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## 1. Introduction

Feminists for long have argued that gender is as crucial a social stratification principle in our society as class and that gender can therefore not be neglected in research on the welfare state and its social policies. A sizeable feminist scholarship that sheds light on the gendered dimension of welfare states – a dimension that has all too often been largely ignored in mainstream literature on this subject - has developed (for example Lewis 1992, 1997; Orloff 1993; O'Connor 1993; Ostner and Lewis 1995; Knijn and Kremer 1997; Sainsbury 1996, 1999). Mainstream work - one of the most cited works being Esping Andersen's *Three worlds of welfare capitalism* (1990) – tends to regard the settlement between capital and labour as key to the modern welfare state. Class is regarded the main source of stratification in late capitalist societies. The way in which and the extent to which labour is 'decommodified' is regarded as a central characteristic on the basis of which social welfare regimes are to be classified. Feminist scholars have shown that a second key settlement underlies welfare states, that is, a settlement between men and women. Every welfare system has built in assumptions about the family, about gender relations within the family and about the division of paid and unpaid work between men and women (Lewis 2006). The welfare state's functioning in part depends on social reality matching these assumptions. (Assumed) gender relations thus profoundly shape the character and the functioning of welfare states. But this also works the other way around; the specific constellation of social provisions in a welfare state affects and helps shape gender relations and as such can reproduce or counteract existing gender inequalities. Feminist scholarship on the welfare state tried either to 'gender' existing welfare state typologies/theories by adding a gender dimension to it or to create a totally alternative way of theorizing the welfare state (resulting in other typologies) by taking the role of gender relations and the division of labour and care as central departure points (social policy making relates to the dominant gender regime). A central factor that according to feminist scholars perpetuates gender inequality is the unequal gender division of labour: "ultimately women's emancipation demands the dissolution of that division of labour – a utopian dream if ever there was one" (Orloff 2008, 1-2).

EU (legal) competences are limited in the field of welfare/social policies; the member states are the main responsible actors to decide on matters of social welfare. Still, it can be argued that during the EU's existence and as a result of tensions emanating from its economic aims and policies a distinctive, although partial and fragmented European Union welfare dimension has developed (De Burca 2005). In some areas EU law has been adopted, like the (gender) equal treatment Directives and the Directives on parental leave and part-time work, while in other areas a 'European social model' has developed through the use of soft law mechanisms like the Open Method of Coordination. Illustrative in this respect are the European Employment Strategy (EES) and the Lisbon Strategy that contain a social pillar. So, while national member states may still be central actors in explaining national welfare arrangements and the development of European social policy, the European Union's welfare dimension may in turn also exert influence upon the development of national social policies. As Bleijenbergh states; while some feminist researchers have argued that it are the member states' dominant gender regimes and accompanying welfare traditions that will decide in which direction European social policies will move, others have argued that a European social policy can

develop that differs from the gender regimes of the national member states and that can as such impact upon gender relations and regimes at the national level (Bleijenbergh 2004).

Two enlargement rounds (2004 and 2007) have transformed the EU15 into the EU27. However, the major part of the literature on gender and the welfare state centres on Western (European) welfare states; case studies of single Western (European) countries or comparisons between multiple Western (European) countries are made. While 'old' EU member states have thus received considerable attention, the welfare state policies of the 'new' EU member states – especially the Eastern and Central European (CEE) states – have yet hardly been studied within this literature. With a view on the EU enlargement numerous studies have actually appeared that compare the welfare regimes of Western *and* CEE countries and that cluster them in order to see whether the CEE countries fit the mainstream welfare state typologies. But as a rule, these studies do not pay attention to gender let alone depart from feminist theory on the welfare state. Starting from the 1990s numerous articles were published that study the implications of the transition from communist states to market economies/democracies as well as the impact of (upcoming) EU membership for gender relations, family policy and the (employment) status of women in CEE countries (for example, Molyneux 1995; LaFont 2001; Pollert 2003 and 2005; Metcalfe and Afanassieve 2005; Saxonberg and Sirovatka 2006; Szelewa and Polakowski 2008; Gheaus 2008; Plomien 2009) The bulk of these publications focus on either one post-communist state or on a comparison between multiple former communist states. In only a few cases CEE *and* Western European welfare states have been compared *while explicitly using a feminist theory perspective* (for example Pascall and Manning 2000; Wall 2007). But in these cases not all EU27 countries are covered. Overall, separate literatures seem to have developed, without much 'cross-fertilization'.

This paper aims to typify and compare *from a gendered perspective* welfare state policies of *all* the 27 EU member states and of the EU itself. Instead of grouping the countries into mainstream welfare state typologies to which a gender dimension has been added (for example into Social Democrat, Liberal, Corporatist and possibly Southern European models), this paper will try to group the EU27 states according to four gender regime ideal types. The ideal types are: the 'dual breadwinner model', the 'equal valuation model', the 'equal sharing model', and the 'male breadwinner model'. While the first three models are all based on another vision of what is gender equality (Fraser 1997) – each of them corresponding as well to one of Squires categories of 'inclusion', 'reversal' and 'displacement' (Squires 2005, 2007) - the male breadwinner model is a gender regime based on a vision of gender *inequality*. Ideal types are mental constructs that help us to draw out meaning from the infinitely complex reality through the presentation of logical extremes (Heywood 1997, 18). Ideal types are therefore not approximations of reality. Generally spoken, they will hardly be found in pure form in reality. So, when the paper clusters the EU27 and the EU according to the ideal types, it tries to decide on the basis of their *actual* welfare provisions which ideal type they approximate *most*. The clustering is meant to help in: 1) sketching patterns of similarities and differences in *gender welfare regimes* across *all* the EU member states and the EU (Is there an East-West split in the clustering? Does the clustering correspond with mainstream welfare state typologies? How does the clustering relate to the Lisbon goal of reaching 60% female labour participation by 2010?); 2) positioning the EU within these patterns (Which of the ideal types is most approximate to the European Union welfare dimension? Do we see any convergence towards the 'EU welfare state

model?); 3) analysing the extent to which the traditional gendered division of labour is challenged or transformed in the EU27 (are fathers/men being incentivized to take part in care work?). An additional question that should be kept in mind and consciously be reflected upon is whether western feminist theorizing about the welfare state is in fact the appropriate theoretical framework for making a meaningful comparison between the gender regimes that underlie the Westerns and *Central and Eastern* European welfare states. The three gender regime ideal types that are distinguished by Fraser may be useful as an analytical starting point, but we have to ask whether adaptations to (mostly western) feminist theorizing on the welfare state are needed in order to make the theory applicable to West and East alike.

Welfare state regimes comprise a set of benefits and services. As a first and manageable attempt, this paper is limited to clustering and comparing the EU27 according to their *family leave regulations* (maternity leave, paternity leave, and parental leave). In later work the analysis could be extended to include other welfare provisions as well (most importantly child care services, but looking at tax systems would also be very interesting). The paper will mainly draw from data on leave regulations that were gathered in the framework of the QUING project.<sup>1</sup> Although not being the only factor of relevance for typifying which gender regime underlies the welfare state, leave regulations nevertheless provide important incentives as to how care work is shared between men and women and to whether or not women keep participating on the labour market if they start getting children. For example, if parental leave is unpaid and totally transferable to one of the parents, traditional gender roles combined with the fact that women generally earn less than men creates incentives towards women reducing their employment and taking on the large majority of child care. Family leave policies operate in a broader social context where tendencies against a gender equal distribution of child care responsibilities are present (Ray, Gornick and Schmitt 2008). Depending on the details of the regulations, parental leave policy can either reinforce or counteract the participation of fathers in childcare.

For each of the four abovementioned ideal types the paper describes how the leave regulation would look like if the ideal type would exist in its pure form. Subsequently, the description will be modified according to the existing EU minimum standards. This already provides us with a first idea of where the EU should be positioned. Afterwards, the leave regulations of each EU27 member states and the EU will be surveyed, compared with the ideal type description of leave regulations, and then categorized. Thinking about leave regulations in this ideal-typical sense contributes towards a more refined and pointed normative idea about the relation between leave policies and gender equality. Designing leave policies that promote greater gender equality is not simply a question of making these policies more generous. It depends on the policy particulars whether leave policies promote further gender equality. Policy particulars that receive attention in the paper are, next to the duration and payment of the leave, whether the leave entitlements are an individual or family based entitlement, whether these entitlements are transferable between the parents or not, whether there is the obligation to take up leave (for mother or for father or for both), and whether any extra measures are taken to promote the involvement of fathers in care.

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<sup>1</sup> The project Quality in Gender+ Equality Policies looks into framing of the gender+ equality policy debates in all EU member states, two candidate countries and the EU.

So a first step will be to map the strict content of leave regulations as laid down in the laws of the EU member states and the EU. Next to this it is relevant to also map the broader arguments/reasoning that surround the statutory leave regulations in the member states to get a better view of what the state/policy makers exactly intended with these regulations ( we might call this the 'discursive embeddedness' of the leave regulations). This provides valuable additional insight that can tell us something about in the direction of which model countries are moving or from which they came. Also, it enables us to determine whether (flagrant) inconsistencies are visible between what policymakers want and the regulations we find in the legal statutes. The relations between leave regulations and gender equality is quite a complex one and analyzing policy plans can give more information about the reasoning that lies at the basis of the leave regulations as they eventually end up in law. To make such a thing feasible this paper will look at the so-called 'policy frames' that were identified in governmental policy plans that were analysed on the issue of 'non-employment' for each member state and for the EU in the framework of the QUING project. The issue of 'non-employment' is about which groups of women and men are regarded as legitimately being non-employment and when. Non-employment for men and women is constituted by constraints and pressures for participation in care work, and by differential access to the welfare services that make combining work and family life possible (QUING issue description of non-employment, 2007). Investigating which policy frames on gender (in)equality are dominant in governmental policy texts on non-employment will provide extra ground for typifying the EU27 welfare states and the EU from a gendered perspective.

Lastly, in order to value the clustering done in this paper some contextual statistical data are introduced (such as labour participation rates of men and women, part-time and full-time labour by gender, uptake of leave by men/women, hours spent on caring-tasks by gender, availability and affordability of childcare services) that help to see whether any consistency exists between the leave regulations and gender equality frames in policy texts on the one hand and social reality on the other hand. Also, dominant cultural values regarding gender roles in the EU27 countries is paid attention to (do those values point into another direction than the norms that are seem to be set by the statutory leave regulations?). This may provide us with important insights regarding the practical effects of gender welfare regimes.

## **1.1 *Dividing the workload into several working papers***

The research that eventually will cumulate in the one single paper as introduced above, is divided into a few working papers of which the first working paper is found below.

**Working paper 1:** mapping the factual statutory leave regulations anno 2008/2009 of the EU27 member states and the EU and making a first provisional categorization along the lines of the four gender regime types that were introduced above.

**Working paper 2:** Setting up a theoretical framework which will help interpret and refine the results of working paper 1. Attention will be paid to literature on western welfare states and gender, on gender and the welfare state in Central and Eastern European countries, and on the European Union's welfare state dimension. The provisional categorization made in working

paper 1 is interpreted departing from this theoretical framework, it will be compared to mainstream categorizations of welfare states, and it is discussed whether the four gender regime types are adequate to also 'cover' the Central and Eastern European welfare state.

**Working paper 3:** in this working paper the broader context of leave regulations is mapped.

This will be done by looking at policy frames in policy plans of the EU 27 member states and the EU, by introducing contextual statistical data (such as labour participation rates of men and women, part-time and full-time labour by gender, uptake of leave by men/women, hours spent on caring-tasks by gender, availability and affordability of childcare services), and by looking at the dominant cultural values regarding gender roles in the EU27 countries (by means of the European Value Studies). These data will be interpreted in connection to the results of working papers 1 and 2

**Final paper:** integrating the results of the three working papers and answering the research questions asked in the introduction above.

## 2. WORKING PAPER 1

### 2.1 *Sketching the four ideal-typical models*

In the book '*Justice Interruptus. Critical Reflections on the Postsocialist Condition*' (1997, chapter two, 41-66) Fraser emphasises that there currently is a crisis of the welfare state going on. Multiple causes can be recorded, but one crucial factor is the crumbling of the old gender order upon which the industrial welfare state had previously been built. This 'male breadwinner model' of the welfare state was centred around the ideal of providing a family-wage to the male head of the household. Fraser shows that at the time that this welfare state was crafted many lives did already not fit the picture of the 'proper' family, but that today's reality has drifted even further away. However, neoliberal and conservative approaches towards 'restructuring of the welfare state' are inadequate according to Fraser, because just like its industrial predecessor, they ignore that a post-industrial welfare state must support a gender order. And the only kind of gender order that can be acceptable in today's (changed) society is one based on gender equity. Fraser wants to answer questions like: what new gender order should replace the family wage (male breadwinner model)? She departs from the idea that feminists should strive for their highest aspirations. Fraser introduces three possibilities: the Dual Breadwinner Model, the Caregiver Parity Model, and the Universal Caregiver Model. For reasons of clarity I have chosen to change the titles of the some of those models: Dual Breadwinner model (similar), Equal Valuation Model (instead of Caregiver Parity Model), and Equal Sharing Model (instead of Universal Caregiver Model). As stated in the introduction, each model is based on another vision of what gender equality is and as such they analytically distinct extremes. The Model that is preferred from a gender Equity perspective by Fraser is the 'Equal Sharing Model'. Recalling the statement made in the introduction that according to most feminist scholars it is the unequal gender division that is among the crucial factors that perpetuates gender inequality, the Equal Sharing Model would indeed be the model that emphasises a less traditional and more equal division of labour (see also Crompton 1999; and Gornick and Meyers 2008)

Below I give a short description of each model. Although it might be true that the Male Breadwinner Welfare state might not support today's reality anymore, I will nevertheless take it along as one of the ideal-typical models. Various of the EU member states from old knew a strong male breadwinner culture and policies and by first defining how leave regulations look like in a male breadwinner model, we might recognize that in the factual leave regulations of several EU member states signs of the male breadwinner system are still present, even though we would primarily classify them in one of the other three models.

