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**Leave arrangements in Europe:
Major trends, challenges and policy issues**

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This briefing paper substantially draws on the work provided by scholars in the context of the International Network on Leave Policies and Research (www.leavenetwork.org). More especially, on the annual International Reviews of Country Notes, edited by Peter Moss (TCRU, University of London). It also is indebted to the work of Margaret O'Brien (University of East Anglia) on father-inclusive family policies delivered at a recent UN Expert Group meeting (O'Brien, 2011).

A. Introduction

The briefing paper focuses on major characteristics, trends and developments. It draws substantially on the annual reviews referred to above. The 2011 review includes detailed country notes for 26 European countries (Moss, 2011). As the 2012 edition became available in June (Moss, 2012), not all changes and developments are yet included here. Another Network member (Karin Wall) made a comparative analysis of leave arrangements on the basis of a Council of Europe family policy questionnaire (Wall et al., 2009) (www.coe.int/familypolicy). This analysis provides more limited information for another thirteen European countries.

This briefing paper does not include detailed information via comparative tables or figures, partly because such information for all European countries is unavailable or greatly differs in detail and accuracy and partly because such work is like targeting a moving mark. See for example, Wall et al. (2009: Figures 11 to 16) or Moss (2012: various tables) providing comparisons and more detailed information for a majority of European countries.

The OECD Family Database (www.oecd.org/els/social/family/database) as well includes such information for a large number of European countries (cf. PF2.1 to PF2.4, sub Child-related leave) and is updated occasionally. Thevenon & Solaz (2012) draw on this for their analysis of labour market consequences of parental leave policies in OECD countries. MIS-SOC is another source operating on behalf of the European Commission who provides broad comparative data, especially on maternity leave (www.europa.eu/social). Finally, large research projects such as the EC funded 'Family Platform' also provide relevant comparative analysis, for example on state family policies (www.familyplatform.eu)

Mothers' labor force participation was widely considered to be one of the most significant social developments of the 20th century. But social research also highlights the continuing difficulties faced by employed mothers in combining work and family life and caring for dependent persons, unequal division of domestic work, as well as a motherhood wage penalty.

Fathers' active participation in family life will likely be one of the most important social developments of the 21st century. In most European countries, governments and public authorities at various levels, as well as other actors such as the employers and trade unions are developing support for working fathers' caring responsibilities. From the late 1990s, in particular, there has been a rapid expansion of both parental leave and flexible working

provision targeted at fathers, especially in the Nordic countries which have been global pioneers in work-family policy innovation (O'Brien, 2011).

B. Definitions

This briefing paper is about leave entitlements, mainly for workers with dependent children. Working parents today, especially in the affluent European countries, are entitled to a range of different forms of leave. The most common being maternity leave, paternity leave and parental leave.

Maternity leave is 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 new born child, to be taken just before, during and immediately after childbirth. *Paternity leave* is 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. *Parental leave* is 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 it is generally understood to be a care measure, intended to give parents the opportunity to spend time caring for a young child; it usually can only be taken after the end of Maternity leave. In some cases, parents can choose to take all or part of their Parental leave on a part-time basis.

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

Leave to care for children who are ill as an entitlement varies considerably between countries in terms of length, age of children included and payment. In some cases it may be extended to include certain adult relatives.

Although we will continue to differentiate between these forms of leave, it is to be noted that the distinction between these types of leave is beginning to blur. In some European countries (ex. Norway, Sweden), we notice the emergence of a single, generic Parental leave entitlement that no longer make specific distinctions. However, some part of this generic post-natal leave can only be taken by mothers and another part only by fathers. In a country such as Portugal, all leave comes under a common umbrella term of 'Parental leave'. A further variant that is blurring distinctions is the possibility that part of Maternity leave can be transferred to the father, making it, in effect, a variant of Parental leave (for example, in Croatia, Czech Republic, Poland, Portugal Spain, UK).

C. Main characteristics of leave arrangements for parents

1. Maternity leave

There is not much flexibility in Maternity leave, and taking leave is obligatory in numerous countries. Flexibility in use mainly takes the form of some choice about when women can start to take leave and how much of the leave period they can take before and after birth. Belgian mothers, for example, may take two weeks of Maternity leave as ‘free days’, spread over a period of time.

