent from work to attend meetings and proceedings related to the process of adoption or fostering.
- Co-parents are entitled to leave work to be present in prenatal appointments or medical assisted procreation (PMA) appointments.

- When resident in autonomous regions, co-parents are both entitled to time off work if they need to attend a medical facility outside their island, for medical appointments or birth.
- Parents with children below three years of age (no limit of age in case of chronically ill or disabled child) are entitled to teleworking (working from home). If their job fits this working regime and the company has the resources, employers cannot oppose this option. Possibility to extend until the child's 8th birthday in case of single parent families, families where both parents share telework or where only 1 parent meets telework conditions. This only applies to small, medium and large size companies (excludes micro companies, i.e., less than 10 employees).
- Parents with children between 3 and 6 years old have to give their written consent to do 'time banks' (extra unpaid working hours that can be compensated in time off) as well as to adaptability regimes (up to 12 hours a day, maximum 60 hours per week).

Gestational mourning (Licença por luto gestacional)

- In the case of the death of an unborn child, both the mother and father are entitled to 3 consecutive days of mourning, without prejudice to any rights or salary cuts. A medical certificate is required for the employer.

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

The maximum period of post-natal leave is three years (including two years of unpaid childcare leave). Leave paid at a high rate lasts for up to six months, depending on the sharing options. Since 2015 (Lei nº 65/ 2015), there has been 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. Although the Recommendation of the Assembly of the Republic in 2017 and the Government's commitment (Resolution of the Presidency of the Council of Ministers No.112/2020) to extend this entitlement to three-year-olds, it has not yet been able to guarantee places. A gap, therefore, still exists of around one year between the end of total paid post-natal leave and an ECEC entitlement, and of three and a half years between the end of well-paid leave and an ECEC entitlement.

Free ECEC attendance for 0 to 3 year-olds, irrespective of family income, has been extended to private for-profit crèches since January 2023; before this, it was limited to non-profit private organizations - IPSS). However, free attendance at a private for-profit crèche is only possible if there are no places in the non-profit sector in the same municipality. In 2023, 89,000 children under 3 years benefited from this free attendance policy (the majority in non-profit services), and it is estimated by the government that in 2024 this will increase to about 120,000 children. However, demand is still greater than supply. According to Carta Social 2021, there are about 118,000 places in crèches (profit and non-profit

organizations), while according to the INE (National Statistics) there are 250,000 children between 0 and 3 years old.

From the moment a child enters a free crèche, their place is guaranteed for the following 3 years. Each place costs the State €473 per month.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

'Dignified Work and Valuing of Young People in the Labour Market Agenda' (New Labour Law) came into force on 1 May 2023. The main changes already in force include:

- An increase of Fathers-only Parental leave from 20 obligatory working days to 28 obligatory calendar days, as well as an increase from five to seven additional calendar days. This change is justified on the grounds that the father will be paid for 28 calendar days in a total of 30 days, instead of being paid for 20 working days in a total of 30 days, hence losing a part of his salary.
- An increase in the Initial Parental benefit from 83 per cent to 90 per cent of earnings provided that the father takes, at least, 60 days of the 180 days leave period after the mother returns to work.
- An increase in the Additional Parental leave benefit from 25 per cent to 30 per cent of earnings or 40 per cent if both parents take this individual entitlement on a full-time basis.
- Introduction (for the first time in Portugal) of the possibility to combine work with paid leave. After the 120 days of Initial Parental leave, the father and the mother can work on a part-time basis as well as being on part-time leave. This possibility can extend Initial Parental leave up to 240 days (i.e., after the 120 days of leave taken by the mother, the father can take a maximum of 120 days of part-time live while working part-time); benefit is paid at 50 per cent of earnings).
- Introduction of the possibility of taking the three months of Additional Parental leave on a part-time basis combined with paid work. Additional Paid leave can by take in three ways: (i) Full-time leave: up to three months per parent paid at 30 per cent of earnings (unlike the former 25 per cent) or at 40 per cent if both parents use their entitlement on a full-time basis; (ii) 'Complementary part-time leave': both parents must take the 3 months on a part-time basis paid at 20 per cent of earnings; (iii) 'Complementary interpolated leave': parents can alternate periods of part-time leave (combined with paid work) with periods of full-time leave in a complex scheme that can extend the three months of Additional Parental leave up to a maximum of 5 months (see 1c). Complementary Interpolated leave is paid at 30 per cent of earnings or at 40 per cent if both parents take the total three months available leave. Unlike the previous law (when unpaid Additional Parental leave could be taken up to the child's 6th birthday and paid Additional Parental leave should be taken

immediately after Initial Parental leave), each of the 3 new modalities of this leave can now be taken until the child's 6th birthday, and there is no obligation to take it immediately after the initial parental leave for it to be paid.
- Non-discrimination of adoptive and foster parents regarding Parental leave policy in order to guarantee them the same entitlements (with adaptations) as biological parents.
- The extension up to the child's eighth birthday of teleworking for single parent families or for families where both parents share telework; and the extension of children's age from 3 to 6 years old regarding parents' consent to do 'time banks' and adaptability regimes (before the age limit was up to 3 years old).
- Introduction of 3 consecutive days of 'gestational mourning' (paid by the employer) for both the mother and the father in the event of the loss of a child during pregnancy.

Despite the importance of the innovation of being able to combine paid leave time with paid work, and its impact on reconciling work and family life, the law is complex: the options it provides are not easy to understand and levels of financial compensation vary, with some involving loss of income for parents. We did not find much feedback or discussion in the media about these innovations, nor any government advertising about them. Perhaps that is why, a year after its publication, it was not possible, based on the available data, to determine the impact of the new measures; more time will be needed to make an assessment.

Since April 2023, there are no further proposals under discussion regarding leave policy. However, during the March 2024 legislative elections, the electoral programmes of the competing parties had some proposals focused on the extension of Parental leave entitlements for both parents and the expansion of crèches (0 to 3 years-old) and free attendance at these services: the creation of a public network/expansion of the existing social non-profit network; universal entitlement for pre-school from 3 years of age (currently 4 years); and the extension of well-paid Initial Parental leave, and an increase of Fathers-only Leave.

4. Uptake of leave

a. Initial Parental leave (formerly Maternity leave)

The number of births has been growing slowly after recording its lowest value in 2021 (79,582), one year after the Covid-19 pandemic. The number of births for 2022 (83,671) increased 5.1 per cent in comparison to 2021, and the number of births for 2023 (85,764) increased by a further 2.5 per cent in comparison to 2022. This slow recovery brings the number of births to the values recorded between 2015 and 2019, after the economic crisis of 2011-2014; but they remain fewer than before the crisis period when the number of births was in the order of 100,000 births per year (e.g., 2007-2010). Therefore, Portugal's fertility rate remains one of the lowest in the European Union.

In general, the number of Parental leaves[466] granted follows the changes in the number of total annual live births. Therefore, in 2023 there was an increase in the number of Initial Parental leaves (a total of 71,192) comparing to 2022 (70.346). These figures include parents with sufficient record of social security contributions, entitling them to 80 to 100 per cent of earnings compensation (63,620), and parents with no record or insufficient record of social security contributions (7,572) who are only entitled to a flat-rate benefit (see 1a for benefit eligibility), which represent 10.6 per cent of the total number of paid Initial Parental leaves in 2023. Since it was first introduced in 2008, the number of such recipients of Initial Social Parental leave (i.e., paid to parents with an insufficient record of social contributions) has increased and reached 21 per cent of Initial Parental leaves in 2010. However, due to changes in eligibility criteria introduced in 2011, which made access more restricted, there has been a decrease over the years in the number of beneficiaries of this flat-rate benefit targeted at very low income families.

In 2023, Parental leave benefits taken by parents with a sufficient record of social security contributions (entitled to 80 to 100 per cent of earnings) have represented 74.2 per cent of the total number of live births (89.4 per cent in total Initial Parental leaves), while the flat-rate Parental benefit (parents with no record or an insufficient record of social security contributions) have represented 8.8 per cent of the total of live births (10.6 per cent of total Initial Parental leaves). It is estimated that, in relation to births, 83 per cent of parents were eligible for Initial Parental benefits in 2023 (compared to 84.1 per cent in 2022).

b. Initial Parental Leave and sharing bonus

Since it came into effect in May 2009, data on the sharing bonus showed a strong initial increase in uptake (from 596 fathers who shared Maternity Leave in 2008 to 17,066 fathers sharing Initial Parental Leave in 2010), followed by a slow but steady increase. By 2023, the number was 33,333, corresponding to 46.8 per cent of total Initial Parental leaves granted (52.4 per cent if excluding flat-rate benefit). However, if we consider all sharing cases (with and without the sharing bonus), meaning couples where each parent shared at least 30 days after the other returns to work, and couples where after mothers' exclusive leave (42 days following the birth) the father took the entire 120 or 150 days of Initial Parental leave, we see that half of fathers (51.4 per cent) have taken at least 30 days of total Initial Parental leaves granted (57.6 per cent if excluding flat-rate benefit).

Initial Parental Leave taken with the sharing bonus must be divided between both parents (see 1a). Although only the first six weeks (42 days) must be taken mandatorily by the mother, we estimate that nearly all parents who share divide the leave period between themselves by allocating four or five months to the mother and one month (the sixth) to the father (the last month of Initial Parental leave, when the mother returns to work). Among these sharing couples, in 2023, 71.3 per cent (23,769) chose the longer leave period (six months paid at 83 per cent of earnings), while 28.7 per cent (9,564) preferred the five-month option,

[466] The figures presented below regarding 'uptake of leave' may change due to database updates in relation to the previous year.

paid at 100 per cent of earnings. So overall, the longer period of leave (six months) is still widely chosen, even though parents are paid at 83 per cent of earnings.

Initial Parental leave taken without the sharing bonus is nearly always taken up by mothers. In 2023, the most common leave-taking pattern (65.2 per cent) was the five months paid at 80 per cent of earnings (since it is taken without the sharing bonus); 34.8 per cent of mothers have taken the four-month period paid at 100 per cent of earnings. However, there is a difference between mothers receiving the standard parental benefit and mothers receiving social parental benefit (see 1a): the latter tend to opt for the four-month period (83.3 per cent).

c. Fathers-only Parental leave (formerly Paternity leave)

Considering the time period after the 2011-2014 crisis, in relation to the number of births, the percentage of fathers who take obligatory leave (Fathers-only Parental leave) shows a slow increase from 70.9 per cent (60,634) in 2015, to 78.1 per cent (66,966) in 2023. In relation to the number of births, take-up of this leave is still not at 100 per cent for two main reasons: statistics may still exclude some employees with special social protection regimes (e.g., civil servants, lawyers); and some employees still do not fit the eligibility criteria (i.e., beneficiaries who do not have a sufficient record of social security contributions or whose household income is not as low as required by the flat-rate benefit).

However, if take-up is calculated in relation to the total number of Initial Parental leaves granted, take-up rates show an increase from 83.9 per cent, in 2015, to 94.1 per cent in 2022, which means that most fathers whose spouses take the Initial Parental leave also take their mandatory exclusive leave.

Moreover, if we exclude flat-rate benefits and only consider well-paid leaves (i.e., paid at 80-100 per cent of earnings due to sufficient record of social security contributions), take-up of Fathers-only Mandatory leave, calculated in relation to the total number of well-paid Initial Parental leaves, increases to 99.5 per cent, in 2023 (93.9, in 2015). This means that among mothers who are on well-paid leave (paid at 80-100 per cent of earnings due to sufficient record of social contributions) nearly all fathers take up obligatory and well-paid Fathers-only leave. On the other hand, when focusing on flat-rate benefits (social parental benefits) targeted to very low-income families, we see that in the majority of Social Initial Parental leaves (taken by mothers) there might not be a Fathers-only Social Initial Parental leave; in 2023 Fathers-only Social Initial Parental leave is only taken by 41.6 per cent of fathers where the mother takes leave.

The same trend is observed for the optional additional leave days: considering the period after the 2011-2014 crisis, in relation to the number of births, the percentage of fathers who take up their exclusive but optional leave days shows a slight increase from 62.7 per cent (53.599) in 2015, to 66.9 per cent (57,393) in 2023. Again, in relation to the total number of Initial Parental leaves granted, take-up rates increased from 74.3 per cent in 2015, to 80.6 per cent in 2023. In relation to well-paid Initial Parental leave, Fathers-only Optional well-paid leave reaches 86 per cent in 2023.

d. Additional Parental Leave (formerly Parental Leave)

Take-up of Additional Parental leave is still low mainly due to its low level of earnings compensation (see 1c). There is no data for the new options, which came into force in July 2023. According to available data, we see that despite increasing between 2010 (1,764) and 2023 (10, 656), data fluctuates and may rise or fall from year to year, with its highest value in 2022 (13,751). Additional Parental leave is mainly taken by mothers (of the 10,656 beneficiaries in 2023, 9,663 are women) and represents about 15 per cent of all parents taking Initial Parental leave (16.7 per cent in relation to total number of well-paid Initial Parental leaves).

Romania[467]

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April 2024

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 and maternal risk leave (*concediul de maternitate* and *concediul de risc maternal*) (responsibility of the National Social Health Insurance House)

Length of leave

- Eighteen weeks, made up of pre-natal birth leave (*concediul de sarcină*) and post-natal confinement leave (*concediul de lăuzie*): a maximum of 63 days can be taken before the birth and the remaining 63 days after the birth, or the entire period of 126 days can be taken after the birth.
- It is obligatory to take at least 6 weeks of post-natal leave.
- In addition, pregnant women and mothers can take 'maternal risk leave' (*concediul de risc maternal*) for the protection of their own and their child's health and safety; this is granted to pregnant women who are not on Maternity leave and whose employer cannot provide safe working conditions for the health of their own or of their child. This leave lasts for up to 120 calendar days.

Payment and funding

- 'Maternity leave' is paid at 85 per cent of the mean monthly gross income over the preceding 6 months, up to an upper limit of 12 times the national minimum gross salary per month. The calculation of the payment takes into

[467] Please cite as: Popescu, R. and Radogna, R.M (2024) 'Romania country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

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.
- 'Maternal risk leave' is paid at 75 per cent of mean monthly gross income over the preceding 6 months, up to an upper limit of 12 times the national minimum gross salary per month.
- Both leave payments are made to the parent by the employer, who claims back from the Social Health Insurance House.
- Payments are not taxed.
- Both leave payments are funded by the National Budget for Social Health Insurance *(Fondul naţional unic de asigurări sociale de sănătate*), which is financed by contributions from employers and employees.
- Self-employed persons must submit the file for Maternity leave and allowance to the Health Insurance House to which they belong and which will pay the maternity allowance.

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.
- 'Maternal risk leave' can be taken in one continuous period or in instalments before and after birth, being complementary to Maternity leave (the mother can take both of them, but not in the same time). Usually, mothers take this leave before birth, in the last trimester of pregnancy, after which they take Maternity leave, followed by Childcare leave.

Regional or local variations in leave policy

- Birth grants of RON2,500 [€503.10][468] introduced in 2017 by the municipality of Bucharest continue, and several cities and communes have developed similar programmes.
- Vouchers for pregnant women who are resident in Bucharest, which were introduced in 2018, continue but their amount remains unchanged at RON2,000 [€402.48]; these vouchers are designed to reduce the costs of ante-natal care, and can be used in both the public and the private health system.
- Financial support of RON2,000 [€402.48] is granted for mothers from disadvantaged categories: beneficiaries of social aid or family support allowance, mothers with disabilities; mothers who are temporarily in critical life situations (victims of calamities, domestic violence, drugs) and/or who are in particularly vulnerable situations (no longer having a home or evicted

[468] Conversion of currency undertaken for 16 July 2023, using: https://data.ecb.europa.eu/currency-converter.

from their own home); mothers who do not have identity documents and who, for this reason, cannot benefit from civil rights; teenage mothers; refugee mothers from Ukraine. The support is given as a voucher, which cannot be exchanged for cash but can be used to purchase products for the care of the newborn (e.g., nappies, clothing, sanitary and medical articles for mother and newborn). The voucher can be requested no later than 3 months after the child's birth and is granted only once. It is supported by OAD - Operational Programme 'Helping Disadvantaged Persons', financed from the European Aid Fund intended for the most disadvantaged persons in Romania.

Eligibility

- In the case of employees, Maternity leave is granted by the employer on the recommendation of a specialist or family doctor; the pregnant employee must inform her employer in writing and attach the document issued by the doctor. The same applies for 'maternal risk leave'.
- Maternity leave is for women who are Romanian or EU citizens, have their residency in Romania, and contribute to the social security system; and is granted irrespective of occupational status (i.e., for employees; self-employed; unemployed; workers on short-term contracts).
- Maternity leave is conditional on social insurance contributions made for 6 months out of the last 12 months prior to the month for which the leave is granted, whether the work was full-time or part-time.
- Maternity leave is also given to pregnant women who have stopped their social insurance contributions for reasons beyond their control, but who have a minimum contribution period of 6 months out of the last 12 months prior to the month for which the leave is granted.
- 'Maternal risk leave' is not conditional on a minimum contribution period as in the case of Maternity leave; mothers employed at the time the risk situation occurs are eligible for this leave.
- Since LGBTQ+ marriage or LGBTQ+ adoptions 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; single 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.

b. Paternity leave (*concediul paternal*) (responsibility of the National Social Health Insurance House)

Length of leave

- Ten working days.
- There is the possibility of extending the leave by a further five days if the father attends an infant-care course (*curs de puericultură*). This extension is granted for every child. 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

- One hundred per cent of earnings, with no upper limit on payment.
- Paid, taxed and funded as for Maternity and Maternity risk leaves.

Flexibility in use

- Leave can be taken at any time after the birth until the baby is 8 weeks old.

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 the full right of the father, and it is granted irrespective of whether or not the father is married to the mother.
- 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 5 days to a total of 15 days. 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 pentru creșterea copiilor*[469]) (responsibility of the Ministry of Labour)[470]

Length of leave

- Until the child is 2 years of age.
- Leave is a family entitlement.
- If both parents are eligible for the leave, 2 months must be taken by the parent not making the original claim for leave. If not, the total amount of paid leave is 22 months. This strategy is meant to foster more gender equal arrangements.

Payment and funding

- Eighty-five per cent of earnings over the last 12 months. Monthly benefit cannot be less than 2.5xISR[471], currently RON1,651[€332.25] per month, nor more than RON8,500 [€1,710.54] per month.
- Payments are made to parents by local authorities.
- Payments are not taxed.
- Funded by local authorities from their budgets..
- *Insertion incentive* is given to the parent (whoever is taking childcare leave) who returns to work. The insertion incentive is RON1,981 [€398.66] per month if the parent returns to work before their child is 6-months-old (or 1-year-old in the case of children with a disability) and RON858 [€172.66] per month if the parent returns to work when the child is 2 years-old[472] (3 years in the case of children with a disability) and is given until the child is 3 years of age (or 4 years in the case of children with a disability). It is forbidden to dismiss an employee who is receiving the insertion incentive for up to 6 months after the return to work; but the law no longer expressly protects from dismissal for the entire duration of the payment of the insertion incentive, i.e., until the child reaches the age of 3 years, or 4 years in the case of a child with disabilities.
- Where parents apply for another benefit because of another birth or adoption or foster care within a period of 12 months from the completion of Parental leave for the previous child, this second benefit is calculated according to either earnings from the parent's interim job (between the two births) or

[469] The name in Romanian translated literally as 'leave for rearing of the child', placing more emphasis on the child than the parent. For consistency across the review, we have referred to this leave throughout at 'Parental leave'.

[470] Because of the frequent changes in names of Ministries, the term 'Ministry of Labour' is used; currently, the full name is the 'Ministry of Labour and Social Solidarity'.

[471] 'ISR' 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. SRI is annually adjusted, with new rates starting from 1 March. SRI is currently RON660 [€132.82] per month.

[472] Previously, the parent had to return to work at least 60 days before the child was 2 years old, but according to HG 536/2021 the insertion incentive is now granted between 2 and 3 years and is no longer conditional on returning earlier on the labour market from parental leave.

income from the initial benefit, whichever is higher. The period during which the insured person was on paid leave for raising the first child constitutes the period assimilated to the contribution period necessary to be able to benefit from leave and allowance for raising the 2nd child. During any overlapping period, in which the insured person has the right to paid leave both for raising the 1st and 2nd child, the payment is raised by 50 per cent, to ensure the parent receives at least the same financial support for their 2nd period of leave.

Flexibility in use

- At least two months 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, 2 months 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 1 partner is on the 'compulsory' month of Parental leave, the other partner can either return to work or can opt for unpaid leave.
- The same amount will be received by those who have not contributed to the social security fund before birth, but have been enrolled in the labour force when the child reaches 2 years of age.
- Parents can take leave in one continuous period or in several periods of time.
- Parents who return to work from Parental leave cannot be dismissed in the first 6 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.
- 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 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; single parent); or delegation of leave to person other than the parents

- Parental leave is extended until the child is 3 years old in the case of a disability.
- In the case of multiple births, or if there is more than 1 child under 3 years of age, benefit is increased by 50 per cent.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay (concediul de acomodare)

- The maximum length of this leave is up to 2 years.[473] Adoption leave has the same features as Parental leave
- The adoptive parents must be employed and be insured in the state system of social benefits.
- The adoptive parent taking leave receives a payment equivalent to 85 per cent of average net income in the last 12 months of the preceding 2 years. The benefit begins from the day when the adoption is legally approved in the Court of Law.

Time off for the care of dependants

- Sick childcare leave (*Concediul medical pentru îngrijirea copilului bolnav*) gives each parent an entitlement to 45 days leave per year to care for a sick child up to the age of 7 years, or 16 years for a child with a serious illness or 18 years if a child is disabled. Leave is paid at 85 per cent of earnings. The benefit is awarded based on a certificate received from the family doctor, alongside the child's birth certificate. If there are surgical complications or additional health problems, leave can be extended at the discretion of the child's doctor. Each parent is entitled and 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.
- Leave for the care of cancer patients (*Concediul medical pentru îngrijirea pacientului cu afecțiuni oncologice*) gives an insured worker nominated by a person with cancer over 18 years of age an entitlement to 45 days leave per year to accompany the person with cancer to treatments prescribed by

[473] 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.

specialist doctors. Leave is paid at 85 per cent of earnings from health insurance.

- Caregiver leave (*Concediul de îngrijitor*) of five working days per year, fully paid, with the possibility of extending it under special laws or collective working agreements, in order to provide care to a relative or a person who lives in the same household as the employee and who needs support as a result of a serious medical condition. This covers a wide range of medical conditions such as ophthalmology, psychiatric, nephrology, endocrinology, diabetes, nutrition and metabolic diseases, ORL conditions and so on. The employee must prove the existence of the serious medical problem through the hospital discharge fiche or through the medical certificate issued by the physician or the family doctor of the person with the medical problems.
- Leave for supervising children when schools are closed (*Concediu pentru supravegherea copiilor în situația închiderii temporare a unităților de învățământ*). Law 19/2020, implemented during the Covid pandemic but based on previous legislation regarding the closure of schools due to weather conditions or other extreme situations so decreed by the authorities, gives parents of children up to 12 years-old (or up to 18 years-old for the children with disabilities) the right to take leave in case of the temporary closure of ECEC services or schools. Leave is paid at 75 per cent of earnings up to an upper limit of 75 per cent of national average gross earnings; the state reimburses the employers for the payment of the leave from the Wage Claims Guarantee Fund. This leave is available to every employed and self-employed parent. This law also grants leave to carers of adult persons with disabilities who are enrolled in day-care services which are temporary closed.

Specific provision for (breast)feeding

- Mothers can take two 1 hour breastfeeding breaks per day until their child is 12 months old or reduce their working hours by 2 hours per day (see 'Flexible working' below). These breaks are fully paid by the employer.

Flexible working

- Until a child reaches the age of 12 months, mothers have the right to reduce their normal working time by two hours per day; reduced hours are fully paid by the employer.
- Those taking care of a dependent elderly person can work half time (four hours per day); reduced hours are fully paid from public funds. The time employed under these conditions is considered as being in full-time work for the purposes of pension contributions and other insured benefits.
- Any adaptation of the work schedule can be requested by the employee to the employer or vice versa. The employer is not obliged to accept this request, but he is obliged to give reasons, in writing, for his refusal.

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

The maximum period of post-natal leave is up to the age of two years (or three years if the child has a disability), and this is paid at a high rate. There is an entitlement to Early Childhood Education and Care (ECEC) from any age; however, there has previously been a shortage of places for very young children (under 3 years) due to the closure of most public nurseries in the 2000s. New nurseries are now being opened and, in September 2020, an amendment to the Education Law entitled children between 2 and 3 years of age to a place in a public kindergarten (originally intended for children over 3 years of age). This has largely closed the gap that existed between the end of well-paid Parental leave and the start of an ECEC entitlement, which had meant that some parents had to rely on paying private providers or on informal support provided by grandparents and other relatives.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Starting from September 2023 (GD 865 / 2023) the payment for Parental leave increased by 50 per cent for parents with multiple births or who had another child during the Parental leave for raising a previous child. Also, the level of tax-free income parents can receive during the period of Parental leave has been increased from RON6,500 [€1,308.06] to RON10,512 [€2,115.43].

4. Uptake of leave

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 Labour, the number of fathers taking up paid leave and the benefit incentive for work varied between 15 and 21 per cent in the period 2012-2016. Unfortunately, starting with 2017, the data provided are no longer disaggregated by gender. Recent data provided by the Ministry directly to the authors show that there were 36,500 fathers (14.1 per cent of parents taking Parental leave) in 2022 and 33,689 (14.3 per cent) in 2023 who took paid leave and the incentive for work.

c. Parental leave

According to the latest information,[474] for 2023, 168,194 people received a child-rearing benefit while taking Parental leave, continuing a steady decrease since 2020 (178,912). A slightly decreasing trend is also observed in the number of those receiving an insertion incentive: 85,575 in 2023 compared to 88,520 in 2020. The decrease in the number of leave beneficiaries must be seen in a wider context, which has its origins in the 1990s, when Romania recorded dramatic decreases in the birth and fertility rates. The decreasing number of beneficiaries is the result of the continuing decrease in the number of parents.

The law encourages both parents to share two months out of the 24 months allowed, so that they will not lose the full period of leave (i.e., if this 2 months 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 these shared months.

d. Other employment-related measures

No information available.

[474] The National Agency for Benefits and Social Inspection Report. Available at: https://mmuncii.ro/j33/images/Documente/Familie/Incluziune_statistici/Tabele_Raport_2023_R.xlsx

Russian Federation[475]

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April 2024

N.B. The Russian Federation 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 (*отпуск по беременности и родам*) (responsibility of Ministry of Labour and Social Protection)

Length of leave (before and after birth)

- One hundred and forty calendar days: 70 calendar days before the birth and 70 calendar days after birth.
- It is not obligatory to take leave.

