



The EU Mutual Learning Programme in Gender Equality

Instruments to foster long-term paternal involvement in family work

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Comments Paper - Cyprus



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Minimal policies of fostering long-term paternal involvement in family work

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1. Parental, paternity leave and child care

1.1. Background and policy context

The single policy issue of the settlement of the Cyprus conflict and division dominates the political agenda, over-shadowing other policies, including social policy and gender equality. EU accession acted as a strong catalyst for modifying social policies already since application for EU membership and the beginning of accession negotiations in March 1998. At the time of the “acquis screening,” there was no national legislation regarding parental leave which was then prepared for the adoption and implementation of the Parental Leave Directive. Pre-existing legislation was also amended such as the 1987 Protection of Maternity which provided for a 2-week paid maternity, then increased to 14 (1994 amendment), 16 and presently 18 weeks. In addition to well-established policies such as the Maternity Leave, 2 main instruments focus primarily on fostering paternal involvement: Parental and paternity leave:

First, the *Law on Parental Leave and Leave on Grounds of Force Majeure* (no. 69(I)/2002) which allows since the 2012 amendment (no. 47(I)/2012) 18 weeks. Second, the new paternity law passed in July 2017 and effective as of August 1, 2017 gives working fathers of new-borns 15 days of paid paternity leave to be used during the 16 weeks that maternity leave is in effect. Policies of institutional child care and the lack of flexible working time (FWT) do not directly foster paternal involvement in family work.

Although Cyprus has not yet experienced a “paradigm shift,” as the family policy changes in the German case, the new paternity policy is a significant shift in Cyprus policy. Cyprus has not waited for a new directive on Work-Life Balance for Parents and Carers but adopted its own policy in the same direction as the EU proposal and existing legislation in other member states. Cyprus implemented the law on paternity leave, while waiting for developments at the EU level in strengthening parental leave.

1.2. Parental Leave

The Law on Parental Leave and Leave on Grounds of Force Majeure (no. 69(I)/2002) has a low take-up, primarily because the leave is unpaid. The 2012 amendment increased the leave from 13 to 18 weeks, and up to 23 weeks for widowed parents. The leave is for each child and has to be taken until the child turns 8 (or 12 in the cases of adoptions), and 18 for children with disabilities. The 2010 amendments first attempted to address the take-up problem by allowing the transferability of the leave from fathers to mothers. This provision was again modified two years later with the 2012 amendment allowing the transferability from one parent to the other, with the condition that the transferring parent has used at least 2 weeks of leave. Other 2012 amendments included the following: the protection of workers against unequal treatment who have applied for, or taken parental leave; the application of the law to

all forms of employment, including part-time, fixed-term, and temporary employment; the requirement that all subsequent fixed-term contracts for the same employer are calculated together as fulfilment of the minimum employment duration for taking leave; and the consideration of applications of schedule modifications of returning parents to work after leave. The law also provides for 7 unpaid days annually for family emergency reasons covering illness and accidents requiring the care for dependants.

The amendments to the Parental Leave Law have not contributed to increasing the take-up rate. The last data available were for the period 2003-2011, during which a total of 1,007 parental leave applications were submitted, of which 934 were women and 73 men. In the period 2003-2007, only 294 applications were recorded, consisting of 283 women and 11 men. The comparative study 'Parental Leave in European Companies, Establishment Survey on Working Time 2004–2005' categorises Cyprus in the group of EU countries with unpaid parental leave and the lowest take-up rates. The study noted that only 1% of establishments with experience of parental leave have had at least one father on parental leave in Cyprus.

Data from the 2007 OECD Family Database based on parental leave national questionnaires show the gender differences in the use of leave entitlements. The ratio of fathers taking at least one day of parental leave compared to the corresponding number of mothers is less than 8 men for 100 Cypriot women. Hundreds of applications for the new paid paternity leave have already been submitted within 2 weeks of the entry into force of the new law in August 2017, demonstrating that the paid nature of the latter in contrast to the unpaid parental leave is one of the most important contributing factors of the take-up rate among men.

1.3. Paternity Leave (2017)

Unlike the well-established maternity leave amended multiple times, the paternity leave law was just recently adopted in 2017. In September 2016, the Commissioner of Administration and Human Rights (Ombudsman) announced a report proposing the adoption of paid paternity leave in order to address inequality in employment between men and women and gendered divisions of care within the family. The report was prepared in response to a complaint submitted to the Ombudsman by a male teacher, requesting equal treatment of men by providing a leave for caring for children at birth. The proposal was then submitted to the Minister of Labour by the Ombudsman. The latter had previously (in February 2016), stated that an actuarial study had estimated the cost of this leave at 10 million. In response to a parliamentary paternity leave proposal, the minister clarified that the paternity leave could not be adopted without raising contributions, which at the current state of the Social Insurance Fund was problematic. The parliamentary proposal tabled was seeking a total of four weeks paternity leave.

The paternity law passed in July 2017 and effective as of August 1, 2017 gives working fathers of new-borns 15 days of paid paternity leave to be used during the 16 weeks that maternity leave is in effect. This also includes surrogate births and adoptions of children up to 12 years. Fathers eligible to apply are those who have paid contributions to the social insurance fund. Applicants are required to inform their employers 15 days prior to the beginning of their leave. The leave is payable for two consecutive weeks from the birth or adoption date at 72% of the applicant's weekly salary. The 2 week leave can be extended for those cases when the maternity leave is extended, including the birth of twins with an extra 2 weeks of leave. A law in May 2018 extended the right to paternity allowance to unmarried men and those who have not entered into a civil partnership. The new law requires a sworn statement by both

parents that they live under the same roof. In June 2018, the president refused to sign the law and referred the law back to the Parliament due to unconstitutionality. The House plenum rejected the president's referral and the Supreme Court will now litigate on the issue.