Two approaches to maternity leave policy are emerging. The most widespread approach is the traditional concept of a ‘Maternity leave’ intended only for women, linked to pregnancy, childbirth and the first months of motherhood and treated as a health and welfare measure. Other leave available to women is additional and available equally to women and men. Women are thus entitled to more leave overall than men. The more recently emerging approach is to move towards a generic ‘parental leave’, usually with periods designated for ‘mothers only’ and ‘fathers only’.

Thus Iceland offers nine months Parental leave, three months each for the mother and father and a further three months for the parents to divide as they choose; the only recognition of childbirth is the obligation for women to take two weeks leave after birth, with the possibility of an extended leave if a woman has suffered complications at or after giving birth.

2. Paternity leave

The usual definition of Paternity leave, being an entitlement for fathers only that enables them to take a short period of leave immediately following the birth of a child, often associated with providing help and support to the mother. However, as Parental leave in a number of countries includes a period of time that only fathers can take (sometimes referred to as a ‘father’s quota’), here again the distinction between Paternity leave and father-only Parental leave can be unclear and confusing.

Comparing Iceland, Norway and Sweden provides an example of this complexity. Iceland offers nine months of ‘birth leave’, 3 months for mothers, 3 months for fathers and 3 months as a family entitlement to be divided between parents as they choose. There is, therefore, no paternity leave per se, but three months of leave are available for the use of fathers only, to take as and when they choose. Norway, by contrast, has two weeks paternity leave (i.e. to be used at the time of birth) plus a further twelve weeks father’s quota, a part of the parental leave that only the father can use; most of the Parental leave is a family

entitlement. Sweden also has paternity leave (ten days) and a fathers' quota (60 days) as part of Parental leave (Moss, 2011).

If we define paternity leave narrowly as a short period immediately after the birth that is only available to fathers, about fifteen European countries have paternity leave, varying from two to ten days and is usually paid (on the same basis as maternity leave). There are some exceptions such as Finland (cf. 18 days with a further 12 'bonus' days for fathers who take the last two weeks of parental leave), Slovenia, (cf. 90 days), or Spain (15 days).

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

3. Parental leave

In Europe, a specific situation exists for EU member states. From March 2012 on, all must provide at least four months per parent ("an individual right and in principle non-transferable") under the terms of Directive 2010/18/EU (adding to the Directive 96/34/EC). The directive defines this leave as enabling men and women "to take care of (a) child until a given age", so distinguishing this leave from Maternity leave, where the directive setting minimum standards was adopted as a health and welfare measure. But no payment or flexibility requirements are specified.

Parental leave varies on four main dimensions: entitlement, length, flexibility, and payment:

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

Length of leave: Broadly, countries divide into those where the total length of post-natal leave available –including maternity, parental and childcare– comes to around nine to 15 months; and those where continuous leave can run for up to three years or more.

The former includes Belgium, Croatia, Denmark, Greece, Iceland, Ireland, Italy, Luxembourg, Slovenia and the UK; the latter includes the Czech Republic, Estonia, Finland, France, Germany, Hungary, Norway, Poland, Portugal, Russia and Spain. Sweden falls in between: paid leave is expressed in days (to emphasize that it can be taken very flexibly),

roughly equivalent to 18 months if taken continuously, while each parent is also entitled to take unpaid leave until a child is 18 months. So, too, does Austria and Australia, with leave lasting until a child's second birthday, though in the latter case the second year requires an employer's agreement (Moss, 2011).

Flexibility: Being able to choose when to take leave until a child reaches a certain age is the most common option, followed by being able to take leave in one block of time or several shorter blocks. Other forms of flexibility include: the possibility to take leave on a full-time or part-time basis, to take a longer period of leave with lower benefits or a shorter period with higher benefits, additional leave (e.g. multiple births), the transfer of leave entitlements to carers who are not parents.

Slovenia is the European country with the greatest flexibility, with six options.