Payment and funding

- One hundred per cent of average earnings, calculated on basis of employment during the 24 months before taking leave, up to an upper limit of RUB121,191 [€1,034.04][476] per month; this is based on the upper limit on earnings for social insurance contributions, established by the state on an annual basis, the mother's actual number of worked days, and the length of the leave. The minimum amount of maternity benefit is RUB19,242 [€164.18] per month.
- 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

[475] Please cite as: Bagirova, A. (2024) 'Russian Federation country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[476] Conversion of currency undertaken for 16 July 2024, using: https://data.ecb.europa.eu/currency-converter.

unemployment office, can receive a one-time Maternity benefit of RUB923 [€7.88].
- Full-time students are entitled to Maternity leave and monthly Maternity benefit paid instead of, and at the same level as, their scholarship. For the 2022/2023 academic year, the minimum amount of Maternity benefit – and thus, of the scholarship – is RUB664 [€5.67] per month for students of primary and secondary vocational institutions; and RUB1,825 [€15.57] for university students. Not all students receive the same payment: the conditions and the size of the benefit are regulated by each educational institution.
- Pregnant women from families whose average per capita income does not exceed the regional subsistence level and who are registered at the maternity clinic before the 12th week of pregnancy are eligible for a unified child allowance, which can be paid from the 6th week of pregnancy. Payment is made at 50 per cent of the subsistence level after applying; it is then increased to 75 per cent or 100 per cent if the monthly per capita income in the family still does not exceed the subsistence level. To qualify for the allowance, an applicant must have some income for the period of 1 year prior to the application.
- Payments are paid directly to the parent by the local office of the Social Fund of Russia,[477] except for those women discharged from their work as a result of business closure; in their case, the benefit is provided by the social security office at the place of residence.
- Payment is not taxed.
- Funded from the Social Fund of Russia, which is primarily financed from contributions made by employers of 22 per cent of employees' wages. It has other sources of funding, including voluntary contributions made by self-employed citizens without the official income or those who have not yet earned a pension qualifying period; fines and penalties; investment income.

Flexibility in use

- None.

Regional or local variations in leave policy

- If a woman receives the minimum amount of maternity benefit (minimum wage per month), it is multiplied by the regional coefficient, which varies from 1.1 to 2 according to the region.
- 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.

[477] The Social Fund of Russia was established on 1 January 2023 after merging the Pension Fund and Social Security Fund of Russia.

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

- All insured women (including registered self-employed workers) and women who work as military personnel, as well as law enforcement and customs workers.
- 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; single parent); or delegation of leave to person other than the mother

- In the case of multiple births, the length of leave increases to 194 days: 84 days before the birth and 110 days after.
- In the case of a complicated delivery, the length of leave increases to 156 days: 70 days before the birth and 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 the child reaches 3 years.
- Leave is a family entitlement.

Payment and funding

- Forty per cent of average earnings during the two years preceding the birth, paid until a child is 18 months of age. The government sets minimum and maximum payments, the former being RUB 9,227 [€78.73] per month for every child, and the latter RUB49,123 [€419.13] per month for every child. The payments are not taxable, since they are social benefits.
- The second part of leave — from 18th to 36th month — is paid only if the financial status of the family complies with criteria for the unified child allowance, which is granted to families with children below the age of 17 years, where the average per capita income does not exceed the regional subsistence level. Payment is made at 50 per cent of the subsistence level after applying; it is then increased to 75 per cent or 100 per cent if the monthly per capita income in the family still does not exceed the subsistence level. To qualify for the allowance, an applicant must have a non-zero income for the period of one year prior to the application.

- Women or other relatives of the child who became unemployed while on Parental leave because their employer closed the business are also entitled to receive the payment. Parental leave benefit is calculated on the basis of their earnings during the 12 months before their unemployment. The maximum payment for unemployed leave-takers who have lost their jobs due to the closure of their workplace during the preceding 12 months, is RUB18,454.48 [€157.46] per month.
- Unemployed citizens (excluding those who lost their job because their employer closed the business while they were on parental leave) receive a minimum childcare benefit (RUB9,227.24 [€78.73] per month for every child) only provided that the average per capita income of their family does not exceed the regional subsistence level.[478] Full-time students are granted the benefit regardless of their income, amounting to RUB9,227.24 [€78.73] per month for every 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.
- If a woman has a right to both paid Parental leave benefits and Maternity leave benefits (e.g., if she is pregnant with a 2nd child), she must choose which benefit to receive.
- Families with three or more children are eligible for child tax deductions, which reduce the taxable income by 13 per cent. The tax deduction amounts to RUB1,400 [€11.95] for the 1st and 2nd child and to RUB3,000 [€25.60] for the third and subsequent children. Families with 3 and more children are also eligible for a RUB450,000 [€3,839.56] subsidy to pay back the mortgage.
- Payments are not taxed.
- Funded and paid by the Social Fund of Russia (see 1a for financing), except for those who are not insured (e.g., students, unemployed people), in which case funded from the federal budget.

Flexibility in use

- A right for a monthly childcare benefit remains if the leave-taker returns to work from leave (to a full-, part-time, or remote job) before the child reaches the age of 18 months or works for some other employer. Since 2024, the benefit is also granted if the leave-taker works full-time. If full-time students keep studying on leave, they also receive the monthly childcare benefit.
- Different periods of leave may be taken by different carers provided that only one person is on leave during each period. A father can use his right for leave only after the expiration of mother's Maternity leave; however, if a

[478] The 'subsistence level' has been calculated on the basis of the cost of a number of food and non-food items, with this calculation made every quarter in each region separately for three social groups: children, pensioners, and working-age population. From 1 January 2021, subsistence level is calculated in a new way: it is now established only once a year and is 44.2 per cent of the median income in Russia for the previous year (considering the differentiation coefficient for each region). 'Children's subsistence level' equals to 97 per cent of the per capita subsistence level.

mother was not officially employed before giving birth, the father can take leave from the time of the child's birth.
- Those eligible for leave can terminate it and later resume leave an unlimited number of times until the child is 3 years old. Thus, leave-takers can take the place of each other alternating their leave indefinitely or suspend it until the child is 3 years old.
- Two leave-takers cannot use their right for leave to take care of the same child simultaneously.

Regional or local variations in leave policy

- The amount of monthly childcare benefit paid to parents taking Parental leave until children are 18 months of age is increased by the regional coefficient which varies from 1.1 to 2 according to regional climate conditions. Additional monthly childcare payments for the first and second child of low-income families are also regionally variable, which is related to the regional subsistence level. Due to the fact that thresholds for categorizing families as low-income are different, the amount of the benefit varies as well.
- In many regions, families with children are paid not only Federal Maternal Capital,[479] but also Regional Maternal Capital, which does not have anything to do with Federal. Its receivers, amount, and the payment procedure are stipulated in the regional legislation. In the majority of regions, Regional Maternal Capital is provided for the third child; however, some regions give it to families with two children or even one child. For example, the Sakhalin Region provides RUB150,000 [€1,279.85] for the first child and RUB250,000 [€2,133.09] for the second and subsequent children. The Arkhangelsk Region pays the regional Maternal Capital for the third and subsequent children amounting to RUB124,606.81 [€1063.19]. The Kirov Region provides two options: after having the third or subsequent children, parents can either receive RUB50,000 [€426.62] for any purpose or RUB100,000 [€853.24] for the down payment on a mortgage or for the one-time mortgage repayment and then RUB50,000 [€426.62] for each subsequently born child. In the Sverdlovsk Region, the payment for the third and subsequent child is RUB167,918 [€1,432.74], while for having triplets and other multiple pregnancies RUB251,876 [€2,149.09]. In the Bashkortostan Republic, a one-off payment of RUB622,800 [€5,313.95] is targeted only at families with 8 and more children.
- In the majority of regions, families with 3 and more children have some regional benefits. The amount and procedure for granting benefits is authorised by the region itself. For example, many regions provide a free

[479] Maternal Capital is a payment granted to families after the childbirth or adoption of the first and subsequent children. In 2024, the amount of the federal Maternal Capital in Russia is RUB630,380.78 [€5,378.63] for the first child and RUB202,643.96 [€1,729.03] for the second child if children were born after 1 January 2020. If the first and the second child was born before 1 January 2020, the family receives Maternal Capital in the amount of RUB630,380.78 [€5,378.63]. Maternal Capital can be spent on children's education, improving living conditions, or for monthly payments for children under the age of three years.

land plot ownership to families with multiple children. In some regions, families can choose financial compensation instead of a land plot.

Eligibility

- Any insured caregiver (in proportion to previous earnings).
- Uninsured parents (at a minimum level).
- 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 births, poor health or disability of child or mother, single 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.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

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. Leave for taking care of a sick child can be taken by any relative (parents or grandparents). For a child under the age of 7 years, up to 60 days leave may be taken per year per child, with 45 days per child for a child aged 7 to 15-years-old (up to 15 days each time). For instance, a family with 2 children, one of whom is below 7 years of age and another between 7 and 15 years, can have up to 105 days of sick leave per year.
- Payment is made at 60 per cent of average earnings for employees with an employment record of under 5 years, 80 per cent with an employment record of 5 to 8 years, and 100 per cent with an employment record over 8 years, up to a maximum level.
- One parent is granted 4 paid non-working days more per month to take care of a child with disability (after the child is three years of age). If these days are not taken, they cannot be transferred to any other month. In the case of several children with disability in the family, the number of non-working days cannot be increased.
- All employees with 2 or more children under the age of 14 years or with a child with a disability under the age of 18 years or single parents taking care

of a child under the age of 14 years may apply for an additional period of 14 calendar days of unpaid leave at a convenient time for an employee.

Specific provision for (breast)feeding

- 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 3 hours, and for no fewer than 30 minutes.

Flexible working

- Every employee can apply to their employer for a flexible schedule, for example, an earlier start and an earlier end of the working day. However, the employer is not obliged to agree to the request.
- Pregnant women and parents with a child under 14 years of age (or a disabled child under 18 years) can ask for shorter working hours, with a proportionate reduction in earnings, and the employer cannot refuse.
- Mothers of children under 18 years old and working in rural areas can have 1 additional unpaid day off per month.
- The written agreement of an employee with children below three years of age (or below 5 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 paid by employers.

Vocational training/re-training

- In 2018, as part of the national project 'Demography', the federal project titled 'Promoting Employment among Women by Creating Conditions for Pre-school Education for Children under the age of Three' was introduced. The project aims to educate and improve the skills of women while on Parental leave. In 2020, 35,682 women joined professional training and supplementary professional education programs and 34,896 women completed professional training courses.

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

The maximum period of post-natal leave is three years, but payment during the first 18 months is at a relatively low level, except for 10 weeks of well-paid Maternity leave, and payment for the last 18 months is limited to lower income families. There is an entitlement to Early Childhood Education and Care (ECEC) from 2 months of age, which should mean there is no gap between the end of well-paid leave and an ECEC entitlement; however, in practice this entitlement does not operate as most parents are not aware of its existence.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3.Changes in policy since April 2023 (including proposals currently under discussion)

A new Decree on Social Support to Families with Many Children was issued in January 2024, covering families with 3 or more children. The Decree stipulates the following support measures for families with many children:

- benefits and childcare payments;
- support on the labour market;
- early old-age pension for mothers;
- training and additional professional education for parents.

The Decree also recommends regional governments to provide additional benefits to families with many children in education and healthcare, for improving housing conditions, etc. Social support measures are provided until the eldest child reaches the age of 18 years (or 23 years for full-time students).

Until 2024, the monthly childcare benefit provided to those whose eldest child had not yet reached the age of 18 months could be granted only to those leave-takers who worked part-time. Since 2024, the benefit is also granted if the leave-taker works full-time.

In February 2024, the President of Russia announced a new national project — 'Family' — from 1 January 2025 to 2030. It is expected to include the following:

- extending the 'Family Mortgage' programme, which provides a preferential mortgage rate for families that had a 1st or subsequent children after 1 January 2018, until the youngest child reaches the age of 6 years;
- extending Maternity Capital;
- extending payments for families with many children for mortgage repayment.

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

No statutory leave entitlement.

c. Parental leave

Since benefits for caring for a child from birth to 18 months of age are available for both insured and uninsured persons, it can be assumed that the uptake is 100 per cent. According to the Federal State Statistics Service, in the fourth quarter of 2023, there were 598,200 women with a child below the age of 18 months who received leave payments. There is no publicly available national data on the number of fathers that use Parental leave in Russia, but some regions provide this information; for example, according to the Social Fund of the Saratov Region, only 146 out of 12,000 leave-takers (or 1.2 per cent) are fathers.

Serbia[480]

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April 2024

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 (*porodiljsko odsustvo*) (responsibility of the Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of Family Welfare and Demography)

Length of leave (before and after birth)

- Four months: 28 calendar days before the birth and 3 momths after the birth.
- It is obligatory to take 28 calendar days before the expected date of delivery.
- After Maternity leave, mothers can access a supplemental leave (*odsustvo sa rada radi nege deteta*, 'child care leave') of 8.2 months per family for the first- and second-born child (see 'variation in leave' section below for multiple births and third or higher-order births); this leave starts immediately after the end of Maternity leave and lasts until the expiration of 365 calendar days from the day the Maternity leave has started. Maternity leave and Child care leave must be taken one after the other, continuously.

Payment and funding

- One hundred per cent of average earnings for employees, calculated based on the average earnings on which compulsory social security contributions were paid during the 18 months prior to the leave, with the upper limit set at five average salaries in the Republic of Serbia, according to the last data published by the Statistical Office of the Republic of Serbia on the day of the beginning of exercising the right to Maternity benefit.

[480] Please cite as: Pantelić, M. (2023) 'Serbia country note', in Dobrotić, I., Blum, S., Dobrotić, I., Kaufmann, G., Koslowski, A., and Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2023*. Available at: https://www.leavenetwork.org/annual-review-reports/

- Mothers cannot receive Maternity leave benefit lower than the national minimum wage (on average, RSD47,334.67 [€404.47][481] net per month), though there is no minimum for the supplemental leave period.
- Maternity benefit for 'other' categories of employees (e.g., self-employed, farmers and owners of agricultural farmsteads, casual employees) is calculated based on a different basis: by dividing the gross base of earnings in the previous 18 months by 1.5. This provision has created discriminatory practice between 'standard' employees and `other` categories of employees who previously had the same salary as the latter will receive lower Maternity benefit due to the difference in the calculation of the benefit.
- There are no leave benefits for unemployed or inactive mothers.
- Pension rights: 'standard' employees, that is, mothers in 'standard' employment having either permanent or fixed-term contract maintain their pension insurance during Maternity leave, with contributions being paid by the state on the level of Maternity benefit. 'Other' categories of employees (e.g., self-employed, farmers and owners of agricultural farmsteads, casual employees) have to pay contributions and taxes for themselves; otherwise, they will not maintain their pension insurance.
- Payments are made to the parent by the Ministry of Labour, Employment, Veteran and Social Affairs.
- Payments are taxed.
- Funded from general taxation.

Flexibility in use

- The father of the child may exercise the right to Maternity or supplemental 'child care leave' if the mother leaves the child, dies or is prevented from using that right for other justified reasons (e.g., serving a prison sentence, serious illness). The child's father has the right to Maternity leave also when the mother is not employed.
- The supplemental 'child care leave' is defined as the primary right of the mother, but can be fully transferred to the father with her consent.
- For children of different birth orders, both parents cannot use their entitlements for leave at the same time.

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

- All employed and self-employed mothers, as well as mothers in casual employment, farmers and owners of agricultural farmsteads paying social contributions are eligible.
- Same-sex couples are not eligible.

[481] Conversion of currency undertaken for 16 July 2024, using: https://www.xe.com/ .

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 a person other than the mother

- In exceptional circumstances, based on a medical assessment, Maternity leave can start 45 days before the expected date of delivery. In other 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 or complications related to pregnancy'), in addition to Maternity leave. The pregnant woman is entitled to a compensation of 100 per cent of average earnings on which compulsory social security contributions were paid during the last 12 months before the month the sick leave began, with a floor set at the national minimum wage for the month when the payment is made.
- Supplemental 'child care leave': 20.2 months per family in the case of multiple births and the third and every subsequent child for all categories of employees (e.g., 'standard' employees, self-employed, occasional employees and farmers).
- If the parent taking leave dies or is unable to exercise the right for any other justified reason, leave can be transferred to the other parent.

b. Paternity leave

No statutory entitlement.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

- After the expiration of Maternity and supplemental 'child care leave', one of the parents of a child in need of special care due to a serious degree of developmental difficulties has the right not to work or work part-time (half of the full working hours) until the child turns 5 years of age (referred to as 'leave for special care of a child', i.e., '*odsustvo sa rada radi posebne nege deteta*'). During this period, the employed parent is entitled to wage compensation, which is calculated in the same way as Maternity benefit. If an employed parent decides to reduce working hours and work part-time, he/she is entitled to a salary for the time spent at work and for wage compensation for the hours not working.
- For children of different birth orders, parents can be entitled to Maternity/'Child care leave' and 'Leave for special care of a child' simultaneously.
- One of the parents (including adoptive or foster parents), i.e., legal guardians, has the right not to 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 right to compulsory health insurance is maintained. This period of leave is unpaid, so contributions for pension insurance are not paid during that period, but the employer has an obligation to pay healthcare contributions for the employee.

e. Other types of leave and flexible working

Adoption leave and pay

- Employed/self-employed foster and adoptive parents have the right not to work for eight months continuously from the day the child is placed in a foster or adoptive family, and for a maximum until the child turns 5 years of age (that is, foster and adoptive parents are not entitled to any leave for an older child). If the placement in a foster or adoptive family occurred before the child reached 3 months, the foster or adoptive parent of the child has the right not to work until the child reaches 11 months of age.
- Foster and adoptive parents are entitled to wage compensation during the exemption from work due to childcare, which is calculated in the same way as for Maternity leave. They have the same benefit as employed or self-employed parents, depending on their employment status.

Time off for the care of dependants

- There is an entitlement to leave to care for a sick or injured immediate family member, with the length depending on the age of family member: for the care of a sick or injured family member younger than 7 years of age or a family member older than seven years with severe developmental difficulties up to 15 days per illness episode, which may be extended up to a maximum of 30 days for justified reasons; for the care of sick or injured family member older than 7 years of age up to seven days per illness episode with the possibility of extension for up to 14 days; in the case of a family member with severe health conditions (severe damage to brain structures, malignant diseases or other severe deterioration of the health condition) up to 18 years of age. The leave is paid at the level of 100 per cent of the average earnings, calculated based on the average earnings on which health care contributions were paid during the 12 months before the month when the leave started.
- A worker has the right to 5 working days of 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.

Specific provision for (breast) feeding

- The employed woman, who returns to work before the child is 1 year old, has the right to 1 or more daily breaks for breastfeeding in a total duration of 90 minutes per day, or the right to shorten the daily working hours for 90 minutes due to breastfeeding - if the working hours of an employed woman are 6 hours or more. The time used for daily breaks or shortening the working

hours due to breastfeeding is counted in the regular working hours and is paid at 100 per cent of earnings.

Flexible working

- See 'leave for special care of a child' (1d).
- A pregnant worker and a breastfeeding worker cannot work overtime and at night if such work would be harmful to her health and the child's health.
- One of the parents with a child up to 3 years of age, a single parent with a child up to 7 years of age or a parent with a child with severe developmental difficulties can work overtime or at night only with his written consent.
- A parent or legal guardian, i.e., a person who takes care of the person suffering from cerebral palsy, polio, some kind of plegia or muscular dystrophy or other serious illnesses, may, upon their request, work part-time, but not less than half of the full working hours. If an employed parent or legal guardian decides to work part-time, they are receiving only their salary for hours worked, i.e., a salary that is commensurate with the time spent at work.
- Regardless of parental status (i.e., in the case of all employees), an employee and employer can agree that the employee works from home for part of the contracted working hours. Also, if the nature of work and the organization of work permit it, the beginning and the end of the working hours may be determined, i.e., contracted in a special time interval (flexible working hours). Flexible working arrangements are not common practice.

Pre-natal examinations

- A pregnant worker has a right to use paid leave – equivalent to one working day – to attend pre-natal examinations and other health examinations related to pregnancy. Pregnant workers are obliged to announce the intention to use this right to the employer in a timely manner.

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

The maximum period of post-natal leave is 11.2 months (including 'Child care leave'), for the 1st and 2nd-born child or 23.2 months for the 3rd and every subsequent child as well as for multiple births. This is well-paid leave, paid at 100 per cent of previous average earnings up to an upper limit of 5 average salaries. It is obligatory for children to attend a preparatory preschool programme (PPP) from 5½ years old (4 hours per day for at least 9 months); before that, there is no entitlement to Early Childhood Education and Care (ECEC). There is, therefore, a gap of more than 4½ years between the end of well-paid leave and entitlement to ECEC.

National statistics report that in the school year 2023/2024 25.9 per cent of children aged six months to three years attended ECEC, and 74.1 per cent of

children over three years, with near-universal attendance for PPP (97.2 per cent).[482]

No information for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

With the Amendments to the Law on Financial Support for Families with Children in August 2023, 'other' categories of employees (e.g., self-employed, farmers and owners of agricultural farmsteads and occasional employees) gained the right to extended supplemental 'child care leave' of 20.2 months per family in the case of the third and every subsequent child.

4. Uptake of leave

a. Maternity leave

Maternity leave is the exclusive right of the employed mother in Serbia, except in exceptional cases, i.e., the father of the child can exercise the right to Maternity leave if the mother leaves the child, dies, or is prevented from using that right for other justified reasons. There is no official information on uptake rates. Fathers can also use Maternity leave if the mother is not in employment; however, that is not a widespread practice. According to the latest available data from the Ministry of Labour, Employment, Veteran and Social Affairs, in 2019, 14 fathers have used the right to Maternity benefit.

The supplemental 'child care leave' is defined as the primary right of the mother, but can be fully transferred to the father with her consent. The father of the child may exercise the right to supplemental 'child care leave' also if the mother leaves the child, dies or is prevented from using that right for other justified reasons. The child's father has the right to 'child care leave' also when the mother is not employed. There is no official information on uptake rates, although according to the latest available data from the Ministry of Family Welfare and Demography, in 2022, only 373 fathers used supplemental 'child care' benefit.

b. Paternity leave

No statutory entitlement.

c. Parental leave

No statutory entitlement.

[482] RZS (2024) Saopštenje – Predškolsko vaspitanje i obrazovanje, 2024. Saopštenje broj: 104, oznaka: DD20. Republika Srbija: Republički zavod za statistiku.

Slovak Republic[483]

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April 2024

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

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

a. Maternity leave (*materská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)

Length of leave (before and after birth)

- Thirty-four weeks: 6 to 8 weeks before the birth and 26 to 28 weeks following the birth.
- It is obligatory to take a period of Maternity leave, which cannot be less than 14 weeks and cannot end earlier than 6 weeks after giving birth.

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

- Seventy-five per cent of average earnings in the previous calendar year, when the employee had earnings and thus paid sickness insurance. The benefit has an upper limit of €1,994, i.e., 75 per cent of twice the national average wage from 2 years before and is adjusted automatically on an annual basis. If the maternity benefit is lower than parental allowance (see 1c), an additional payment is made to cover the difference.
- Payments are not taxed. During Maternity leave, pension contributions and health insurance contributions are paid by the state.
- Funded by the Social Insurance Agency, and financed by sickness insurance contributions. Employees contribute 1.4 per cent of their earnings, employers pay an additional 1.4 per cent of their employees' earnings. Self-

[483] Please cite as: Dančíková, Z. (2024) 'Slovak Republic country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

employed workers pay 4.4 per cent of their declared earnings. Sickness insurance can also be paid on a voluntary basis.

Flexibility in use

- Leave typically starts 6 weeks, but can start as early as 8 weeks before the expected date of birth, in such cases the post-natal period of leave is shortened accordingly.
- If the mother gives birth before the expected date, she can use the remainder of her pre-natal entitlement after giving birth.
- If the mother dies, the leave and benefit can be claimed by the father.
- Employed mothers are not allowed to continue their previous employment while on maternity benefits, neither full-time nor part-time. However, they can start new employment, either with a different employer or in a new position with the same employer.[484] The self-employed can continue working while on maternity benefits.

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

- To be eligible for the maternity benefit, a mother must have paid sickness insurance contributions for at least 270 days of the two years before giving birth. Time spent in secondary or tertiary education is also counted towards the 270 days, as long as the mother has already graduated and started paying sickness insurance contributions following her graduation.
- All employees pay sickness insurance contributions. The same conditions apply to the self-employed and voluntarily insured, however, the self-employed only pay sickness insurance contributions if their income was above €7,824 the previous year.
- There is no provision for same-sex couples to share leave. Under Slovak legislation same-sex couples do not have the right to marriage, civil partnership, or adoption of children.

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

- Maternity leave is extended to 37 weeks for single mothers and 43 weeks in the case of multiple births.
- In the case of a stillbirth, the mother is granted a maximum of 14 weeks of Maternity leave.

[484] The Social Insurance Agency had been turning down fathers' applications for maternity benefits when they did not meet the condition of taking care of their child, due to paid work (pravnenoviny.sk (2019). *Ako dopadli žaloby otcov proti nepriznaniu dávky materské*. Available at: https://www.pravnenoviny.sk/ako-dopadli-zaloby-otcov-proti-nepriznaniu-davky-materske). However, new legislation has discontinued an obligation for mothers to formally transfer the care of their children into fathers' hands and should prevent the Agency from declining fathers' requests due to continuing paid work while in receipt of the maternity benefit (see also Section 3).

- If the child dies while the mother is on Maternity leave, the mother has the right to 2 more weeks of leave following the death of the child.

b. Paternity leave

Length of leave (before and after birth)

- Twenty-eight weeks from the day of birth.

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

- Two weeks of paternity benefit, to be taken within the first 6 weeks after a child is born, worth 75 per cent of average earnings in the previous calendar year, when the employee had earnings and thus paid sickness insurance. The benefit has an upper limit of €1,994, i.e., 75 per cent of twice the national average wage from 2 years before and is adjusted automatically on an annual basis.[485]
- While the father is on Paternity leave, the mother may be in or out of paid work, including on Parental leave; however, she is not entitled to the parental allowance. Both parents cannot receive maternity benefits for the same child at the same time. However, both parents may be on maternity benefits at the same time with different children, typically the mother with a new-born and the father with an older child.
- Taxed and funded as for Maternity leave.

Flexibility in use

- The start of the paternity benefit entitlement can be postponed if the child is hospitalized within the first 6 weeks after it was born.
- Employed fathers are not allowed to continue their previous employment while on maternity benefits, neither full-time nor part-time. However, they can start new employment, either with a different employer or in a new position with the same employer.[486] Self-employed can continue working while on maternity benefits.

[485] The legislation, Law on Social Insurance (*Zákon o sociálnom poistení*), does not explicitly establish a paternity benefit. Rather, it specifies that a father is entitled to a maternity benefit of two weeks within the first six weeks following the birth of his child. However, the Social Insurance Agency refers to this benefit as a paternity benefit, clarifying that the paternity benefit forms a part of the already available maternity benefit: https://www.socpoist.sk/zivotne-situacie/tehotenstvo-materstvo/otcovske.

[486] The Social Insurance Agency had been turning down fathers' applications for maternity benefits when they did not meet the condition of taking care of their child, due to paid work (pravnenoviny.sk (2019). *Ako dopadli žaloby otcov proti nepriznaniu dávky materské*. Available at: https://www.pravnenoviny.sk/ako-dopadli-zaloby-otcov-proti-nepriznaniu-davky-materske). However, new legislation has discontinued an obligation for mothers to formally transfer the care of their children into fathers' hands and should prevent the Agency from declining fathers' requests due to continuing paid work while in receipt of the maternity benefit (see also section 3).

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

- To be eligible for the maternity benefit, a father must have paid contributions at least 270 days of the 2 years before starting leave as well as be insured when starting leave. If the father fulfils these conditions and takes leave within the first 6 weeks since the birth of his child, the conditions are already considered fulfilled for the remainder of his paternity leave, too. All employees pay sickness insurance contributions.
- The same conditions apply to the self-employed and voluntarily insured, however, the self-employed only pay sickness insurance contributions if their income was above €7,824 the previous year. The minimum value is linked to the average wage and adjusted automatically on an annual basis.

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 is extended to 31 weeks for single fathers and 37 weeks if taking care of 2 or more children.

c. Parental leave (rodičovská dovolenka) (responsibility of Ministry of Labour, Social Affairs and Family)

Length of leave

- Until the child reaches 3 years of age.
- Leave is an individual, non-transferable entitlement.