*Dual Breadwinner Model: 'making women more like men are now':*

Care work is moved from the family into the state and market domains working towards women becoming equally employed as men. Emphasizes gender sameness, instead of transformation or difference. Aims to turn women into citizen workers like men.

*Equal Valuation Model: 'keeping differences between men and women, but valuing this difference (some) more equally'*

Care work is kept within the family domain, but by means of public support (care worker allowances) it seeks to reevaluate care work. The gendered division of labour is preserved, but women become citizen care workers. The model emphasizes gender difference, instead of sameness or transformation.

*Equal Sharing Model*: *'making men more like women are now, i.e. combining care and breadwinning activities'*:

Aims to remove the gendered division of labour. Basis principle is shared parental role-playing with respect to both care and breadwinning. Care work partly stays in private family realm and partly is seen as public responsibility. Emphasizes transformation/displacement.

*Male Breadwinner Model*: *'keeping differences between men and women, but difference is unequally valued'*:

Men have the primary responsibility to earn and women are supposed to do the care work. The gender settlement in this welfare state model means that the ones that are marginal to the labour market got cash cover via dependent's benefits (trading security for dependency) (Lewis 2001, 153). The model keeps a gender unequal status quo.

## **2.2 Which aspects of leave regulations are analyzed in this paper?**

In section 2.5 it will be established how leave regulations would look like in each of the four ideal-type models that have just been described. Which aspect of leave regulations will be paid attention to? And why?

### Duration of leave

It is relevant to map the (maximum) allowed duration of leave and to do this for maternity leave, as well as for paternity leave as well as for parental leave. This tells us something about how long parents are legitimately allowed to temporarily leave the labour market in relation to care for children and how this differs between mothers and fathers. Is longer leave 'better' than 'shorter' leave? From a gender equality perspective, this is a quite difficult to answer. The idea that a more generous length of the leave is automatically better, is at the very least doubtful. The longer workers disappear from the labour market, the more implications this could potentially have for their further career development. And a very long leave without the guarantee that your job and job position is secured, is not very useful. What is however crucial when wanting to any judgement from a gender equality standpoint about the duration of leave is to take into consideration the *relative duration* of maternity leave in comparison to paternity leave. Imagine a country that has a very long maternity leave and no paternity leave. And also imagine a country that has a very long maternity leave, but a very long paternity leave as well. Although the fact that an entitlement to a very long paternity leave does not guarantee that this leave will also be used (this among other things depends on the level of payment), the second example sound more gender equal (leaving aside potential negative effects from staying out of the labour process for a long time). A generous length of leave for mothers therefore sit uneasy with feminist demands if the leave regulations otherwise do not emphasize gender sharing of

the care. To map the length of maternity leave relatively to paternity leave I have measured for each EU27 member state the 'maternity-paternity leave gap' (see for more explanation 2.3 below). For parental leave the same goes: to make judgements (from gender equality perspective) about the length one needs to know other particularities of this arrangement (is it a family entitlement or an individual entitlement, is the leave transferable or not, and is there an obligation to take the leave for one parent or for both parents? In this paper the total (maximum) duration of the different leaves have been mapped, even if parts of it are paid and others are not (this will then be indicated under 'payment').

#### Payment of leave

Payment of leave is known to be a crucial factor in explaining the take-up rates of leave, especially the take up rates of fathers. Payment can be a percentage of previous earned wage (with or without minimum/maximum ceiling), but it can also be a flat rate/fixed payment. Whether in a country there has been chosen for the one or the other can have class-effects and can impact on the take-up rate of certain income-groups in society.

#### Parental leave: Family entitlement or individual entitlement?

While maternity leave (usually) is an individual entitlement of the mother that cannot be transferred to the father paternity leave is an individual entitlement of the father that cannot be transferred to the mother, parental leave can be a family entitlement or an individual entitlement. Judging by the name, *parental* leave provides the parents of a child with an entitlement to a certain amount of leave without pre-deciding *which* parent will use it. Such is indeed the case when parental leave is a family entitlement. The decision who will take up the leave is left to the parents (and state regulations might give parents more flexible options by allowing them to take turns, but regulations can also be that one parent takes all the leave without it being decided which parent this is). When parental leave is an individual entitlement both parents each have their own entitlement to an equal amount of leave.

#### Parental leave: Transferable or not?

Whether or not parental leave is transferable can have implications for how parents share (or not share) parental leave. If parental leave is an individual entitlement but it is a transferable right, this may have a symbolic advantage over 'family entitlement' but nevertheless makes it a *de facto* family entitlement. Only when parental leave is an individual entitlement which is not transferable, does it mean that an equal part of the days is reserved for the father and the mother (father and mother 'quota'). This means that if the parent does not use his/her leave that the leave is lost. Only in this case one can really speak of a *de facto* individual entitlement. If parental leave is a family entitlement that is transferable this means that parents can both take part of the leave (if they decide so), but if the family entitlement is not transferable, then only one parent can take the leave (and quite probably this will be the mother).

#### Mother and father quota or the obligation to take up leave

With quota I thus mean that a certain part of parental leave is specifically earmarked for fathers or mothers. If the days are not used, they are lost. It was already stated before that countries that have a non-transferable individual right to parental leave in fact have a mother and a father

quota that is equally long. In systems that know a family entitlement to parental leave, it is also possible that there are quota for fathers (or mothers), i.e. that a certain number of days can only be taken by the father (or mother) otherwise they will be lost. Something that goes much 'further' than quota is to make it compulsory to take leave. In exceptional cases (such as Portugal) paternity leave days are compulsory. Theoretically, parental leave (or part of it) could be made compulsory as well.

#### Incentive father to take up paternity leave and parental leave

In this paper the length and the level of payment are regarded to have influence on the incentive for fathers to take up paternity leave. How leave is labelled can also influence the take-up level by fathers. The label 'paternity leave' in itself causes fathers to take up this leave more often than parental leave, even if parental leave is paid at same rate. Parental leave has a much longer history and the 'norm' that emanates from parental leave from old is: the state does not interfere with who of the parents will take care of the child, that is up to the parents themselves to decide. On the contrary, paternity leave clearly sets the norm that the state feels it is important that fathers are involved in the care for their child. If this leave is highly paid and is has a longer duration, this norm is stronger, than when leave is shorter and lower paid. In order to be able to say something about the extent to which parental leave regulations create an incentive for fathers to take up the leave, I will look at the following aspect and how they exactly combine: Is parental leave a family entitlement or an individual entitlement, payment, and whether or not there 'extra's' or 'bonuses' built into the system which the father can 'earn' if he uses a certain amount of the leave.

#### Flexibility in up-take of parental leave

This can have different forms, such as taking the leave in blocks or taking the leave part-time. The degree of flexibility in taking the leave in blocks (how many blocks of what length?) or part-time (only half-time or also other proportions) can vary from country to country.

### **2.3      *The maternity-paternity leave gap***

In the previous section's text part on 'duration of leave' the 'maternity-paternity leave gap' was introduced as a way to measure the *relative* duration of maternity leave as compared to paternity leave. In the 'equal sharing model' of the welfare state, we would expect that mothers and father get the same amount of leave (because their care for children is valued equally as is their work on labour market). Recalling that this model best approaches the idea of gender equity (because it aims to transform/remove the gender division of labour) the gap might tell us something about how gender just leave arrangements are. To measure this gap, does one simply has to subtract the length of the paternity leave from the length of maternity leave? No, because part of the gap can be legitimized by or reduced to the biological difference between the genders, women being the only gender able to bear and give birth to children. The inspiration for measuring this maternity-paternity leave gap I got from work by Ingrid Robeyns (Robeyns 2007).

Ingrid Robeyns tries to answer when a society is gender just. She tries to formulate normative principles that we can use to compare empirical facts against. Such normative principles are often missing in empirical feminist research, although an important thing feminists want to do is to make statements whether these empirical observations are in fact examples of gender (in)justice. Robeyns uses Sen's capabilities theory as departure point, but since this is not a full theory of justice and not specifically focused on gender justice, she has to add things herself and in the end she identifies three principles which a society should meet to be called a 'gender just' society. She concludes that today there still exist no gender just societies, although some societies show a movement in the 'right' direction'. The three principles are:

1. The capability sets for men and women should be the same. The only inequalities that are justified are those (a) that are (directly or indirectly) due to sex differences that are not gender differences, and (b) which cannot be rectified by human intervention.
2. The constraints on choice from the capability set should not be structured according to morally irrelevant characteristics, such as gender.
3. The 'pay-offs' of the different options in the capability set need to be justified and should not be gender biased.

(Robeyns 2007, 65)

In the framework of the 3rd principle (but the principles are interlinked and the 1st principle is equally relevant in relation to maternity and paternity leave as well) Robeyns argues that if maternity leave is longer than needed for mother's recovery from the pregnancy and childbirth, then one can argue that part of the maternity leave should in fact be parental leave from which fathers are currently unjustly excluded. Depending on the specific parental leave arrangements fathers are given lower material pay-offs if they choose to spend time off with their children in several European welfare states (Robeyns 2007, 70).

In the example by Robeyns there is the option to shorten the maternity leave and add the 'redundant' weeks of maternity leave as paid parental leave which the father is equally entitled to as the mother. But probably an even better option if one really want to reach a gender just society, is to make sure that the paternity (leave that is exclusive to fathers) is as long as the 'redundant' maternity leave weeks. In that case the gap that exists in length between maternity and paternity leave is totally explained by the recovery period needed by the mother. This is an inequality based on sex difference and not on gender difference. In this case the 'maternity-paternity leave gap' will be zero.

However, to be able to calculate the maternity-paternity leave gap there has to be some consensus about what is mothers average recovery period from the pregnancy and childbirth. This is a quite contested thing to establish. Can we standardize this for a 'normal' childbirth' or not? And: do we only include physical recovery or also mental recovery? One can argue that whilst fathers do not need any physical recovery period, but they may just as well need a mental recovery period, but do mothers and fathers need same duration of mental recovery period? I consulted a female physician who also is a professor of women studies in the medical sciences on this matter to ask her whether there is any consensus about the (physical) recovery period

that mothers need.<sup>2</sup> She answered that there is no consensus about this. The lying-in period is established at 10 days and the period that is regarded needed for the uterus to recover (or implicitly as period in which coitus is 'prohibited') is six weeks. So six weeks is the strict gynecological recovery period, but this does not say everything about entire physical recovery and mental adaptation to all the new demands from the baby and for example breastfeeding. Eight weeks therefore is on the safer side.

On the basis of this information I decided to set the recovery period *after birth* at 8 weeks. In most countries the length of maternity leave also includes several weeks before birth. I decided to set the period in which it is difficult to work for women *before the birth* at 4 weeks. Together this makes up for a total period of **12 weeks** maternity leave that are needed by women and not by men, because of the sex difference between them. Outside this difference, leave systems should entitle fathers and mothers with same leave if the system is to be gender just.

Recapitulating, the 'maternity-paternity leave gap' is the gap between the length of the maximum possible maternity leave minus the length of the maximum possible paternity leave. From this gap 12 weeks must be subtracted, because this gap of 12 weeks is justified by the biological/sex difference between the genders (women being the gender that bears and gives birth to children). The final gap shows the difference in maternity and paternity leave weeks that is not justifiable by merely looking at biological difference.

#### **2.4 Where does the EU stand?**

Because one of the questions I am interested in to answer is whether we see any convergence of EU member states policies on leave regulations towards the 'European Union's model', this section will briefly discuss where the EU currently stands. What is laid down in the Directives that deal with family leave? The section will also mention some recent development that might lead to changes in EU legislation in the near future.

The current Directive that deals with maternity leave, EU Directive 92/85/EC, states that Member States shall take the necessary measures to ensure that workers are entitled to a continuous period of maternity leave of at least 14 weeks allocated before and/or after confinement in accordance with national legislation and/or practice. The maternity leave must include compulsory maternity leave of at least two weeks allocated before and/or after confinement in accordance with national legislation and/or practice. Regarding payment of the maternity leave the Directive lays down that payment may not be less than payment workers receive during sickness leave.<sup>3</sup>

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<sup>2</sup> E-mail conversation with A. Lagro-Janssen, 13 May 2009.

<sup>3</sup> Council of the European Communities Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. Article 9 and additional statement at the end of Directive referring to the allowance to be paid. [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&numdoc=31992L0085&model=g uichett](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&numdoc=31992L0085&model=g uichett)

The European Union currently has not laid down any requirements regarding paternity leave.