Payment: A majority of countries provide some element of payment. Some European countries make no payment (cf. Greece, Ireland, Spain, UK). Payment policy varies considerably. In 12 cases (Austria, Belgium, Canada, Czech Republic, France, Italy, Luxembourg, Netherlands, Poland and Russia) payment is either: flat-rate or set at a low earnings-related rate; not universal (e.g. means-tested); or paid at a high earnings-related rate but for less than 6 months. Twelve countries pay an earnings-related benefit of more than two-thirds of normal earnings for 6 months or more. However, all impose a ceiling on benefit payments. But in a number of countries such as Austria, Czech Republic, Estonia, France and Germany parents on leave receive a general 'childrearing' benefit that is paid to all parents with young children.

D. Other measures

Childcare leave can usually be taken immediately after parental leave, creating a continuous period of leave, even if the conditions (such as benefit paid) may not be the same. It is, however, much less common than parental leave.

Finland is exceptional in that its 'home care' leave is both available to all parents and paid, albeit with a relatively low flat-rate allowance (so blurring the distinction with parental leave, cf. Moss, 2011).

In addition to parental and childcare leave, another type of leave is an entitlement to a break from employment for any reason, including (but not confined to) childcare: a 'career break / time credit'. A statutory entitlement of this kind is found only in Belgium, with one year's leave that can be extended up to five years by collective agreement negotiated at sectorial or company level; this is in addition to Parental leave. For further information on this innovative and unique entitlement, see briefing paper for this Expert group meeting (Deven, 2012).

With one exception, countries include some provision to take leave in case of the illness of a child. The EU Parental leave directive gives all workers an entitlement to "time off from

work on grounds of force majeure for urgent family reasons in cases of sickness or accident, making their immediate presence indispensable”, without specifying minimum requirements for length of time or payment. Among EU member states almost half (Austria, Belgium, Czech Republic, Estonia, Germany, Hungary, Italy, the Netherlands, Poland, Portugal, Slovenia and Sweden) specify an entitlement to leave of ten days or more per year to care for sick children, though the age range of children covered varies; for all of these countries, except Belgium and Italy, leave is paid and usually at a high level of income replacement.

In some cases, the length of leave decreases as children get older: for example, from being unlimited for a child under 12 months to 14 days a year for children from six to 12 years old in Hungary; or being without limit for a child under three years in Italy but five days a year per parent for a child aged three to eight years. Leave is shorter or unspecified and unpaid in the other member states.

Of the non-EU countries, Croatia, Norway and the Russian Federation have an entitlement to paid leave of ten days or more per year specifically to care for a sick child. In the seven other countries, there is either no leave available (Iceland) or leave is confined to seriously ill children and employees in smaller organizations are excluded (United States) or leave is for less than 10 days and/or unpaid (Australia, Canada, New Zealand, South Africa and Switzerland). For example, South African workers are entitled to three days ‘family responsibility leave’ per year, but this covers a range of circumstances, not only caring for a sick child; while in Australia, all employees have an industrial right to use up to five days of personal or sick leave per year to care for a sick family member.

About twenty countries offer additional leave entitlements, covering a wider range of family members than children. Conditions for taking leave vary between countries from ordinary illness through to serious or terminal illness or care of a very dependent relative. Length, payment and other dimensions of leave also vary considerably. In Luxembourg, for example, fathers may take a few days leave at the time of childbirth using a general entitlement to take ‘leave due to extraordinary circumstances’ or ‘family responsibility’ leave.

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

Various European countries (e.g. Croatia, Estonia, Ireland, Italy, Norway, Portugal, Russia, Slovenia, Spain, and Switzerland) permit women to reduce working hours to enable breastfeeding. Women reducing their hours for this reason are usually entitled to earnings compensation.