1.4. Institutional Child care

The outstanding characteristic of childcare services is its part-time nature. For children younger than the compulsory school age (4 years and 8 months), childcare outside the home is organised in public and private kindergartens and within the home increasingly by domestic workers and grandparents (the high gender employment gap among older workers could partly be associated with unpaid care within families for grandchildren and care for elderly parents). Out-of-school childcare facilities for children of school-going age are not adequately developed. All-day public schooling is only available for a small number of primary schools and its operating hours are limited. In Cyprus, there is no system of public funding of private childcare through vouchers. The demand for out-of-school care both in quantitative and qualitative terms is not met.

The 2011 Cyprus National Reform Programme recognised that the 'insufficient provision of high quality and affordable care facilities for children and other family dependants hinders labour market participation., especially of women'. Despite this clear admission, there is no corresponding policy action to address these 'insufficiencies'. The liberalisation of migration policies to allow fixed-term work visas for migrant domestic workers allowed the accessibility and affordability of childcare service within private households for a large number of middle and high income families. Third country female migrants act as a substitute in the absence of adequate public childcare structures.

1.5. Flexible Working Time (FWT)

There are no forms of flexibility in working times, apart from the provision of maternity, paternity and parental leaves. A 2009 study a proposal at the MLWSI in examined strengthening reconciliation policies through rendering the parental leave paid and more flexible. The economic crisis postponed the proposal and is now replaced by the paid 2-week paternity leave, as of August 2017. Other ESF co-funded programmes subsidised part of businesses cost (65%) of hiring new employees under FWT over a specified period. This programme has been successful in terms of the number of applications received. Although the response to this type of employment creation was high, the positions created are uncertain and short term due to the employers' inability to continue employment beyond the end of the subsidising period. FWT have been adopted at company level and recognized as a good practice in the context of the Gender Equality Certification Body (Department of Labour Relations). This business certification was awarded for implementing good practices to promote gender equality, including FWT but the emphasis was on women. A Working Mothers Scheme allowed female employees flexible working arrangements after having children (and before they reach 18 years of age): flexible working hours, reduced hours, compressed work week, tele-working).

2. Policy Debate

The main current policy debate is in relation to the recently adopted paternity leave. Just two weeks after the implementation of the August 2017 law, single fathers had already raised criticism that the law does not cover them, as eligibility depended on marriage or cohabitation agreement. Gender equality NGOs had also criticized the short duration of the leave which does not correspond to the actual needs of families with new-borns. Discussions to amend the paternity law to include single fathers resulted in the passage of law in May 2018, which is currently examined at the Supreme at the Court for unconstitutionality.

The immediate success, positive response and high take-up rate of paternity leave as soon it went into effect in August 2017 highly contrasts to the failure of increasing the take-up rate of parental leave among men. The main difference is that paternity leave is compensated at 72% on insurable whereas parental leave remains unpaid. The inaugural enthusiasm as shown by the high number of applications during the first month (August 2017) that the law went into effect, did not continue. Monthly data of paternity leave and maternity leave applications until February 2018 show that paternity leave applications are on average 60% of maternity leave applications.

Another criticism coming mainly from the opposition PARTY AKEL is that the two week paternity leave is not obligatory and thus allows employers to pressure fathers to not making use of their right. In contrast, 11 of 18 weeks are obligatory for maternity leave. Discussions also focus on the combined compensation rate at 72% of insurable earnings; the combined reduction of income for both earners puts low-income households in financial difficulty at the same time when needs and expenses are higher in the family. Other problems discussed is the delay of approving the applications for paternity leave, rendering the timing of simultaneous taking of maternity and paternity leave difficult. Future developments relate to the proposed Directive on Work-Life Balance for Parents and Carers, likely to additionally strengthen parental leave.

3. Transferability aspects

There is a high transferability potential of the German policies for Cyprus. Guaranteeing childcare provision of children aged one, in combination with the Basic Parental Allowance, Parental Allowance Plus (PAP) and the Partnership Bonus can provide important instruments for increasing involvement of Cypriot men in family work. Such policy transfer would be beneficial for combining the current unequal duration of maternity and paternity leaves, allowing 18 weeks for mothers and only 2 weeks for men. If these two leaves would be combined under a basic parental allowance, it would allow the flexibility for possible sharing or multiple combinations of sharing responsibilities of childcare and family work. Although both maternity and paternity leaves are currently compensated at a higher rate compared to Germany, the total duration of the allowance is much lower in Germany. In Cyprus, mothers only have 16 weeks after birth, including the 2 weeks during which the father is present. Unpaid parental leave only allows an additional 5 weeks per calendar year. The possibility of 12+2 months or even 24+4 MONTHS appears difficult to implement given the size of the Cypriot economy, the domination of small size enterprises and the low availability of part-time employment both for men and women which is uncharacteristic of the labour market.

The controversy of the new paternity leave to include single fathers lies in budgetary considerations which is for a duration of only 2 weeks. The current state of the Social insurance fund is probably unable to sustain such a considerable extension of a combined parental leave allowance even at a lower rate, as is the case in Germany.

4. Conclusion and recommendations

EU membership has had a significant and extensive influence on domestic policy in Cyprus. The next significant change will likely come from EU developments in relation to the implementation of a future *Directive on Work-Life Balance for Parents and Carers*. The recent adoption of paid paternity leave even of a 2 week duration demonstrated that Cyprus will not only wait for EU developments to formulate family policy. The new policy only minimally addresses paternal involvement and does not offer long-term solutions. Germany offers comprehensive and diverse instruments to foster long-term paternal involvement in family work. The flexibility and choice available provide a good practice and transferability potential for national policy such as in Cyprus but also for the EU level.