The Directive that deals with parental leave, Directive 96/34/EC, grants men and women workers and *individual right to parental leave* on the grounds of the birth or adoption of a child to enable them to take care of that child, *for at least three months*, until a given age up to 8 years. To promote equal opportunities and equal treatment between men and women, the right to parental leave should, *in principle, be granted on a non-transferable basis*. All member states should respect the minimum requirements of the Directive, but they may establish the conditions of access and the detailed rules for applying (such as whether the leave is granted on a full-time or part-time basis, in a piecemeal way or in the form of a time-credit system).<sup>4</sup> Nothing about payment is laid down in the Directive.

So, The EU regulations state that every worker should have an individual right to parental leave for at least three months. However, by not making obligatory the non-transferability of this individual entitlement, it de facto also allows parental leave to be a family entitlement.

On this very moment proposals are done to revise the regulations on maternity leave that are laid down in the Directive 92/85/EC. The European Commission made a proposal to amend the Directive in October 2008.<sup>5</sup> After executing an impact assessment<sup>6</sup> in which multiple legal options were assessed on their impact on – among other things – gender equality, it was decided to only extend the length of the maternity leave from 14 to 18 weeks of which 6 weeks have to be taken after the birth, and not (at this moment at least) to amend parental leave or to introduce paternity leave, adoption leave or filial leave. MEP Edite Estrela drafted a plan/report in reaction to the Commission proposal which was endorsed by the Women's Rights Committee. The plan proposes to extend the maternity leave to 20 weeks, of which 6 weeks have to be taken after birth. These 6 weeks should be paid 100% and the other weeks should at least be paid 85%. In the European Commission proposal the Commission proposed the payment of a monthly salary during maternity leave equivalent to 100% of the last monthly salary or the average salary, but this would not have been compulsory. Next, the Committee wants to introduce a compulsory minimum two weeks paternity leave after the birth. The European Commission proposal does not introduce paternity leave, despite the fact that the Commission proposal for the new directive adds equal treatment as a new legal basis for health and safety at work measures of the old 92/85/EC Directive. The Committee uses exactly this new legal basis to argue for the introduction of paternity leave. MEP's in the committee also

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<sup>4</sup> Council of the European Union 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC. [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31996L0034&model=gui chett](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31996L0034&model=gui chett)

<sup>5</sup> European Commission. 3 October 2008. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. Brussels, COM(2008) 637 final. [http://www.lex.unict.it/eurolabor/en/documentation/com/2008/com\(2008\)-637en.pdf](http://www.lex.unict.it/eurolabor/en/documentation/com/2008/com(2008)-637en.pdf)

<sup>6</sup> European Commission. 2008. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. Impact Assessment Report. Brussels, Document SEC(2008) 2526/2. [www.ec.europa.eu/social/BlobServlet?docId=609&langId=en](http://www.ec.europa.eu/social/BlobServlet?docId=609&langId=en)

want to ensure no-one can be dismissed from their job during maternity leave. Any sacking in the following 12 months would have to be justified in writing and not linked to maternity. Finally the MEP's in the Committee propose amendments designed to enable women to have "equivalent" work on their return from maternity leave and to have flexible working arrangements and voted in favour of time off work for breastfeeding equivalent to two one-hour breaks per day unless another arrangement has been agreed with the employer. The Women's Rights Committee report was put to the vote on Wednesday 6 May 2009 in the European Parliament. However, the plans were blocked by EPP and ALDE MP's, which referred the plan back to Committee.<sup>7</sup>

## **2.5 How do family leave regulations ideal-typically look like in each model?**

Table 1 below sketches how leave regulation ideal-typically would look like in each of the four models. However, as the EU has formulated certain minimum standards regarding maternity leave and maternity leave with which all member states have to comply one also needs to 'adapt' the ideal-typical leave regulations per model to the EU minimum standards. In annex 2 some explanation can be found about the values that are included in table 1: how will be determined whether, for example, in country x the duration of maternity leave is short, or moderate or long?

The leave systems are 'cut' into different aspects, however it is foremost the specific *combination* of those aspects that distinguishes the models most clearly from one another.

In the **Dual Breadwinner Model** the primacy lies with labour market, so leaves are not generous qua length. Maternity and paternity leave are short. Parental leave complies with minimum length of EU Directive, is unpaid, and is an individual non-transferable right. In the ideal typical model the leave rights would not show any gender bias (the differences that do exist are caused by the biological difference that women carry and give birth to baby's). In the model as adapted to EU standards there is, however, some gender bias since the EU standard of 14 weeks maternity leave is some longer then in the ideal-typical situation.

The **Equal Valuation Model** departs from an essentialist view on difference between men and women. In the model as adapted to EU standards, there is a generous (long or very long) maternity leave, no paternity leave (therefore a big maternity-paternity leave gap exists) and the parental leave has the form of a de-gendered and paid kind of extension of the maternity leave; It is a de facto family entitlement that is totally transferable to the mother. Possibly there exists a mother quota, i.e. earmarked parental leave days for mothers, but this does not exist for the father. The father is not encouraged to take up leave. When the parental leave is a very long de-gendered kind of extension to the maternity leave, then the maternity leave itself can as well be moderate qua length.

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<sup>7</sup> See: Moss, Martha. Wed 6th May 2009. EU parliament rejects maternity leave plans. Electronic article published on parliament.com. Link: <http://www.theparliament.com/latestnews/news-article/newsarticle/eu-parliament-rejects-of-maternity-leave-plans/> and; Vucheva, Elitsa. 6 May 2009. MEPs postpone vote on EU maternity leave rules. Electronic article published on EUobserver.com. Link: <http://euobserver.com/851/28076>

In the **Equal Sharing Model** the primacy does not lie with labour market, but with the combination of labour and care tasks that is to be equally performed by both genders. The length of maternity leave can vary, but is in any case moderate (since care is valued in this model alongside labour) and the paternity and maternity leaves relate to each other in this way: maternity leave is never longer than the physically needed recovery period of the mother + the length of paternity leave. This means that there is no maternity-paternity leave gap. Paternity leave is compulsory (transformative character of the model). Duration of parental leave can also vary, but is in any case moderate and quite well paid. It is an individual non-transferable right with an obligation to take up (at least part of the leave) for both parents. Mandatory equal sharing is important aspect of ideal-typical model. Flexibility in take-up is stressed in this model and is available to both parents equally, since parents should both be able to combine labour and care.

In the ideal typical **Male Breadwinner Model** there exist no leave regulations, since women are not expected to work during marriage. While in the other models women participate on the labour market before they get children (and at a certain time – this varies between the models – will return to the labour market), this is not the case in the male breadwinner model. However, EU requires certain minimum leave regulations to be in place. Therefore a maternity leave and a parental leave that complies with minimum standards of EU are found. Parental leave is a de facto family entitlement that can totally be transferred to the mother. No paternity leave exists and fathers are not encouraged to take up parental leave. For other three models it applies that women in principle are active on the labour market before they start to have children, the leave regulation in these models impact on the work-care pattern that will develop after children are born. On the contrary, the male breadwinner model concerns the life-long work-care pattern: men do the paid work and women work inside the home.

	DUAL BREADWINNER MODEL		EQUAL VALUATION MODEL		EQUAL SHARING MODEL		MALE BREADWINNER MODEL	
MATERNITY LEAVE	Ideal-typical	Modified to EU standards	Ideal-typical	Modified to EU standards	Ideal-typical	Modified to EU standards	Ideal-typical	Modified to EU standards
Duration	<i>Very Short</i> minimum physical/mental recovery period	<i>Short</i> 14 weeks (= minimum EU requirement, which is longer than needed recovery period)	<i>Moderate to very long</i> (length can be moderate if an extensive parental leave period exists that has the form of an extended de-gendered maternity leave)	<i>No change</i> (since EU requirement is shorter)	<i>Moderate</i> generous physical recovery period. In any case: duration does not exceed physical recovery period needed by mother + duration paternity leave	<i>No change</i> (since EU requirement is shorter)	<i>Non-existent</i> (strictly there is no need for maternity 'leave' in this model)	<i>Short</i> 14 weeks (= minimum EU requirement)
Payment	<i>Paid</i> High percentage of wage/ full pay	<i>Paid</i> Not less than wage during sickness leave (= EU requirement)	<i>Paid</i> High percentage of wage/full pay OR high flat rate	<i>Paid</i> Not less than wage during sickness leave (= EU requirement)	<i>Paid</i> High percentage of wage/full pay OR high flat rate	<i>Paid</i> Not less than wage during sickness leave (= EU requirement)	<i>N/a</i>	<i>Paid</i> Not less than sickness leave level (= minimum EU requirement)
	UNIVERSAL BREADWINNER MODEL		EQUAL VALUATION MODEL		SHARING CARE MODEL		MALE BREADWINNER MODEL	
PATERNITY LEAVE	Ideal-typical	Modified to EU standards	Ideal-typical	Modified to EU standards	Ideal-typical	Modified to EU standards	Ideal-typical	Modified to EU standards
duration	<i>Short</i> (for sake of bonding with child only, not for sharing/taking over sharing tasks mother)	No standards: lack of EU regulations	<i>Non-existent</i>	No standards: lack of EU regulations	<i>Can vary, but in any case: moderate</i>	No standards: lack of EU regulations	<i>Non-existent</i>	No standards: lack of EU regulations
Payment	<i>Paid at maternity leave rate</i>	No standards: lack of EU regulations	<i>N/a</i>	No standards: lack of EU regulations	<i>Paid at maternity leave rate or full pay</i>	No standards: lack of EU regulations	<i>N/a</i>	No standards: lack of EU regulations

<b>Obligation to take up</b>	<i>no</i>	No standards: lack of EU regulations	<i>N/a</i>	No standards: lack of EU regulations	<i>yes</i>	No standards: lack of EU regulations	<i>N/a</i>	No standards: lack of EU regulations
<b>Incentive fathers to take up</b>	<i>weak</i>	No standards: lack of EU regulations	<i>N/a</i>	No standards: lack of EU regulations	<i>moderate or strong</i>	No standards: lack of EU regulations	<i>N/a</i>	No standards: lack of EU regulations
	<b>DUAL BREADWINNER MODEL</b>		<b>EQUAL VALUATION MODEL</b>		<b>EQUAL SHARING MODEL</b>		<b>MALE BREADWINNER MODEL</b>	
<b>PARENTAL LEAVE</b>	<b>Ideal-typical</b>	<b>Modified to EU standards</b>	<b>Ideal-typical</b>	<b>Modified to EU standards</b>	<b>Ideal-typical</b>	<b>Modified to EU standards</b>	<b>Ideal-typical</b>	<b>Modified to EU standards</b>
<b>Duration</b>	<i>Non-existent</i> state and market provide care services that take over care from parents	<i>Short</i> three months per employee (= EU-minimum requirement)	<i>Long or very long</i> (de-gendered extension of maternity leave) <b>OR</b> <i>non-existent</i> (all leave under heading of maternity leave)	<i>No change</i> (since EU requirement in any case is shorter)  <i>In any case: short</i> (3 months per working parent is EU minimum requirement)	<i>Can vary, but in any case: moderate</i>	<i>No change</i> (since EU requirement is shorter)	<i>Non-existent</i>	<i>Short</i> three months (= EU minimum requirement)
<b>Payment</b>	<i>N/a</i>	<i>Unpaid</i> no EU-requirement that demands payment	<i>Paid</i> care allowance → flat rate payment <b>OR</b> <i>N/a</i>	no EU-standard on this	<i>Paid</i> at medium-high percentage of previous earnings or at medium-high flat rate	no EU standard on this	<i>N/a</i>	<i>Unpaid</i> no EU-requirement that demands payment
<b>Individual/family entitlement</b>	<i>N/a</i>	<i>Individual</i> is EU requirement and also fits model best)	<i>Family entitlement</i> <b>OR</b> <i>N/a</i>	<i>Individual</i> is EU requirement	<i>Individual entitlement</i>	<i>No change</i> EU requirements equal ideal-typical model	<i>N/a</i>	<i>Individual</i> is EU requirement, although family entitlement fits model better
<b>Transferability</b>	<i>N/a</i>	<i>Not transferable</i> binding EU-standard is lacking, but EU Directive expresses preference for non-transferability and this also fits model best)	<i>Entirely transferable</i> <b>OR</b> <i>N/a</i>	<i>Entirely transferable</i> binding EU-standard is lacking, but EU Directive expresses preference for non-transferability. Transferability fits the model best	<i>Not transferable</i>	<i>No change</i> because no EU binding standard	<i>N/a</i>	<i>Entirely transferable</i> binding EU-standard is lacking, but EU Directive expresses preference for non-transferability. Transferability fits the model best