Payment and funding

- Parental allowance (*rodičovský príspevok*) of €473 per month is available to all parents who meet the eligibility conditions, whether they take Parental leave or not. It can only be claimed by one parent at a time and by a parent who previously received the maternity benefit. Parents who did not receive the maternity benefit are entitled to a parental allowance of €345 a month.
- Fathers are entitled to 28 weeks non-transferable maternity benefit[487] (i.e., 75 per cent of average earnings in the previous calendar year, when the employee had earnings and thus paid sickness insurance and with an upper limit of €1,994). However, mothers and fathers cannot draw on their respective maternity benefits at the same time for the same child, except for the 2 weeks of Paternity leave in the 6 weeks after the child is born; this

[487] In legal terms, fathers in Slovakia are entitled to maternity benefits, rather than paternity benefits, see also previous footnote.

means the remaining 26 weeks of 'maternity benefit' can only be used by fathers in the Parental leave period after the end of Maternity leave.
- If the paternity benefit is lower than parental allowance (see 1c), an additional payment is made to cover the difference.
- Payments are not taxed. The state pays pension and health insurance contributions for 1 stay-at-home parent taking care of a child until the age of 6 years, when compulsory primary education begins.
- Funded by general taxation.

Flexibility in use

- Parents can agree with their employer on an extension of parental leave until their child reaches the age of 5 years.
- Parents can work full-time or part-time while receiving the parental allowance.
- While both parents can take Parental leave at the same time, only one parent is entitled to the parental allowance at the same time, even with multiple young children present in the family. Parents are also not entitled to the parental allowance when one of them receives the maternity benefit, unless the maternity benefit is lower than the parental allowance. In that case, a lower parental benefit is paid, so that the total sum received by the parent is equal to the parental allowance.
- Parental leave can be repeatedly interrupted and restarted.

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

- Parents must be permanent or temporary residents of the Slovak Republic when claiming the parental allowance in order to be eligible.
- Parents' spouses are also eligible, if living in the same household.
- To be eligible for Parental leave, parents must be employed.
- Parental allowance is provided from the birth of the child, if parents are not eligible for the maternity benefit.
- Parental allowance is not provided to parents if another child of theirs has been removed from their personal care.

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

- Parental leave and parental allowance can be extended until the child reaches the age of 6 years if the child has a long-term health problem or disability, upon agreement with the employer, this can be extended until the child reaches the age of eight.
- Parental allowance is increased by 25 per cent per child in the case of multiple births.
- Parental allowance is reduced by 50 per cent for at least three months if any older child under parental responsibility is absent from compulsory education for at least three months.

- If the child dies while either parent is on Parental leave, the parent has the right to 2 more weeks of leave following the death of the child, though not beyond the day the child would have reached the age of one.
- If the parents separate, only 1 has the right to the parental allowance, even if both take care of the child.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- Adoptive and foster parents are entitled to 28 weeks of Maternity leave and benefits (31 weeks for single parents, and 37 weeks for parents taking over care of at least two children). The leave can be used until the child reaches the age of 3 years.
- Adoptive and foster parents also have the right to three years of Parental leave starting from the end of Maternity leave or the day when they take the child into their care, if the child is already older than three years of age. The leave can be used only until the child reaches the age of 6 years. If the child is suffering from long-term health problems, Parental leave can last up to 6 years, but only until the child reaches the age of 6 years. Parental allowance for adoptive and foster parents can be paid for a maximum of 3 years.

Time off for the care of dependants

- Employees can take leave to take care of a sick relative at home *(ošetrovanie člena rodiny),* including a sick child, or to take care of a child under the age of 11 years (or 18 years if the child is suffering from long-term health problems) for other reasons (e.g., if the child's school is closed). The length of leave is not limited. However, insured parents only receive an earnings-related benefit (*ošetrovné*) paid at 55 per cent of their previous daily earnings for a maximum of 14 calendar days. There is no limit to the number of episodes per year, if these do not exceed 14 days each.
- Insured parents are also entitled to a long-term benefit to care for a child in need of home care following a hospital stay or palliative care. The benefit amounts to 55 per cent of their previous daily earnings for a maximum of 90 calendar days and can be split between the parents.

Specific provision for (breast)feeding

- Mothers of children under the age of 6 months are entitled to 2 30 minute breaks for breastfeeding per child per full working day. Mothers of children aged between 6 and 12 months are entitled to one 30 minute breastfeeding

break a day. Mothers working at least 4 hours a day have the right to 1 break a day per child until their child reaches 6 months. The break time is paid.

Flexible working

- Pregnant women, as well as women and men taking care of children below the age of 15 may ask their employer for shorter working hours. Employers may decline the request due to serious operational reasons.

Other measures

- A childcare allowance *(Príspevok na starostlivosť o dieťa)* is available to cover some of the costs of childcare of children up to the age of three (or six in the case of a child with a long-term health problem or disability). It is available to one of the parents, including adoptive and foster parents, if they work or are enrolled in secondary or tertiary education. Parents are not entitled to the childcare allowance if in receipt of the maternity benefit or the parental allowance at the same time for any child. The allowance is provided in three forms. An allowance of up to €80 per month is paid when childcare is provided by a kindergarten included in the official network of schools and school facilities. An allowance covering declared costs up to €280 per month is paid when childcare is provided by other official providers. Finally, an allowance of €41 is paid when childcare is provided by other persons or relatives.

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

The maximum period of post-natal leave is three years, 13 months paid at a high rate, the remainder at a low flat rate. Children are entitled to a place in kindergarten starting from the September after they reached the age of 3 years. Attending kindergarten becomes compulsory from the September after they reached the age of 5 years. Children start school from the September after they reach the age of six years.

There is a shortage of kindergarten places, and with priority being given to 5 year-olds, many parents of younger children struggle to obtain a place, though availability varies with region.[488,489] To address the shortage, construction of new kindergartens is underway, supported by €82.5 million set aside by the EU-funded Recovery and Resilience Plan.[490] Inadequate numbers of teachers posing an

[488] Varsik, S. (2019) *Držím ti miesto. Komentár 2/2019*. Inštitút vzdelávacej politiky. Ministerstvo školstva, vedy, výskumu a športu, Ministry of Education, Science, Research and Sport of the Slovak Republic. Available at: https://www.minedu.sk/komentar-022019-drzim-ti-miesto/

[489] Ministry of Education, Science, Research and Sport of the Slovak Republic. Index dostupnosti materských škôl. Available at: https://tinyurl.com/4usw8nw8.

[490] Mogilevskaia, A. (2024) 'O miesta v škôlkach je bitka, obce nové nestavajú'. [There is a battle for places in kindergartens, municipalities are not building new ones]. *Pravda,* 28

additional obstacle. Significant progress has been made in extending the capacities in select municipalities, but the overall implementation of ECEC expansion is still insufficient.[491]

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Maternity benefit caps and parental allowance increased automatically from January 2024. The maternity benefit cap was raised in line with wage growth from €1,851 to €1,994. Parliament also passed an increase in the parental allowance from August 2023, from €413 to €473 for parents who previously received the maternity benefit, and from €301 to €345 for those who did not.

Eligibility criteria for maternity benefits were revised from January 2024 to increase eligibility of recent students. Before the change, mothers were entitled to maternity benefits if they had been making employment-related or voluntary sickness insurance contributions for a minimum of 270 days. Since January 2024, time spent in full-time education is also counted towards the 270 days, as long as the mother has already graduated and started paying sickness insurance contributions. The change does not apply to fathers.

In May 2023, parliament passed a guarantee of a kindergarten place for children who have reached 4 years of age by the start of the school year from September 2024 and 3 years of age by the start of the school year from September 2025.

4. Uptake of leave

a. Maternity leave

Nearly all eligible mothers take Maternity leave as it is obligatory. The number of fathers accessing maternity benefits had also been growing fast. A 2020 analysis of administrative data showed quickly rising uptake of maternity benefits by fathers. While in 2018 fathers of 10,000 children took leave, amounting to 17 per cent compared to the number of children born during this period, in the first half of 2019 already fathers of 6,500 children took leave, amounting to 24 per cent. Fathers took leave more often when they had higher income, when 1 or both

January 2024. Available at: https://spravy.pravda.sk/domace/clanok/697447-nechcu-obce-stavat-skolky-podla-druckera-ich-musi-rezort-presviedcat-potrebujeme-financie-a-menej-byrokracie-odkazuju-samospravy/

[491] RTVS (2023) 'Miesta v škôlkach budú zrejme naďalej chýbať. Najťažšie ich hľadajú rodičia v Bratislavskom kraji' [Places in kindergartens will probably continue to be lacking. Parents in the Bratislava region are looking for them the hardest]. *RTVS*, 23 October 2023. Available at: https://spravy.rtvs.sk/2023/10/miesta-v-skolkach-budu-zrejme-nadalej-chybat-najtazsie-ich-hladaju-rodicia-v-bratislavskom-kraji/.

parents had completed education or when they were self-employed.[492] A 2022 report from the Ministry of Finance showed a fall in the number of fathers making use of their benefits by a third compared to 2019[493]. However, the drop may have been linked to the COVID-19 pandemic. The Ministry of Finance anticipated the number of fathers taking leave will start growing again and reach 2019 levels by 2025.

Compared to mothers, fathers' leave-taking is still limited. Since 2023, regular official statistics on the uptake of maternity benefits are published. However, data is only published on the number of monthly benefits paid to mothers and fathers, providing information on the share of time they both received benefits, there is no information on the numbers of mothers and fathers who make use of the benefits overall, even if for a short period. Between January 2023 and February 2024, the proportion of maternity benefits paid out to fathers fluctuated between 5 and 6.4 per cent, the remaining 93.6-95 per cent were paid out to mothers.[494]

b. Paternity leave

While fathers are entitled to Paternity leave, in practice, they are more likely to combine their use of dedicated benefits with Parental leave (see 1b and 1c), as the timing of Paternity leave overlaps with Maternity leave, and both parents cannot draw on dedicated benefits at the same time. No data is available on fathers' use of Paternity leave (for fathers' use of associated benefits, see 4a).

c. Parental leave

There is no information available on Parental leave use. Parental allowance is paid to most families unless they opt for the childcare allowance (see 1c). Data on the number of recipients of the Parental leave allowance is only available on a monthly basis. In February 2024, the most recent month for which data was available at the time of writing, the allowance was paid to 136,074 parents; 130,759 of whom were women (i.e., 96 per cent, similar to the figure reported the year before).[495]

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[492] Dančíková, Z. (2020) Ani muži nemôžu mať všetko [Not even men can have everything]. *Komentár IFP 2020/06*. Available at: https://www.mfsr.sk/sk/financie/institut-financnej-politiky/publikacie-ifp/komentare/komentare-z-roku-2020/6-ani-muzi-nemozu-mat-vsetko-materska-otcov-nastup-matiek-do-prace-jun-2020.html

[493] Horváthová, V. and Salamonová, A. (2022) *Zima stale pod vplyvom pandémie* [Winter still under the influence of the pandemic*].* Available at: https://www.mfsr.sk/files/archiv/4/Zima-stale-pod-vplyvom-pandemie.pdf

[494] Sociálna poisťovňa [Social Insurance Agency] *Priemerný mesačný počet vyplatených nemocenských dávok* [Average monthly number of paid sickness benefits]. Available at: https://tinyurl.com/soy9m9y

[495] Ústredie práce, sociálnych vecí a rodiny (UPSVaR) [Central Office of Labour, Social Affairs and Family] (2024) *Mesačná štatistika o počte poberateľov sociálnych dávok a dotácií a čerpaných finančných prostriedkoch* [Monthly statistics on the number of recipients of social benefits and subsidies and funds drawn]. Available at: https://www.upsvr.gov.sk/statistiky/socialne-veci-statistiky/2024/2024-socialne-davky.html?page_id=1334696.

Slovenia[496]

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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 (*materinski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)

Length of leave (before and after birth)

- Fifteen weeks: 4 weeks before the birth and 11 weeks following the birth.
- It is obligatory to take 15 days of leave.

Payment and funding

- One hundred per cent of average monthly earnings (or other base 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 1st 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, €655.01 (gross) a month is factored in for the missing period. There is no upper limit, and the minimum is €655.01.
- 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 the (hypothetical gross) amount of basic

[496] Please cite as: Rakar, T., and Stropnik, N. (2024) 'Slovenia country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/.

minimum income (€655.01) that is increased by €20 (gross) per each month of insurance, but by no more than €340 (gross).
- Payments are taxed. The parent (or adoptive parent or foster parent) who was taking care of a child in its 1st year – i.e., the person who was receiving parental earnings compensation – receives pension credits for child-rearing.[497]
- Funded partly from Parental Protection Insurance, which forms part of Social Security Insurance, and financed by contributions of 0.1 per cent of gross earnings for employees and the same for employers. However, over 90 per cent of the financing of payments is from the central government budget.[498]

Flexibility in use

- The part unused before the birth may be claimed after childbirth if the birth took place before the expected 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.
- The person who is not insured at the time of exercising the right to salary compensation, but who has been insured for at least 12 months during the last 3 years, is eligible for earnings compensation (and not for the 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 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. 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.

[497] For the impact of these pension credits on the gender pension gap, see: Kump, N. and Stropnik, N. (2020) *Results of the standard simulations for Slovenia, Project MIGAPE* (Mind the gap in pensions). Ljubljana: Institute for Economic Research. Available at: http://www.migape.eu/pubs/WP2_SIE_Report_20200422.pdf

[498] 92 per cent, according to MISSOC – Mutual Information System on Social Protection (update as of 1 July 2019). Available at: https://www.missoc.org/.

b. Paternity leave (*očetovski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)

Length of leave

- Fifteen calendar days.

Payment and funding

- One hundred per cent of average earnings (or other base on which Parental Protection Insurance contributions were paid) during the 12 months prior to the leave, to an upper limit of 2.5 times the average gross salary in Slovenia, per month, in the previous calendar year [€5,552.37 per month].[499] 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, €655.01(gross) per month is factored in for the missing period.
- Taxed and funded as for Maternity leave.

Flexibility in use

- Paternity leave may be taken as full-time or part-time continuous leave until the child's age of three months. The duration of leave does not change, if taken part-time.

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; single parent); or delegation of leave to person other than the father

- Paternity leave is extended by an additional ten days for each additional child in the case of (i) multiple live births, or (ii) adoption or placement with the person for the purpose of adoption or granting parental care to the relative of multiple live born children or multiple children of different age up to age 8 years. The father may take these additional days until the child's

[499] Or in the year before the previous one if the information for the previous year is not yet available.

age of 3 months. The adoptive parent or the person with whom the child is placed for the purpose of adoption, or the child's relative who is granted parental care, may take the additional days in 3 months following the placement of the child with the (future) adoptive parent or the granting of parental care to the relative, but at the latest until the child is 8 years old.
- 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

- One hundred and sixty calendar days per parent.
- Leave is an individual entitlement, part of which (100 days) is transferable to the other parent.

Payment and funding

- As for Paternity leave.
- 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 exercising the right to salary compensation (Maternity, Paternity, or Parental, whichever is taken first), see 1a.[500]
- Taxed and funded as for Maternity leave.

Flexibility in use

- Either parent may transfer 100 days of their entitlement to the other parent. 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.
- Parental leave may be taken full-time or part-time: in the case of part-time leave being taken, the duration of leave is not extended proportionately. One of the parents must take it immediately after Maternity leave. Up to 60 non-transferrable days per parent may be taken at any time until the child is 8 years-old, but not more than twice a year, with each section lasting at least 15 days (unless a lower number of days is at disposal).

[500] In 2023, such cases accounted for around 3.5 per cent of all persons who received parental earnings compensation (less than in 2022, when the percentage was around five per cent).

- Non-transferrable days of Parental leave may be used during Maternity leave.
- Parents can combine part-time Parental leave (20 hours per week for the mother, 20 hours per week for the father), taking it at the same time. Parents may also use full-time Parental leave concurrently in the case of multiple births, birth of a child in need of special care, or if they already raise at least 2 children below the age of 8 years or a child in need of special care. This applies only to extended Parental leave due to these reasons (see 'Variation in leave' below) and non-transferrable days of Parental leave.
- Separated parents have the same rights as those living together.
- The Parental leave and earnings compensation are the rights of biological, adoptive and foster parents. If the same-sex partner has not adopted the child, he/she is not eligible. In that case, the biological parent is entitled to the whole of the parental leave and the respective earnings compensation.
- 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; single 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, Parental leave is extended by 90 days for each additional child. The same applies to cases of the adoption or placement with the person for the purpose of adoption or granting parental care to the relative of multiple live born children or multiple children of different age if the oldest child age is below the age of 8 years. Parental leave 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 2 children below the age of 8 years; 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 or temporary residence status and reside in Slovenia. The benefit amounts to €484.88 net per month and is received for 365 days from the birth of a child (longer in the cases of multiple or premature births, or the birth of a child in need of special care). The benefit is exempt from the personal income tax. Contributions for pension and disability insurance are paid from the central government budget. 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. While receiving the parental benefit, the parent is covered by the pension and disability insurance.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- The adoptive parent or the person with whom the child is placed for the purpose of adoption, or the child's relative who is granted parental care, may take Paternity leave as full-time or part-time continuous leave in three months following the placement of the child with the (future) adoptive parent or the granting of parental care to the relative, but at the latest until the child is eight years old.
- Adoptive parents (and child's relative who is granted parental care) have the same entitlements to Parental leave as other parents (see 3). The leave should start no later than 15 days from the placement of the child into the family for the purpose of adoption or the adoption itself (or granting parental care to the relative). It may be used until the child reaches 8 years of age.
- There are 30 days of Parental leave in the case of (foreseen) adoption (or granting parental care to the relative) of a child who has already turned eight years old and is below 15 years of age. The leave should start no later than 15 days from the placement of the child into the family for the purpose of adoption or the adoption itself (or granting parental care to the relative).
- Foster parents are eligible for 30 days of Parental leave for a foster child for which they cannot take regular Parental leave any more, but who is below

the age of eight years. The leave should start no later than 15 days after the placement of the child into foster care.

Time off for the care of dependents

- 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, per month. This cannot be lower than 60 per cent of the minimum wage (€752 gross per month)[501] or higher than the wage which the person would receive if they were working.

Specific provision for (breast)feeding

- Breastfeeding mothers who work full-time have the right to one break during working time lasting no less than 1 hour per day, until their child is 18 months of age. Payment is made for 1 hour per day, based on the proportional part of the basis (defined in 1a; this cannot be more than the proportional part of 2.5 times the national average gross salary per month).

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), or at least 2 children, the younger of whom is below the age of eight years, has the right to work part-time. The hours worked must be equal to or longer than half of full-time working hours (i.e., at least 20 hours per week). For hours not worked, social security contributions (including pension credits) are paid, based on the proportional part of the average monthly earnings during the previous 12 months (defined in 1a; this cannot be less than the proportional part of the minimum wage and not more than the proportional part of 2.5 times the national average gross salary per month). The parents may concurrently exercise the right to work part-time, whereby their total hours worked must be equal to or longer than half of full-time working hours per week. They have the right to return to the hours worked before (usually full time) afterwards.

[501] But not higher than the insurance base.

Other measures

- 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 3 years – is entitled to have social security contributions[502] paid from the state budget, until the youngest child is 8 years.

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

The maximum period of post-natal leave is 12.2 months, paid at a high rate. There is an entitlement to Early Childhood Education and Care (ECEC) from the end of Parental leave, available on a full-time basis in centres. There is no gap, therefore, between the end of well-paid leave and an ECEC entitlement.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

From 1 April 2023:

- The upper limit of 2.5 times the average gross salary, per month, in the previous calendar year (or in the year before the previous one if the information for the previous year is not yet available) applies for the Paternity and Parental leave salary compensation, which is higher than the former upper limit.
- Non-transferrable days of Parental leave may be taken at any time until the child is eight years.
- The parents may concurrently exercise the right to work part-time (with paid social security contributions up to full-time), whereby their total hours worked must be equal to or longer than half of full-time working hours per week.

In the case of children born or adopted or placed for the purpose of adoption or for whom the parental care was granted to the relative, from 1 April 2023 onwards:

- Paternity leave is shortened from 30 to 15 days; it can be taken as full-time or part-time continuous leave until the child is 3 months[503]. The same applies to additional days granted in the case of multiple live births.

[502] The contributions basis is the amount of 60 per cent of the last known average annual salary of employees in Slovenia, calculated per month.

[503] For children born before 1 April 2023, the first 15 days could be taken up to one month following the end of Parental leave.

- Parental leave is extended from 130 calendar days per parent to 160 calendar days per parent, with non-transferrable days increased from 30 to 60.
- Non-transferrable days of Parental leave may be used during Maternity leave.
- Parents may concurrently use full-time the non-transferrable days of Parental leave.

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 98 per cent of fathers took Paternity leave in 2023 (93 per cent in 2022), of up to 15 days.[504] However, in 2023, the average number of taken days was 11.85, which was less than in 2021 and 2022 (13.5 days). Over half of leave-takers (54 per cent in both 2022 and 2023) took more than 15 days, with the average of 10 days of additional leave in 2023 (just below 10 additional days in 2021 and 2022). The first 15 days are usually taken when the mother and child come home from the hospital.[505]

c. Parental leave

Most mothers take the entire Parental leave allocation and some take a good portion of it; very few do not take it, usually due to health reasons. Since 2017 the share of fathers among all leave-takers has stayed at around four per cent.[506] Considering the full earnings compensation while taking leave, the reasons for fathers' persistent 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

[504] These proportions relate to all fathers and are thus higher for eligible fathers. The number of deliveries in 2023 is used as denominator while, actually, the Paternity leave may have been taken in 2023 for children born in 2022 as well, as it will be taken in 2024 for children born in 2023.

[505] Stropnik, N. (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

[506] The 2023 data on fathers who took Parental leave refers only to the transferable days of Parental leave since the data on the use of 60 non-transferable days is not yet available from the information system.

employees.[507] [508] Paternity leave provisions and fathers having the same individual 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 Parental 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.

[507] 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

[508] Hrženjak, M. (ed.) (2016) *Spremembe očetovstva: moški med delom in starševstvom* [Changing fatherhood: men between employment and parenthood]. Ljubljana: Mirovni inštitut.

South Africa[509]

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April 2024

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 context 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, workers who work fewer than 24 hours per month and unpaid volunteers working for an organisation with a charitable purpose. 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 (in terms of chapter 1 section 1 of the SA Basic Conditions of Employment Act (BCEA), (Act 75 of 1997 as amended).

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. Certain limitations do, however, exist in terms of the two parties' contractual freedom.

[509] Please cite as: Farista, F., Jaga, A. and Buys, B. (2024) 'South Africa country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[2] Our thanks go to Herman Kasselman for his longstanding contribution to the South African country note.

Sectoral determinations

A sectoral determination is not an agreement: it is a determination made by the Minister of Employment and Labour, in terms of Chapter Eight of the BCEA, and, before making a sectoral determination for employees in an area or sector, the Minister of Employment and 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, respectively) – as such, they have different purposes. Lastly, it is to be noted that, Section 23(1)(d) of the LRA makes provision for the extension of a collective agreement to non-parties.

The Minister of Employment and Labour, in terms of the BCEA (as mentioned above), must make – and has made – a number of sectoral determinations (e.g. hours of work, overtime, payment for overtime, night work, standby, meal intervals, rest periods, payment for work on Sundays and public holidays) 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, and children in the performing arts. 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 been working for them longer and, as a reward, they increase or provide a set number of days with a long service award. For example, the Determination and Directive on Leave of Absence in the Public Service offers employees 30 days of annual leave after ten years of service (up from 22 days of annual leave).

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)

- Four months.
- Leave may start at any time from 4 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 their unborn child. The birth mother is only allowed to return to work 6 weeks after birth; this period can only be reduced if a medical practitioner or midwife certifies that the employee may return to work earlier.

Payment and funding

- Statutory Maternity leave is unpaid, but there are benefits that can be claimed from the Unemployment Insurance Fund (UIF)[3]. If an employee has been contributing to the UIF, the employee will be able to claim benefits for a maximum period of 17.32 weeks or four months (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 (UIF benefits are payable at a flat rate of 66 per cent of monthly earnings to a female contributor for 'confinement' (i.e., being on Maternity leave) and the period after the birth of a child. As of June 2021, the benefit is capped to a maximum benefit of ZAR17,712 [€898.78][4] a month. Maternity benefits are paid for a maximum of 17.32 weeks (121 days). If an employee earns more than the threshold and the employer does not pay while the employee is on Maternity leave, UIF will pay the maximum earnings ceiling of ZAR17,712 [€898.78] or ZAR212,544 [€10,785.37] per annum. If the employer pays less than the regular earnings per month, the UIF will top the payment up to the maximum earnings ceiling. Income tax is not payable on benefits received from the UIF.
- Employers are not legally obliged to pay leave benefits for 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, by mutual agreement, the

[3] UIF payments are based on the number of 'credit days' an employee has accumulated in 4 years. An employee must work 6 days to receive 1 credit day at the UIF. This means that for every 6 days the employee works, they can claim 1 day's pay from the UIF. The employee would need to accumulate 238 credit days to receive the full benefit.

[4] Conversion of currency undertaken for 16 July 2024, using: https://data.ecb.europa.eu/currency-converter.

employee to sign a service agreement[510] when they receive any maternity benefits. This mutual agreement between the employer and employee outlines specific terms related to Maternity leave. This agreement may specify that the employer will provide the employee with a certain duration of Maternity leave with full pay. In return, the employee may be contractually obligated to continue working for the employer for a specified period after returning from the leave. This arrangement can be seen as a form of payback or return on investment for the employer. It serves as an amendment to the original contract of employment, detailing the terms and conditions related to Maternity leave and the subsequent work commitment.

- Data from 2021[5] indicated that while 60 per cent of participating employees were provided with fully paid Maternity leave, 24 per cent did not receive a salary creating a financial burden during a time when these funds are critically needed.
- 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 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 percent of the employee's earnings, this respective monthly UIF contribution per employee/employer is limited to ZAR177.12 [€8.99] per month.
- The main exception concerns employees working in the national and provincial government. Public service employees are entitled to four months paid Maternity leave (under the terms of the August 2021 Directive and Determination on Leave of Absence in the Public Service').[6]

Companies still pay the pension and medical contributions for employees on Maternity leave, but this could alter by agreement between the employee and employer.

Flexibility in use

- Employees who have miscarriages or give birth to stillborn babies in their third trimester are entitled to six weeks' leave afterwards, regardless of whether or not they have already gone on Maternity leave (section 25 (4) of the BCEA).

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[5] Old Mutual (12 May 2022) *Why employers and HR need to review their maternity leave policies.* https://www.oldmutual.co.za/corporate/resource-hub/all-articles/why-employers-and-hr-need-to-review-their-maternity-leave-policies/

[6] Public Servants are exempt from contributing to the UIF. This is resultant of their distinct pension and social security scheme administered by the Government Employees Pension Fund (GEPF). This is viewed as comprehensive hence not requiring additional security in the form of UIF.

- There is no distinction between live and stillbirths in the granting of maternity benefits if the pregnancy has lasted at least 24 weeks.

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

- Maternity leave is not sex specific.[7] According to section 25 of the BCEA which governs Maternity leave in South Africa: (i) 'an employee is entitled to Maternity leave' and (ii) 'an employee may commence Maternity leave' anytime from six weeks prior to the employee's due date, or if otherwise prescribed by a medical practitioner. However, this Act infers that an 'employee' must be capable of conceiving and giving birth.
- 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 National Defence Force, National Intelligence Agency, or SA Secret Service, workers who work fewer than 24 hours per month and unpaid volunteers working for an organisation with a charitable purpose.
- The UIA excludes public servants. Maternity leave and maternity pay for these employees are 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, to receive Maternity leave and maternity pay.

[7] 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 as the Judge ruled in the best interests of the child. The employer refused the male employee 4 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. (1 December 2015) *Case Law: Maternity Leave for Men. Labour law for Managers: Practical Handbook*, pp.C 35/001 - C 35/010.