E. Summing up

It should be noted that total leave is not always the period of time after the birth of a child that parents in a family can take leave. In a few cases, both parents may take leave until their child reaches a certain age (e.g. Czech Republic). Total leave ranges from none to 72

months, with a median length of 24 months, while total paid leave ranges from none to 38 months, with a median length of 12 months (Moss, 2011)

On the basis of all information above, European countries can be divided into the following three clusters related to the provision of earnings-related post-natal leave:

a. Nine months or more, at two-thirds or more replacement rate: the five Nordic countries, countries from Central and Eastern Europe (Croatia, Estonia, Hungary and Slovenia), Germany plus Greece (private sector) Here, a period of Parental leave is always included.

b. Four to six months, but confined to maternity leave: includes various Continental Western European countries. Ireland comes here, although the effect of a ceiling on the earnings-related benefit is that the maximum payment is only €270 a week, showing the need to take account of levels of ceilings in assessing the generosity of national schemes.

c. Four months at most of earnings-related post-natal leave: includes countries United Kingdom (and other English-speaking countries abroad), Austria, Czech Republic, Luxembourg, Netherlands, the Russian Federation, Switzerland.

The European Commission uses the number of months of well paid leave, i.e. paid at two-thirds or more of earnings as an indicator in monitoring member states' progress in meeting Employment Guidelines (EC, 2010) ¹.

By way of comparison, the United States of America is the only country to provide at federal level no period of paid statutory leave of any kind.

F. Some policy issues

1. Eligibility

At present, the overall picture for European countries is that all workers have the right to one or more types of leave arrangements (for parents), especially maternity and parental leave. But realities are (far) different from that belief. Although it remains unclear for most countries what proportion of parents are eligible for leave, as comparable and consistent information often is lacking, it remains save to hypothesize that there remain significant excluded groups, also in countries with a generous leave policies. We refer to the self-employed, to workers with insecure or unstable labour market histories prior to a child's birth. They may be over-represented by low income and immigrant families. County level eligibility criteria (e.g. length of continuous service) restrict access to parental leave for

¹ Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium, Table 18.M3 - <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>.

many fathers and mothers. Public legislation at national or regional level may not be applicable to private employers with less than 50 employees.

This should get more attention of public authorities and other actors, among others from a perspective of equal opportunities and social justice.

2. Funding and budgets

How are these payments funded? Generally statutory leave payments come from some form of contributory insurance fund, financed by contributions from employers and employees, and sometimes with contributions from general taxation. The costs are pooled or collectivized, rather than individual employers paying their own workers.

In some cases employers may make ‘top up’ payments, adding to the statutory benefits received by their employees, as a result either of collective agreements or individual company policies.

The main exception to this picture is when parents on leave receive a general ‘childrearing’ benefit that is paid to all parents with young children, usually come from general taxation (but not in France).

3. Take up rates

A complex mix of informal unpaid and formal paid entitlements across and within nations makes assessment of the magnitude of paternal leave taking difficult to assess. Most sources providing information on take-up of various types of leave have many gaps, making systematic cross-national comparisons almost impossible.

Public authorities usually rely on registrar data in order that their supervising administration can execute the correct payment. An increasing complexity of the regulations (e.g. types of flexibility) further hampers the comparability of data on take up rates. But such data are hardly useful for research purposes, especially on the basis of a longitudinal research design.

In general, maternity leave appears to be extensively and fully used by mothers who are eligible. Where parental leave is unpaid, and regular statistics are lacking, take-up is thought to be low, irrespective of gender. It may be used where entitlements to other forms of leave have been exhausted. Fathers’ use of parental leave is low where it is a family entitlement. Fathers’ use is higher when it is an individual entitlement and is relatively well paid. Leave is used differentially according to gender but as well according to education, income and employment both individually and in relation to the partner (Moss, 2011). Generally speaking, mothers continue to take more leave than fathers, including the Nordic countries. Care and the use of leave arrangements continue to be quite strongly gen-

dered. In this respect, the question remains for numerous European countries whether parental leave is a progress or a pitfall from the perspective of equal opportunities, e.g. employment, career development, and the sharing of caring (Moss & Deven, 1999).

4. Incentives

Various measures have been introduced to encourage fathers to use parental leave. Mostly these are wholly or partly individualized entitlements, so that fathers not using their 'quota' lose it, as unused leave cannot be transferred to a partner.

Fathers' use of leave is heightened when high income replacement is combined with designated father targeted or reserved schemes. Blocks of time which are labeled 'daddy days' or 'father's quota' are attractive to men and their partners. 'Gender-neutral' parental leave schemes which implicitly include fathers do not appear to promote greater father involvement. Numerous policy experiments with the timing of father's leave are occurring (O'Brien, 2011).