<b>Father quota</b>	<i>N/a</i>	<b>No need</b> (individual non-transferable entitlement)	<b>No</b> <i>OR</i> <i>N/a</i>	<b>No</b>	<b>No need</b> (individual non-transferable entitlement)	<b>No change</b> (Binding EU requirement is lacking)	<i>N/a</i>	<b>No</b> (EU standards are lacking, this fits model best)
<b>Mother quota</b>	<i>N/a</i>	<b>No need</b> (individual non-transferable entitlement)	<b>Possibly</b> <i>OR</i> <i>N/a</i>	<b>Possibly</b> (No EU requirement on this matter)	<b>No need</b> (individual non-transferable entitlement)	<b>No change</b> (Binding EU requirement is lacking)	<i>N/a</i>	<b>possibly</b> (EU standards are lacking, this fits model best)
<b>Obligation to take up (obligation that care really is equally shared)?</b>	<i>N/a</i>	<b>No</b> (no EU requirement, but this fits model best)	<b>No</b> <i>OR</i> <i>N/a</i>	<b>No</b> (no EU requirement, but this fits model best)	<b>Yes</b>	<b>No change</b>	<i>N/a</i>	<b>No</b> (no EU requirement, but this fits model best)
<b>Incentive fathers to take up the leave</b>	<i>N/a</i>	<b>weak</b> (no EU requirement, but this fits model best)	<b>Absent</b> <i>OR</i> <i>N/a</i>	<b>Absent</b> (no EU requirement, but this fits model best)	<b>Moderate-Strong</b>	<b>No change</b>	<i>N/a</i>	<b>Absent</b> (no EU requirement, but this fits model best)
<b>Flexible uptake (e.g. in blocks or part-time)</b>	<i>N/a</i>	<b>Yes</b> (EU-standards are lacking, this fits model best, keeps parents on labour market)	<b>No</b> <i>OR</i> <i>N/a</i>	<b>No</b> (no EU requirement, but this fits model best)	<b>Yes</b> available to all workers alike (men and women)	<b>No change</b> (EU requirement is lacking)	<i>N/a</i>	<b>No</b> (EU standards are lacking, this fits model best)
<b>Right to work part-time or at reduced hours or to adapt working times</b>	<b>No</b>	<b>No change</b> (EU standard that requires that all workers have right to part-time work is lacking, but model requires everybody to in principle work full-time)	<b>Yes</b> (after period of mother home care for non-school going children, mothers will go back to work and flexible working time arrangements are important so that mother can still partly care for children)	<b>No change</b> (no EU requirement on this)	<b>Yes</b> available to all workers alike (men and women)	<b>No change</b> (no EU requirement on this)	<b>No</b> (mothers stay at home to keep taking care of children and household)	<b>No change</b> (no EU requirement on this)
<b>father's involvement in care is promoted</b>	Present : weak		absent		Present: strong		absent	

Table 1: leave regulations as they ideal-typically and adapted to EU requirements would look like in four welfare state models with different underlying gender orders

## 2.6 *Sketching the factual statutory leave regulations per country*

This working paper limits itself to mapping the *statutory* leave regulations and not at mapping what the daily practice is.<sup>8</sup> I depart from the assumption that the state by means of the statutory regulations regarding maternity, paternity and parental leave and the combination in which they appear sets certain norms with regard to how labour and care can or cannot be shared between men and women. Which norm is set by the statutory leave regulations? Does it set a norm that says that men are obliged to help in care work or does it set the norm that men should have the possibility to do so, but that the decision ultimately lies with the parents, or does it set the norm that men do not have to be involved in care work at all. Connected to this, I assume that the obstacle that are thrown up or – alternatively – the choices that are offered by each countries' leave regulations can have a real-life influence on the work-care roles and patterns as they develop between men and women during the first years of parenthood.

Still, I am very much aware that dominant cultural values possibly are of much more significance for the work-care patterns that men and women live by than the leave regulations laid down by law in a country. However, I wonder whether if there are men and women who consciously want to organize their lives in a way that diverges from what is culture-wise 'expected' from them, do the leave regulations offer them room for this or do they throw up extra barriers? In other words: as family leave policies generally operate in a socio-cultural context where quite strong tendencies against gender equal distribution of care responsibilities exist, the details of the leave regulations can either reinforce or counteract exclusion from fathers in care work.

In one of the later working paper, attention will be paid to dominant cultural values in the EU member states concerning the role expected from men and women and mothers and fathers regarding the division of work and care. This will then be connected and compared to the statutory leave regulations.

In annex 1 of this working paper the values of each EU member state (and the EU itself) on the following aspects of their family leave arrangement can be found in an overview table:

- Maternity leave: duration, payment
- Paternity leave: duration, payment, incentive for fathers to take up the leave
- Maternity-paternity leave gap
- Parental leave: duration, payment, family entitlement or individual entitlement, transferable or non-transferable, incentive fathers to take up the leave, possibilities for flexible uptake of the leave

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<sup>8</sup> The statutory leave regulations are the regulations that are laid down in legislation and which every worker in any case is entitled to. In collective labour agreement more generous family leave arrangements can be agreed upon. A strong tradition of collective agreement making exist in some of the EU member states. However, since the collective agreements tend to change every few years and since they are sector specific (so many of them can apply in a country), it is infeasible to map them in this paper.

- Universal right to work reduced hours/part-time (yes/no)

Annex 2 includes explanation on how the values of each country on the analyzed aspects of leave regulations were determined. In the section below a short written description of the statutory leave regulations per member state (and for the EU itself) can be found. These descriptions do not contain all the information that is found in the overview table in Annex 1.<sup>9</sup>

After these short country notes, at the end of this section graph 1 on the 'maternity-paternity leave gap in the EU27 member states and the EU' is included. It does not only show how big the maternity-paternity leave gap is, but also shows where this gap is 'located'. A gap of for example +2 can be linked to a country that knows a short maternity leave of 14 weeks and no paternity leave. In that case the gap is located in graph 1 on the very left side. B this same gap can just as well be linked to a country that knows a maternity leave of 24 weeks and a paternity leave of 10 weeks. In that case the gap is located some more to the middle of graph 1. Although the gap is just as small/big, the difference in 'location' can have implications for the extent in which the father is being involved in care work.

### Austria

The Austrian leave system is characterized by a moderate maternity leave (with 16 weeks closer to 'short' than to 'long'), the absence of a paternity leave, and consequently a rather small (+4) maternity-paternity leave gap. Parental leave is very long and it is a family entitlement that is transferable. There is a little incentive for father takes at least three months of leave. In that case the length of payment increases with a few months.

### Belgium

The Belgian leave regulations are typified by a maternity leave of moderate length, a highly paid paternity leave of moderate length, and a resulting almost non-existent maternity-paternity leave gap of +1. Parental leave is short and it is an individual non-transferable entitlement with a low rate payment.

### Bulgaria (provisionally, still missing some information)

The Bulgarian leave system is typified by a very long maternity leave that is partly paid highly and partly paid at low-medium level. There is no paternity leave. As a result, the maternity-paternity leave gap is big. There is a long paid parental leave (for first three children born) of two years. There is no part of this paid parental leave period reserved especially for the father. In fact, the paid leave in principle even is an entitlement for the mother, but the mother can transfer

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<sup>9</sup> The table represents the situation anno 2008/2009. The information on the leave regulations was obtained as follows: *First*, data on leave regulations was collected from the Context Studies (Deliverable 41) that have been written for each country that is covered by the QUING-project. *Secondly*, since information on more aspects of the leave systems was needed than the ones covered by the Context Studies extra sources were consulted. In the bibliography a list of the sources consulted is included. Some of the sources do not cover all EU27 member states. The sources range from 2005 to 2008. Priority has been given to the most recent sources. *Thirdly*, if the most recent sources stated opposing information on the leave regulations in a country or in case certain information was missing, I consulted the respective QUING country researcher.

the whole period (not parts) to the father or grandparents. The father (and the mother as well) does have an individual right to 6 months of unpaid parental leave, but the fact that it is unpaid and can be taken only after the paid period of leave, makes it a weak incentive for fathers to take up leave.

### Cyprus

The leave system of Cyprus can be characterized by a maternity leave of moderate length, by the absence of any paternity leave, and a resulting moderate maternity-paternity leave gap (+6). Parental leave is short and is an unpaid individual non-transferable entitlement.

### Czech republic

The Czech leave system is typified by a very long maternity leave, the absence of any paternity leave, and as a result a big maternity-paternity leave gap. Parental leave can be taken up to the child has reaches the age of three so the entitlement is linked to age of child and not expressed in number of months/weeks. Both parents can take the parental leave at the same time as well, the mother when maternity leave finishes, the father from the birth of the child

### Denmark

The Danish family leave system can be characterized as follows: The mother has 18 weeks maternity leave entitlement, the father has 2 weeks paternity leave entitlement. Each parent has an individual non-transferable right to a parental leave with a duration of 32 weeks per parent. However only 32 out of these added 64 weeks are paid irrespective of which parent takes this paid leave. The parents have to share these paid weeks between them and can also take the leave at the same time. So, although parents have an individual entitlement to a certain number of leave weeks, they have to share the paid weeks as they wish, and in that sense the payment is a family entitlement. Unpaid leave starts when father and/or mother have exhausted their 32 weeks paid leave. If father takes up leave in first months after birth (during maternity leave for example), the leave will be paid, and this provides incentives to take up leave. However, none of the paid weeks are specifically reserved for the father, and if the mother uses them, the father is left with 32 weeks unpaid leave, which he will probably not use.

### Estonia

The Estonian leave regulations can be characterized as follows: there is a long maternity leave, there is paternity leave of moderate length, however very recently the full payment for paternity leave was changed to becoming unpaid. The maternity-paternity leave gap is moderate (+6). Parental leave is very long (until child becomes three years old), it is fully paid during roughly half of this period, and paid at a low flat rate for the reaming time. Parental leave is a family entitlement that is transferable. Parents can use it one after the other or one parent can take all the leave.

### European Union

As far as it is possible to speak about the European Union leave regulations model (the EU formulates the minimum standards that all member states should comply with), the EU leave system is characterized by a short maternity leave paid at least at sickness benefit level (Directive 92/85/EC), by the absence of paternity leave, and – consequently – by a very small maternity-paternity leave gap (+2). The EU expresses in its Directive 96/34/EC that parental leave should be an individual right to men and women workers of at least three months. This right should *in principle* be granted on a non-transferable basis, but member states thus are allowed to diverge from this (non-transferability is what is preferred by EU, but not formulated as a obligation which the member states have to comply with). The EU does not lay down any standards when it comes to payment of the parental leave.

### Finland

The Finish leave system is typified by a maternity leave of moderate length, by a long paternity leave of 18 standard days and the option to 'earn' 12 extra paternity leave days at the end of parental leave period if father takes at least the last two weeks of the parental leave period. As a result the maternity-paternity leave gap for Finland is very small. Parental leave in Finland is short and it is a family entitlement that is transferable. Parental pay is paid partly high and partly medium. This means that no period of parental leave is especially reserved for fathers, but fathers are encouraged to take at least the last 12 days parental leave in order to earn an extra of 12 days paid paternity leave (together this then makes up a so-called daddy month). In addition to parental leave, Finland knows a home care leave allowance (which is paid at a very low rate of approx. 17% of wage) that can be taken with full employment security by parents after the parental allowance or extended paternity allowance has ended to look after a child under age 3. Both parents are entitled, but cannot be on full-time leave at the same time. In Finland each child has a subjective right to a daycare place, but this offers parents the choice to keep children at home if they wish so.

### France

The French system of family leave is characterized by a maternity leave that is of moderate duration for the first two children that are born and that is long for subsequent children. Paternity leave is of moderate length and fully paid (just as maternity leave). As a result the maternity-paternity leave gap in case of first two children born is very small, whereas this gap is big for any subsequent children. Parental leave is very long and not well paid. For the first child only 6 months are paid at a low flat rate, whereas for subsequent children all three years are paid at low flat rate. Parental leave is a family entitlement which is transferable.

### Germany

The German family leave system is typified by a short maternity leave, the absence of any paternity leave, and – consequently – a very small maternity-paternity leave gap. Parental leave is very long (up to three years) but only one year is pretty well paid (medium level at 67%). The parental leave is a family entitlement that is transferable. There is an incentive for the father to take some leave built in to the system. If the father takes at least two months of the leave two extra months of the parental leave will be paid.

### Greece (very provisionally: still missing certain data)

In Greece regulations for private and public sectors at certain points differ considerably. The Greece leave regulations are characterized by a moderate (private) or long (public) maternity leave, a very short paternity (2 days). As a result the maternity-paternity leave gap in the private sector is moderate, whereas in the public sector this gap is big. Parental leave in the private sector is short, while it is long in the public sector. It is unpaid in both sectors. In the private sector parental leave is an individual and non-transferable entitlement for each worker. In the public sector it depends on whether both or only one parent works in this sector (?). Next to the parental leave regulation Greece knows a system of 'child care leave' which in the private sector seems very much directed at mothers (during a few years they can work at reduced hours, or alternatively, they can take 9 months full-time and paid childcare leave), while it is formulated in a more gender-neutral/de-gendered way in the public sector (also offering long period of shorter working days or alternatively a full-time period of leave). This child care leave was introduced in public sector in 1999 (then parental leave was also introduced) and in 2003 in the private sector.

### Hungary

The Hungarian family leave regulations are typified by a long maternity leave, a short paternity leave and – as a result – a big maternity-paternity leave gap. Parental leave is very long, is partly medium and partly low paid (if you do not work it is paid at low rate the whole period) and it is a family entitlement that is transferable.

### Ireland

The Irish leave regulations are characterized by the absence of any paternity leave and a very long maternity leave. This results in a big maternity-paternity leave gap. Parental leave is short (14 weeks) and is an individual non-transferable entitlement.

### Italy

The Italian leave regulations are characterized by the absence of any paternity leave, a long maternity leave, and as a result of this a rather big maternity-paternity leave gap. Parental leave seems to be formulated in the law as an individual entitlement (each parent can take 6 months independently of decisions by other parent, but sum of both parents leave cannot exceed 10 months), but it is nevertheless a transferrable right, which makes it de facto a family entitlement after all. There is a little incentive that if father takes 3 months leave, then the sum of the parent's leave can be 11 months (instead of 10). The parental leave is badly paid.