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 a person other than the mother

- *Premature birth*: if the baby is born prematurely, 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, the employer must be informed of the birth as soon as possible.
- *Pregnancy-related sickness*: if an employee is sick during their pregnancy before they start their 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, the employee may request to start their Maternity leave immediately, as per the provision in section 25(b) of the Code of Good Practice.

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' paid 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.[8]
- 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.[9]
- 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 an employee for any reason related to pregnancy, a right that is protected by the automatically unfair dismissal provisions of the Labour Relations Act and the unfair discrimination on a listed ground (pregnancy) provision of the Employment Equity Act.

[8] Department of Public Service and Administration (2021) *Determination and Directive on Leave of Absence in the Public Service, August 2021*. Pretoria: Government Printer.

[9] The last published report was in 2013, still only reflecting the 2012 survey. See also 'flexible working' (1e) 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, 179. Available at: http://www.lrs.org.za/docs/LRS_BM_Strategic per cent20Bargaining per cent20in per cent202013.pdf

b. Paternity leave

No statutory entitlement.

c. Parental leave

Length of leave

- Ten calender days for employees who are parents - irrespective of sex - commencing on the day that the child is born (see 1b for the provision of leave in Section 25A of the Labour Laws Amendment Act, No. 10 of 2018).

Payment and funding

- Sixty-six per cent of earnings of the beneficiary at the date of application.
- Funding is provided for parental benefits from the Unemployment Insurance Act, 2001 (Act No. 63 of 2001).

Eligibility

- The individual has to have been employed for a minimum of 13 weeks.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

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 2 years. Adoption leave is extended to an individual or to one member of an adopting couple.
- An eligible employee is entitled to adoption leave of 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.
- If an adoption order is made in respect of two adoptive parents, only 1 may apply for adoption leave and the other for Parental leave. The selection of choice may be exercised at the option of the adoptive parents.
- 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. In order to qualify, an employee has to have been employed for at least 13 weeks.

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 weeks consecutive commissioning Parental leave, or ten consecutive days Parental leave, as described in section 25A of the BCEA.
- Section 25C(6) states that if a surrogate motherhood agreement has 2 commissioning parents, one of the commissioning parents is entitled to commissioning Parental leave of ten consecutive weeks, and the other commissioning parent is entitled to normal Parental leave of 10 consecutive days referred to in section 25A.
- An employee who is commissioning parent (the primary carer) is entitled to leave claims associated with the adoption of a child and the payment of commissioning parental benefits, and the other parent is entitled to leave claims associated with Parental leave, as determined by the minister, subject to the provisions of the Unemployment Insurance Act, 2001 (Act No. 63 of 2001).In order to qualify, an employee has to have been employed for at least 13 weeks.
- 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.

Adoption and commissioning Parental leave for 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 August 2021 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). 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 into 2 categories: (i) for the commissioning parent who, from 8 June 2018, may take four consecutive calendar months' paid leave, commencing from the date of the birth; (ii) for the surrogate mother, who will be entitled to 6 consecutive weeks of paid Maternity leave.

Time off for the care of dependants

- Family Responsibility leave can be used if an employee's child or adopted child is sick (younger than 18 years, or any age if the child is differently abled). Family responsibility leave is 3 days paid leave per year, which full-time employees are entitled to. An employee must have been employed for longer than 4 months for the same employer and work at least 4 days per week to qualify for this leave.
- In the private sector, an employee is entitled to family responsibility leave when the employee's child is sick; or in the event of the death of the employee's spouse or life partner, or the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild, or sibling. This leave is fully paid by the employer and is available for a maximum period of three days in a 12 month period (5 days for domestic workers). This leave is an individual entitlement that cannot be shared by spouses, if one spouse chooses not to use their leave.
- The employer is entitled to require proof such as a medical or death certificate.
- Should the employee require more than three days, the employee will be required to take annual leave for the exceeding days.
- 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[10].
- In the public sector, according to the public service determination[11], 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;
    - 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.

[10] Eisley, T. (ed.) (2013) *Bargaining Monitor*, Vol. 27, 179, from the Labour Research Service. Available at: http://www.lrs.org.za/docs/LRS_BM_Strategic per cent20Bargaining per cent20in per cent202013.pdf

[11] Department of Public Service and Administration, June 2021

- Total family responsibility leave cannot exceed five days in an annual leave cycle (a period of 12 months commencing from the first day of employment or from the end of the previous leave cycle). 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.
- 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.

Specific provision for (breast)feeding

- Section 26(1) of the BCEA prohibits employers from requiring or allowing a pregnant or breastfeeding employee to perform work that is hazardous to her health or the health of her child. This means employers must assess and control risks to the health of pregnant or breastfeeding employees and that of the foetus or 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 6 months of a child's life.

Flexible working

- No general statutory entitlement, though some companies may provide such leave as part of their attraction and retention strategy especially during and post COVID-19.
- Codes of Good Practice, whilst not constituting binding law, the Code must be considered when applying or interpreting any employment law. The code of good practice regarding the protection of employees during and after pregnancy[12] 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 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 (s26 BCEA).

[12] Government Gazette (1998) *Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child*. Pretoria: Government Publishers.

- 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 their impact 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.

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

Maternity leave benefits are paid for a maximum duration of 17.32 weeks (121 days), paid at 38 per cent to 66 per cent of earnings depending on the level of income. There is no entitlement to Early Childhood Education. The National Integrated Early Childhood Development Policy (2015), covers the period from conception until the year before children enter formal school or, in the case of children with developmental difficulties and disabilities, until the year before the calendar year they turn seven, which marks the age of compulsory schooling or special education. In South Africa in 2022, 1.6 million children (72 per cent) under the age of 6 years were enrolled to attend an Early Learning Programme meant to prepare them for school. Concerningly, this figure was closer to 2 million before the Covid19 pandemic. The decline shows that parents are slow to send their children back to pre-school, possibly due to financial strain (many lost their jobs), or because many parents don't realise the importance of early education for their child's future success.[13]

No information for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

[13] Grow Educare Centres (2022, June) *The alarming state of early childhood development in South Africa*. Available at: https://www.growecd.org.za/2022/06/03/the-alarming-state-of-early-childhood-development-in-south-africa/

3. Changes in policy since April 2023 (including proposals currently under discussion)

In a recent court case, Van Wyk and Others v Minister of Employment and Labour 2023, the court looked at whether certain sections of the Basic Conditions of Employment Act (BCEA) and the Unemployment Insurance Act (UIA) are in line with the South African Constitution. These sections deal with issues related to employment and unemployment insurance, in this case specifically Maternity and Parental leave benefits. The court's decision will have implications for how these laws are applied in the future.

In the named case of *Van Wyk and Others v Minister of Employment and Labour 2023,* the court examined the constitutionality of sections 25, 25A, 25B and 25C of the BCEA and the UIA concerning the Constitution. The Minister argued that recent amendments were made, i.e. Labour Laws Amendment Act, No. 10 of 2018, through consultation processes and fell under the jurisdiction of NEDLAC and Parliament, warning of potential economic strain if found unconstitutional. However, the court emphasised the immediate harm of unconstitutional laws and the principle of justice delayed being justice denied. It ruled that the provisions, related to Maternity and Parental leave, unfairly discriminated between mothers and fathers and different sets of parents based on birth circumstances, leading to a suspended declaration of invalidity for two years for Parliament to address. The judgement also required alignment of UIA provisions with the court's decision.

This case is fundamental as it addresses all forms of leave for purposes of child-bearing and rearing, i.e., pregnancy, adoption and surrogacy. The gender and sex neutrality for purposes of adhering to the principles of equality and human dignity serve as a cornerstone of South Africa's constitutional democracy.

4. Uptake of leave

In the Quarterly Labour Force Survey 2021, quarter four indicates that there are 15,938,000 million people employed in South Africa. Of these, 13,356,000 are entitled to Maternity or Paternity leave: equating to 83.8 per cent of employees that were entitled to some form of Maternity or Parental leave for that year.[14]

a. Maternity leave

No information available

b. Paternity leave

No statutory entitlement.

c. Parental leave

No information available.

[14] Statistics South Africa (2022) *Quarterly Labour Force Survey*, Quarter 4: 2022. Pretoria: Statistics South Africa.

Spain[511]

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April 2024

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 reform of the Spanish gender equality law came into effect in March 2019 and major changes were introduced in leave policy (see details in 2019 review), introducing gender-neutral leave terminology. 'Maternity leave' was replaced by 'Birth and Childcare Leave' and the allowance by 'Birth and Childcare Benefit'. 'Paternity leave' was replaced by 'Birth and childcare leave´ and benefit `for the parent other than the biological mother'.

a. Birth and Childcare Leave for the mother (*Permiso y prestación por nacimiento y cuidado del menor,* replaced 'maternity leave': see 'note on terminology'*)* (responsibility of the Ministry of Labour and Social Security)

Length of leave (before and after birth)

- Sixteen weeks: up to 4 weeks before the birth, the remainder after the birth.
- It is obligatory to take 6 weeks leave after the birth.

[511] Meil, G., Escobedo, A. and Lapuerta, I. (2024) 'Spain country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024* Available at: http://www.leavenetwork.org/lp_and_r_reports/

Payment and funding

- One hundred per cent of gross earnings up to an upper limit of €4,720.50 (gross earnings) per month.
- In addition to the birth and childcare leave, a pregnancy leave right and benefit before delivery is established under the scope of the general sickness insurance. It is paid at 60 per cent of earnings and can be further improved through collective agreements. All pregnant mothers can take this pregnancy leave from week 39 until birth.
- A flat-rate benefit (€600 per month or €20 per day) is paid for 42 calendar days to all employed women who do not meet eligibility requirements.
- Payments are not taxed.
- Funded by social insurance contributions from employers and employees. As a rule, employers pay 23.6 per cent of gross earnings and employees pay 4.7 per cent, to cover common contingencies which include pensions, sickness, and leaves (*contingencias comunes*), with additional contributions paid to cover unemployment and other circumstances. In the case of public servants, all contributions are paid by their employer.

Flexibility in use

- Mothers can take birth leave from 4 weeks before the due date. This provision also applies in the case of international adoption if parents must move to the country of origin of the child.
- Six weeks must be taken full-time after the birth (or the judicial decision of adoption or foster care). The 10 remaining weeks can be taken, in agreement with the employer, part-time, and/or spread over the first year on a weekly basis (the employer, however, can refuse a proposal to take the leave on a full-time basis). In case of adoption, the possibility to spread parts of leave over the 1st year applies only for children under 12 months of age. In any case, employers must be informed at least 15 days in advance.

Regional or local variations in leave policy

- 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 8 additional weeks of the Birth and Childcare Leave (Collective Agreement 2019-2022, applying also for 2024) and those working for the regional government of Madrid have a right of up to 10 calendar days in case of birth, adoption or foster care (Collective Agreement 2021-2024). This improvement is not applicable for the 2nd parent.

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 Birth and Childcare Leave.
- However, conditions must be met in order to qualify for the earnings-related 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 unpaid Parental leave, and have contributed to social security for at least 180 days in the previous 7 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 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 mother

- In the case of the birth, adoption, or fostering of a child or children with a disability, mothers have the right to 1 extra week of leave for a new child, and to family benefits from an additional lump-sum benefit. In case of multiple birth, mothers have the right to 1 extra week for every new-born from the second child onward.
- In the case of a premature birth or infant hospitalisation, leave is extended up to 13 weeks.
- If the baby dies, leave is not reduced.
- If the mother dies, the other parent can take her leave entitlements, independent of the mother's previous employment situation and entitlements, what is not the case if the father dies.
- 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 of a child less than six years of age, each parent must take 6 weeks of full-time leave just after the judicial or administrative decision. The 10 optional weeks for each parent can be taken full-time or part-time in agreement with the employer (who can, however, refuse a proposal to take the leave on a full-time basis). These optional weeks can be spread over the first year on a weekly basis (if the child is less than 12 months old and both parents work), or taken in one continuous period during the 1st 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 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 Birth and Childcare Leave, or until the baby reaches the age of nine months.

b. Birth and childcare leave for the parent other than the biological mother (*permiso y prestación por nacimiento y cuidado del menor del progenitor distinto de la madre biológica,* replaced 'Paternity leave': see 'note on terminology') (responsibility of the Ministry of Labour and Immigration)

Length of leave (before and after birth)

- Sixteen weeks for all employed fathers (including self-employed) after childbirth, adoption, or foster care.
- It is obligatory to take 6 weeks leave following the birth.

Payment and funding

- One hundred per cent of earnings paid by the Social Security Fund with the same conditions as for Birth and Childcare Leave for the biological mother.
- However, the flat-rate benefit available for employed biological mothers who do not meet eligibility requirements (see Maternity Leave) is not accessible for employed fathers who do not meet the eligibility requirements.

Flexibility in use

- Same conditions as for Birth and Childcare Leave for the biological mother, except for the possibility to initiate leave upto 4 weeks before birth (in case of international adoption, if parents have to travel to the adoptee's country of origin, both parents can initiate leave till four weeks before the formal adoption).

Regional or local variations in leave policy

- Some regional and local governments have extended leave rights beyond what the labour legislation establishes.

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

- Same conditions as for Birth and Childcare Leave for the biological mother.

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 is extended by 1 extra week per child from the 2nd onward in the case of multiple births (or adoption or fostering), or if the child has a disability.

- The entitlement encompasses same-sex couples: this leave can be taken by the parents other than the biological mother (see 1e).
- In case of single parenthood, there is no right to accumulate leave rights of both parents. Single parents are entitled to only 16 weeks of 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

As a consequence of the transposition of the EU Directive 2019/1158 on Work-Life Balance in June 2023 (article 5, Parental Leave), a new leave scheme has been introduced, *Permiso parental*, additional to the existing leave, *Excedencia por Cuidado de Hijos*. Therefore, there are now 2 Parental leave schemes once Birth Leave has finished, with 2 different designs (e.g., length, payment (proposed), job protection, the period of use). We present these leave here as Parental leave 1 (8 weeks) and Parental leave 2 (3 years).

c. Parental leave 1 (*Permiso Parental*) (responsibility of the Ministry of Employment and Social Security)

Length of leave

- Eight weeks per parent.
- Leave is an individual and non-transferable entitlement.

Payment and funding

- None. (See Section 3 for proposed addition of payment from August 2024).
- During leave, Social Security contributions have to be paid by employers.

Flexibility in use

- Leave can be split into shorter periods of time and taken on a full-time or part-time basis.
- Employees must specify the employer the time span with at least 10 days in advance, except in case of force majeure. If employers considers that the leave request affects seriously the proper functioning of the company, they

can delay it, providing a reasoned written answer to the request and after having offered an equally flexible alternative as the rejected one.
- Leave can be taken until the child reaches 8 years.

Regional or local variations in leave policy

- None. (See Section 3 for proposed payment from August 2024).

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; single parent)

- The entitlement encompasses same-sex couples.
- In case of single parenthood, there is no right to accumulate the leave rights of both parents.

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 (as is the case for other leaves).

Pension credits

- All employees taking leave are credited with social security contributions for the whole period, which affects all Social Security benefits.

c. Parental leave 2 (*Excedencia por cuidado de hijos*) (responsibility of the Ministry of Employment and Social Security)

Length of leave

- Until the child reaches 3 years of age.
- Leave is an individual, non-transferable entitlement.
- During the 1st year, return to the same job position is protected; subsequently, job return protection is restricted to a job of the same category.

Payment and funding

- None.
- All employees taking leave are credited by the Social Security Institution with social security contributions for the whole period, which affects pension accounts, health cover, and new Birth and Childcare 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 3 years old, with no minimum period required.

Regional or local variations in leave policy

- Four out of 17 regional governments – *Comunidades Autónomas* – provide flat-rate benefits to increase the use of Parental leave.
  - Basque Country offers €292 per month for families with an annual income below €20,000 per person (€245 for families with an annual income above this threshold). The amount of the benefit was updated in 2019 and income ceilings were introduced in 2015. The amount is increased by 30 per cent in case of single-parent or large families, severe disability of any of the family members or in situations of gender-based violence. Mothers can receive this benefit for 18 months per child, whereas fathers for 30 months, with a maximum period of 73 months for all the children (48 months when the Parental leave is only used by the mother and 73 months when the father is the sole user).
    Since 2021, single-parent families in the Basque Country are entitled to eight weeks of fully paid Parental leave during the first year of a child's life. This benefit is intended to compensate for the limitations of Birth and Childcare Leave, which prevents these families from accumulating the rights of both parents (see section 3 for more information on this issue). The amount of the benefit is equivalent to 100 per cent of the salary for the month prior to the start of the Parental leave.
  - La Rioja offers €350 per month up to a maximum of €12,800, but only to families with an annual income below €60,000 (or €70,000 in the case of large families). The amount is increased by 30 per cent for single-parent families, in which case income ceilings are reduced to €35,000 (or €40,000 when the single-parent family has two or more children). In the case of multiple births, the benefits are doubled. To be entitled, parents must be employed in the private sector (public sector employees are excluded) and have been with the company for at least one year. Parental leave must be taken for a minimum period of four months. If both parents use the leave at the same time, only one of them can receive the benefit. This was the first update of the benefits since it was introduced in 2003, although income ceilings had already been revised.
  - Navarre offers a payment of €645.30 per month for a maximum of 12 months to care for children under the age of 18 years who have suffered

from a serious accident requiring hospitalisation and continuous care during and/or after hospitalisation. The amount is reduced to €450 per month in the cases of: (i) adoptions or foster care with an expected duration higher than a year; (ii) the care for children born in multiple births; (iii) families with 2 children when one of the siblings has a disability and both are under 6 years old; and, (iv) families with three or more children, when two of them are under six years old. All these benefits are means-tested. Care of sick children, regardless of their seriousness, is not included among the protected family circumstances.

- Castilla-León offers €1,500 when both parents take 1½ month of Parental leave. For large families and families in a situation of permanent foster care or guardianship for the purpose of adoption of the child who motivates the leave, the amount of the grant will be increased by an amount of €500 for each parent. For single parents the minimum duration of leave must be 3 months and the total amount €2,500. Since 2021, this benefit was extended to families who are victims of terrorism, mothers in situation of gender-based violence, and in cases of child's disability or serious illness. In the three latter exceptional situations, support is granted irrespective of which parent is on leave. Since 2023, the income level of two-parent families must not exceed €35,000 or €17,500 in the case of single parent families in order to be eligible for support.

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; single 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 2 years, and in the third year within the same municipality.
- For the calculation of the retirement or permanent disability pension, parents who have left employment, voluntarily or not, between the 9th month before

birth (3rd in case of adoption or fostering of a minor) and the 6th year after, are given 270 days (9 months) from the social security credits per child,[512] until all children reach the maximum limit of 5 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 cover 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.

- There is a complementary pension benefit of €33.20 per month and per child for mothers (or alternatively for the father if he interrupted employment in connection to childbirth and has a lower pension than the mother) in the case of contributory old age or permanent sickness pensions, or widowhood pensions.[513]

d. Childcare leave or career breaks

- No statutory entitlement. 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 types of leave and flexible working

Adoption leave and pay

- The same regulations as for other parents for the adoption or fostering of children under 6 years of age or older children with additional needs (e.g., disabilities, international adoptions).
- Public sector employees involved in an international adoption have the right to 2 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.

Time off for the care of dependents

- 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 23 years of age (provided the illness started before 18) 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 upper limit as for the Birth and Childcare Leave benefit) from

[512] Regulated by RD 1716/2012. Available at: https://www.boe.es/ buscar/doc.php?id=BOE-A-2012-15765

[513] See: http://www.seg-social.es/wps/portal/wss/internet/Trabajadores/PrestacionesPensionesTrabajadores/4c43ce49-6636-4a12-bacf-5e6697eb81da (regulated by Ley 22/2021, 28 **December 2021 on the General State Budget or the year 2022)**

professional sickness insurance schemes, with previous contributory requirements as for Birth and Childcare 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.

- Five days leave per employee, per event (*permiso por enfermedad grave de un familiar),* to care for a seriously ill (2 days in case of death) spouse or partner or a relative to a second degree of consanguinity or affinity - including partner's relatives; or 2 days in the case of a death, extended to 4 days if travelling is required. The leave period is paid by the employer. However, there is no agreement on what 'serious illness' means. For public sector employees, this entitlement is extended to 3 days (5 days if travelling is required) for the care of first-degree relatives (e.g., partner, children or parents, including in-laws).
- Employees h*ave* the right to time off from work on grounds of *force majeure* for urgent family reasons. These urgent issues comprise cases of illness or accident of a person that lives with the worker, making the immediate attendance of the worker indispensable. The time off from work will be paid by the employer up to the equivalent of 4 working days per year.
- 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 1st 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 profoundly 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 who receives 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 €100 and €542.85 per month in 2024). 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.

Specific provision for (breast)feeding

- During the first 9 months of the child's life, adoption, or foster care (12 months in the public sector), employees (both parents) are entitled to 1 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 a period of nursing care. It is an individual, non-transferable entitlement. Self-employed parents are excluded. The period can be divided into two 30 minute breaks or be replaced by shortening the normal working day by 30 minutes, or by an equivalent period on full-time days. The public sector and many collective agreements allow for 1 hour shortening of the normal working day.
- By consolidating this entitlement, parents can, in practice, extend their Birth and Childcare Leave by 2 to 4 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 1st birthday. In this case, the wage reduction during this additional period is compensated by social security funds.

Flexible working

- The law also guarantees that employees can postpone the annual holidays and use them after their Birth and Childcare 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, to care for a child under the age of twelve or to look after a disabled child of any age *(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.
- A number of regional governments offer 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. However, Navarre abolished these payments in 2011, and Castilla La Mancha and Castilla-León in 2012. This latter region has implemented a new benefit in 2020. 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 to extend, in practice, their Birth and Childcare Leave.
- Parents of children under the age of 12 years have the right to request an adaptation of their working time, including tele-working, to guarantee their right to balance working and family life. Employers can reject the request, but have to justify it based on objective reasons.

Sickness leave in case of menstruation or abortion

- Women have the right to sickness leave due to menstruation causing incapacity for work and in case of voluntary or non-voluntary interruption of pregnancy, while receiving health care from the Public Health Service. The payment level is the same as in case of ordinary sickness (60 per cent of previous earning, frequently toped up by the employer), though from the first day (instead of the fourth one) of leave.

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

The maximum period of post-natal leave is three years, but most of this period is unpaid; leave paid at a high rate ends after 'Birth and Childcare leave' (around five and a half months after the birth, including the consolidation of reduced working hours related to breastfeeding leave or *permiso de cuidado del lactante* - see 1e - if both parents use their leaves simultaneously or seven months if they use them consecutively after birth). The Spanish Education Law considers ECEC as a non compulsory stage of the education system (*Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación, LOMLOE*). It provides *de facto* an entitlement to Early Childhood Education and Care (ECEC) from 3 years of age, and nearly all children over this age attend early education. There is, therefore, no gap between the end of leave and an ECEC entitlement, but a substantial gap of approximately 2½ years between the end of well-paid leave and this *de facto* entitlement.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Following EC and OECD recommendations to improve Family Protection in Spain, on 28 March 2023 the Spanish Government approved a new law project on support for families (*Proyecto de Ley de Familias*) whose progress through Parliament was halted by the calling of a general election. On 29 February 2024 (BOE March 8 2024), the same law project was submitted again to the Parliament and is currently under discussion. It aims to improve social protection to different types of families. The new Family Law is designed to meet the benefit requirements of the 2019 EU

Directive on Work-Life Balance, as currently Parental leave is unpaid, and will be discussed in Parliament during 2024.[514]

The most relevant change since April 2023 has been the partial transposition of the 2019 EU Directive on Work-Life Balance (Real Decreto-ley 5/2023) by a Governmental Decree. It introduces the new unpaid Parental leave scheme of 8 weeks (expected to be paid by August 2024, after the end of the transposition period established in the EU Directive 2019/1158), and leave for *force majeure* of up to 4 days per year paid by the employer. To complete the transposition, paid leave for mothers needs to be extended by at least 6.5 additional weeks (this would be solved if Parental leave 1 were to be paid, which is not the case now). The Ministry of Social Rights (*Ministerio de Derechos Sociales y Agenda 2030*) has announced the intention to extend birth leave from 16 to 20 weeks and to pay part of Parental leave 1. These proposals are being considered by Parliament, but have not yet been introduced in the new Family Law Project.

Within a law on reproductive health,[515] in June 2023 came into effect the introduction of the right to take sickness leave in case of menstruation that causes inability to work, or in case of a voluntary or non-voluntary interruption of pregnancy. This law also recognizes the right to take sickness leave from the 1st day of week 39 of pregnancy until delivery. Instead of framing the latter Pregnancy leave within an amendment of the Birth and Care Leave regulation, it has been introduced as part of an amendment of this law regulating reproductive health and voluntary interruption of pregnancy. This implies that the new Pregnancy leave is being paid at a lower rate than birth leave (or additional employer's costs if they supplement the sickness benefit), requiring additional administrative and follow-up work as the benefits are paid by a different scheme of the Social Security Institution.

4. Uptake of leave

Statistics on uptake of leave are scarce and difficult to interpret, particularly after the 2019 reform, where the optional part of the Birth and Childcare leave can be split into different periods of time during the first year. Until now, official statistics provide only information on the total amount of administrative processes of granted leaves, but no information is available on splitting between parents or on the mean number of days the 2nd parent benefits from leave, or on part-time use.

a. Maternity leave

Since the beginning of the economic crisis in 2008 the number of mothers benefiting from Maternity leave has been decreasing as did also the number of births. The take up rate measured in relation to the number of births has remained,

[514] OECD (2022) *Evolving Family Models in Spain: A New National Framework for Improved Support and Protection for Families*. Paris: OECD Publishing. Available at: https://doi.org/10.1787/c27e63ab-en

[515] *Ley Orgánica 1/2023, de 28 de febrero, por la que se modifica la Ley Orgánica 2/2010, de 3 de marzo, de salud sexual y reproductiva y de la interrupción voluntaria del embarazo.* The new measures will be implemented from June 2023 onwards.

however, stable around 66 per cent (ranging from 64.6 till 69.2 per cent), as unemployment among women in central adult age groups did not increase substantially. This percentage underestimates the real take-up rate in relation to eligible mothers (those paying Social Security fees or benefiting from unemployment benefits). According to the data provided by the *Fertility Survey 2018* of the National Statistical Institute (sample of interviewed women), 82.5 per cent of eligible mothers aged 18 to 55 years benefited from Maternity leave for their first child and 84.9 per cent for their second child.[516] According to the survey *Young Spanish Families 2021,*[517] 89.6 per cent of eligible mothers of children aged less than seven years benefited from leave for their youngest child.

In 2022, once the leave reform was fully implemented, the number of Birth and Childcare leaves acknowledged to the first parent amounted to 224,557. This represents 68.2 per cent of all births, 0.5 percentage points more than one year before. The mean number of days taken by the first parent amounted to 109.3 days (three days less than 16 weeks).

Until now, mothers have not used the increased flexibility in use allowed by the 2019 reform. According to the survey *Young Spanish Families 2021*, 90 per cent of those who became mothers after the reform took leave in one continuous period, mostly because they considered it was the best for the baby or because it is usual to do it like this.

The proportion of birth leave takers who took part of the leave period part-time also did not change with the reform (14 per cent before the reform compared to 13 per cent afterwards). Most of the mothers who took leave part-time are self-employed workers. Using data from Spanish Social Security Statistics, Castellanos-Serrano et al. (2024)[518] indicate that in 2022, 9.5 per cent of self-employed mothers and 1.9 per cent of employed mothers split the length of the leave.

