

the labour market (ILO CEACR, 2014). Work–life balance measures, including quality working time schemes, (e.g., part-time work with pro-rata entitlements), should be made available to all women and men, irrespective of their sex and family status, as a way of effectively neutralizing the potential “penalty” associated with being a worker with family responsibility (ILO, 2011a).

### 3.3 Adoption leave

*Where national law and practice provide for adoption, adoptive parents should have access to the system of protection offered by the Convention, especially regarding leave, benefits and employment protection.*

**Recommendation No. 191, Paragraph 10(5)**

As indicated by Recommendation No. 191, maternity leave provisions in accordance with Convention No. 183 shall be available for adoptive parents in member States that provide for adoption. This allows the adoptive parents to adapt to the arrival of the child.

In some countries, adoption leave provisions have been enacted that are similar to, or the same as, the provisions for maternity or parental leave. In Senegal and the United Kingdom, for example, the benefits and leave provided for maternity are also available for adoption. In Colombia, all of the benefits available to biological mothers are also available to adoptive mothers of a child under 7 years old.<sup>25</sup> In Brazil, adoptive mothers have the same rights as biological mothers.

The day when the child arrives in the home of the adoptive parents is counted as the date of birth in legislative terms.<sup>26</sup> However, in some countries, parents have the right to start the leave earlier if they have to bring the child from another country. In Iceland, parental leave for adoptive parents starts on the day the child enters the home.<sup>27</sup> In other countries, special leave provisions exist in the case of adoption. In Australia, adoptive parents are entitled to the same parental leave benefits as biological parents, namely 18 weeks of paid leave at the national minimum wage.

In many countries, the leave entitlement for adoptive parents is shorter than for biological parents, because

the prenatal leave often available to natural mothers is eliminated. In Tajikistan, for example, adoptive mothers are entitled to 70 days of paid maternity leave for adopting a newborn, which corresponds to the postnatal leave period available to biological mothers. Adoptive parents, however, are entitled to a further 18 months of childcare leave, in line with the parental leave policy for biological parents. In Mongolia, women and single fathers adopting an infant are entitled to the same leave and benefits as women on maternity leave until the child reaches the age of 60 days, while biological mothers are entitled to 120 days of maternity leave. In Uzbekistan, adoptive mothers are eligible for the postnatal portion of the maternity leave available to biological mothers, as well as to parental leave.

According to the EU Directive on parental leave, the individual right of men and women workers to parental leave for at least three months should also apply in the case of adoption of a child.

In the case of adoption, obviously no recovery from childbirth is needed for the woman. Nevertheless, when adoption leave provisions are available, only women workers have access to such leave in several countries. In Peru, for example, a worker applying to adopt is entitled to leave for 30 calendar days, provided that the child is under 12 months of age. However, if the workers applying to adopt are married, the leave must be taken by the woman. Adoption leave is also limited to women workers in Albania, Costa Rica, Guatemala, South Africa and the Bolivarian Republic of Venezuela. In other countries, adoptive fathers are only eligible for adoption leave in limited circumstances, such as when they are single parents or if an adoptive mother does not take the available leave.<sup>28</sup>

Adoptive fathers often qualify when the adoption leave is provided within parental leave schemes.<sup>29</sup> According to Recommendation No. 191, however, leave should be available to both parents adopting a child, which is the case in a number of countries. For example, in Iceland, each parent has an independent, non-transferable right to maternity/paternity leave of up to three months upon the adoption of a child, as well as a joint right to three additional months, which can either be taken by one of the parents or split between them. In New Zealand, adoptive parents have the rights to both maternity and paternity leave.<sup>30</sup>