### Latvia (very provisionally: still missing certain data)

Latvia's leave system is typified by a moderate and highly paid paternity leave, a moderate and highly paid maternity leave, which results in a small maternity-paternity leave gap. Parental leave is an individual entitlement that each parent has. 1,5 years per parent to be taken up before child is 8. Payment seems to be linked to age of the child. If parent takes leave before

child is one payment is 70%, if parent takes leave between 1-1,5 then payment is lower. Parents cannot take leave at the same moment.

### Lithuania

Typified by moderate maternity leave, long paternity leave, therefore a small maternity-paternity leave gap. Parental leave is very long, is a family entitlement that is transferable, and is for two out of three years highly paid.

### Luxembourg

Luxembourg's leave regulations are typified by a moderate (but rather close to short) maternity leave, a very minimal (2 days only) but highly paid paternity leave, a rather small maternity-paternity leave gap (+3.6) and a moderate parental leave that is an individual non-transferable entitlement, but otherwise quite biased, because the leave of only one of the parent is paid (medium) and one of the parents has to take the leave immediately after maternity leave. This model might work out in the following way then: mother takes the leave immediately after maternity leave and also use the paid leave. In this scenario, the father is left with the opportunity to take up 6 months of unpaid leave.

### Malta

The Maltese leave regulations are characterized by a short maternity leave, a very minimal paternity leave (only 1 or 2 days) and consequently a small maternity paternity leave gap. Parental leave is an individual nontransferable entitlement (except when parents both work in public sector, then they have to share the leave) and is unpaid. In private sector it is short and in public sector it is moderate qua length.

### Netherlands

The Dutch leave regulations are characterized by a moderate fully paid maternity leave (16 weeks, this means close to 'short' duration), by a very short fully paid paternity leave (2 days). This results in a rather small maternity-paternity leave gap. The parental leave is of moderate length (each parents 12 months half-time), is very low paid (one can get some tax reduction), and is an individual non-transferable entitlement of each parent. Until very recently the parental leave in the Netherlands was short with three months full-time per parent (in principle to be taken up as 6 months half-time). However, since 2009 the duration of the parental leave has been doubled and parents who take the leave can get some tax reductions (indirect low payment). A Bill presented by several MP's aiming to introduce two weeks paternity leave was rejected in Parliament. The Minister of families sees the extension of almost unpaid parental leave as a good alternative to the introduction of two weeks highly paid paternity leave.

### Poland

Polish leave regulations are typified by a long maternity leave that is bound to be extended in coming years. A part of this maternity leave (last 5 weeks out of the 20) can be transferred by mother to father. Poland does not have any paternity leave. This results in a rather big (+8)

maternity-paternity leave gap. The parental leave is very long, partly low paid (but only for people with low income, for other employees it is unpaid) and is a transferable family entitlement. For a maximum of three months parents can take parental leave at the same time (but if family is entitled to payment probably the parents as a family receive the same payment that would be received if one parent would be on leave)

### Portugal

The Portuguese leave regulations are characterized by maternity leave of moderate length, a paternity leave of 20 days that is fully paid and of which 10 days are compulsory and 10 days are voluntary. This result in an almost non-existent (+1) maternity-paternity leave gap. The parental leave is short (3 months par parent) but highly paid and it is an individual non-transferable entitlement.

### Romania

The Romanian leave regulations are typified by a moderate long maternity leave, a short standard paternity leave of 5 days which are paid like any other leave days that employee is entitled to by his employer (so probably highly) and 10 days bonus paternity leave can be 'earned' in case the father participates in an infant care course. In the standard situation this leads to a small to moderate maternity-paternity leave gap. Parental leave is long in Romania (when it concerns the first three children that are born) and well paid. It is a family entitlement, but it is not transferable. This means that one of the parents (either the father or the mother) has to take the whole period. So the parents cannot take blocks of leave one after the other. Also part-time uptake of the leave is not possible.

### Slovakia

The Slovakian leave regulations are characterized by a very long maternity leave that is medium paid, the absence of any paternity leave, and resulting from this a big maternity-paternity leave gap. The parental leave is very long, is low paid and it is a family entitlement that is transferable.

### Slovenia

The Slovenian leave regulations are typified by a maternity leave of moderate length (but with 15 weeks close to 'short'), a very long paternity leave of 15 fully paid days and 75 days during which social insurance contributions are regarded to continue. As a consequence, the maternity-paternity leave gap is a minus gap. However, we have to take into consideration that if we had only looked at the highly paid days, the gap would be exactly zero. Parental leave is of moderate duration and is a family entitlement that is transferable. This means that no days are especially reserved for the mother or for the father (which would be the case if parental leave had been an individual non-transferable entitlement). However, the fact that the leave is fully paid, provides fathers with an incentive to take some days.

### Spain

The Spanish system is typified by a maternity leave of moderate duration, a long paternity leave and as a result an almost non-existent maternity-paternity leave gap. Parental leave is very long, low paid (social contributions are considered to continue) and it is a family entitlement that is transferable. Part of maternity leave can be transferred to the father (from week 8).

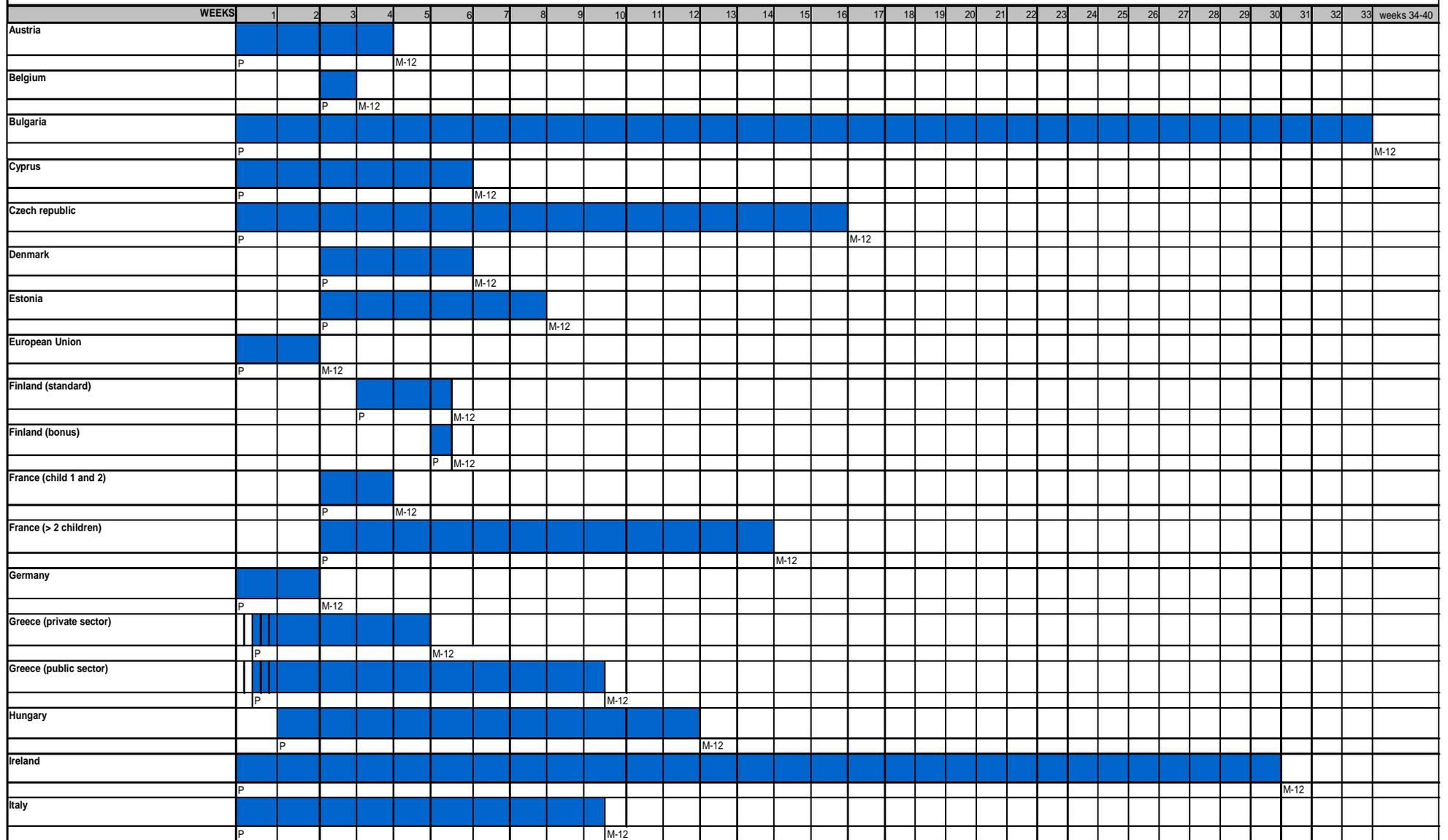
### Sweden

Each parent has an individual right to 18 months of leave (to be taken up part-time or fulltime until child has reached age of 8 years) upon the birth of a child. The parents can together receive parental benefits for a total number of 480 (calendar) days. These paid days have to be shared between the parents. The paid days in principle are to be split equally between the parents (240 paid days for father, 240 paid days for mother). However, benefit days are transferrable to the partner, except for 60 days earmarked for mother ('maternity leave') and 60 days earmarked for father ('paternity leave'. The father also gets additional 10 working days to take up around birth, that fall outside the 480 paid days). Leave is highly paid for the first 390 days of the paid parental leave days (when in employment). The other 90 paid days are paid at low flat rate. All in all, the system departs from a sharing perspective, however, the fact that only a part of the parental leave days are paid, that one parent at a time can receive the benefit (also when both take parental leave at same time) and the fact that the paid days outside the days that are especially earmarked for the father and for the mother can be transferred to the partner, probably makes the incentives for fathers to participate equally in caring tasks weaker. The fact that more days are earmarked for the father than for the mother added to the very short duration of the maternity leave (60 calendar days), results in a large negative maternity-paternity leave gap.

### United Kingdom

Leave regulations in the United Kingdom are typified by the very long maternity leave (which is partly paid highly, for the biggest part paid at low flat rate, and partly unpaid). 26 weeks of the maternity leave (half of total number of 52 weeks) can be transferred to the father if the mother already returns to the labour market. The paternity leave is of moderate length but only paid at a low flat rate. Consequently the maternity-paternity leave gap is huge (+38). However, would the mother transfer some of the leave to the father, then this gap would decrease. Parental leave is short, unpaid and is an individual non-transferable entitlement.

graph 1: maternity-paternity leave gap in the 27 EU member states and the EU





## **2.7 Provisional categorization of EU27 on the basis of their leave regulations**

On the basis of the information in previous sections and in the overview table that can be found in Annex 1, the EU 27 member states and the EU will now on the basis of their leave regulations be categorized under one of the four gender regime models (in table 2 below). The data on each member state's statutory leave regulations has every time been compared to how the ideal-typical leave regulations would look like (see table 1 in section 2.5) as a means to determine the 'right' categorization.

This categorization has to be considered as provisional not only because the data for a few countries is not final, but also because the research that will be done in working papers 2 (theoretical framework) and 3 (cultural and political context and data on every-day reality) might provide insights on the basis of which the categorization will be adapted.

This categorization does not necessarily tell us something about how the reality looks like. If the leave regulations resemble a certain model, this only tells us something about the norms that are set by the state. These norms need not to be lived up to in reality.

As stated in the introduction (section 1), each of the four ideal type models is based on another vision of what gender equality is and as such they analytically distinct extremes. However, this does not preclude the possibility that a mix of elements of more than one model can be observed in the EU27 member states' statutory leave regulations. The so-called 'one-and-a-half-earner-model' where the male works full-time while the female works part-time and is a part-time caregiver might be considered as a mix of the Dual Breadwinner Model and the Male Breadwinner Model.

In fact, the bulk of the member states indeed did not entirely fit one of the ideal-type models. For each member states I have decided which of the models best approached the statutory leave regulations of the states. The state is then placed under this model. However, the arrows indicate whether aspects of other models are present and to which extent. A 'big' arrow shows that the model where the arrow point towards is the second most plausible model. Maybe the country has moved from this model to the model that is now dominant?. Or alternatively, maybe it is moving away from the now dominant model into the direction of this (second most plausible) model? A 'small' dart means that the statutory leave regulations show some 'hints' of the model towards which the dart is directed, but the overall dominant model clearly is the model under which the country is categorized. If countries are categorized under two models, these means these models seem equally strong.

Male breadwinner model	Dual breadwinner model	Equal sharing model	Equal valuation model	Male breadwinner model	Equal valuation model	Dual breadwinner model	Male breadwinner model
	Belgium→ ←Cyprus ←European Union ←Luxembourg→ ←Malta ←Netherlands→	Denmark⇒ ←Finland⇒ Sweden⇒ ←Latvia⇒ Lithuania ←Portugal Slovenia⇒ Spain	Austria⇒ Bulgaria Czech Republic ←Estonia ←France→ ←Germany→ Hungary Italy⇒ Lithuania Poland ←Romania Slovakia Spain		←Greece ←Ireland	Greece→ Ireland→ ←UK⇒	

Table 2: Provisional categorization of EU27 on the basis of their leave regulations into four gender regimes

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## Annex 1

overview table: values of each EU member state and the EU itself on multiple aspects of their family leave regulations (situation anno 2008/2009. See annex 2 for explanation on how the values have been determined. Although I have worked hard to collect the most up to date and correct data, a part of the data for some countries (in any case Bulgaria, Greece, Latvia) and for some of the discussed aspects (flexibility in uptake of parental leave + universal right to work reduced hours) is still provisional and might undergo some changes in a later version.