In 2022, an average of 5,505 women per month were on leave because of a risk during pregnancy, with an average duration of 88.6 days, equivalent to 0.20 per cent of all live births in 2022. 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), 2019 being the first year to decrease. The average number of days of leave taken has decreased steadily (from 120 to 88.6 days during the period). The number of

[516] Meil, G., Rogero-García, J. and Romero-Balsas, P. (2020) 'Los permisos para el cuidado de niños/as: evolución e implicaciones sociales y económicas' [Childcare leaves: evolution and social and economic implications], in A. Blanco et al. (eds.) *INFORME España 2020*. Madrid: Universidad Pontificia de Comillas, Catedra J. M. Martin Patino de la Cultura del Encuentro, pp.293-337. Available at: https://blogs.comillas.edu/informeespana/

[517] Meil, G., Rogero-García, J., Romero-Balsas, P. Diaz-Gandasegui, V. and Muntayola-Saura, D. (2021) *Young Spanish Families, 2021, microdata of an online representative survey on parents of children aged less than 7 years old, implemented by Netquest Ldt*. Survey funded by grant CSO2017-84634-R of the Spanish Ministry of Economy, Industry and Competitivity

[518] Castellanos-Serrano, C., Alcalde, A.R., Jiménez, J.A. and Vega Martínez, C. (2024) *La reforma del sistema de permisos parentales: formas de uso y expectativas de influencia en la corresponsabilidad* [The reform of the parental leave system: forms of use and expectations of influence on co-responsibility]. Universidad Nacional de Educación a Distancia (España).

women per month taking leave for breastfeeding because of a potential risk (introduced also in 2007) reached a mean of 70 per month in 2022. The mean number of days of leave was 146.8 days.

b. Paternity leave

A total number of 250,545 administrative processes of Birth and Childcare leave for the second parent was registered in 2022. This was 0.8 percent more than 2021, while live births decreased by 2.4 per cent. The take-up rate measured in relation to the number of births increased from 73.7 per cent in 2021 to 76.1 per cent in 2022, following a steady increasing trend since the introduction of Paternity leave in 2007. Measured in relation to eligible fathers, as is the case with Maternity leave, the take-up rate is much higher, reaching 88.9 percent (i.e., 12.8 percentage points higher), according to the survey *Young Spanish Families 2021*. The equalization of paid leave weeks for fathers and mothers has resulted in a reduction of around 3 per cent in the return to employment a year after childbirth. However, it has not yet managed to reduce the gender labour gap, that is, women still have a lower employment rate and they reduce their working time more than men after the reform.[519]

Unlike mothers, fathers have increasingly made use of the flexibility options of the new regulation together with the extension of the leave duration. According to the mentioned survey *Young Spanish Families 2021*, while 38 per cent of those who had a child in 2019 split their leave right into different periods over the year, among those who had it in 2020 the proportion rose to 51 per cent. As both these years cover the transition period where leave duration increased, it can be observed that the longer the leave, the higher the proportion of fathers who split it over the year. Splitting leave varies by regions. In 2022, the autonomous communities where it is most frequent are Navarra (71 per cent), La Rioja (67 per cent), Aragón and the Basque Country (66 per cent each), while those with fewer fathers splitting leave use are Canarias (35 per cent), Andalucía (42 per cent), and Extremadura (45 per cent).[520]

The proportion of birth leave takers who took part of the leave period part-time has also risen 6 percentage points amongst fathers (from 16 to 22 per cent) after the reform.[521] Part-time use is more common among self-employed fathers (this trend is also observed among mothers albeit with lower percentages); in 2022 leave was used part-time by 23.6 per cent of self-employed workers, compared to

[519] Gorjón, L. and Lizarraga, I. (2024) Family-friendly policies and employment equality: an analysis of maternity and paternity leave equalization in Spain. ISEAK Working paper 2024/3. Available at: https://iseak.eu/publicacion/family-friendly-policies-and-employment-equality-an-analysis-of-maternity-and-paternity-leave-equalization-in-spain

[520] Farré, L., González, L., Hupkau, C. and Ruiz-Valenzuela, J. (2024) Qué sabemos sobre el uso de los permisos de paternidad en España? [What do we know about the use of paternity leave in Spain?]. EsadeEcPol. Available at: https://www.esade.edu/ecpol/es/publicaciones/que-sabemos-sobre-el-uso-de-los-permisos-de-paternidad-en-espana/

[521] Meil, G., Rogero-García, J., Romero-Balsas, P. Diaz-Gandasegui, V. and Muntayola-Saura, D. (2021) *Young Spanish Families, 2021, microdata of an online representative survey on parents of children aged less than 7 years old, implemented by Netquest Ldt*. Survey funded by grant CSO2017-84634-R of the Spanish Ministry of Economy, Industry and Competitivity

9.9 per cent of salaried workers.[8] Regarding the timing of usage, the same authors indicate that for the year 2022, 56.2 per cent of fathers use the leave concurrently with the mother, and fathers who use only the maximum leave (10 weeks) represent 19.7 per cent. It is estimated that on average fathers have taken 75 per cent of their paid birth leave weeks together with the mother[10].

It has been contended that this flexibilization of the leave right use has been forced mostly by the employers as a response to the increase in duration. Reasons given by the interviewed fathers show that only 4 per cent of those who split the leave did it due to employer´s demand, while 22 per cent attribute it to the content or characteristics of the work. Most of them, however, explained it is the best way to care for the baby (63 per cent).

c. Parental leave

In 2022, 37,012 people started some period of Parental leave (0.9 per cent less than in the previous year, deepening the decrease in use initiated with the COVID pandemic). This corresponds to 11.2 per cent of the births in that year, much higher than in the recent past (in 1995 it was only 1.7 per cent). However, this represents only 3.5 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 12.0 per cent of users, 0.6 percentage points less than in 2021[522].

According to the survey *Young Spanish Families 2021*, 6.5 per cent of fathers of children aged less than seven years old made use of Parental leave for a mean period of 5.7 months, compared to 19.8 per cent of mothers who took it for a mean of 6.1 months. Leave is more often used for the first child than for higher order parities.

d. Other types of leave and flexible working

The fact that Parental leave and working time reduction are not paid limits their use, even among those who have a secure job.

According to the survey *Young Spanish Families 2021*, 28 per cent of women and 10 per cent of men with children aged less than seven years of age, employed at the time when they became parents, made use of the right to reduce their working hours. As in the case of full-time Parental leave, work time reduction is taken mostly for the first child. Men reduced their working hours mostly for less than one year (57.4 per cent), while women tend to do it for one year or more (64.3 per cent for more than 1 year).

According to the Spanish Social Security Statistics,[523] 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 to3,884 in 2022. The mean number of days of leave taken has risen sharply from 176.9 to a maximum of 587.7 in 2021 and decreased to 507.6 in 2022.

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[522] Ministerio de Empleo y Economía Social (2021) *Anuario de Estadísticas, 2019*. Available at:

https://www.mites.gob.es/es/estadisticas/anuarios/2019/index.htm

[523] www.seg-social.es/Internet_1/Estadistica/Est/Otras_Prestaciones_de_la_Seguridad_Social/index.htm

Unpaid leave to care for dependent relatives has been available from 2001 onwards. Since 2005, the number of users has steadily grown, increasing from 3,332 in 2005 to 12,058 new users in 2019, though in 2022 it has decreased to 10,443. The proportion of male users is growing from around 15 per cent before 2015 to 21.4 per cent in 2022, following the trend of men's greater use of leave provisions.

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 family carers (introduced since the 2006 Spanish law to support dependents). In December 2019, 30.26 per cent of all benefits provided under this law were used for supporting informal family care (426,938 benefits, 11 per cent more than in January 2018). In the following years, this percentage has remained stable around 31 per cent, while the number of benefits has steadily increased till 558,234 by the end of 2023).[524] However, it seems difficult to link care leave to benefits, because these usually require a long administrative process, and because the benefit goes to the dependent person and not to the informal carer.

[524] https://imserso.es/-/informes-publicados-2022

Sweden[525]

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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 Ministry of Social Affairs)

- Two weeks before or after delivery.
- It is obligatory to take this period, and individuals can decide whether to take part of the parental insurance benefit (see 1c) during this period of leave.
- In addition, pregnant women can take indefinite leave if a job is a risk to the foetus and no other work can be made available; or if a job is physically demanding and therefore hard for a pregnant woman to perform, the Swedish Social Insurance Agency can grant up to 50 days of leave during the last 60 days of pregnancy. This leave is paid at 77.6 per cent of earnings, which is called pregnancy benefit (*graviditetspenning*), and a doctor's certificate is needed. If a woman is not granted pregnancy benefit, she may start using Parental leave benefit during the last weeks of pregnancy (see 1c). Some women also are on sick leave.

[525] Please cite as: Duvander, A.-Z. and Löfgren, N (2024) 'Sweden country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: 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*)[526] (responsibility of the Ministry of Social Affairs)

Length of leave

Ten 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, 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 upper limit of SEK 429 750 [€37,193.30][527] per year. The maximum payment is SEK1,283 [€111.04] per day. Payments come from the Swedish Social Insurance Agency.
- Funding for all forms of Parental leave is financed from statutory contributions from employers and the self-employed. Employers in Sweden pay 31.42 per cent of all employees' salary in such statutory contributions to cover all social insurance (including pensions). Out of the 31.42 per cent, 2.6 percentage points is dedicated to all Parental leave insurance. However, if costs exceed the 2.6 percentage points there is margin and funds for the parental insurance do not run out.[528]

Flexibility in use

- Leave can be used at any time during the 60 days after childbirth. Most commonly, it is used as full-time leave (i.e., 5 days a week).

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).[529]
- The benefit is gender-neutral and attributed to the parent who has not been pregnant. If the parent who has been pregnant is sole custodian another

[526] Referred to as 'Paternity leave' in reviews before 2014; now revised to provide a literal translation of 'entitlement,' which is considered gender-neutral.

[527] Conversion of currency undertaken for 16 July 2024, using: https://data.ecb.europa.eu/currency-converter.

[528] Tax authorities, see: https://www.skatteverket.se/foretagochorganisationer/arbetsgivare/arbetsgivaravgiftero chskatteavdrag/arbetsgivaravgifter.4.233f91f71260075abe8800020817.htm.

[529] Swedish Inspectorate for the Social Insurance (2016) *Sickness benefit qualifying income*. Report 2016:10. Stockholm. Available at: www.inspsf.se. Swedish report with English summary.

close person can use the days. If the 2nd parent agrees the days can be used by another person (of the parent's choice).

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.

- 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 10 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 10 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)[530]

Length of leave (before and after birth)

- Until the child reaches 18 months of age.
- Leave is an individual, non-transferable entitlement.
- In addition to this, a parent always has right to leave from work when using Parental leave benefit, to reduce work hours and when the child is sick (see below).
- 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). The legislations for rights to leave under the Ministry of Employment, and the legislation for benefits under the Ministry of Health and Social Affairs are thus separate entities.
- For each parent, 240 leave days are paid, mostly at an income-related level (see below); 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'). One of the parents may only take all benefit days in cases of one custodian, or the other parent being permanently sick and not able to care for the child. The remaining 105 income-based days for each parent can be transferred to the other by signing a consent form.
- In case of joint custody, a parent may transfer up to 150 days to a cohabiting partner who is not custodian. If a parent has sole custody up to 390 days may be transferred. The reserved three months may not be transferred.

[530] Ministry of Health and Social Affairs has responsibility over the parental benefit and Ministry of Employment has responsibility over the legislated right to leave from work.

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 upper limit of SEK573,000 [€49,591.07];[531] (maximum SEK1,218 [€105.41] per day) the remaining 45 days are paid at a flat-rate payment of SEK180 [€15.58] per day. The first 180 days used for the child need to be earnings-related and not flat-rate. Parents who are not eligible to earnings-related leave receive a flat-rate of SEK250 [€21.64] per day for 240 days.
- Payments are taxed. Income tax is lower for a person working compared to a person on Parental leave (*jobbskatteavdrag*). In some cases, this leads to a gender-equalising effect when the mother works and the father is on Parental leave. All Parental leave benefits, income related and flat-rate, offer pension credits.
- There is an extra pension supplement for the parent who earns the lower 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.[532]
- Funded as for Temporary leave in connection with birth and adoption.

Flexibility in use

- 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 4 years old). For children born before this date, parents may use the paid leave up until a child's 8th birthday or until the end of the 1st school year.
- The length of leave is counted in calendar days (rather than weeks or months) to enhance flexibility of use. It is also 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., 1 day of full-time leave becomes two days of part-time leave and 4 days of quarter-time leave). Parents cannot work while being on (days of) paid or unpaid leave.
- 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 periods of time. While, officially, employees taking Parental leave have the right to stay away

[531] 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.

[532] 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

from work for a maximum of 3 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 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 [€21.64] 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. Rights to leave and benefit are based on custody.
- Parent who migrate to Sweden with children under the age of 12 years receive 200 days of paid leave for children over 12 months, and 100 days for children over 24 months.

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

- Families with multiple births are entitled to additional paid leave. In the case of twins, there are 90 additional days at 77.6 per cent of earnings and an additional 90 days at a flat-rate of SEK180 [€15.58] per day; for each additional child in a multiple birth, 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[533].

Additional note (e.g., if 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 upper limit (i.e., workers receive 90 per cent of earnings) and/or up to 90 per cent of income above the upper limit[534].

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

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 SEK 429 750 [€37,193.30] 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. It can be offered to someone outside the family if they are an eligible person in the social insurance system. The 10 days of temporary Parental leave associated with birth or adoption (see 1b) also come under this category of Temporary Parental leave. For more than 7 days in a row a physician's certificate is needed.
- For terminally/seriously ill children (with life threatening circumstances) up to 18 years old there is no cap on the number of days that can be used. In such cases, both parents can be on leave at the same time.
- Parents whose children are sick or functionally disabled for more than 6 months could until 2018 apply for childcare allowance *(vårdbidrag*). In 2019 this benefit was replaced by Child carer's allowance (*omvårdnadsbidrag*) and Additional cost allowance for children (*merkostnadsersättning för barn*).

[533]See data in Statistics Sweden's database, available at http://www.statistikdatabasen.scb.se/pxweb/sv/ssd/START LE LE0102 LE0102X/Vardnad/?rxid=67663b18-ed2c-45be-8526-7b45f6cc3f34

[534] Swedish inspectorate for the Social Insurance (2018) *Utvecklingen av kollektivavtalade ersättnngar sedan 2000-talets början [Development of extra payments from collective agreements since 2000*] Report 2018:14.

Specific provision for (breast)feeding

- None. The Parental leave law §4 (under Maternity leave) states the right to breastfeed the child, but there are no further details about how this impacts work (for example, how often, for how long, and so on).

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. Some collective agreements allow for such reductions longer, for instance within government sector up to the child is 12 years old. Local employers may allow for more flexibility but no national legislation changed recently. Employees (parents) always have a right to return to the original working hours at any point in time.

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

The maximum period of paid post-natal leave is approximately 16 months, with 13 months paid at a high rate. There is an entitlement to Early Childhood Education and Care (ECEC) from 1 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. There is, therefore, no gap between the end of well-paid leave and an ECEC entitlement. However, the present three reserved months for each parent can create such a gap if one parent is not using the leave benefit but remains a custodian.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

From 1 July 2024, the regulations on 'double days' are changing so that up to 60 days can be used by both parents together during the first 15 months. It will also be possible, from this date, to transfer up to 45 Parental leave benefit days to someone else; parents with single custody can transfer up to 90 days to someone else.

4. Uptake of leave[535]

a. Maternity leave

In 2023,19351 women received pregnancy benefits for an average of 42 days. Since there were 100,051 births in 2022, this suggests that 19.3 per cent of pregnant women took Maternity leave, which is a major decrease, caused by higher use during the COVID-19 pandemic.

b. Temporary leave at the birth or adoption of a child

In 2023, 81 125 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 1.4 per cent were women. Users took on average 9.8 of the ten eligible days.

c. Parental leave and child-rearing benefit

Leave uptake: 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 8 years or after the 1st school year has ended and many parents use days during the preschool years. In 2020, most Parental leave days were taken by women during the 1st year of the child's life, while men tended to take leave when the child was between the ages of 1 and 3 years. However, most leave days are taken before children reach the age of 2 years; all children are entitled to an ECEC place from 12 months of age. 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 2021, it had increased to 30 per cent. The numbers increased to 31 per cent in 2023. The percentage of couples that are sharing Parental leave equally (40 to 60 per cent) is slowly increasing. For children born in 2021, 21.5 per cent of couples equally shared leave used during the child's first 24 months.

Benefit uptake: In 2023, the majority of women (90 per cent) and men (97 per cent) who took Parental leave were entitled to benefits at the earnings-related compensation level, as opposed to the low, flat-rate level. Foreign-born parents and young parents, especially mothers, are more likely than native-born parents to have access to only the low, flat-rate payment. Fathers received benefits of SEK933 [€80.75] (when flat-rate days included SEK906 [€78.41]) per day in 2021, while the average mother received benefits of SEK828 [€71.66] (when flat-rate days included SEK712 [€61.62]).

Forfeited days: For children born in 2013 parents used on average 454 days, women 337 and men 116 days. This means that on average 26 days were forfeited.

Uptake patterns: Fathers with higher formal education take more Parental leave, as do fathers whose partners have higher levels of formal education. For children born in 2020 for the first 24 months, 28 percent of tertiary educated parents shared equally, among those with secondary 12.1 per cent shared equally, among

[535] See annual update on statistics on family policy in *Social Insurance in Figures 2019*. Available in English at: https://www.forsakringskassan.se.

those with primary education 9.4 per cent shared equally.[536] 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 fewer leave days than wage-earning fathers. Mothers who are self-employed take 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).[537]

d. Other types of leave and flexible working

Mothers are more likely than fathers to work (long) part-time hours (34 hours or fewer per week); The Labour Force Survey shows that 36 per cent of all working mothers who have 2 children work part-time when the youngest child is still in pre-school. For fathers who have 2 children, the part-time share is 8 per cent.[538]

Temporary Parental leave to care for sick children is used somewhat more by mothers, who took 58 per cent of all days taken in 2023. On average, mothers took 9.6 days and fathers 9.0 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. In 2023 the average per child was 9.3 days and during the pandemic the average number of days increased substantially by about two days per child and numbers have only slightly declined after the pandemic.

[536] https://www.forsakringskassan.se/statistik-och-analys/statistikdatabas#!/ bf/fp-40-60

[537] Fahlén, S. and Duvander, A.Z. (2023) *Fathers who do not use parental leave: A register-based analysis of Swedish fathers to children born between 1994 and 2017*. Swedish Inspectorate for the Social Insurance, Working paper 2023(1). Available at: https://isf.se/download/18.6cc2b25d18721c5cb1835db3/1680595970005/2023-1WP%20Fathers%20who%20do%20not%20use%20parental%20leave.pdf

[538] Statistics Sweden (2020) *Women and Men in Sweden 2020. Facts and Figures*. Statistics Sweden.

Switzerland[539]

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April 2024

N.B. Switzerland 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.

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 subsidises new childcare initiatives and the creation of additional places for pre-school children.

[539] Please cite as: Valarino, I. and Nedi, R. A. (2024) 'Switzerland country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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)

- Fourteen weeks, starting on the day of delivery.[540]
- It is obligatory to take 8 weeks leave.
- Between the weeks 9 and 16 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 3 months prior.

Payment and funding

- Eighty per cent of earnings up to an upper limit of CHF220 [€225.39][541] per day. The highest income thus covered at 80 per cent are monthly salaries of CHF8,250 [€8,452]; the annual income upper limit for employed and self-employed workers is CHF99,000 [€101,424].
- Payments are taxed. The maternity compensation (as any other form of parental compensation for childcare) is subject to the ordinary tax regime and not tax exempt. The period spent on Maternity leave counts for the establishment of pension credits.

[540] 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.

[541] Conversion of currency undertaken for 16 July 2024, using: https://data.ecb.europa.eu/currency-converter.

- 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 0.25 per cent of earnings (0.5 per cent of earnings in total).

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 2 weeks in the hospital and a medical certificate has been presented, maternity allowances can be prolonged for the corresponding time, but by 56 days at most.

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 in principle (shorter periods apply in case of early birth) 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. The insurance and employment periods completed in a member state of the EU, of the EFTA, or in the United Kingdom will be considered.
- If the maternity compensation criteria are not met, a mother may make a claim against her employer for the continued payment of her salary, based on Article 324a of the Swiss Code of Obligations.[542] 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; single parent); or delegation of leave to person other than the mother

- The leave is currently only available to birth mothers.[543]
- Maternity allowances can be prolonged up to 56 additional days if the new-born is hospitalised for at least 2 weeks after birth.

[542]Bundesgesetz betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünfter Teil: Obligationenrecht, SR 220 [Federal Action on the Amendment of the Swiss Civil Code (Part Five: the Code of Obligations)].

[543] 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.

Regional, local and sectorial differences in leave policy

- The cantons may complement the basic statutory Maternity leave and payment, e.g., 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 2 additional weeks, which are not covered by federal dispositions.
- 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.

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 can grant full wage replacement and/or extended lengths of leave (approximately 2 additional weeks, i.e., 16 weeks of paid Maternity leave). Companies, which often take out private supplementary insurance for such cases, cover these expenses.

b. Paternity leave (*Congé et allocation de paternité*) (responsibility of the Federal Department of Home Affairs, namely the Federal Social Insurance Office)

Length of leave (before and after birth)

- Two weeks

Payment and funding

- As for Maternity leave.

Flexibility in use

- Paternity leave cannot start until the baby is born and must be taken within 6 months of the baby's birth.
- The leave can be taken in one continuous period or on a daily basis.

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

- Employed workers are entitled to Paternity leave if they are legally the father of the child, no minimum employment relationship is required.
- For payment during Paternity leave, fathers must, in principle, also have a record of 9 months of contribution to Old Age and Survivors Insurance and must have worked for a minimum of 5 months, during the nine months preceding the birth.
- Eligibility does not require citizenship or permanent residency. A permission to work will however be a prerequisite, since only employed or self-employed men are entitled to paternity compensation.

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)

- Pre-existing Paternity Leave allowances granted through collective labour agreements or work contracts may supplement the newly introduced federal Paternity Leave.

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.[544] 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)[545].

d. Childcare leave or career breaks

No statutory entitlement. 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 3 times the amount of the minimum annual retirement pension. It increases the average annual income from which the retirement pension is calculated (up to an upper limit) when individuals reach retirement age. This Parenting Credit system, is regulated in the Federal Act on Old Age and Survivor's Insurance and in the Ordination to the Federal Old Age and Survivor's Insurance.

e. Other types of leave and flexible working

Adoption leave and pay

- Working parents who are adopting a child below the age of 4 years are entitled to two weeks of adoption leave.
- Adoption leave is to be taken within the 1st year following the child's arrival. It can be taken by one parent or the right to paid leave can be shared

[544] Swiss Federal Council (FN **Error! Bookmark not defined.**), 14.

[545] Swiss Federal Council (FN **Error! Bookmark not defined.**), 15 f. ; Fuchs, G. (2008) *P restations 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.

between the parents, however, the maximum length remains two weeks, sharing does not prolong the right to paid adoption leave
- Payment as for Maternity leave.
- Some cantons[546] 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.
- In the public sector, at present, about half of the cantons offer their employees paid adoption leave between 2 days and 16 weeks in length.[547]

Time off for the care of dependents

- Employees are entitled to paid leave for the time necessary to care for a family member, domestic partner or partner with a medical condition. However, the leave cannot exceed 3 days per occurrence and 10 days per year. The upper limit of 10 days does not apply for the care of a child with health impairment.
- Parents of seriously-ill children are eligible to a 14 week paid Care leave (financed through the Loss of earnings compensation act, as for Maternity and Paternity Leaves). The leave can be shared between parents and should be taken within an 18 months time-frame, in one or several periods/days.
- Payment is the same as for Maternity leave.

Specific provision for (breast)feeding

- During the child's 1st 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 4 hours, 30 minutes minimum; for a working day over 4 hours, 60 minutes minimum; and for a working day over 7 hours, 90 minutes minimum.[548]

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.[549]

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[546] 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.

[547] For more information, see: Pärli (Fn 6), S. 953.

[548] Art. 60 Verordnung 1 zum Arbeitsgesetz (ArGV 1) [Ordination 1 to the Employment Act], SR 822.111.

[549] 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). [Babies and Bosses – Reconciling Work

- 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.[550]

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

The maximum period of paid post-natal leave is just over 3½ months, all paid at a high rate, with the possibility in some cases of an additional two weeks of unpaid leave. In the majority of Swiss cantons (17 out of 26), statutory provision for two years of Early Childhood Education and Care (ECEC) is available, with the implementation of an inter-cantonal agreement for the harmonisation of education systems (HarmoS). In these cantons, compulsory schooling now starts when children reach 4 years of age, while in the rest of the country it starts between 5 and 7 years of age.[551] There is a gap, therefore, of more than three years between the end of well-paid leave and any entitlement to ECEC.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

In the past years there have been many proposals and debates in Swiss Parliament to reform leave policies, resulting in several leave policy reforms over the past years (see last years' country notes). Proposals currently debated focus on improving Maternity Leave and Paternity Leave. Regarding Parental Leave, there have been several proposals which have been rejected in Parliament in the recent years, and to this day there remain only few proposals to be treated.[552]

Proposals concerning Maternity leave

Maternity leave benefits for mothers of children who must stay in hospital for at least 2 weeks directly after birth was improved as of 1 July 2021. The payment of

and Family Life. Summary version of the OECD comparative study on New Zealand, Portugal and Switzerland: Swiss aspects (Vol. 1f)]. Berne: Secrétariat d'Etat à l'économie.

[550] Art. 60a of the Bundespersonalverordnung (BPV) [Federal Personnel Ordination (FPO), SR 172.220.111.3.

[551] With HarmoS, pre-primary or elementary programmes are included in obligatory schooling. See EDK. (2019). *Bilan 2019. 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: http://edudoc.ch/record/204716/files/Bilanz-Bericht_II_f.pdf

[552] While this section focuses on proposals at the federal level, it should be noted that in the last few years, several proposals and votes in favor of a Parental Leave at the cantonal level have been discussed or are currently under discussion (e.g., in Bern, Geneva, Vaud, Ticino, Neuchâtel, Zürich). There are however legal obstacles that prevent the implementation of Parental Leave at the cantonal level: the right to take time off for a Parental Leave is not guaranteed for employees in the private sector.

maternity allowances are prolonged by the length of hospitalisation of the child (up to a maximum of 56 days) if a new-born is hospitalized for at least 2 weeks. Between January 2022 and February 2023, interventions were submitted (by the Canton of Vaud and by the Committee for Social Security and Health of the Council of States) proposing to extend this law to the event of mothers' own hospitalisation for a long period. This proposal is in the hands of the Federal Council, which is working on a project of law amendment of the LECA.

In May 2019 two Motions were submitted aiming to allow the full coverage of medical expenses due to pregnancy. Currently, pregnant women have to contribute to these expenses until the 13th week of pregnancy. The Federal Council supported these Motions and they were adopted by a majority in the National Council in September 2019 and by the Council of States in November 2020. A concrete law amendment is yet to be proposed by the Federal Council. Another Proposal submitted by a Green MP in March 2023, currently still pending, asks that the deadline for the full coverage of medical expenses related to pregnancy and birth be extended from eight weeks to one year after birth.

More recently, between April 2022 and February 2024, several interventions (canton of Vaud, canton of Ticino, Committee for Social Security and Health of the Council of States) aimed to better protect women in case of miscarriages, non-progressive pregnancies, ectopic pregnancies and post-partum depression. In May and September 2023, both Chambers of Parliament refused to fully cover medical treatments in these situations (women have to participate financially to these costs). However, in September 2023, the Council of States accepted the proposal to examine the introduction of a Maternity Leave in the case of in case of miscarriage, including when it happens before the 23rd week of pregnancy (currently Maternity Leave is only granted after the 23rd week of pregnancy).