Another approach is to offer some form of bonus (e.g. additional leave) if fathers take some parental leave. For example, fathers in Finland can take 24 'bonus' days, in addition to their 18 days of paternity leave, if they take the last two weeks of parental leave (all together called 'father's month'). Sweden introduced a 'gender equality bonus' that provides an economic incentive for families to divide parental leave more equally.

While as part of a radical overhaul of German policy, if the father takes at least two months of leave the overall length of benefit payment is extended to 14 months. Portugal offers a bonus to families where the father shares part of the maternity leave; it is also unique in making it obligatory for fathers to take two weeks of leave. Other countries with incentives for fathers to take leave are Austria, Croatia and Italy.

A socio-economic profiling of fathers' utilization of leave indicates: higher rates are generally associated with high income occupations (self and partner), high levels of education (self and partner), and public sector occupations (self and partner). In countries where there is no statutory father-care sensitive parental leave taking time away from employment is more difficult for low-income fathers.

Lower take-up rates by fathers in less secure and poorly regulated occupations indicate the significance of financial loss as a disincentive.

5. Leave arrangements in relation to other policy instruments.

Two key policies need to be included in discussing policy frameworks to support employed parents with young children: parental leave and early childhood education and care (ECEC), 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 European countries in both leave policies and ECEC. They relate especially to attendance rates at formal services and entitlement to ECEC. Attendance rates vary from less than 10% for children under 3 years to over 50%, with a median rate of just under a third. Attendance rates for children over 3 years are uniformly higher, but varying from under 60% to over 90% (Moss, 2011).

What these figures do not reveal is the opening hours of services and how far they are suited to the needs of working parents. In at least some cases they will not be. Many countries have an entitlement to an ECEC service, but in most cases this is only from 3 years of age or later. A more limited number of countries have entitlement at 1 year or younger (Denmark, Finland, Norway, Slovenia and Sweden). It is only in these countries that policies are designed to ensure no gap between the end of well-paid leave and the start of an ECEC entitlement. Elsewhere, the gap is from 18 to 67 months, which if combined with countries that have no ECEC entitlement emphasises the extensive lack of coordination between these two policy areas.

Flexible working hours/options: A number of European countries (Austria, Croatia, Estonia, Finland, France, Greece, Hungary, Netherlands, Norway, Portugal, Slovenia, Spain, and Sweden) give parents the right to work part-time hours either because of their child's age or disability. In the Netherlands, all Dutch employees have the right to work part time, though employers may turn down an employee's request under specified conditions.

Greece provides an example of a country that provides both payment and a substantial degree of flexibility in how reduced hours may be taken. Parents are entitled to work fewer hours per day, with full earnings replacement. But these reduced hours may also be taken as a period of full-time leave, up to three and three-quarter months in the private sector and nine months in the public sector. Finally, in a few countries (e.g. Italy, UK), parents have a legal right to request flexible working hours from their employers, who must consider their request and may only refuse them if there is a clear business case for doing so.

Selected references

- Deven, F. (2012). The Belgian career break / time credit system. A good practice to ensure work-family balance? Briefing paper for the UN European Expert Group Meeting (6-8 June 2012).
- Moss, P. (2011) (ed.) International Review of Leave Policies and Related Research. <http://www.leavenetwork.org>
- Moss, P. (2012) (ed.) International Review of Leave Policies and Related Research. http://www.leavenetwork.org/lp_and_r_reports
- Moss, P. & F. Deven (1999)(eds.). Parental leave: Progress or pitfall? Research and policy issues in Europe. The Hague / Brussels: NIDI / CBGS Publications, vol. 35.
- O'Brien, M. (2011). Father-inclusive family policies: challenges and recommendation. Briefing paper prepared for the UN EGM 'Assessing family policies (NY: 1-3 June 2011)
- Thevenon, O. & A. Solaz (2012). Labour market consequences of parental leave policies in OECD countries. Paris: OECD Working Paper.
- Wall, K. et al. (2009). Council of Europe family policy questionnaire – Comparative analysis report (pp. 5-76). In: Family policy in Council of Europe Member states (expert report), Strasbourg. <http://www.coe.int/familypolicy>.