The table is cut into three parts (because of space limitation):

- Table a: maternity leave and paternity leave
- Table b: maternity-paternity leave gap, parental leave (duration, payment, individual/family entitlement, transferability)
- Table c: incentive for fathers to take up the leave, flexibility in uptake of the leave, universal right to work reduced hours/part-time

<i>Table a</i>	Statutory maternity leave-duration (weeks, in case of one healthy child born)	Statutory maternity leave-payment	Statutory paternity leave-duration (working days)	Statutory paternity leave-payment	Paternity leave-incentive fathers to take up
<b>Austria</b>	MODERATE (16)	FULL PAY	NO PATERNITY LEAVE	N/a	ABSENT
<b>Belgium</b>	MODERATE (15)	HIGH percentage of wage, with ceiling	MODERATE (10)	HIGH percentage of wage, with ceiling	MODERATE: moderate length + high payment
<b>Bulgaria</b>	VERY LONG (45)	HIGH: Obligatory period (20) , percentage of wage LOW-MEDIUM: remaining period at social security benefit level	NO PATERNITY LEAVE	N/a	ABSENT
<b>Cyprus</b>	MODERATE (18)	HIGH percentage of wage, with ceiling	NO PATERNITY LEAVE	N/a	ABSENT
<b>Czech republic</b>	VERY LONG (28)	MEDIUM percentage of wage, with ceiling	NO PATERNITY LEAVE	N/a	ABSENT
<b>Denmark</b>	MODERATE (18)	HIGH sickness benefit level, with ceiling	MODERATE (10)	HIGH paid at maternity leave rate: percentage of wage with ceiling	MODERATE: moderate length + high payment.
<b>Estonia</b>	LONG (20)	FULL PAY	MODERATE (10) result of very recent changes (2009), was 14 days before	UNPAID result of very recent changes, was fully paid before	ABSENT/WEAK: moderate length, but unpaid
<b>European Union</b>	SHORT (14) Length will probably increase to at least 18 weeks in near future	MEDIUM/HIGH at least sickness leave level	NO PATERNITY LEAVE Women's Rights Committee is pressing for paternity leave to be introduced in the to be amended Directive 92/85/EC. European Commission's proposal only extends maternity leave.	N/a	ABSENT

<i>Table a</i>	<b>Statutory maternity leave-duration (weeks, in case of one healthy child born)</b>	<b>Statutory maternity leave-payment</b>	<b>Statutory paternity leave-duration (working days)</b>	<b>Statutory paternity leave-payment</b>	<b>Paternity leave-incentive fathers to take up</b>
<b>Finland</b> (also has system of home-care leave allowance that follows the parental leave!)	MODERATE (17.5)	HIGH: first half of period, percentage of wage with ceiling  MEDIUM: second half of period, percentage of wage	LONG: (18) + 12 bonus days can be earned	part HIGH, part MEDIUM: for 'standard' 18 days  MEDIUM: for 12 bonus days	STRONG: long length, medium/high payment and incentive to take extra parental leave to earn 12 days extra paternity leave
<b>France</b>	MODERATE (16): first two children LONG (26): subsequent children	FULL PAY with ceiling	MODERATE (2 weeks)	FULL PAY	MODERATE: moderate length + high payment
<b>Germany</b>	SHORT (14)	FULL PAY	NO PATERNITY LEAVE	N/a	ABSENT
<b>Greece</b> (also has system of home/child care leave!)	LONG (21.5): public sector MODERATE (17): private sector	FULL PAY	SHORT (2)	FULL PAY	WEAK: short length, but good payment
<b>Hungary</b>	LONG (24)	MEDIUM percentage of wage	SHORT (5)	FULL PAY	WEAK: short length, but good payment
<b>Ireland</b>	VERY LONG (42)	HIGH: first 26 weeks, percentage of wage  UNPAID/VERY LOW: last 16 weeks, social insurance contributions credits are received.	NO PATERNITY LEAVE	N/a	ABSENT
<b>Italy</b>	LONG (21,5)	HIGH percentage of wage	NO PATERNITY LEAVE	N/a	ABSENT
<b>Latvia</b>	MODERATE (16)	FULL PAY	MODERATE (10 calendar days)	HIGH percentage of wage	MODERATE: moderate length + high payment
<b>Lithuania</b>	MODERATE (18)	FULL PAY	LONG (1 month)  Only recently (2006) introduced	FULL PAY	STRONG: long length, good payment
<b>Luxembourg</b>	MODERATE (16)	FULL PAY with ceiling	SHORT (2)	FULL PAY	WEAK: short length, but good payment
<b>Malta</b>	SHORT (14)  In reaction to EU Commission's proposal: Domestic debate about increasing maternity leave	FULL PAY	SHORT (1 day in private sector, 2 days in public sector)	FULL PAY	WEAK: short length, but good payment

<i>Table a</i>	<b>Statutory maternity leave-duration (weeks, in case of one healthy child born)</b>	<b>Statutory maternity leave-payment</b>	<b>Statutory paternity leave-duration (working days)</b>	<b>Statutory paternity leave-payment</b>	<b>Paternity leave-incentive fathers to take up</b>
<b>Netherlands</b>	MODERATE (16)	FULL PAY with ceiling	SHORT (2) Initiative Bill by several MP's introducing two weeks paternity leave was rejected by Parliament and employers (2008)	FULL PAY	WEAK: short length, but good payment
<b>Poland</b>	LONG (20) )transferable to father from week 15(maternity leave will increase gradually to 26 weeks by 2014)	FULL PAY	NO PATERNITY LEAVE There are plans to introduce 1 week in 2010 and 2 weeks in 2012	N/a	ABSENT
<b>Portugal</b>	MODERATE (17)	FULL PAY / HIGH percentage of wage	LONG (20) 10 days are compulsory, other 10 days are voluntary	FULL PAY	STRONG: long length, high payment and part is compulsory
<b>Romania</b>	MODERATE (18)	HIGH percentage of wage	SHORT (5) or LONG (5 + 10 extra days if fathers attends infant care course)	HIGH (?) paternity leave is paid for as any other leave day that the employee is entitled to by his employer (therefore: probably highly paid)	WEAK/MODERATE short duration, good payment and incentive to 'earn' some extra days.
<b>Slovakia</b>	VERY LONG (28)	MEDIUM percentage of wage with ceiling	NO PATERNITY LEAVE	N/a	ABSENT
<b>Slovenia</b>	MODERATE (15)	FULL PAY with ceiling	VERY LONG (15 +75 calendar days)	FULL PAY: first 15 days UNPAID/LOW: following 75 days social insurance is compensated	STRONG: very long length, payment high for long period (15 days), but very low for the rest of period
<b>Spain</b>	MODERATE (16) partially transferable to father (from week 8)	FULL PAY	LONG (15) will be extended to 20 days within a few years	FULL WAGE	STRONG: long length, high payment and part of maternity leave can also be transferred to father or taken together with father
<b>Sweden</b>	VERY SHORT (8.5: 60 calendar days)	HIGH at sickness level of 85% of earnings, with ceiling	VERY LONG (60 calendar days just like mother + additional 10 working days to be taken just after birth of child)	HIGH same rate as maternity leave	STRONG: very long length, high payment

**United Kingdom**

VERY LONG (52)  
part of maternity leave (26 weeks) can be transferred to father if mother returns to labour market.

HIGH: first 6 weeks, percentage of wage  
LOW: next 33 weeks, low flat rate  
UNPAID: last 13 weeks

MODERATE (2 weeks)  
Note that fathers can also get 26 weeks of maternity leave if the mother already returns to work.

LOW  
Low flat rate

WEAK:  
moderate length, but badly paid

<i>Table b</i>	maternity-paternity leave gap calculation: maternity leave in no. of weeks minus 12 weeks minus paternity leave in no. of weeks	Statutory parental leave-duration	Statutory parental leave-payment	Statutory parental leave - individual or family entitlement?	Statutory parental leave - transferable between partners or not?
<b>Austria</b>	SMALL: 4	LONG to VERY LONG can be up to 36 months (up to child is three years of age), but statutory protection against dismissal only lasts 24 months	LOW Low flat rate payment (child care benefit) if parent on leave earns less than 16500 euro a year. Height of the allowance depends on length chosen. Length of payment increases if father takes at least one period parental leave.	FAMILY	YES parents can shift two times (minimum period 3 months). Simultaneous parental leave for both mother and father is only possible for ONE month maximum
<b>Belgium</b>	VERY SMALL: 1	SHORT 3 months per parent (in public sector it can be different)	LOW low flat rate payment (app. Half minimum wage)	INDIVIDUAL	NO
<b>Bulgaria</b>	BIG: 33	LONG: mother (until child is two for first three children, subsequent children: 6 months paid leave - SHORT) MODERATE: both parents each 6 months	MEDIUM/HIGH: mother leave UNPAID: leave that both parents are entitled to	MIXED partly individual entitlement for both parent, partly mother's primary entitlement (but can be transferred)	YES: on mothers consent her leave can be transferred to father or grandparents. NO: Individual entitlement of both parents is not transferable
<b>Cyprus</b>	MODERATE: 6	SHORT 3 months per parent	UNPAID	INDIVIDUAL	NO
<b>Czech republic</b>	BIG: 16	VERY LONG until child is three years old	LOW/MEDIUM flat rate payment (parental allowance)	INDIVIDUAL both parents have right to take up parental leave until child reaches age of three, also at the same time	N/a parental leave is not expressed in number of weeks, but is linked to age of the child. Both parents can also take the leave at the same time.

<i>Table b</i>	maternity-paternity leave gap calculation: maternity leave in no. of weeks minus 12 weeks minus paternity leave in no. of weeks	Statutory parental leave-duration	Statutory parental leave-payment	Statutory parental leave - individual or family entitlement?	Statutory parental leave - transferable between partners or not?
<b>Denmark</b>	SMALL: 4	LONG each parent 32 weeks	HIGH: 32 weeks, percentage of wage  UNPAID: 32 weeks parents share the paid weeks as they wish (idea is that child can stay at home until age 1: paid parental, maternity, paternity make up exactly 52 weeks. If parents have exhausted 32 paid weeks, 32 unpaid weeks remain.	INDIVIDUAL  individual entitlement to 32 weeks leave, but not an individual entitlement to a certain number of <i>paid</i> leave weeks.	NO  individual entitlement to leave cannot be transferred, but payment has to be shared between the parents
<b>Estonia</b>	MODERATE: 6	VERY LONG until child is three years old	FULL PAY: first 435 days after maternity leave.  LOW: low flat rate for remaining part of three years	FAMILY parents can take leave one after the other up until child is three (but they can also decide that one parent takes it all.	YES
<b>European Union</b>	VERY SMALL: 2	SHORT 3 months per parent	optional	INDIVIDUAL	preferably: non-transferable (but this is not obligatory)
<b>Finland</b>	VERY SMALL: 2.5 (18 days standard paternity leave)  VERY SMALL: 0.5 (standard 18 days + bonus 12 days): 0.5	SHORT 6 months	HIGH: first 30 days at 75%  MEDIUM: other days at 70%	FAMILY	YES parents can take shift, in principle not at same time
<b>France</b>	VERY SMALL: 2 (first two children)  BIG: 12 (subsequent children)	VERY LONG 3 years	LOW low flat rate during 6 months for first child, 3 years low flat rate payment for subsequent children	FAMILY	YES parents can take leave one after the other
<b>Germany</b>	VERY SMALL: 2	VERY LONG until child is three	MEDIUM: 12 months standard 67% (with ceiling), can be extended to 14 if father (or mother) takes 2 months of the leave.  UNPAID: remaining months	FAMILY	YES

<i>Table b</i>	<b>maternity-paternity leave gap calculation: maternity leave in no. of weeks minus 12 weeks minus paternity leave in no. of weeks</b>	<b>Statutory parental leave-duration</b>	<b>Statutory parental leave-payment</b>	<b>Statutory parental leave - individual or family entitlement?</b>	<b>Statutory parental leave - transferable between partners or not?</b>
<b>Greece</b>	BIG: 9.1 (public sector)MODERATE: 4.6 (private sector)	private sector: SHORT (3,5 months per parent until child is 3,5 ears) public sector: LONG/VERY LONG (up to two years until child is 6)	private sector: UNPAID public sector: UNPAID 1st and 2nd child, PAID 3 months for subsequent children	private sector: INDIVIDUAL public sector: FAMILY (when both parents work in public sector?)	private sector: NO public sector: YES in case both parents work in public sector??
<b>Hungary</b>	BIG: 11	VERY LONG For each child: up to child is 3 (will become age of 2 in 2010) When three or more children: up to youngest is 8 years	If employed: MEDIUM percentage of wage with a low ceiling for first two years (GYED) and LOW flat rate third year (GYES) If not employed: the LOW flat rate for all three years (GYES) Three or more children: LOW flat rate until youngest child is 8 (GYET)	FAMILY	YES
<b>Ireland</b>	BIG: 30	SHORT 14 weeks per parent	UNPAID	INDIVIDUAL	NO only if parents work for same employer and employer agrees, leave can be transferred
<b>Italy</b>	BIG: 9.5	MODERATE 10 or 11 months	LOW: total of 6 months to be shared between parents (and only if taken up before child is three) UNPAID: remaining months	INDIVIDUAL in principle each parent is entitled to 6 months leave, but sum of the leave cannot exceed 10 months or 11 months if father takes more than 3 months leave	YES
<b>Latvia</b>	VERY SMALL: 2.4	VERY LONG 1,5 years per parent (?)	MEDIUM: percentage of wage, until child is one year old LOW: low flat rate allowance until child is 1,5 years old (if not employed, parents receive this low flat rate benefit also during first year of child)	INDIVIDUAL (?) Every employee has an individual right to parental leave in connection with the birth or adoption of a child for a period up to one and a half years until the child reaches the age of eight years	??