In 2019 and 2022, Motions submitted by Socialist MPs asked 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, and since 2021, in case of paternity. Yet, the maximum amount of allowances differs in case of military and civil service (it increased from CHF 245 [€251] to CHF275 [€281.73] per day as of 1 January 2023) and in case of maternity (and paternity) (it increased from CHF196 [€200.80] to CHF220 [€225.39] per day as of 1 January 2023). The Motion considers this difference to be discriminatory and asks that the same compensation conditions be applied to women on Maternity leave as to people performing their military or civil service duties. The Federal Council recommended to reject this Motion, considering the increase of social expenditure it would represent. The latest Motion was accepted by the Council of States in December 2022 and by the National Council in May 2023 and is now in the hands of the Federal Council.

Several proposals (submitted by MPs and Cantons) aim to enable female MPs to participate to parliamentary sessions while being on Maternity leave. Currently the law bans women's activity during the 8 weeks after birth and Maternity allowances are interrupted upon women's return to work between the 8th and 14th week. These interventions have found a majority and a consultation proposing the amendment of the Law has ended in November 2022. In May 2023, the Federal Council recommended to accept the project of law amendment, which entitles female deputies (at the Federal, Cantonal and Communal levels) to attend Councils or Committees during their Maternity leave without losing their entitlements, provided no replacement system exists.

In July 2023 a Motion submitted by the Committee for Social Security and Health of the National Council proposed to prolong Maternity Leave (and possibly Paternity Leave too) in case of multiple pregnancy, following ILO recommendations. While this proposal was accepted by the National Council in September 2023, the Council of States rejected it in December 2023.

Proposals concerning Paternity leave

Following the implementation of Paternity Leave on 1 January 2021, several proposals to improve it have been submitted. In June 2021, March 2022 and September 2022 three Motions (two by Green MPs and one by a Socialist MP) asked for Paternity Leave to be granted to fathers in case of the death of the baby, in the same way as Maternity Leave is granted to mothers in this event (i.e., as of the 23rd week of pregnancy). This proposal was accepted by the National Council (June 2023) and by the Council of State with a slight modification (March 2024). The law amendment has yet to be implemented.

In June 2021 a Green MP asked that fathers be granted job protection during their Paternity leave, as is the case for mothers on Maternity Leave. This proposal was rejected by the National Council in May 2023.

Proposals concerning Parental leave

In 2021 a cantonal parliamentary intervention (Canton of Jura) asking that cantons are enabled to implement Parental Leave or to extend Paternity Leave on a cantonal level if they wish to was rejected in Parliament. In January 2024, a similar cantonal parliamentary intervention was submitted, this time by the Canton of Geneva. In the Canton of Geneva, the principle of a cantonal Parental leave was accepted by the electorate in June 2023 (24 paid weeks in total, including the current Maternity and Paternity leaves) but has yet to be implemented in a new Law. The issue is that cantons can decide to finance a Parental *insurance* at the cantonal level, but the legal right for employees in the private sector to take a Parental *leave* is currently not guaranteed, as the right to take leave is legislated at the federal level.

Finally, a Postulate was submitted in June 2021 by the Committee for Social Security and Health of the National Council asking that a cost-benefit analysis be mandated on different Parental Leave models (including models implemented abroad, e.g., Iceland, Sweden and Germany). The Postulate was accepted in September 2021 by 110 votes against 67 (and 3 abstentions). The results of this analysis have yet to be published.

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[553]. Recipients use the maximum available days (98 days on average in 2022).[554] The number of recipients has been increasing since Maternity leave was introduced, probably because of an increase both in births and female employment. In 2013, 62,126 mothers benefited from allowances, 67,551 in 2017, and 73,806 in 2021. In 2022, the number of recipients reduced, with 69,003 women benefiting.[555] Maternity benefit expenditure therefore decreased by 5 per cent between 2021 and 2022, to a total of CHF899 million [€921.01 million] spent in 2022.

In 2022, the average amount of the daily indemnities granted to mothers was CHF133 [€136.26] per day, well below the ceiling of CHF220 [€225.39]. 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 per cent); 14 per cent were self-employed; and three per cent were inactive (eligible because they previously received unemployment, health, or disability benefits). According to register data, in 2022 the mean age of maternity benefit recipients was 33 years and 64 per cent of recipients were Swiss nationals and 36 per cent were foreigners.

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 5 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.[556]

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[553] Sottas, G. and 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.

[554] In order to provide a complete picture, the average number of leave days are not calculated based on a calendar year; the calculation takes into account the number of days used up to two years following the year of birth of the child. Data for the most recent year are based on an estimation.

[555] In recent years, the Swiss Statistical Office changed several times its way of counting recipients for loss of earnings compensation allowances. The figures reported in previous country notes to 2024 edition are therefore different. The figures reported here correspond to the number of Maternity leave recipients for births that occurred a given calendar year (residing in Switzerland or abroad). All data is available at this link:
https://www.pxweb.bfs.admin.ch/pxweb/fr/px-x-1304070000_102/px-x-1304070000_102/px-x-1304070000_102.px

[556] Aeppli, D. C. (2012) *Wirkungsanalyse. Mutterschaftentschädigung* [Analysis of effects. Maternity benefits]. 95. Available at: https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/studien/wirkungsanalyse_mutterschaftsentschaedigung.pdf.download.pdf/analyse_des_effetsdelassurance-materniteenallemand.pdf

b. Paternity leave

Paternity Leave entitlement was first introduced in 1 January 2021. In 2021, 67,216 fathers received Paternity benefits and in 2022 they were 62,771.[557] The mean number of days taken by recipients in 2022 is 14 days (as in 2021). This corresponds to the maximum length available. Leave can be taken within the child's first six months, in one block or individual days. First results suggest that fathers make use of this flexibility: 36 per cent of fathers whose children were born during the first trimester of 2021 took their leave in piecemeal ways, either in weeks or days.[558]

Regarding Paternity leave recipients' characteristics, available data indicate that their mean age at uptake was 35 years old and that 58 per cent were Swiss nationals while the rest (32 per cent) were foreigners.

As regards expenditures, the average amount of the daily indemnities granted to fathers was CHF170 [€174.16] per day, corresponding to a total expenditure of CHF148 million [€151.62 million] in 2022.

First analyses suggest that about 70 per cent of fathers who had a child in the first trimester of 2021 were granted benefits.[559] In order to be entitled to leave benefits, fathers should be employed or self-employed and have acknowledged the child. Further research will be needed in order to analyse precisely the proportion of fathers who would have been entitled to Paternity leave but did not take it, as well as the reasons fathers may forego their rights.

c. Parental leave and parental benefit

No statutory entitlement.

[557] https://www.bsv.admin.ch/bsv/fr/home/assurances-sociales/eo-msv/statistik.html#accordion1712068845809

[558] https://soziale-sicherheit-chss.ch/fr/la-majorite-des-peres-profitent-du-conge-de-paternite/

[559] https://soziale-sicherheit-chss.ch/fr/la-majorite-des-peres-profitent-du-conge-de-paternite/

Türkiye[560]

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April 2024

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 (*analık izni*) (responsibility of the Ministry of Labour and Social Security)

Length of leave (before and after birth)

- Sixteen weeks: 3 to 8 weeks before the birth and 8 to 13 weeks after the birth.
- It is obligatory to take all the leave.
- At the end of paid Maternity leave, mothers can take a further 6 months of unpaid Maternity leave (*ücretsiz analık izni*).

Payment and funding

- Employees employed under law no.4857 and civil servants employed under law no.657: 100 per cent of earnings with no upper limit on payment.
- Employees in the press and photography agencies employed under law no.5963: 50 per cent of earnings.
- Maternity leave payment is officially known as 'pension against incapacity to work' (*analık halinde iş görmezlik ödeneği*).
- Maternity leave payment is described as maternity insurance. It is treated as a form of temporary incapacity to work, same as having an occupational accident or an occupational hazard or other illness.
- Payments are paid directly to mothers by the Department of Social Security.
- Payments are not taxed.

[560] Please cite as: Uzunalioglu, M. (2024) 'Türkiye country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

- Funded through the maternity insurance fund (*analık sigortası*), which is financed by employee social security contributions (coming from those who hold 4/a and 4/b insurance status).

Flexibility in use

- The mother has the option to work until the last three weeks prior to childbirth, in which case the remaining pre-natal 5 weeks of leave are added to the post-natal leave period. With a medical certificate, the mother can work up to 3 weeks before the birth, adding the ante-natal period not used to the post-natal leave.
- In the case of premature birth, unused pre-natal leave is added to the post-natal leave period.

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

- Women must be employed under the law no.657 (civil servants) or no.4857 (private sector workers) or law no. 5693 (journalists, press workers)
- Women must hold 4/a or 4/b insurance status.
- Women must have paid at least 90 days of contributions to social security during the 12 months prior to childbirth.
- Women must be under the social security scheme at the time of the start of leave.
- Self-employed are eligible if they hold 4/b insurance status.

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 a person other than the mother

- Additional 2 weeks of leave in the case of multiple births.
- If the mother dies in childbirth, her post-natal leave is transferred to the father.
- Depending on the health of the pregnant worker, the total leave length (for both pre-and post-natal periods) can be extended if proof is provided by a doctor. The length of the extended leave is not prescribed by the legislation but is defined by the doctor.
- In the case of a premature birth, all unused pre-birth leave will be added to the post-natal leave period; for example, if the child was born on the 29th week, three weeks between the premature birth and the official start of ante-natal Maternity leave (32nd week) will be added to the entire Maternity leave period, so that mother will have 19 weeks of Maternity leave due to the early arrival of the baby.
- In the case of late births, i.e., a child arriving later than the due date, this additional ante-natal period will not affect the post-natal leave period.

b. Paternity leave (*babalık izni*)(responsibility of the Ministry of Labour and Social Security)

Length of leave

- Ten calendar days for civil servants (i.e., those who are employed under labour law no. 657) and five calendar days for private sector workers (i.e., those who are employed under labour law no. 4857).
- The civil servants' labour law (no.657) defines the leave as Paternity leave, whereas the private workers' labour law (no.4857) refers to 'compassionate leave' (*mazeret izni*).

Payment and funding

- One hundred per cent of earnings, with no upper limit on payment.
- Payments are made to the parent by the employer.
- Payments are taxed.
- Funded by the employer.

Flexibility in use

- None. Leave must be taken at the time of the birth.

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

- Employees must be employed under law no.657 (civil servants) or no. 4857 (private sector workers). The leave is not compulsory. The law states 'if the civil servant desires', they can opt for ten days of paternity leave.
- Self-employed are eligible if they hold 4/b insurance status.

c. Parental leave

- No statutory entitlement. However, parents are entitled to work part-time for a period after Maternity leave; for details, see Section 1e, 'Flexible working'.

d. Childcare leave or career breaks

- A mother who is a civil servant or a civil servant whose partner gives birth can demand unpaid leave for up to 24 months. For private sector employees, unpaid leave can be requested for up to 6 months.

e. Other types of leave and flexible working

Adoption leave and pay

- In the case of an adoption of a child younger than 3 years old, one of the parents (the sex of the parent is not specified in the legislation) is given 8 weeks of paid leave starting from the child's arrival; a further period of 6 months unpaid leave is available for one of the parents or the parent who adopted the child.

- If both parents are civil servants, both are eligible for eight weeks of adoption leave starting from the arrival of a child younger than 3 years old.
- Parents who are civil servants are allowed to take unpaid leave for up to 24 months in the case of the adoption of a child under 3 years old. If both parents are civil servants, and they want to take this unpaid leave, they can take these 24 months in two consecutive parts.

Time off for the care of dependants

No statutory entitlement.

Specific provision for (breast)feeding (emzirme izni)

- Public sector workers: at the end of Maternity leave, mothers can have 3 hours per day for breastfeeding during the first 6 months and 1.5 hours per day until the child is 12 months old. Mothers decide how to use this leave, e.g., the frequency, the days etc.
- Private sector workers: at the end of Maternity leave, mothers can have 1½ hours per day for breastfeeding until the child is 12 months old. Mothers can also choose to use this leave by reducing their working time to four days per week during this period.
- Breastfeeding leave is paid at 100 per cent of earnings. To be eligible for this breastfeeding allowance (*emzirme ödeneği*), the mother must have paid social security contributions for at least 120 days during the year before childbirth.
- If a mother uses her unpaid Maternity leave (see 1a), she loses her breastfeeding leave entitlement.
- If a mother has lost her social insurance status by the time she starts breastfeeding but has contributed to social security for at least 120 days during the 15 months before the childbirth, then she can claim a reduced, one-off payment of TRY857 [€23.75].[561] This benefit is only for private sector employees (4/a insurance status) and self-employed (4/b insurance status) and not for public sector workers (employed under law no.657).

Flexible working

- After the end of paid and unpaid Maternity leave, parents who are employees can work half their normal weekly working hours for 60 days for the first birth, 120 days for the second birth, and 180 days for subsequent births. There is an additional 30 days in the case of multiple births, and part-time working can be extended to 360 days in the case of a child born with a disability. Only one parent can claim this leave *(çalışma süresinin yarısı kadar ücretsiz izin hakkı)*. It is unpaid.
- After the end of paid and unpaid Maternity leave, parents can request a further period of part-time leave until their child starts compulsory primary education at six years; the employer has to agree on the length of the leave and how it is taken. The worker has to file their demand to their employer at least one month before their start date and must provide written proof

[561] Conversion of currency undertaken for 16 June 2024, using: https://data.ecb.europa.eu/currency-converter.

that their partner, the other parent, is employed. Only one parent can claim this leave *(kısmi süreli çalışma izni)*, and the other parent must be employed. It is unpaid, i.e., the parent taking leave receives reduced earnings.
- Although the law does not specify the sex of the partner, same-sex marriages are illegal in Türkiye. Hence, all co-parents mentioned here should be considered heterosexual couples.

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

The maximum period of post-natal leave is nine months, of which three months is well paid. There is no entitlement to Early Childhood Education and Care (ECEC), and the compulsory school age is six years. However, parents can request to start five-year-old children at school if they wish to, i.e., between 60 to 72 months, in which case children are allowed to start formal primary education voluntarily. Publicly provided ECEC services are available from 36 months onwards, and services for younger children are only available from private providers.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

No changes reported.

4. Uptake of leave

a. Maternity leave

No information available.

b. Paternity leave

No information available. The most comprehensive research on the status of fatherhood in Turkey and the determinants of involved fatherhood has been conducted by the leading NGO, Mother and Child Education Foundation (known as ACEV). However, this does not include any information regarding the use of Paternity leave or any other leaves taken for the provision of care by the father of young children.

c. Parental leave

No statutory leave entitlement.

d. Other employment-related measures

No information available.

United Kingdom[562]

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April 2024

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)[563]

Length of leave (before and after birth)

- Fifty-two weeks: leave can be started from 11 weeks before the beginning of the week the baby is due.
- It is obligatory to take leave during the 2 weeks after childbirth.

Payment, funding and taxation

- Ninety per cent of a woman's average earnings for 6 weeks with no upper limit followed by a flat-rate payment of either GBP£184.03 [€218.93[564] or

[562] Please cite as: O'Brien, M., Atkinson J. and Koslowski, A. (2024) 'United Kingdom country note', in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2024*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

[563] See https://www.gov.uk/maternity-pay-leave. The 6.7 per cent yearly increase in Statutory Maternity, Paternity, Adoption, Shared Parental leave pay and the Maternity allowance is calculated in line with the national Consumer Price Index inflation measure as of September 2023.

[564] Conversion of currency undertaken for 16 July 2024, using: https://data.ecb.europa.eu/currency-converter.

90 per cent of average gross weekly earnings (whichever is lower) for the next 33 weeks. The remaining 13 weeks are unpaid.
- Payments are made to the parent by employers; medium and large businesses can claim back 92 per cent from the Exchequer (central government) and small businesses 103 per cent. This is done through reductions to the amount of National Insurance contributions paid by employers to HM Revenue & Customs.
- Payments (statutory and any employer top up) are taxed if earnings above the personal allowance threshold (currently GBP£12,570 (not changed since 2021/22) [€14,953.96].

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 2 weeks after childbirth (or 4 weeks, if they work in a factory).
- Up to 10 '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)

- Access to employment benefits for all UK citizens and EU citizens who were resident in the UK before 31 December 2020 and with leave to remain in the UK, is based only on employment status, length of service, and an earnings threshold. For non-UK residents, access to employment benefits requires a visa first.[565] 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.[566] 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.[567] Under UK employment law, women who have 'worker,' 'exclusively self-employed,' or 'contractor' employment status are not eligible to receive Maternity leave or pay (they may be eligible for Maternity Allowance, see below). Family rights to leave are contingent on employment status e.g., for a UK father to qualify for Shared Parental leave, he must be an employee with 26 weeks continuous employment and his partner must be employed or self-employed.

[565] https://www.gov.uk/browse/visas-immigration/work-visas

[566] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583192/Permission-to-work-v7.pdf

[567] See: https://www.gov.uk/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 15th week before the week the baby is due, and who meet a minimum earnings threshold (currently GBP£123 [€146.33] per week), are eligible for Statutory Maternity Pay (SMP), as described above.
- Reasons for ineligibility for SMP include: being exclusively self-employed, not satisfying the continuous employment rule, or having a stillborn baby before the 24th week of pregnancy.
- Women who are not eligible for SMP may be eligible for a Maternity Allowance (MA) of 39 weeks at the flat-rate of GBP£184.03 [€218.93] 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 [€35.69] per week on 13 of these weeks. Self-employed women must complete a National Insurance claim for Class 2 NICs through self-assessment. Women not eligible for the Maternity Allowance may be eligible for the UK social assistance scheme (Universal Credit).

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

- Employed mothers have the right to transfer all Maternity leave to the father, except for the 2 weeks of obligatory leave, i.e., up to 50 weeks are transferable. This period of leave is termed 'Shared Parental leave' (SPL).[568] 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[569].
- 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. However, legislation does provide for 20 optional 'keep in touch' days for employees taking SPL. This provides the opportunity for employees to complete paid work during the leave period, with the possibility of receiving their full salary for that time (up to a maximum of 20 days) provided their employer agrees. Subject to their employers' approval, parents can take alternating weeks and there is provision for parents to take leave together.
- Each parent can alter leave arrangements up to 3 times (in continuous or discontinuous periods) before the end of week 52 (unpaid from week 40).
- Employers are only legally obliged to agree to continuous block arrangements.

[568] See: https://www.gov.uk/shared-parental-leave-and-pay

[569] The total period that both parents can be on the shared leave together would be 6 months, although the policy does not stipulate that parents can both be on leave at the same time. Only one payment is given to the SPL couple to share whether on leave together or separately.

- 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. Notably statutory shared Parental pay does not include eligibility for fathers/ partners or mothers to the higher statutory Maternity pay even if SPL is taken during weeks 3-6, after the compulsory first 2 weeks of statutory Maternity leave. That is, partners taking statutory Shared Parental leave will be paid at the lesser of 90 per cent of earnings, or the flat-rate of GBP£184.03 [€218.93] during the 37 weeks of paid leave. The remaining 13 weeks of the first year are unpaid. Shared parental pay is treated as earnings for tax purposes. Any earnings above the personal allowance threshold (currently GBP£12,570 [€14,953.96]) will be subject to deductions for income tax and National Insurance.
- In order to qualify for SPL, an individual needs to meet a length of service qualifying criterion (currently 26 weeks' service with the same employer by the 15th week before the expected week of childbirth); have a partner who meets an economic activity test (i.e., have worked for 26 weeks out of the 66 weeks before the expected week of childbirth and have earned at least GBP£30 [€35.69] 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 provided leave is taken in a continuous block. 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 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 6 weeks (for one parent); and time off to attend introductory appointments. Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay (see below).
- 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 2019 found that just over two-thirds of employers in all sectors offered some enhancement on statutory maternity pay.[570] In relation to contractual pay for SPL offered by individual employers, it is not discriminatory on grounds of sex for employers to enhance maternity pay whilst not enhancing pay for parents on SPL.[571]

[570]https://www.aon.com/unitedkingdom/insights/benefits-and-trends-survey-2019.jsp

[571] This was confirmed by the UK Court of Appeal in the joined cases of *Ali v Capita Customer Management Ltd* and *Hextall v Chief Constable of Leicestershire Police: Judgment*. Available at: https://www.judiciary.uk/publications/hextall-v-leicestershire-police-and-capita-v-ali-and-another/

- Reports from a national government consultation found that parents experienced the Shared Parental Leave and Pay scheme confusing and would welcome reform to make it less complex, including around eligibility rules.[572] After consideration no fundamental changes were proposed by government but it offered to work with interested partners to raise more awareness of an SPL on-line tool launched in 2021.

b. Paternity leave (responsibility of the Department for Business, Energy and Industrial Strategy)[573]

Length of leave

- One or 2 weeks, a week being equivalent to the number of days that the individual normally works in a week.[574]

Payment, funding and taxation

- Flat-rate payment of GBP£184.03 [€218.93] per week, or 90 per cent of average weekly earnings, if that is less.
- Paid, taxed and funded as for Maternity leave.

Flexibility in use

- Fathers and partners can take Paternity leave in non-consecutive periods.
- Leave is no longer restricted to the first 8 weeks after birth or placement for adoption. Fathers and partners can take leave at any time in the 1st year.
- The required notice period is reduced to 4 weeks' notice prior to each period of leave (this does not apply to adoption cases).
- If fathers want to change their dates for Paternity leave, they can do so by providing 4 weeks' notice.

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

- For eligibility of UK citizens and EU citizens resident in the UK, 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.

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[572]Department for Business and Trade (2023) *Parental Leave and Pay Good Work Plan: Proposals to Support Families Government Response.* Available at: https://assets.publishing.service.gov.uk/media/649c41fcbb13dc0012b2e29b/good-work-plan-consultation-government-response.pdf

[573] See: https://www.gov.uk/paternity-pay-leave

[574] Stipulated as such by the government, except if the father normally works two or three days per week, he would receive 4 or 6 days leave, and if the father works seven days, he would receive 14 days. Available at: https://www.gov.uk/paternity-pay-leave/leave.

- Employees must meet four 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 15th week before the baby is due) and remain employed at the time of the child's birth; and they provide their employer with at least 15 weeks' notice of their intention to take Paternity leave. Unlike for Maternity leave, there is no distinction between eligibility for leave and pay.
- To qualify for Statutory Paternity Pay (SPP), men must be earning at least GBP£123 [€146.33] per week (before tax), i.e., the minimum 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; single 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 8 weeks after the child was due (that is, the requirement to finish Paternity leave within 56 days of the baby's birth is not applicable).
- The 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)

- Additional contributions are more common in large establishments. 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

- Eighteen weeks per parent per child.
- Leave is an individual, non-transferable entitlement.
- Only four weeks of leave may be taken in any one calendar year for each child per parent, unless an employer agrees otherwise (i.e., the 18 weeks cannot be taken in one continuous period of time)[575].

[575] www.gov.uk/parental-leave

Payment and funding

- None.

Flexibility in use

- Leave may be taken in blocks or in multiples of 1 week, up to, and for no more than, 4 weeks per year unless the employer agrees otherwise.
- Leave may be taken up until the child's 18th birthday.

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

- For eligibility of UK citizens, as well as asylum seekers, please see Maternity leave/eligibility. All employees who have completed one year's continuous employment with their present employer and who have, or expect to have, parental responsibility for a child.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single 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'.[576]
- Employers may postpone granting leave for up to 6 months in situations where leave-taking would cause significant disruption to the business.
- Some employers go beyond the statutory minimum. Indeed, some employers structure additional employer-based leave policies around the individual entitlement basis of Parental leave rather than the gendered statutory Maternity and Paternity leave policies. Additional contributions are more common in large establishments.

d. Childcare leave or career breaks

No statutory entitlement.

[576] Department for Business, Innovation and Skills (2014) *The Fourth Work-Life Balance Employer Survey (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

e. Other types of leave and flexible working

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 6 weeks with no upper limit, then a flat-rate payment of either GBP£184.03 [€218.93] 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[577]. The legislation does not define what is 'reasonable,' since this will depend on the situation[578]. There is no entitlement to payment.
- Some employers go beyond the statutory minimum.
- Employees are entitled to take 5 days of unpaid leave per year to provide or arrange care for a dependant with a long-term care need.

Specific provision for (breast)feeding

- None.

Flexible working

- 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). 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.[579]
- Employees are entitled to make a flexible working request from the first day of their employment and can make 2 requests a year.
- Employers are obliged to process requests within two months.
- Employers who turn down a request must provide the reasons behind the decision.

[577] www.gov.uk/time-off-for-dependants

[578] Ibid.

[579] www.acas.org.uk/media/pdf/1/7/The-right-to-request-flexible-working-the-Acas-guide.pdf

Antenatal appointments and care

- Pregnant employees are permitted paid time off for antenatal care. Fathers are permitted time off to attend 2 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 post-natal leave 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 (ECEC) policy is devolved to England, Scotland, Wales, and Northern Ireland, and so more heterogeneous; each country has a distinct education and health system, including ECEC.

In England, children aged 3 and 4 years are entitled to 15 hours per week of free ECEC for up to 38 weeks per year; to be eligible for 30 hours (1,140 hours per year) a parent must be working (the same eligibility criteria apply as for Wales) or on statutory leave such as Maternity leave. Compulsory education starts at 5 years.

In addition, subsidised childcare for English parents on Universal Credit has been increased, and by summer 2023 parents will be able to claim financial support upfront rather than retrospectively. Welsh, Scottish and Northern Ireland announcements are outstanding.

In Wales, children aged 3 and 4 years are entitled to 30 hours per week of free ECEC for 48 weeks per year provided that parents meet the eligibility criteria. Some 2 year-olds are entitled to 12.5 hours per week of free ECEC.

In Scotland, children aged three and four years are entitled to 30 hours per week during term time (1,140 hours per year). Some 2 year olds are also eligible. Policy discussions are underway, but have stalled for Northern Ireland, which has the lowest UK ECEC levels: there is 12.5 hours per week of free ECEC during term-time for 3 year olds (475 hours per year); school starting age is four years old. In addition, some 2 year-olds across the UK who meet certain conditions can access a period of free ECEC. There is a gap, therefore, of nearly 2 years between the end of leave and a universal ECEC entitlement and a gap of nearly 3 years between the end of well-paid leave and an ECEC entitlement.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. **Changes in policy since April 2023** (including proposals currently under discussion)

As the UK Government moves into its last year before a general election (which took place on 4 July 2024), there has been a flurry of policy activity including on leave policies.

Statutory Paternity leave

The law on statutory Paternity leave changed on 6 April 2024. The new rules (set out in Section 1 above) provide for greater flexibility in use for fathers of babies born on or after 7 April 2024.

There has been no change in the maximum duration of Paternity leave, remaining at two weeks or in the rate of pay (see 1b), despite a national petition to parliament to increase fathers/partners Paternity leave entitlement to six weeks paid leave in baby's first year which the Government has formally rejected. These new UK Paternity leave flexibility provisions are weaker than the EU 2019 Work-Life Balance Directive 2019 (2019/1158) which prohibit the imposition of work-related conditions in order to qualify for Paternity leave.

Flexible Working

The revised provisions are set out in Section 1 above.

Carer's Leave

A statutory right for employees to take 5 days of unpaid leave per year to provide or arrange care for a dependant with a long-term care need has been introduced. This new entitlement will be through a revision of the Employment Rights Act 1996 that came into force on 15 April 2024. Through this new law UK will be aligned with the EU Directive 2019 (2019/1158) which introduced a five-day period of carer's leave each year across all EU27.

Neonatal Care (Leave and Pay) Act 2023

There has been delay in legislation on Neonatal Leave and Pay to Parliament[580] despite being a Conservative Manifesto commitment at the 2019 election. Currently, parents of children that require neo-natal care must use their Maternity or Paternity leave if they need to take time off work. The proposals, eventually went through a Private Member's Bill route, from a different political party, rather than a Departmental-led Bill but will not come into force until April 2025.

