

Box 3.2 Parental leave: Shared or individual rights?

An important element in the design of parental leave entitlements is whether the provisions are shared entitlements or are non-transferable entitlements between parents. For the most part, parental leave provisions are normally available for both women and men. Countries that set aside **parental leave only for mothers** are rare today, with just a few, such as Guinea, Jordan and Kuwait (though parental leave in the latter is not mandatory and can be granted by the employer for four months), reserving parental leave solely for women. In Bulgaria and Chile, parental leave is provided for women alone, although men may take a portion of parental leave if the mother agrees.

As countries move towards greater gender equality in their legislation and policies, most countries are setting out parental leave as a **shared entitlement**, where either the mother or the father has the right to take parental leave and the parents determine the allocation of leave themselves. Countries adopting this approach include Albania, Cuba, Estonia, Finland, New Zealand, Uzbekistan and many others. Cuba extended parental leave to fathers in 2003 to promote shared responsibility for childcare. Following maternity leave, the mother and father can divide parental leave, which is available throughout the child's first year, paid at 60 per cent of maternity leave (ILO-UNDP, 2009). In 2013, **Finland** turned the father's bonus of 24 working days, in addition to the 18 working days of paternity leave, into a 54-day paternity leave. This change resulted in the abolition of the former "daddy's month" and the related four bonus weeks for fathers who took

the last two weeks of parental leave which was available to either parent. While the total number of "father only" leave days remains the same (54 working days), the reform removed an incentive for fathers to take a portion of parental leave, extending by two weeks the family leave period (shared entitlement), which is almost always taken by the mother (Salmi and Lammi-Taskula, 2013).

Even when parental leave may be taken by either women or men, in practice it is usually women that take it up (see below). In order to encourage men's take-up of parental leave, policy attention has recently focused on allocating **individual rights to parental leave**, which cannot be transferred to the other parent, so that fathers who do not use their "quota" lose it (Haas and Hwang, 2008). This is the approach of the EU under the Directive on parental leave, as discussed earlier, which sets out that parental leave should, in principle, be granted on a non-transferable basis as a means of promoting equal opportunities for and equal treatment of men and women. Sweden was the first country to grant men and women equal access to *paid* parental leave in 1974. Few men took parental leave, however, so, in 1995, **Sweden** introduced a non-transferable "daddy's month" and extended this leave to two months in 2002, with pay at 80 per cent of income. Norway also has a non-transferable leave period of 14 weeks to encourage men's take-up of childcare responsibilities (Haas and Hwang, 2008). Germany and Portugal too provide non-transferable allocations of paid parental leave for fathers (O'Brien, 2009). →

not only for improving gender equality in the labour market and at home, but also for the mutual benefit of fathers and children, increasing men's involvement, care and time with their children over the longer term (see, for example, Haas and Hwang, 2008; Smith, 2008; Tanaka and Waldfogel, 2007, p. 421). More equitable parental leave policies also increase the likelihood that women will return to employment after leave and spend more time in paid work (Patnaik, 2012, 2013). Since partner presence and support have an important influence on a mother's decision to breastfeed, the high levels of take-up among men of long and flexible leave schemes also seems related to the significant rates of breastfeeding in Sweden and Iceland. For instance, 74 per cent of children were being breastfed for more than

six months in Iceland, even though 36 per cent women had returned to work at that time (O'Brien, 2009).

The region that has made the most significant progress in developing maternity, paternity and parental leaves to promote gender equality in the labour market and in family life is the EU. In 2000, the Resolution of the Council and of the Ministers for Employment and Social Policy on the balanced participation of women and men in family and working life called on EU Member States to improve rights for men to paternity leave and to adopt other measures enabling men to support family life, thereby encouraging working men and women to share the care of children and other dependants (EU, 2000). In 2010, the Council of the European Union adopted a Framework Agreement by the European