<i>Table b</i>	<b>maternity-paternity leave gap calculation: maternity leave in no. of weeks minus 12 weeks minus paternity leave in no. of weeks</b>	<b>Statutory parental leave-duration</b>	<b>Statutory parental leave-payment</b>	<b>Statutory parental leave - individual or family entitlement?</b>	<b>Statutory parental leave - transferable between partners or not?</b>
<b>Lithuania</b>	VERY SMALL: 2	VERY LONG up to child is three years old	FULLY PAID: up to child is 1 year HIGH: percentage of wage from months 12-24  UNPAID: months 24-36	FAMILY	YES parents can take periods of leave one after the other
<b>Luxembourg</b>	SMALL: 3.6	MODERATE 6 months each parent	MEDIUM: at flat/fixed rate, for one parent  UNPAID: for the other parent	INDIVIDUAL	NO
<b>Malta</b>	VERY SMALL: 1.8 (private sector)  VERY SMALL: 1.6 (public sector)	private sector: SHORT 3 months per parent  public sector: MODERATE one year for one parent, but if both parents work in this sector they have to share this one year	UNPAID (public and private)	private: INDIVIDUAL  public: INDIVIDUAL if only one parent works in this sector. FAMILY if both work in this sector	private sector: NO  public sector: YES in case both parents work in public sector
<b>Netherlands</b>	SMALL: 3.6	MODERATE each parent 12 months half-time	LOW parents can get tax deduction on income tax of 4 euro per hour when they are on parental leave, but this means only a very low indirect payment. This is new since 2009. Before its was unpaid	INDIVIDUAL	NO
<b>Poland</b>	BIG: 8 (but since mother can transfer some maternity leave weeks to father, the gap can in reality be smaller. Still, the maternity leave in principle is mother's entitlement)	VERY LONG up to three years (to be used before child is four years old)	LOW low flat rate allowance (half of minimum wage) in case income per member of family is not more than 150 euro. Paid for 24 months.	FAMILY	YES
<b>Portugal</b>	VERY SMALL: 1	SHORT three months per parent	HIGH percentage of wage. Since the 2009 changes in law parents can opt to share 120 days (17 weeks) at 100%, 150 days (21,5 weeks) at 83% and 180 days at 80% (26 weeks)	INDIVIDUAL	NO

Table b	maternity-paternity leave gap calculation: maternity leave in no. of weeks minus 12 weeks minus paternity leave in no. of weeks	Statutory parental leave-duration	Statutory parental leave-payment	Statutory parental leave - individual or family entitlement?	Statutory parental leave - transferable between partners or not?
Romania	MODERATE: 5 (standard 5 days paternity leave) SMALL: 3 (5 days standard +10 days bonus paternity leave)	LONG: until child is two years old for the first three children SHORT: three months (per parent?) for subsequent children	HIGH parents may choose, either fix rate payment at 600 RON (app. 140 euro) or 85% of their average net salary of past twelve months	FAMILY	NO Both parents are eligible to take the leave, but only one parent can take the whole period, the couple has to make a choice who this will be
Slovakia	BIG: 16	VERY LONG three years	LOW low flat rate payment (a bit more than half minimum wage)	FAMILY	YES parents can take the leave one after the other, with minimum length of one month
Slovenia	NEGATIVE: minus 9.8	MODERATE 37 weeks (260 days)	FULLY PAID (with ceiling)	FAMILY	YES
Spain	VERY SMALL: 1 Since mother can transfer some maternity leave weeks to father, the gap can in reality be smaller (negative even). Still, the maternity leave in principle is mother's entitlement	VERY LONG three years	UNPAID/LOW social insurance is compensated (it continues)	FAMILY	YES
Sweden	NEGATIVE: minus 14	VERY LONG Each parent is entitled to 18 months leave	480 days (16 months) are paid, this includes the 60 days especially earmarked for maternity and 60 days for paternity leave. The remaining paid days are to be shared between parents  HIGH: 390 first days (if you have worked) LOW/MEDIUM: first 390 days if you have not worked LOW: 90 subsequent days of the 480 paid days of leave (same for workers/non-workers) UNPAID: remaining leave	INDIVIDUAL individual entitlement to 18 months leave, but not an individual entitlement to a certain number of <i>paid</i> leave weeks (however in principle these days are to be shared equally i.e. each parent 240 - unless parents decide to transfer paid days).	NO individual entitlement to leave cannot be transferred, but payment has to be shared between the parents. So qua number of months parents are entitled to there is individual entitlement, but qua payment only 60 days are earmarked for each parent, rest is family entitlement
United Kingdom	BIG: 38 Since mother can transfer some maternity leave weeks to father, the gap can in reality be smaller. Still, the maternity leave in principle is mother's entitlement	SHORT 13 weeks per parent	UNPAID	INDIVIDUAL	NO

<i>Table c</i>	<b>Parental leave-incentive fathers to take up</b>	<b>Parental leave - possibilities for flexible uptake</b>	<b>Universal right to work reduced/part-time hours ?</b>
<b>Austria</b>	WEAK family entitlement that is totally transferable and low payment, but if father takes part of the leave (at least 3 months) payment for parental leave will be extended with some months	parents can shift two times between who is 'primary caretaker'. Other than that: part-time/reduced hours uptake seems bound to several conditions	NO but there exists such a right but limited to parents who work in medium-sized/large company for a certain number of years
<b>Belgium</b>	MODERATE leave is individual non-transferable entitlement with low payment	the choice is : 3 months full-time, 6 months part-time or 15 months 1/5th	universal right to one (part-time) career break
<b>Bulgaria</b>	WEAK partly leave is unpaid non-transferable entitlement, partly it is entitlement of mother which is medium/highly paid but can be transferred to father	no	NO
<b>Cyprus</b>	WEAK leave is unpaid non-transferable individual entitlement	minimum of one week, maximum of 4 weeks of leave a year can be taken	NO
<b>Czech republic</b>	WEAK leave is an individual entitlement that can be taken at same time with parent, but it is badly paid	no part-time, but one can take full-time blocks. Mother can start taking up parental leave after maternity leave period has ended, father can take parental leave starting from birth of the child.	NO
<b>Denmark</b>	MODERATE/STRONG parental leave is individual non-transferable entitlement that might - depending on how parents share the paid weeks - be highly paid and can already be taken while mother is still on maternity leave	yes, several options: - leave of 32 weeks can be extended up to 40 weeks, but with lower compensation - part-time leave is possible - father's parental leave can start when mother is still on maternity leave	NO??
<b>Estonia</b>	WEAK/MODERATE parental leave is a transferable family entitlement that for half of time is fully paid. The fact that father can start taking paid parental leave while mother is on maternity leave might provide extra incentive	parents can switch who receives the parental benefit, but part-time working in Estonia is rare. So taking in full-time blocks is possible	NO
<b>European Union</b>	ABSENT/WEAK parental leave is an individual entitlement, but EU Directive does not lay down any obligations concerning payment and (non)transferability	optional; left to the member states	NO

<i>Table c</i>	<b>Parental leave-incentive fathers to take up</b>	<b>Parental leave - possibilities for flexible uptake</b>	<b>Universal right to work reduced/part-time hours ?</b>
<b>Finland</b>	<p>MODERATE</p> <p>leave is transferable family entitlement that is medium paid. There is no father quota, but there is an extra incentive for fathers to take at least last two weeks of the leave</p>	<p>parental leave in principle is to be taken immediately after maternity leave. System has become some more flexible since 1998. Part-time leave is possible and taking leave in several blocks as well</p>	<p>YES</p> <p>but under the condition that unemployed people are hired to replace the vacated hours</p>
<b>France</b>	<p>ABSENT/WEAK</p> <p>parental leave is family entitlement with low payment and no father quota. There is one measure that might encourage fathers to take leave: if parents both works part-time and take leave the monthly allowance increases a bit (however this measure is hardly known and thus hardly used)</p>	<p>part-time or in blocks is possible</p>	<p>YES</p>
<b>Germany</b>	<p>WEAK</p> <p>parental leave is transferable family entitlement with medium pay in the first year (out of 3). There is an extra incentive for fathers to take 2 months leave, since in that case 14 months will be medium paid instead of 12</p>	<p>leave can be taken in piecemeal way</p>	<p>YES</p>
<b>Greece</b>	<p>private sector: WEAK public sector: ??</p>	<p>private sector:?? Public sector: consecutively or in parts</p>	<p>NO</p>
<b>Hungary</b>	<p>ABSENT/WEAK</p> <p>leave is transferable family entitlement which is medium paid in first two years (if not employed, low paid) and low paid in subsequent years. Switching between parents is bureaucratic undertaking and the GYET (until child is 8) is only given if one parent stays at home with children (which is usually mother)</p>	<p>parents can switch periods of working and leave. Insurance-based leave cannot be combined with working (maternity leave and GYED) . Non-insurance base benefits can be received while working (GYES non-insurance based, parents can also work, GYET has as condition that one parents stays at home full-time</p>	<p>NO</p>
<b>Ireland</b>	<p>WEAK</p> <p>leave is unpaid non-transferable individual entitlement</p>	<p>consecutive or in two blocks (minimum of 6 weeks per block). For children born after the first child the leave has to be taken within a period of 12 months.</p>	<p>NO</p>
<b>Italy</b>	<p>WEAK</p> <p>leave is individual but transferable entitlement, which is badly paid. There is small incentive for father to take 3 months leave, because in that case parents together may take 11 instead of 10 months leave.</p>	<p>father can start taking up leave while mother is still on maternity leave. Parents can fragment the leave into days, weeks or months.</p>	<p>NO</p>
<b>Latvia</b>	<p>WEAK/MODERATE</p> <p>parental leave is an individual right of each parent. Parents can take the leave one after the other and only until child is 1,5 years the leave is paid (medium and low)</p>	<p>parental leave can be taken consecutively or in blocks, only one parent at a time can receive the parental leave benefit payment.</p>	<p>NO</p>

<i>Table c</i>	<b>Parental leave-incentive fathers to take up</b>	<b>Parental leave - possibilities for flexible uptake</b>	<b>Universal right to work reduced/part-time hours ?</b>
<b>Lithuania</b>	WEAK/MODERATE parental leave is family entitlement that is transferable. It is paid highly during the first two years which provides an incentive for father to take up.	Can be taken in blocks (one parent after the other). Can be taken part-time, but then benefit is lower, while payment still ends when child is two years old. This discourages part-time uptake.	NO
<b>Luxembourg</b>	WEAK/MODERATE parental leave is an individual non-transferable right. The leave is only paid for one parent and moreover; one parent has to take the leave immediately after maternity leave, while the other can take it until child is 5.	can be taken as 6 months full-time or as 12 months part-time.	NO
<b>Malta</b>	private sector: WEAK public sector: WEAK ( when one parent works in private sector) or ABSENT (when both work in private sector, since then the leave is family entitlement and unpaid)	private sector: leave can be taken in three blocks of one month each public sector: one can take up one time only 3,6,9, or 12 months of leave. Outstanding leave is lost. If parents both work in public sector they can switch once.	NO
<b>Netherlands</b>	WEAK leave is (almost) unpaid non-transferable individual entitlement	leave is in principle to be taken during a continuous period of maximum twelve months with maximum half time leave. The employee can also request employer to extend this twelve month period or to split the leave in blocks. Employer may only refuse in case of weighty company interests.	YES In Netherlands all employees have the right to work more/less hours i.e. to work part-time (Act on the Adaptation of Working Hours). Also, the Act on Working Hours widens the authority of employees on working times i.e. makes it easier to diverge from standard 9 to 5 working days.
<b>Poland</b>	ABSENT parental leave is family entitlement, which is totally transferable and which is low paid if people earn little or unpaid for all others	parental leave can be replaced by part-time employment or taken in parts (max. 4) It can be shared between parents. Both parents can take childcare leave in the same time for period not longer than 3 months. Employee entitled to childcare leave have rights to part- time employment, and since 2009 is protected from being dismissed for period of one year after returning from maternity leave	NO
<b>Portugal</b>	STRONG parental leave is an individual non-transferable entitlement with high payment.	from 3 months full-time or up to 12 months part-time or combination of full-time/part-time. Also, mothers as well as fathers are allowed two 1 hour breaks each day until child is one (or until mother stops breastfeeding).	parents of children up to twelve are entitled to work part-time or to have flexible working hours.
<b>Romania</b>	WEAK parental leave is a family entitlement, which is however not transferable. The parents have to choose who of them will take the leave. The leave is highly paid and this can be an incentive for fathers (especially if the fixed rate is higher than their own income)	No possibilities for part-time uptake or taking the leave in blocks (leave is linked to age of child and not expressed in number of weeks). Also parents cannot take blocks of leave one after the other.	NO