The length of neonatal leave will be dependent on how long the baby spends in hospital, with parents entitled to up to 12 weeks of neonatal leave and a minimum

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/872097/neonatal-leave-and-pay-government_response.pdf;https://www.legislation.gov.uk/ukpga/2023/20/enacted

entitlement of 1 week (7 days). NCL must be taken in the first 68 weeks of the baby's birth.

The right to receive statutory neonatal care pay ('SNCP') requires 26 weeks of service and earnings on average of at least GBP£123 [€146.33] a week. The level of payment will be the flat-rate payment, currently GBP£184.03 [€218.93] per week, or 90 per cent of average weekly earnings, if that is less.

Protection from Redundancy (Pregnancy and Family Leave) Act 2023
Under the current law, employees on Maternity leave, Shared Parental leave or Adoption leave have special protection in a redundancy situation. Fathers and partners on Paternity leave do not have this protection. The new law, which comes into force from 6 April 2024, extends the priority protection status to pregnant employees and those who have recently returned from Maternity/Adoption leave and Shared Parental leave.[581] The protection is for 18 months from the child's date of birth if notified to employer before the end of Maternity leave (or 18 months from the Expected Week of Childbirth if not notified). If on SPL, mothers, fathers and partners need to take a minimum of 6 weeks' consecutive shared Parental leave before becoming eligible for 18 months of protection.

In addition to these leave-related changes, the national government budget in March 2023 included planned changes to extend ECEC eligibility for England. Children with employed parents will become eligible for 15 hours of free childcare from 2 years (from April 2024) and from 9 months (from September 2024).

4. Uptake of leave

The UK government still does not routinely collect data for uptake of leaves. The most recent publicly available national data is from 2009/10.[582] 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.

a. Maternity leave

No information available.

b. Paternity leave

[581] https://www.legislation.gov.uk/ukpga/2023/17

[582] 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

No information available.

c. Parental leave

No information available.

d. Other employment-related measures

No information available.

Uruguay[583]

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April 2024

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

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

a. Maternity leave (public sector) (*Licencias por maternidad y por paternidad*)

Length of leave (before and after birth)

- Thirteen weeks: up to 6 weeks can be taken before the birth, one week of which must be taken at this time. Civil servants of the Central Administration are entitled to 14 weeks.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment.
- Payments are not taxed, except for contributions for retirement and social health insurance.
- Funded from general taxation.

Flexibility in use

- None, except for 5 weeks of leave that can be taken before or after birth.

583 Please cite as: Batthyány, K. and Perrotta, V. (2024) 'Uruguay country note,' in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Eligibility

- All female public sector employees.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single 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) (*Subsidio por maternidad*) (responsibility of Instituto de Seguridad Social)

Length of leave (before and after birth)

- Fourteen weeks: up to 6 weeks can be taken before the birth.
- It is obligatory to take all the leave.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment. For employees, this is based on average earnings in the 6 months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- Payments are not taxed, except for contributions for retirement and social health insurance.
- Funded by the social security system, which is financed by contributions and taxes: for sickness and maternity benefits, 3 to 6 per cent of employee earnings and 5 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).
- 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.
- If the birth occurs after the due date of delivery, the postpartum leave 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 BPS, with no more than 1 employee.
- Other self-employed workers who are covered by the BPS.

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 illness resulting from pregnancy or childbirth, the mother is entitled to an extension of pre- or post-natal leave.
- In the case of full-term births, if the baby's birth weight is 1.5 kg or below, Maternity leave is extended to 18 weeks.
- Maternity leave may be extended until the child turns 6 months in cases when: the newborn presents any disorder, illness, co-morbidity or condition, which due to its nature or severity involves a risk to the life of the newborn; the newborn presents any disorder, illness, co-morbidity or condition that involves sensory, physical or intellectual disabilities; the newborn requires hospitalization or treatment, and a specialist doctor recommends the mother's care.

b. Paternity leave (public sector) (*Licencia por paternidad*)

Length of leave (before and after birth)

- Ten working days.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment.
- Payments are not taxed, except for contributions for retirement and social health insurance.
- Funded 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; single 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 period, Maternity or Paternity leave begins.

b. Paternity leave (private sector) (*Inactividad Compensada por Paternidad*) (responsibility of the Instituto de Seguridad Social)

Length of leave (before and after birth)

- Thirteen calendar days for employees; 10 calendar days for self-employed workers.

Payment and funding

- One hundred per cent of earnings with no upper limit on payment. For employees, this is based on average earnings in the 6 months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- For employees, the first 3 days are paid by the employer and the next 10 days are paid by the social security system.
- Payments are not taxed, except for contributions for retirement and social health insurance.
- Funded as for Maternity leave.

Flexibility in use

- None. To be taken from the day of birth.

Eligibility

- All male employees who contribute to the BPS.
- Self-employed workers who are covered by the BPS, with no more than one employee.
- Other self-employed workers who are covered by the BPS.

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 case of multiple births, preterm births, as well as in the other health conditions that permit an extension of Maternity leave (see 1a), Paternity leave may be extended to 30 days.

c. Parental leave (public sector)

In November 2023, Law No. 20,212 (art. 53) established that public workers have a right to Parental leave. Mothers and fathers cannot be on Parental leave simultaneously. They can alternate use of Parental leave, after the end of Maternity leave, until the baby reaches 6 months of age. This is extended to 9 months of age, in situations where the child's life is at risk or the child has a disability. Mothers or fathers can only take leave, as long as the mother remains economically active or is covered by medical leave.[584]

c. Parental leave (private sector)

Length of leave

- Until the child reaches 6 months.
- Leave is a family entitlement.
- Leave must be taken part time; the parent taking leave cannot work more than 4 hours a day.

Payment and funding

- As for Maternity and Paternity leave (private sector) (see 1a and 1b).

Flexibility in use

- Parents can alternate taking leave in days, weeks or months.
- Leave cannot be taken at the same time by both parents.

Eligibility

- As for Maternity and Paternity leave (private sector) (see 1a and 1b), except it is a requirement for fathers that the mother has been eligible for private sector Maternity leave.
- The law does not define whether same-sex couples are eligible. However, the BPS report that they approve part-time leave applications from women whose partners have taken BPS-provided 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; single parent) or delegation of leave to person other than the mother

- None.

d. Childcare leave or career breaks

No statutory entitlement.

[584] https://www.impo.com.uy/bases/leyes/20212-2023

e. Other family employment-related measures

Adoption leave and pay

- In the case of adoption, workers in both the public and private sector are entitled to a continuous 6 week leave and a reduction of the working day (up to 50 per cent) for 6 months. These leaves may be used by one of the 2 parents from the time the child is placed in the family, while the other parent is them granted 10 working days of leave.

Time off for the care of dependents

No statutory entitlement.

Specific provision for (breast) feeding

- If the worker (public or private) breastfeeds her child, she may interrupt her daily work for that purpose, and has a choice between 2 half hour periods or a period of 1 hour. This time is counted as employment. Her doctor is responsible for determining the duration of these breastfeeding breaks, which may be extended for up to 2 years. Workers are required to present a doctor's certificate to their employer with whom they need to agree on how and when they will use the 1 hour reduction of the working day.

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 confirms she is breastfeeding.
- Civil servants of the Central Administration may work part-time, at least 4 hours per day, when their baby is between 6 and 12 months old. Mothers and fathers are eligible, but reduced hours can be used by only one of the parents.

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

The maximum period of full-time post-natal leave is just under three months, paid at a high rate; part-time unpaid leave can be taken in the private sector until 6 months after childbirth. There is an entitlement to Early Childhood Education and Care (ECEC) once children are four years of age and attendance also becomes obligatory at that age. There is a gap, therefore, of more than three and a half years between the end of well-paid leave and an entitlement to ECEC.

National statistics report that 56.2 per cent of children from birth to 4 years attended ECEC, but attendance is very different according to age: 13.3 per cent for children under the age of 1 year, 38.7 per cent for 1 year-olds, 57 per cent for 2 year-olds, 77.7 per cent for 3 year-olds, and 93 per cent for 4 year-olds.[585] Moreover, if children who attend 20 hours a week or more, which is equivalent to at least a part-time working day, are considered these figures drop to 2.5 per cent for children under the age of 1 year, 13.8 per cent for 1 year-olds, 42 per cent for 2 year-olds, 70.4 per cent for 3 year-olds and 86.9 per cent for 4 year-olds.

Until 2 years old, most children attend private ECEC centres (funded by families), as public centres are not extended, especially for children under one year of age. From the age of three, public centres are more widely covered.

During the period 2015-2020, within the framework of the implementation of the National Integrated Care System, early childhood education and care services were increased, adding 16,000 new places to the public system. In 2022, there were 78,344 children cared for in public centres, but due to the decrease in births, coverage was 53 per cent of the population between 0 and 3 years old.[586]

No information for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Law 20,312 was approved in April 2024. For private sector employees, the Law increases Paternity leave, initially to 14 days and then to 17 days from 1 January 2026; and for self-employed workers, it increases leave initially to 17 days and then to 20 days. For the public sector, the option of 20 days of Paternity leave becomes available. In certain cases, such as multiple births or low birthweight, 30 days of Paternity leave are to be available. Protection of fathers at work is also strengthened, with the new Law prohibiting the dismissal of a father until at least 30 days after re-instatement following leave.

[585] Own elaboration based on micro data from the Nutrition, Child Development and Health Survey, INE, MIDES, 2018. See: http://www.ine.gub.uy/web/guest/encuesta-de-nutricion-desarrollo-infantil-y-salud-endis-2018-

[586] https://www.gub.uy/sistema-cuidados/comunicacion/publicaciones/memoria-quinquenal-2015-2020;

https://www.gub.uy/sistema-cuidados/institucional/informacion-gestion/memorias-anuales/sistema-cuidados-informe-anual-2022;nd https://www.gub.uy/sistema-cuidados/comunicacion/publicaciones/memoria-quinquenal-2015-2020

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 significant increase, in comparison to previous years. The new law, with the inclusion of new groups, did not imply substantial changes in the use of Maternity leave – probably because the non-dependent mothers who can use this leave 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.[587]

The evolution of the users of Maternity leave presents a continuous decline from 2016 until 2020. While in 2016 there were 16,911 users, this number fell to 12,554 in 2020 and to 11,483 in 2023 .[588] It is important to consider that also births in Uruguay have decreased over this time period. In 2016 there were 47,058 births, while in 2023 there were 31,381. The reduction of births occurred in all age groups, but the greatest contribution to the decrease was made by the group of women under 24 years old. There has been a decrease in the adolescent fertility rate (number of births of women between 15 and 19 years old) in recent years.

A recent policy document published in November 2020[589] states that a comprehensive explanation of the recent decline requires not only to consider the factors that converged on the exit from fertility stagnation adolescent, but that it is also necessary to understand reasons and the mechanisms that inclined the rest of women to limit their offspring. The fact that births of three and more children have decreased, whose mothers usually belong to groups of advanced age, suggests that interest in controlling more fertility is not exclusive to women teenagers and very young.

b. Paternity leave

There was a substantial rise in the take-up of Paternity leave up to 2016, from 8,799 in 2014 to 15,862 in 2016 (an increase of 80 per cent). This represents a significant advance for fathers' right to care, at least during the first days of the baby's life.[590] However, there has subsequently been a decrease, from 15,372

[587] 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.

[588] Own elaboration based on BPS, Social Security Indicators, 2024 .

[589] Comisión de Expertos en Seguridad Social. NOTA TÉCNICA Nº1 Proyección de la Población de Uruguay a 2100. 27 November 2020.

[590] 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.

users in 2017 to 11,460 in 2023. Again, this needs to be considered together with the decreased number of births.

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.

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[591]. However, a decrease in users is observed in 2017 and 2018, a slight increase in 2019 and again a decline in 2020 and 2021.[592]

During the period March 2022 to February 2023, a monthly average of 2,238 (individuals on) Parental leaves were recorded. During the period February 2023 and March 2024, 2,203 were registered. This implies a decrease of 1.59 per cent.[593]

Among the users of part-time leave (Parental Care Allowance), men represent two per cent, a proportion that has remained stable in recent years. 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 6 months. National regulations adopted in 2009 (Ministry of Public Health Ordinance 217/09) establish the importance of exclusive nursing in the first 6 months, and supplementary breastfeeding up to the age of 2 years, 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 6 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.[594]

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[591] Ibid.

[592] Own calculation based on BPS, Social Security Indicators, 2022.

[593] Social Security Indicators, Social Security Institute (BPS), 2024.

[594] 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 Economics and Sociology,* Vol. 136. Available at: https://www.academia.edu/37432019/Revista_del_Ministerio_de_Empleo_y_Seguridad_Social.

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 (6 out of 10) was that they believed the baby is better cared for by mothers. One-third of the men replied that caring for babies in the 1st year of life is the task of mothers.[595]

d. Childcare leave and career breaks

No statutory entitlement.

e. Other family-employment related measures

No information available.

[595] Ibid.

United States[596]

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April 2024

N.B. The United States is a federal state.

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

Note on United States leave policy: There is no statutory right to any of the types of leave or other statutory measures covered in the other country notes in this review. The federal Family and Medical Leave Act (FMLA) of 1993 provides unpaid leave for a variety of reasons, including: childbirth or the care of a newborn 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, 14 states, the District of Columbia and one territory offer all or some employees the statutory right to partly paid leaves for family reasons. In March 2023, 27 per cent of all civilian workers had access to paid family leave, and 90 per cent had access to unpaid family leave.[597] There is currently a tax incentive in the United States for employers to provide paid family and medical leave to certain employees. This incentive is temporary and scheduled to expire at the end of 2025.[598]

[596] Please cite as: Gatenio Gabel, S., Kaufman, G., Engeman, C. and Petts, R.J. (2024) 'United States country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A. Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

[597] Bureau of Labor Statistics (2023). *What data does the BLS publish on family leave?* Available at https://www.bls.gov/ebs/factsheets/family-leave-benefits-fact-sheet.htm

[598] Congressional Research Service (2023) *Paid Family and Medical Leave in the United States, September 2023*. Available at https://crsreports.congress.gov/product/pdf/R/R44835

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

- 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 periods of time.

Regional or local variations in leave policy

- As of 2023, 14 states, the District of Columbia, and Puerto Rico have adopted paid leave insurance for pregnancy and/or family caregiving.[599] All leave rights and benefits are granted as individual entitlements. In addition, 8 states have adopted voluntary family leave systems that allow insurance companies to write private insurance policies for paid family leave.[600] All states, except for New York, fund the benefits through pooled payroll taxes on employees and/or employers. New York uses a mandatory private insurance scheme that requires employers to purchase paid family and medical leave plans from insurance companies, including the state-run New York Insurance Fund. New York State oversees and regulates the system, determining benefit levels and premium rates.[601] State programs typically have less stringent eligibility standards, longer leave durations and additional qualifying criteria for leave. Job protections are less clear in state programs than in the FMLA, with several states having parallel legislation guaranteeing job protection.[602]

  For cross-national comparative purposes, we note that there are no nationality/citizenship-based eligibility requirements. Eligibility requirements centre on employment (i.e., number of weeks or hours worked, employer size, etc.). We also note that since the Supreme Court

[599] Congressional Research Service (2023) *Paid Family and Medical Leave in the United States, September 2023*. Available at https://crsreports.congress.gov/product/pdf/R/R44835

[600] https://bipartisanpolicy.org/explainer/state-paid-family-leave-laws-across-the-u-s/

[601] Bipartisan Policy Center (2024) *State Paid Family Leave Laws across the U.S.* Available at: https://bipartisanpolicy.org/explainer/state-paid-family-leave-laws-across-the-u-s/

[602] Congressional Research Service (2023*) Paid Family and Medical Leave in the United States, September 2023*. Available at https://crsreports.congress.gov/product/pdf/R/R44835

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 includes 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: 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 eight weeks. Leave is partially paid at 60 to 70 per cent of earnings, depending on income, up to a current maximum of USD$1,620 [€1,485.97][603] per week in 2023.[604] Starting in January 2025, the wage replacement rate will increase to 70 to 90 per cent of earnings, depending on income (as a result of legislation signed in September 2022).[605] The average weekly benefit was USD$922 [€845.72] for 2023.[606] 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. Employee contributions fund PFL and SDI benefits and benefit levels are adjusted annually as wages increase.[607] 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 4 months of job-protected leave for disability due to pregnancy, childbirth, or related health condition (if they work for an employer with 5 or more employees). They can receive wage replacement under SDI, typically for 4 weeks prior to and 6 weeks after childbirth (and this is in addition to 6 weeks of benefit payments under the PFL for bonding). Additional weeks can be granted with proper physician certification in cases of difficult pregnancies. In addition, workers in San Francisco city and county whose employers have 20 or more employees may be eligible for a top-off. The Paid Parental Leave Ordinance requires private sector employers in these locales to increase paid family

[603]Conversion of currency undertaken for 16 June 2024, using: https://data.ecb.europa.eu/currency-converter.

[604] https://edd.ca.gov/siteassets/files/pdf_pub_ctr/de2588.pdf

[605]https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB951

[606] https://edd.ca.gov/en/about_edd/Quick_Statistics#DIStatistics

[607] https://edd.ca.gov/about_edd/Quick_Statistics.htm#DIStatistics

leave benefits to 100 percent of the average weekly wage or USD$2700 [€2,476.61], whichever is less.[608]

Colorado: passed paid family leave in 2020, making Colorado the first state to establish a paid leave insurance programme via ballot initiative. Contributions to the employer-employee jointly-funded programme began in January 2023, and employees became able to access benefits starting in January 2024. The programme provides 12 weeks of paid, job-protected leave to bond with a new child (birth, adoption, foster), for self-care or to care for a family member with a serious illness or health condition, to address issues related to a family member's military service, or to address issues related to surviving domestic violence, stalking, sexual assault or abuse. Family members include a child, spouse, domestic partner, spouse's/partner's parent, grandparent, grandchild, sibling, and other individuals the beneficiary considers family regardless of biological ties. In cases of complications from birth or pregnancy, beneficiaries can access an additional 4 weeks of leave. Eligibility for paid benefits requires employees to have earned at least USD$2,500 [€2,293.16] from current and previous jobs.[609] Eligibility for job protection requires 180 days of employment prior to taking leave. Employees of both the private sector and state and local government are covered, and self-employed individuals can opt in. Benefits pay 90 per cent of previous earnings that are at or below half of the statewide average weekly wage (AWW) *plus* 50 per cent of previous earnings that are above this amount. The benefit ceiling for the programme's first year is USD$1,100 [€1,008.99], which will be adjusted annually to equal 90 per cent of the statewide AWW.[610]

Connecticut: passed two separate laws in 2019: the Connecticut (CT) Family and Medical Leave (CTFMLA) and CT Paid Leave (CTPL). These laws went into effect in 2022. The CTFMLA provides eligible employees with up to 12 weeks of job-protected leave to care for a new child (birth, adoption, foster); to care for one's own health condition; care for a family member (child, parent, spouse, domestic partner, grandparent, grandchild) with a serious health condition; to address issues related to a family member's active military duty; or to serve as a bone marrow or organ donor. The CT Paid Leave Act provides eligible workers with income replacement. Unlike federal FMLA that requires employees to have been employed at least 12 months and at least 1,250 hours in the 12 months immediately preceding the commencement of leave, CT requires one to have been employed at least three months immediately preceding their first date of leave to be eligible for CT state leave.[611] An employee may also be eligible for two additional weeks of CT leave if incapacitated due to a serious health condition that occurs during a pregnancy. State employees are eligible for a maximum of

[608] https://www.sf.gov/information/paid-parental-leave-ordinance

[609] https://leg.colorado.gov/bills/sb23-046

[610]https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2019-2020/283Final.pdf

[611] https://portal.ct.gov/-/media/DAS/Statewide-HR/A---Z-Listing-Task-PDFs/ Family-Medical-Leave-DAS-General-Letter-39.pdf

24 weeks of leave within a two-year period to bond with a new child. Covered employees in Connecticut are eligible for benefits if they have earned wages of at least USD$2,325 [€2,132.64] in 1 of the 5 most recently completed quarters. If your wages are less than or equal to the Connecticut minimum wage multiplied by 40, your weekly benefit rate under the PFMLA will be 95 per cent of your average weekly wage. Wage replacement is capped at 60 times the minimum wage for those with earnings above 40 times the minimum wage and 95 per cent of wages for those earning 40 times the minimum wage or less. The maximum paid leave benefit increased to USD$941.40 [€863.51] as of January 2024. This programme is funded by a withholding tax of 0.5 per cent of earnings. All private sector employees are covered, and self-employed individuals can opt into the programme.[612]

Delaware: enacted the Healthy Delaware Families Act in 2022, and will begin distributing benefits 1 January 2026. The insurance programme is jointly funded by employees (payroll contributions) and employers. Beginning 1 January 2025 contributions will be collected. The initial rate will be 0.8 per cent of wages up to the Social Security maximum rate and will be shared equally by employer and employee (with some exceptions for small employees). Eligible employees can access 12 weeks of wage replacement benefits during Parenting leave or 6 weeks for family or medical leave. Leave is job protected, and employers are required to continue benefit coverage (e.g., health care) during leave. Leave benefits cover 80 per cent of the employee's average weekly wages with a USD$100 [€91.73] minimum weekly benefit. The weekly benefit is capped at USD$900 [€825.54] for 2026 and 2027. After 2027, the benefit cap increases in proportion to increases in the Consumer Price Index. Eligibility requires employment for 12 months for at least 1,250 hours with an employer before taking leave from that employer. For employers with 10-25 employees, benefits for employees cover parenting leave only. For employers with more than 25 employees, benefits cover parenting, family, and medical leave. Parenting leave can be used to care for a newborn, newly adopted or newly placed foster child. Family leave can be taken to care for a seriously ill parent, spouse or child. Leave can be taken intermittently or used to reduce the employee's regular schedule.[613]

Hawaii: the state's insurance programme, first enacted in 1969, uniquely focuses on pregnancy and childbirth. Hawaii does not have a *paid* family leave program. 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 2024, that ceiling was USD$798 [€731.98] per week.[614] The weekly wage base was USD$1,374 [€1,260.32] in 2024 and employee contributions are capped at 0.5 per cent of the weekly

[612] https://www.ctpaidleave.org/?language=en_US

[613]https://regulations.delaware.gov/AdminCode/title19/1000/1400/1401.shtml#TopOfPage

[614]_https://labor.hawaii.gov/dcd/files/2019/11/newWBA.pdf

wage base (maximum contribution in 2024 is USD$6.87 [€6.30]). 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 in the year preceding leave. Under the Hawaii Family Leave Law and rules, an employee may be eligible for up to 4 weeks of *unpaid* family leave each calendar year for the birth or adoption of a child, or to care for his/her child, spouse, reciprocal beneficiary, or parent with a serious health condition. An employee may substitute accrued paid leave (i.e., vacation or sick leave) for any part of the State Family Leave. However, only the accrued and available sick leave in excess of the 15 days required under the State's self-insured Temporary Disability Benefits Plan, can be applied toward family leave purposes.

Maryland: paid family and medical leave was adopted in 2022. Contributions were delayed by one year and will begin 1 October 2024. The initial contribution rate will be 0.9 per cent (up to the Social Security maximum) to be split evenly between the employer and employee. Workers can submit claims for benefits beginning on 1 January 2026 for a maximum benefit of USD$ 1,000 [€917.26]. Eligible employees may take up to 12 weeks to care for a child in the 1st year following birth or after the placement of a child through foster care, kinship care, or adoption; to care for themselves or a family member with a serious health condition; to care for a service individual who is next of kin; or because of a qualifying exigency arising out of deployment of a service member who is a family member. Covered individuals may take an additional 12 weeks of leave if the individual is eligible for leave both due to bonding with a new child and to care for their own serious health condition. Workers are eligible if they worked at least 680 hours in the year prior to the date on which leave is to begin, and self-employed workers can opt-in. For workers earning less than 65 per cent of the state AWW, wage replacement is 90 per cent. Leave is job protected, although there are certain circumstances in which employers may refuse to protect the job. Funding for FAMLI will come from employees, employers with 15 or more employees, and self-employed individuals who opt-in.[615]

Massachusetts: paid family medical leave was adopted in 2018. Eligible employees began making payroll contributions to the fund in July 2019 and benefits began in 2021. 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

[615] https://mgaleg.maryland.gov/2022RS/chapters_noln/Ch_48_sb0275E.pdf

per cent of wages beyond that amount up to a cap of USD$1,149.90 [€1,054.76] per week in 2024.[616] To be eligible, employees must work at least 15 weeks and earn at least USD$6000 [€5,503.58] in the past year and earned at least 30 times more than they are eligible to receive each week in benefits.[617] The programme covers all private sector and most public sector employees.[618] Self-employed individuals can opt in. Contributions have increased to 0.88 per cent of employee wages (up to the Social Security maximum), and revenues are divided between allocations for family and medical leave. As of November 2023, an amendment to the law allows employees to top off paid family and medical leave benefits from the state or an employer's plan to accrued paid leave or other paid leave benefits.[619]

New Jersey: Family Leave Insurance (FLI) provides workers with up to 12 weeks of benefits during leave, covering 85 per cent of prior earnings with a maximum weekly benefit of USD$1,055 [€967.71] in 2024. To qualify, employees must have worked 20 weeks, earning USD$283 [€259.59] weekly in 2024, or have earned USD$14,200 [€13,025.13] in the preceding four quarters, up to a maximum taxable wage base of USD$161,400 [€148,046.23]. Benefits cover leave to care for a parent, spouse, child, domestic or civil union partner, partner's child, sibling, grandparent, grandchild, parents-in-law, any blood relative, and any person who is considered equivalent to family. The measure is financed by employee payroll deductions and covers all private sector employers, and some public employees.[620] Benefit payments for paid family leave do not run concurrent with temporary disability insurance (TDI) benefit payments for leave related to pregnancy and childbirth. Under TDI, pregnant employees can receive wage replacement for 4 weeks prior to the anticipated delivery date and 6 weeks after delivery.

New York: a comprehensive paid family leave policy was adopted in 2016 and phased in beginning in 2018. Leave can be taken all at once or intermittently, in full-day increments. Twelve weeks of 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, parent, or sibling (beginning January 2023) is called to active military service abroad are provided. Employees standing in *loco parentis* to a child can take leave to care for the child. Benefits are capped at 67 per cent of the state-wide AWW, or a maximum of

[616] https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits#what-is-paid-family-and-medical-leave-(pfml)?-)

[617]https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits#what-is-paid-family-and-medical-leave-(pfml)?-)

[618]https://www.mass.gov/info-details/your-eligibility-for-paid-family-and-medical-leave-pfml

[619] https://www.mass.gov/info-details/faqs-for-employers-about-topping-off-pfml-benefits

[620] https://www.myleavebenefits.nj.gov/labor/myleavebenefits/worker/fli/)

USD$1,151.16 [€1,151.16] per week in 2024.[621] The paid family leave programme is funded entirely through employee payroll deductions and contributions are capped at USD$333.25 [€305.68] annually beginning 2024. 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 for pregnancy and childbirth to birth mothers, paid at 50 per cent of average weekly wages up to a cap of USD$170 [€155.93] 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.[622] The total disability and family leave benefits in any 52-week period may not exceed 26 weeks. Self-employed individuals can opt in to the insurance programmes. As of 2022, PFL's benefits have been extended to domestic workers who work 20 or more hours a week, provided they have been employed for 26 consecutive weeks.

Oregon: paid family leave was adopted in July 2019 and benefits were first disbursed on 3 September 2023.[623] Eligible employees may take up to 12 weeks in a benefit year to care for themselves or a family member, and up to two additional weeks for pregnancy, childbirth, or related circumstances. In some situations, up to 18 weeks may be taken in a benefit year, though four of those weeks may be unpaid.[624] Wage replacement is 65 per cent of state AWW plus 50 per cent of wages above the state AWW up to a maximum of USD$1,523.63 [€1,397.57] per week and a minimum benefit of USD$63.48 [€58.23] in 2024.[625] Low-income workers will receive 100 per cent of their AWW. This programme is funded by a 1 per cent payroll tax, with employees paying 60 per cent and employers paying 40 per cent (businesses with fewer than 25 employees will be exempt from paying taxes though their employees will still be covered). Employees who earned at least USD$1,000 [€917.26] in the year they apply for paid leave are eligible for benefits, meaning that almost all employees, including part-time employees, are covered.[626]

Rhode Island: a paid family leave programme (referred to as Temporary Caregiver Insurance) went into effect in 2014 and provides job protection and extends the state's existing TDI programme to provide 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 contributions of 1.2 per cent of wages (maximum taxable wage is USD$87,000 [€79,801.87]). Up to 13 weeks of unpaid leave within a 2 year period to care oneself or family member due

[621] https://paidfamilyleave.ny.gov/2024

[622]http://www.wcb.ny.gov/content/main/DisabilityBenefits/Employer/introToLaw.jsp

[623]https://www.oregon.gov/employ/PFMLI/Documents/Milestone%20Newsletter_Final.pdf

[624] https://www.oregon.gov/employ/PFMLI/Documents/PFMLI_003_0921.pdf

[625] https://www.thehartford.com/paid-family-medical-leave/or

[626] https://www.oregon.gov/employ/PFMLI/Documents/PFMLI_003_0921.pdf

to illness, birth, adoption or foster care placement. Up to 6 weeks paid Parental leave is available at 60 per cent of previous weekly earnings for those who have contributed to the fund and meet earning requirements. The maximum benefit is USD$1,043 [€956.71] per week for 2024.[627] In addition, 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).

Washington (State): paid family leave insurance was adopted in 2017. Employees began contributing to the insurance fund in 2019, and, starting in 2020, the programme provides 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 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. In 2022, the maximum weekly benefit is USD$1,456 [€1,335.53]. Benefits are paid for up to 12 weeks for either medical or family leave, 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[628]. The programme is funded through premiums paid by both employees and employers. In 2024, the premium rate is 0.74 per cent of each employee's gross wages, not including tips, up to the 2024 Social Security cap (USD$168,600 [€154,650.52]). Employers with 50+ employees will pay up to 28.57 per cent and employees will pay 71.43 per cent.[629]

District of Columbia: the Universal Paid Leave (UPL) Amendment Act was adopted in 2017 and began distributing benefits in October 2022. UPL allows up to 12 weeks of paid parental leave for a new-born, newly adopted, or newly placed foster child; 12 weeks of family leave to care for a parent, spouse, child, domestic partner, grandparent, or sibling; 12 weeks of medical leave to address one's own serious health condition; and two weeks prenatal leave.[630] Employees standing in *loco parentis* for a child can take

[627] https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance

[628] https://paidleave.wa.gov/find-out-how-paid-leave-works/

[629] https://paidleave.wa.gov/updates/

[630] https://does.dc.gov/page/dc-paid-family-leave

leave to care for the child. The Act covers all private sector employees covered by the D.C. Unemployment Compensation Act. Self-employed individuals can opt in. Leave is job-protected, and benefit payments are 90 per cent of the employee's AWW, up to a cap of USD$1,118 [€1,025.50] per week.[631]

Puerto Rico: the Working Mothers Act (1942) provides an 8 week Maternity leave at 100 per cent of earnings that must begin 1 to 4 weeks prior to the expected delivery date. The disability law permits employee contributions at the rate of 0.3 per cent of wages up to USD$9,000 [€8,255.37]. The maximum weekly benefit is USD$113 [€103.65] (USD$55 [€50.45] for agricultural workers). These statutory amounts have not changed since July 1972.[632] A female employee who adopts a child under the age of 6 years is entitled to the same leave benefits as a person who gives birth.[633] [634] The Act was updated in 2020 to extend the right to 5 weeks of Maternity leave for working mothers who adopt children 6 years of age and older. The law does not extend the right to the leave to working fathers.[635]

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

- The federal FMLA covers all employees (including foreign workers who have a valid work visa[636]) who work for a covered employer (see 'additional note' below) and who have worked for that employer for at least 1 year (even if not for a continuous period) for 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.*[637] 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.[638]

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

- None.

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631 https://dcpaidfamilyleave.dc.gov/workers/

632 https://www.mercer.com/our-thinking/law-and-policy-group/2023-state-paid-family-and-medical-leave-contributions-and-benefits.html

633 http://www.oslpr.org/download/en/2000/0120.pdf

634 http://www.oslpr.org/download/en/2000/0425.pdf

635 https://www.littler.com/publication-press/publication/puerto-rico-enacts-law-extending-maternity-leave-mothers-adopting

636 https://www.dol.gov/whd/regs/compliance/FactSheet62/whdfs62I.pdf

637 https://www.dol.gov/whd/fmla/adultchildfaqs.htm

638 Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

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

- The Federal Employee Paid Leave Act (FEPLA) provides federal employees up to 12 weeks of paid time off for the birth of a child or the placement of a child for adoption or foster care. Leave may be used only during the 12month period beginning on the date of the birth or placement involved as long as an employee has a continuing parental role with the child whose birth or placement was the basis for the leave entitlement. To receive paid leave benefits under FEPLA, federal employees must meet FMLA eligibility requirements.
- The majority of US workers lack access to paid family leave from any source. Only 27 per cent of private sector employees have access to paid family leave through their employers and 28 per cent of state and local government workers do.[639]
- 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).

Specific provision for (breast)feeding

- The Fair Labor Standards Act, amended by the Affordable Care Act in 2010, requires that employers provide hourly workers with reasonable break time for an employee to express breast milk for her nursing child up to one year after the child's birth and a place, other than a bathroom, that is private and free from intrusion to be used by an employee to express breast milk. Employers with fewer than 50 employees may seek to be excused from these requirements if they can show that these requirements would impose an undue hardship on the employer.[640]
- 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.

Flexible working

- The U.S. Department of Labor states that flexible work arrangements are 'a matter of agreement' between employers and employees.[641]
- Some states have 'fair workweek laws', but many of these laws only provide employees the right to request schedule changes without retaliation or

[639] U.S. Bureau of Labor Statistics (2024) *Employee Benefits: What data does the BLS publish on family leave?* https://www.bls.gov/ebs/factsheets/family-leave-benefits-fact-sheet.htm

[640] U.S. Department of Labor (January 2023). Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work. https://www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers.

[641] See: https://www.dol.gov/general/topic/workhours/flexibleschedules

protect against employer-driven flexibility, such as advanced scheduling or partial compensation when shifts are cancelled or reduced.[642]

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

There is no statutory entitlement to paid leave or to Early Childhood Education and Care (ECEC).

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Federal leave

Support is building for a federal paid leave initiative, yet the partisan divide in Congress and debates about funding a federal paid leave policy pose notable barriers to passing legislation.

State level

Maine: passed a paid family and medical leave law in July 2023. Contributions to Maine's programme will begin on 1 January 2025, and benefits will start on 1 May 2026 to eligible workers in the private and public sectors. This will cover part-time, seasonal, and temporary workers. Employees will receive up to 12 weeks of paid leave for family or medical reasons or for the birth or adoption of a child.[643] Maine will pay workers a progressive rate up to 100 per cent of the state average weekly wage, which was USD$1,104 [€1,012.66] in 2023. The programme will be funded by equal payroll contributions from employers and employees, with a maximum of one per cent.

Minnesota: passed a paid family and medical leave law in May 2023, which will take effect on 1 January 2026. Leave will be paid, and job guaranteed for 12 weeks to employees who take time after the birth, adoption or foster care placement of a child; care of self or a family member due to their serious illness; due to military deployment of a family member; or in relation to family violence. Workers potentially may receive up to 20 weeks paid leave in a calendar year for a combination of more than one event. Those earning less than 50 percent of the state's average will receive 90 percent of their weekly wages; workers earning the state average will receive two-thirds of their wages; and those earning above average earnings will be entitled to 55 percent of their wages. Firms with fewer than 30 employees may be exempt. The benefits will be initially funded through

[642] https://www.abetterbalance.org/wp-content/uploads/2021/08/Updated-Fair-Flexible-Fact-Sheet.pdf

[643] https://www.maine.gov/labor/docs/2023/pfml/2023PLc412PFMLExcerpt.pdf

a state budget surplus and then through a payroll tax to be split by employers and employees set at 0.7 percent but not greater than 1.2 percent after 2027.[644]

Voluntary State Parental and Family Leave Programs

Eight states have adopted voluntary paid family leave insurance programs, 6 of which are endorsed by the National Council of Insurance Legislators, and 2, New Hampshire and Vermont, are based on a state contract with a single insurance carrier to provide a base plan for each state. All state employees in these two states have paid family leave coverage. Beginning in 2023, the New Hampshire programme provides either 6 or 12 weeks of leave: to bond with a child during the 1st year afterbirth, including placement for adoption or fostering; to care for themselves or a family member with a serious health condition; to care for a service individual who is a family member or next of kin; or for any qualifying urgent demand due to a family member being a covered service member. Individuals with Paid Family and Medical Leave (PFML) insurance receive 60 per cent wage replacement up to the social security wage cap. Employers who purchase PFML for their employees are eligible for a 50 per cent tax credit on premiums paid.[645] Vermont rolled out its paid leave programme in July 2023 as part of a governor's initiative (i.e., not law). The programme provides 60 per cent wage replacement (capped at the Social Security max) for 6 weeks within a 12 month period to bond with a child after birth or adoption or foster care placement, care for oneself or family member with a serious health condition, or military duty. The law is in effect for state employees and coverage extends to other government and private employees beginning 1 July 2024. In 2025, employees whose employers have not opted in or are self-employed may participate.[646]

The laws in Alabama (2023), Arkansas (2023), Florida (law took effect 2023), Tennessee (began 2024) and Texas (law took effect 2023) allow the sale of group family leave insurance policies to employers. In Virginia, insurers may offer family leave coverage, including Parental leave, as a class of coverage as an amendment or addition to an insurance policy, a provision in a group disability policy, or a separate insurance policy. There are no requirements regarding benefit amount or duration.[647]

4. Uptake of leave

A 2018 survey found that only 15 per cent of US workers eligible for the federal FMLA took leave in the past year for any covered reason. Of these, about half took leave for their own illness; 25 per cent took leave for reasons related to a new child; and about a third took multiple occasions of leave for the same reason.[648]

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[644] https://www.dli.mn.gov/business/employment-practices/pregnancy-and-parental-leave-fmla

[645] https://www.paidfamilymedicalleave.nh.gov/

[646] https://www.thehartford.com/paid-family-medical-leave/vt

[647] https://www.scc.virginia.gov/getattachment/7b9941b0-5988-4dbe-88ff-06daaaccdff6/Family-Leave-Guidance-2022.pdf

[648] Brown, S., Herr, J., Roy, R. and Klerman, J.A. (2020) *Employee and Worksite Perspectives of the Family and Medical Leave Act: Results from the 2018 Surveys.* Washington, D.C.: Abt Associates. Available at:

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,[649] [650] and little or no effects on time off taken by new fathers.[9] [10] Based on 2 national surveys, only 4 to 6 per cent of fathers take more than 2 weeks of Paternity leave[651]. 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).[652] 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.[653] In the first 12 weeks after a first child is born, 45 per cent of mothers and 33 per cent of fathers take at least some paid Maternity/Paternity leave. Another 39 per cent of mothers use unpaid Maternity leave while another 35 per cent of fathers use paid vacation.[654]

https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD_FMLA2018SurveyResults_FinalReport_Aug2020.pdf

[649] Han, W.J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography,* Vol.40, 1: 191-200.

[650] 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.

[651] Petts, R. J., Knoester, C., and Li, Q. (2020) 'Paid paternity leave-taking in the United States', *Community, Work & Family*, Vol.23, 2: 162-183.

[652]ttps://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/2017%20Employee%20Benefits%20Report.pdf

[653] 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.

[654] Scherer, Z. (2021) *Two-Thirds of Recent First-Time Fathers Took Time Off After Birth.* Washington, D.C.: Census. https://www.census.gov/library/stories/2021/09/two-thirds-recent-first-time-fathers-took-time-off-after-birth.html

Vietnam[655]

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April 2024

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 (Maternity regime: *Chế độ thai sản*) (responsibility of the Vietnam Social Security[657])

Length of leave (before and after birth) (depending on the type of birth, the number of children born)

- Six months: 2 months may be taken before the birth.
- Female employees are also entitled to a leave for convalescence and health rehabilitation within the first 30 working days after the Maternity leave period:
  - A maximum of 10 days for a multiple birth
  - Up to 7 days for a surgical birth
  - Up to 5 days for other cases.

[655] Please cite as: Luong, N. and Tran, A.H. (2024) 'Vietnam country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: https://www.leavenetwork.org/annual-review-reports/

[656] The authors contributed equally to the writing of this country note.

[657] Vietnam Social Security (VSS) is a governmental agency managing the implementation of social and health insurance regimes and policies; managing the unemployment insurance regime; as well as managing the funds for social, health, and unemployment insurance in accordance with the law. VSS is under the management of the Ministry of Labor, Invalids, and Social Affairs regarding social and unemployment insurances; under the Ministry of Health regarding health insurance; and under the Ministry of Finance regarding financial regimes for social, unemployment and health insurance funds (Decree defining the functions, tasks, powers and organizational structure of the Vietnam Social Security: https://vss.gov.vn/english/legal/pages/default.aspx?ItemID=3559).

- The number of leave days is jointly decided by the employer and the Trade Union at the grassroots level or solely decided by the employer if there is no grassroots Trade Union.

Payment and funding

- Maternity leave: 100 per cent of average earnings for the 6 months before leave on which social insurance premiums are based.
- Leave for convalescence and health rehabilitation: 30 per cent of the basic salary per day (30% x VND1,800,000 [€64,89][658] = 540,000 VND [€19.42] per day).[659]
- In addition, female workers are entitled to a lump-sum allowance equivalent to 2 times the basic salary rate at the month of childbirth (i.e., 3,600,000 VND [€129.38] per child).
- The payments are not taxed.
- Funded by the Social Insurance Fund (*Quỹ Bảo hiểm Xã hội*), managed by the Vietnam Social Security, which is financed by social security contributions from employers and employees (coming from those who participate in employment-based insurance, not voluntary (self-paid) social insurance contributions).[660]
- Exceptional maternity one-time payment from the state budget (not from VSS): a one-off birth allowance of VND2,000,000 [€72.89] per person is given to women giving birth with no compulsory social insurance who are ethnic minorities or Kinh ethnic (the major ethnic group in Vietnam) whose husbands belong to ethnic minority groups, or who belong to the poor household category in classified disadvantageous/poor areas.[661] If the mother is not covered by social insurance but the father is, the father is entitled to this allowance (See 1b).

Flexibility in use

- Female employees can negotiate with their employers for additional unpaid leave after the statutory leave period (no restriction on how long the unpaid leave can be).
- Female employees can return to work after they have taken at least 4 months of Maternity leave, if requested by the employees and agreed by the employers. Employees have to obtain a confirmation document from a qualified medical establishment stating that the early resumption of work

[658] Conversion of currency undertaken for 16 July 2024, using: https://www.xe.com/.

[659] From July 2023, the basic salary rate in Vietnam is VND1,800,000 [€64.68] per month: https://thuvienphapluat.vn/chinh-sach-phap-luat-moi/vn/thoi-su-phap-luat/tu-van-phap-luat/57312/muc-luong-co-so-nam-2024-la-bao-nhieu

[660] Employees and employers are both required to contribute to the social insurance managed by the Vietnam Social Security (VSS). The contribution is based on employees' monthly gross wage. Employees are required to pay an eight per cent rate for the mandatory social insurance and employers are required to contribute 17.5 per cent.

[661] Decree 39/2015/ND-CP: to be entitled to the payment, women need to follow the population policy of having from 1 to 2 children only or having a 3rd child if they belong to minority groups with less than 10,000 individuals or with decreasing population.

does not negatively affect their health condition. In this case, the employees are still entitled to maternity benefit following the social insurance law plus the normal salary.

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

- Female employees who are Vietnamese citizen, and who work with indefinite-term, definite-term or seasonal labour contracts; or from 3 to 12 month full-time contracts; or are cadres, civil servants and public employees; or who work in defence, public security or cipher agencies (i.e., governmental agencies under the Ministry of Defence specialising in cryptogram, coding and decoding); or officers and professional non-commissioned officers and officers and technical non-commissioned officers of the people's public security and army; or salaried managers of enterprises and cooperatives.
- Female employees of non-Vietnamese citizenship who work legally (having a work permit) with indefinite-term contract or a fixed term contract of at least 1 year with an employer in Vietnam.[662]
- Female employees must have contributed to the social insurance system for at least 6 months within the 12 months before childbirth.[663]
- Female employees who need to take a leave during pregnancy for pregnancy care as prescribed by competent health establishment must have paid social insurance contributions for at least 12 months and have paid social insurance contributions for at least three months within the 12 months before childbirth.
- Overall, only a minority of women are eligible (see 4a)

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 employee is pregnant with multiple children, the length of the Maternity leave is extended by 1 month for each additional child.
- In case of a postnatal death of a child under 2 months of age, the mother is entitled to continue a 4 month leave, counted from the date of childbirth.
- In case of the death of a child older than 2 months of age, the mother is entitled to a 2 month leave, counted from the date of the child's death. However, the Maternity leave period must not exceed the statutory 6 month period.
- If the mother, who is eligible for the Maternity leave, dies in or after childbirth, her (remaining) post-natal leave is transferred to the father or an other direct guardian.
- If the mother dies and she has not accumulated enough contributory time within the social insurance system to be entitled to the Maternity leave, the

[662] According to Decree 143/2018/ND-CP.

[663] In many cases, the employers have collected the contributions from the female employees but have not paid to VSS which can affect the actual maternity entitlement.

father or the direct guardian is entitled to Maternity leave until the child reaches 6 months of age.
- If the mother dies, the father or the direct guardian who currently contributes to social insurance but does not take transferred Maternity leave is entitled to both their regular salary and the Maternity leave for the remaining period applicable to the mother.
- If the mother dies in childbirth or faces a postnatal risk certified by a competent health establishment that she is unable to take care of the child and only the father is covered by social insurance, the father is entitled to a Maternity leave until the child reaches 6 months of age.

Additional note (e.g., frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)

- During pregnancy, a female employee is allowed leave on 5 occasions for prenatal check-ups. The length of each leave is 1 working day for a regular pregnancy and 2 working days for a risky pregnancy or in case the worker's place of residence is far from medical/health establishments.

b. Paternity leave (*chế độ thai sản cho nam giới có vợ sinh con*) (responsibility of the Vietnam Social Security and as stated in the Law on Social Insurance and the 2019 Labor Code)

Length of leave

- Five working days.

Payment and funding

- 100 per cent of average earnings for the 6 months before leave on which social insurance premiums are based, or the average salary of the months for which social insurance contributions have been paid in case the employee has less than 6 months of social insurance contributions.
- A male employee is entitled to a one-time lump sum payment equivalent to 2 times basic salary pay rate per child (3,600,000 VND [€129.38]) if he contributes to the social insurance system.
- Payments are made to the parent either in cash directly at the local Social Insurance Agencies, or through the employer, or transferred directly to their bank account.
- Taxed and funded as for Maternity leave.

Flexibility in use

- Leave can be taken within the first 30 days after the birth.

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

- Male employees, whose wives give birth to children (including surrogate mothers in surrogacy arrangements), are entitled to Paternity leave if they currently pay social insurance contributions. Same-sex and co-inhabiting couples are not recognized in Vietnam for any legal benefit entitlement, including Maternity and Paternity leave and benefit.
- Male employees who are Vietnamese citizen, and who work with indefinite-term, definite-term or seasonal labour contracts; or from 3-to-12-month full-time contracts; or are cadres, civil servants and public employees; or who work in defence, public security or cipher agencies (i.e., governmental agencies under the Ministry of Defence specialising in cryptogram, coding and decoding); or officers and professional non-commissioned officers and officers and technical non-commissioned officers of the people's public security and army; or salaried managers of enterprises and cooperatives.
- Male employees of non-Vietnamese citizenship who work legally (having a work permit) with indefinite-term contract or a fixed term contract of at least 1 year with an employer in Vietnam.

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

- The length of leave can be extended beyond 5 days, depending on the type of birth and the number of children born. In particular:
  - Seven working days in case of a surgical birth or a birth before 32 weeks of pregnancy.
  - Ten working days in case of twins; in case of multiple births, the length of leave is extended for 3 additional working days for each additional child.
  - Fourteen working days in case of a surgical multiple birth.
- In case the mother dies after childbirth, the father is entitled to take leave until the child reaches 6 months of age (if he contributes to social insurance), or to take the rest of the unused Maternity leave and benefits until the child reaches 6 months of age (if both the father and the mother contribute to social insurance or if only the mother contributes to social insurance). If the father does not want to take Maternity leave, he will receive the maternity allowance on top of the normal working salary.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- In the case of the adoption of a child who is younger than 6 months of age, employees are entitled to Maternity leave and benefits until the child reaches 6 months. If both parents are covered by social insurance, either the father or the mother is entitled to Maternity leave.

Leave to take care of sick children

- When parents are covered by social insurance, both or one of them can take leave to care for sick children under 7 years of age, with the certification of a competent health establishment. The allowed number of leave days per parent depends on the age of the children and is as follows:
  - Maximum 20 working days per year if the child is under 3 years of age.
  - Maximum 15 working days per year if the child is between 3 and 7 years of age.
- Payment is based on the number of leave days x a monthly allowance equivalent to 75 per cent of earnings in the month preceding leave on which social insurance contributions are based and divided by 24 days.

Surrogacy leave and pay

- A surrogate mother is entitled to Maternity leave and benefits as a normal female employee, except that she can take Maternity leave only until the time of relinquishing the child to the intended mother. However, the minimum length of leave is 60 days and the maximum length of leave is 6 months from the childbirth regardless of the relinquishing date.
- An intended mother is entitled to Maternity leave from the time of receiving the child until when the child reaches 6 months of age.

Time off for the care of dependents

No statutory entitlement.

Specific provision for (breast)feeding (within stipulations for female employees nursing a child under 12 months of age)[664]

- A female employee with a child under 12 months of age is entitled to one 60 minute break for breastfeeding, lactating, or resting during every working day with full pay. The break time can be chosen and must be informed to the employer in advance. If the employee does not want to take the break and if agreed by the employers, she is entitled to extra payment for the additional hour of work.

[664] According to the 2019 Labour Code and Decree 145/2020/ND-CP.

Miscarriage and abortion leave and pay

- In case of a miscarriage, abortion or stillbirth, or pathological abortion, a female employee may take Maternity leave as prescribed by a competent health establishment. The maximum leave period depends on how far the pregnancy was before the miscarriage or abortion and is as follows:
  - Ten days for a pregnancy under 5 weeks;
  - Twenty days for a pregnancy between 5 weeks and under 13 weeks;
  - Forty days for a pregnancy between 13 weeks and under 25 weeks;
  - Fifty days for a pregnancy of 25 weeks or more.
- The payment is calculated based on a monthly allowance divided by 24 days; the monthly allowance is equal to 100 per cent of average earnings during the 6 months before the leave on which social insurance contributions are based or the average of earnings during the months for which social insurance contributions have been paid if the employee has paid social insurance contribution for under 6 months.

Flexible working

- According to the 2019 Labour Code (Article 137 – Maternity protection), employers must not require female employees to work nightshifts, work overtime, or go on long-distance working trips if (i) they reach 7 months or more of pregnancy (or six months or more of pregnancy in case they work in highland, deep-lying, remote, border or island areas); or (ii) they are raising children under 12 months of age (unless the workers agree).
- In case the pregnant female employees engage in heavy, hazardous, dangerous work or works that can negatively affect their ability to reproduce and nurse children during pregnancy, their employees should assign them to safer and less laborious tasks or reduce 1 working hour per working day without reducing their salaries, rights, and benefits. This regulation applies until the female employees' children reach 12 months old.

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

The maximum period of paid post-natal leave is 6 months, unless the employee negotiates a longer period with their employer. There is no entitlement to Early Childhood Education and Care (ECEC), and the compulsory school age is 6 years.

According to the 2019 Law on Education, public and private nurseries (for children from the age of 3 months to 3 years), kindergartens (for children from 3 to 6 years), and preschools (for children from 3 months to 6 years) are allowed to provide ECEC for children from 3 months to 6 years old. Yet, the majority of public nurseries only take in and provide ECEC for children starting from 12 months of age. Private nurseries take children from 5 months of age. In 2009, the Vietnamese government approved universal access to ECEC for children aged 5 years; even

though attendance is not mandatory, 99 per cent of 5 year-old children now attend.[665]

No information for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the cross-country tables at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

The revision of the 2014 Social Insurance Law has been under discussion since 2023, and proposes expansion of Maternity leave coverage to (i) part-time employees in communes, wards and townships' administration; and (ii) voluntary (self-paid) public social insurance contributors.

4. Uptake of leave

a. Maternity leave

Only 30 percent of Vietnamese women giving birth are covered by the Maternity leave and benefit. The majority of the remaining uncovered women are those working in the informal sectors.[666]

b. Paternity leave

No information available.

c. Parental leave

No statutory leave entitlement.

d. Other employment-related measures

No information available.

[665] Nguyễn, H.T.T. and Boyd, W. (2022) 'Early Childhood Education in Vietnam', in L.P. Symaco and M. Hayden (eds.) *International Handbook on Education in South East Asia*. Singapore: Springer. https://doi.org/10.1007/978-981-16-8136-3_35-1

[666] Vietnam's Women Union (2024) 'Maternity regime should apply to all women, including workers in informal sector'. Available at: https://hoilhpn.org.vn/web/guest/tin-chi-tiet/-/chi-tiet/che-%C4%91o-thai-san-can-%C4%91uoc-ap-dung-cho-tat-ca-phu-nu-ke-ca-lao-%C4%91ong-tu-do-60378-1801.html

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 International Review has a number of comparative tables, enabling comparison to be made between participating countries. The formatting of these tables was revised in 2024, to make them more user-friendly. The 2024 tables are also accompanied by open-source Excell data, making it easier to reuse the data.

Information included in the International Review refers to a common reference date, usually April in the year of publication.

The International Review is published on-line, both as a complete document and disaggregated into individual countries and cross-national tables. An archive of previous reviews, going back to 2005, is also available on-line.

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 International Review is overseen and edited by an editorial group, currently consisting of six network members; each year, one member of the team assumes the role of lead editor.

For each edition of the International 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. While one member of the editorial team undertakes a copy edit of the whole review before it is published, there is no funding available to permit a thorough copy edit by a professional copy editor.

Responsibility for updating cross-national tables is normally 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. For the 2024 revision, most work on the these tables was undertaken by the lead editor.

Overall, the International 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 International Review, either raising queries about country notes and comparative tables, or making suggestions about items for inclusion in future editions.**

The International Review does not receive any direct funding although the indirect support from the institutions of contributors is gratefully acknowledged.

How are countries selected for the review?

When the International 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.

The majority of the countries covered by the International Review are European, and in recent years a proactive attempt has been made to include all European Union member states. However, the International Review now also includes many non-European countries. It was recently decided to limit new entrants in any one year to two countries given the extra time that it takes to develop a new country note.

Format and house style

The format of the International Review is decided by the editorial team, 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.

The house style conventions, used in editing the International Review, stem from a period of time when the International 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 mostly continued to use the house style.

Some technical notes

- 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 International Review is published.

- 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 International 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; such upcoming changes may, however, be noted in Section 3, on 'Changes in policy'.
- 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.