<i>Table c</i>	<b>Parental leave-incentive fathers to take up</b>	<b>Parental leave - possibilities for flexible uptake</b>	<b>Universal right to work reduced/part-time hours ?</b>
<b>Slovakia</b>	<p>ABSENT</p> <p>parental leave is family entitlement that is transferable and is paid at low flat rate.</p>	<p>Parental leave on part time basis is not allowed, but parents can switch during the leave (so blocks are possible). The leave starts after maternity leave has finished. parent who is on parental leave cannot be employed or self-employed. For parents who are working there is a new instrument valid since 2009 - child care allowance - that basically reimburses the expenses for professional child care up to the amount of 158,69 Euros (the sum of parental leave) or in case of non-professional child care, e.g. grandparents the sum is 25% of parental leave</p>	NO
<b>Slovenia</b>	<p>MODERATE</p> <p>parental leave is a family entitlement that can be shared between the parents, and is fully paid. The full payment might increase the incentive for fathers to take up.</p>	<p>parental leave starts after maternity leave has finished. One of the parents has a right to leave in order to look after or care for a child for a period of 260 days <i>immediately upon expiry of maternity leave</i>. The leave can be taken in full by the father or the mother or each can take a part.</p>	NO
<b>Spain</b>	<p>ABSENT</p> <p>parental leave is family entitlement that is transferable and is hardly paid.</p>	<p>Can be taken in shorter periods or in part-time way or as working hours reduction. One parent at the time can use it.</p>	NO
<b>Sweden</b>	<p>MODERATE/STRONG</p> <p>parental leave is individual non-transferable entitlement that might - depending on how parents share the paid weeks - be highly paid</p>	<p>Several options:  - part-time, in blocks. Leave can be taken as a whole day, half day, quarter or eighth of a day (this also counts for maternity and paternity leave)  parents can take leave at same time, but only one can receive payment (except for 10 days paternity leave around birth)</p>	<p>parents with child under 8 are allowed to reduce working time with 25 %</p>
<b>United Kingdom</b>	<p>WEAK</p> <p>parental leave is a non-transferable individual entitlement and is unpaid.</p>	<p>Not very flexible: parents can take maximum 4 weeks parental leave a year (this is the fall-back scheme, parents can agree on better rules with their employers), but part-time leave is not possible.</p>	NO

Sources: see bibliography

## **Annex 2**

Explanation on how the values for each country on the analyzed aspects of leave regulations were determined

### **MATERNITY LEAVE**

- **Values for 'duration maternity leave'**

(Range of all EU27 countries' regulations – independent of whether the whole period is paid or not – is: 8,5 weeks<sup>10</sup> to 52 weeks<sup>11</sup>)

Very short- Short:	8,5-14 weeks: 8.5 is shortest leave in the range, 14 weeks is the EU minimum requirement set by the EU
Moderate:	15 – 19 (3,5 to 4,5 months)
Long:	20 – 26 weeks (more than 4.5 to 6 months)
Very long:	more than 26 weeks (more than 6 months)

- **Values for 'maternity leave payment'**

Maternity leave can theoretically be:

- *Unpaid*
- *Paid* (percentage of previous wage or a flat rate payment)
- *Fully paid* (100% of previously earned wage)
- *Partly* (fully) paid, partly unpaid

#### Paid: high, low or medium?

When maternity leave payment is percentage of earnings then the values have been determined on the following basis:

High:	payment above 75% of wage but less than fully paid
Medium:	payment between 50-75 % of wage
Low:	payment lower than 50% of wage

When maternity leave payment is a flat rate/fixed payment, then the values high/medium/low have been determined by comparing the flat rate payment with the minimum wage of the country. There is data available on how the minimum wage relates to the average gross monthly wages earned in each country.<sup>12</sup> In some member state countries no statutory national minimum

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<sup>10</sup> Sweden

<sup>11</sup> United Kingdom

<sup>12</sup> Eurostat (author: Pierre Regnard). 2008. Statistics in Focus. Minimum wages 2008. Doc. No. 105/2008. [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-SF-08-105/EN/KS-SF-08-105-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-08-105/EN/KS-SF-08-105-EN.PDF)

wage exists (Austria, Germany, Denmark, Finland, Sweden, Italy and Cyprus). For those countries the flat rate payment has, whenever possible, been compared to the average gross monthly wage.

High: flat rate payment is above 75% of average gross wage  
Medium: flat rate payment is between 50-75% of average gross wage  
Low: flat rate payment is lower than 50% of average gross wage

Maternity leave payment can theoretically also be *partly paid and partly unpaid* :

When determining the payment value in such cases, it is not the average that has been looked at. Because people probably do not make their choice to take up leave or not on the basis of the height of the benefits that they will receive *on average during the total period of leave* to which they are entitled. In the overview table in Annex 1 differentiation will be made between the part that is paid and part that is unpaid. A separate value will be attached to both parts.

## PATERNITY LEAVE

- **Values for 'duration paternity leave'**

(Range of all EU27 countries' regulations – independent of whether the whole period is paid or not – is: no paternity leave<sup>13</sup> to 90 days<sup>14</sup>)

No paternity leave:	zero working days
Short paternity leave:	1-5 working days (1 day until 1 working week)
Moderate paternity leave:	6-10 working days (until 2 weeks)
Long paternity leave:	11-30 working days (up to 6 weeks)
very long paternity leave:	31-90 working days (more than 6 weeks)

- **Values for 'payment paternity leave'**

Paternity leave can theoretically be:

- *Unpaid*
- *Paid* (percentage of previous wage or a flat rate payment)
- *Fully paid* (100% of previously earned wage)
- *Partly* (fully) paid, partly unpaid

Paid: high, low or medium?

When paternity leave payment is percentage of earnings then the values have been determined on the following basis:

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<sup>13</sup> Austria, Bulgaria, Cyprus, Czech Republic, Germany, Ireland, Italy, Poland and Slovakia

<sup>14</sup> Slovenia

High: payment above 75% of wage but less than fully paid  
Medium: payment between 50-75 % of wage  
Low: payment lower than 50% of wage

When paternity leave payment is a *flat rate/fixed* payment, then the values high/medium/low have been determined by comparing the flat rate payment with the minimum wage of the country. There is data available on how the minimum wage relates to the average gross monthly wages earned in each country.<sup>15</sup> In some member state countries no statutory national minimum wage exists (Austria, Germany, Denmark, Finland, Sweden, Italy and Cyprus). For those countries the flat rate payment has, whenever possible, been compared to the average gross monthly wage.

High: flat rate payment is above 75%of average gross wage  
Medium: flat rate payment is between 50-75% of average gross wage  
Low: flat rate payment is lower than 50% of average gross wage

Paternity leave payment can theoretically also be *partly paid and partly unpaid* :

When determining the payment value in such cases, it is not the average that has been looked at. Because people probably do not make their choice to take up leave or not on the basis of the height of the benefits that they will receive *on average during the total period of leave* to which they are entitled. In the overview table in Annex 1 differentiation will be made between the part that is paid and part that is unpaid. A separate value will be attached to both parts.

## **MATERNITY-PATERNITY LEAVE GAP**

The maternity-paternity leave gap is the gap between the length of the maximum possible maternity leave minus the length of the maximum possible paternity leave. From this gap 12 weeks must be subtracted, because this gap of 12 weeks is justified by the biological difference between the genders (women being the gender that bears and gives birth to children). The final gap shows the difference in maternity and paternity leave weeks that is not justifiable by merely looking at biological difference.

Negative

Absent = 0  
Very small = 1-2  
Small = 3-4  
Moderate = 5-6  
Big = 7 and more

## **PARENTAL LEAVE**

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<sup>15</sup> Eurostat (author: Pierre Regnard). 2008. Statistics in Focus. Minimum wages 2008. Doc. No. 105/2008. [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-SF-08-105/EN/KS-SF-08-105-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-08-105/EN/KS-SF-08-105-EN.PDF)

- **Values for 'duration parental leave'**

Range of all EU27 countries' parental leave independent of whether the leave is paid or not is: 6 months<sup>16</sup> up to eight years.<sup>17</sup> In case parental leave is an of individual entitlement father's and mother's entitlements are added in order to calculate the total length of parental leave.

Short :	6 months (is EU minimum requirement of two times 3 months individual entitlement per parent) to 7 months
Moderate:	more than 7 months – 12 months
Long:	more than 12 months – 2 years
Very long	more than two years

- **Values for 'payment parental leave'**

Parental leave can theoretically be:

- *Unpaid*
- *Paid* (percentage of previous wage or a flat rate payment)
- *Fully paid* (100% of previously earned wage)
- *Partly* (fully) paid, partly unpaid

Paid: high, low or medium?

When parental leave payment is percentage of earnings then the values have been determined on the following basis:

High:	payment above 75% of wage but less than fully paid
Medium:	payment between 50-75 % of wage
Low:	payment lower than 50% of wage

When parental leave payment is a flat rate/fixed payment, then the values high/medium/low have been determined by comparing the flat rate payment with the minimum wage of the country. There is data available on how the minimum wage relates to the average gross monthly wages earned in each country.<sup>18</sup> In some member state countries no statutory national minimum wage exists (Austria, Germany, Denmark, Finland, Sweden, Italy and Cyprus). For those countries the flat rate payment has, whenever possible, been compared to the average gross monthly wage.

High:	flat rate payment is above 75%of average gross wage
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<sup>16</sup> Malta (private sector), Belgium, Cyprus, Finland, Ireland, Portugal, and UK

<sup>17</sup> Hungary

<sup>18</sup> Eurostat (author: Pierre Regnard). 2008. Statistics in Focus. Minimum wages 2008. Doc. No. 105/2008. [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-SF-08-105/EN/KS-SF-08-105-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-08-105/EN/KS-SF-08-105-EN.PDF)

Medium: flat rate payment is between 50-75% of average gross wage  
Low: flat rate payment is lower than 50% of average gross wage

parental leave payment can theoretically also be partly paid and partly unpaid :

When determining the payment value in such cases, it is not the average that has been looked at. Because people probably do not make their choice to take up leave or not on the basis of the height of the benefits that they will receive *on average during the total period of leave* to which they are entitled. In the overview table in Annex 1 differentiation will be made between the part that is paid and part that is unpaid. A separate value will be attached to both parts.

- ***Establishing values for the incentive for fathers to take up parental leave***

If the parental leave regulations of a country match with the description under one of the values below, then this value was put in the overview table in Annex 1. However, not all parental leave regulations exactly fit into one of the descriptions below. Therefore, on the aspect of whether or not and to what extent fathers are incentivized by the system to take up the leave there always is included a short explanatory note for each country in the overview table.

Four aspects have been taken especially into consideration in deciding upon the values below:

- Is parental leave a family entitlement or an individual entitlement. The assumption is that when it is an individual entitlement – i.e. days are specifically reserved for the father and if he does not take them they are lost – this will provide more incentive for father to take up leave than when parental leave is a family entitlement – i.e. no days specifically reserved for the father, if he does not take any days, the days are not lost but can still be used by partner/mother.
- Payment: the assumption is that the higher the payment the higher the incentive for fathers to take up the leave (the experience being that if parental leave is badly paid the take-up rates go down).
- Whether or not there 'extra's or bonuses' built into the system that the father can 'earn' if he uses a certain amount of the leave
- How the above aspects combine. For example, if the leave is paid at 70% of previous earnings this will have different implications for the take-up rate of the leave by fathers in countries where the leave is an individual entitlement as compared to countries where the leave is a family entitlement (it is often the case that mothers earn less than the fathers, in that case the incentive in case of family entitlement will be for the mother to take all the leave, because in that way the least family income will be lost).

### Absent

This is the right classification for systems where parental leave is family entitlement and where no measure whatsoever stimulates father to take up some of the leave i.e. payment is absent or low, no days reserved for the fathers, no extra's to 'earn' when father takes up a portion of the leave. In such case, the incentive that the mother takes (almost) all of the leave will be strong.

### Present - weak

Countries where parental leave is an individual non-transferable entitlement but where the leave is unpaid belong to this category + countries where parental leave is a family entitlement, where it is medium paid, but where leave is totally transferable (no days especially reserved for father) + countries where leave is family entitlement, where it is low/medium paid and extra's can be 'earned' when father takes up a certain part of the parental leave days.

#### Present-moderate

Countries where parental leave is a family entitlement, where it is low/medium paid and where there is father quota i.e. days that are specifically reserved for the father. If he does not take these days, they are lost (cannot be transferred to the mother) + countries that have individual nontransferable right which is low/medium paid + countries where parental leave is a family entitlement that is highly/fully paid but totally transferable (no days especially reserved for father).

#### Present-strong

Countries where parental leave is an individual non-transferable entitlement and where it is highly paid/ countries where parental leave is family entitlement, where it is highly paid and where there is a father quota, i.e. days that are specifically reserved for the father. If he does not take these days, they are lost (cannot be transferred to the mother).

- ***Difference between 'flexible uptake' and 'universal right to work at reduced/part time hours'***

With 'flexible uptake' I mean flexible uptake of the parental leave. This can have different forms, such as taking the leave in blocks or taking the leave part-time. The degree of flexibility in taking the leave in blocks (how many blocks of what length?) or part-time (only half-time or also other proportions) can vary from country to country. With 'right to work at reduced/part time hours' I denote whether or not in a country a universal right for all workers exists to ask for less/more working hours and/or to ask for adaptation of working times. Parents can use such rights also after they have used all parental leave and after the period in which they are allowed to take parental leave (usually until child reaches a certain age), which can make it easier for them to combine work and care.