

The Parental Leave System in Iceland

Seminar reports:

22-23 October 2008, Reykjavik

Organisation of exchange of good practices on
gender equality



This project is supported by the European Commission Programme for Employment and Social Solidarity (2007-2013) and was established to support the implementation of the objectives of the EU in the area of employment and social affairs and thereby to contribute to the achievement of the Lisbon Strategy Goals in these fields.

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THE PROJECT:

Exchange of Good Practices on Gender Equality (ref: VT/200/054)

Introduction

On 1st March 2006, the European Commission adopted the Roadmap on Equality between women and men, which identifies six priority areas of action that the Commission is committed to implementing. The Roadmap represents the Commission's commitment to driving the gender equality agenda forward, thus reinforcing its partnerships with member states. Acknowledging that gender equality policies are vital to economic growth, prosperity and competitiveness, the Commission and the Member States have also agreed that the time has come to make a firm commitment at European level to the promotion of women's employment and the consequent enhancement of their work- life balance, as well as an equal share of family responsibilities between women and men. To this end, the Member States have also adopted the European Pact for Gender Equality.

The Exchange of Good Practices on Gender Equality is therefore an effective learning instrument which can provide impetus towards and contribute to the achievement of gender equality in Europe.

Project methodology

The exchanges are organised as a rolling programme, dedicated to two Roadmap themes per year. Each theme will be assessed and disseminated through exchange seminars hosted each time by a different EU member state or EEA country to showcase one of their good practices. . Governmental representatives of EU member states and other stakeholders will attend the seminars to engage in the debate, which will be based on country reports prepared by country independent experts.

The two themes chosen by the Commission and the EU member states for 2008 are 'childcare' and 'parental leave'. The first seminar, on childcare, will be hosted by Slovenia. It will take place in Ljubljana, Slovenia, on 23 and 24 September. The second exchange will be hosted by Iceland in Reykjavik on 23 and 24 October and the topic will be parental leave.

The biannual thematic and interactive seminars will provide an opportunity for the stimulation of debate and the exchange of experiences between governmental representatives, independent gender equality experts and other relevant stakeholders.

The ultimate aim of the project is to facilitate the dissemination of good practices on gender equality in Europe and thereby enhance greater prosperity for all concerned.

Organisation of exchange of good practices on gender equality (VT/200/054)

**NATIONAL REPORT ON THE ICELANDIC EXPERIENCE
OF PARENTAL LEAVE PROVISION**

by Svala Jonsdottir

1. Overview of parental leave and gender equality in the labour market in Iceland

The participation of women in the labour market in Iceland is quite high, compared to other European countries. In 2007, 78.6% of women aged 16-74 years were employed and 87.5% of men. Men's participation in the labour force has been relatively stable since 1975, or around 85-88%. However, women's labour force participation has increased steadily, from 60% in 1975.

Of those participating in the labour market, 62% of women and 90% of men were employed full time, defined as more than 35 hours per week, leaving 38% of employed women and 10% of employed men in part-time work. The percentage of women in full-time work has been increasing. In 1983, only 39% of women worked full time, in 1995 this number had risen to 52% and in 2004 it was 63%.

The average working hours per week were 36 for women and 47 for men, and the average working hours for those working full time were 42 hours for women and 49 hours for men. In 1995, the average working hours per week were 35 for women and 50 for men, so the average working week is now one hour longer for women and three hours shorter for men than in 1995. The unemployment rate in 2007 was the same for men and women, 2.3%.

Iceland has a gender pay gap like most other western countries. In 2005, women's income from their primary employment was 63.7% of men's income, up from 56.7% in 1998. When the number of working hours has been factored into the equation, women's income is around 79% of men's income. (Statistics Iceland).

Various studies in Iceland have shown an adjusted gender pay gap of around 8-18%, depending on the groups studied. The adjusted pay gap takes into consideration factors such as occupation, working hours, education and years of work experience, to explain a part of the wage difference between men and women. What remains is considered an unexplained gender-based wage gap. There is not much indication that the gender pay gap is getting smaller in Iceland. In general,

studies show that the gender pay gap has remained the same in recent years or is even increasing. (Capacent 2006, SFR 2008).

Not much information exists to evaluate to what extent the parental leave law has been an instrument of gender equality, or whether they have improved women's labour market position. According to studies made in 2006, the majority of respondents said that the parental leave laws had significantly improved women's position in the labour market. However, there have been no significant changes in men's and women's working hours, labour force participation or the gender pay gap in the eight years that have passed since the law was changed in 2000.

2. National policy provisions, including the funding of parental leave

2.a. Description of the measure

The Icelandic Act on Maternity/Paternity and Parental Leave underwent significant changes in the year 2000. The leave was extended from six months to nine, parents who were active in the labour market were paid 80% of their average salaries during the leave and the payments should come from a specific fund, financed through an insurance levy. The leave was furthermore divided so that fathers were given three months' leave, mothers three months and the parents were given three months to share as they wished, altogether nine months.

Prior to this change, there was in effect a double system, where people's right to maternity and paternity leave depended on whether the mother worked in the private or public labour market. Women in public service had the right to six months of paid maternity leave, which included three months at the average salary she had received for the previous six months, and three months at her fixed salary. Also, the mother in public service could lengthen her maternity leave against a reduction in payments relative to the length of the leave.

In the private labour market, payments were divided into six month birth grants and per diem payments. Only mothers received the birth grants, which were a fixed

amount and were unrelated to labour market participation. The per diem payments were tied to labour market participation, and could be shared by both parents.

However, fathers did not have a separate or independent right to paternity leave, since a father's right to paid leave was based on the mother's right and the father could only receive per diem payments instead of the mother, if she wished and then only after she had received per diem payments herself for at least one month. In practice, a very small percentage of parents used their right to share maternity/paternity leave in this way under the old law.

The new law on maternity/paternity and parental leave passed on May 9, 2000, ensures that parents can get paid maternity/paternity and parental leave from the birth of a child, but also when a child younger than eight years old is adopted or placed in permanent foster care. The right to maternity/paternity leave began with birth, although a mother can start taking her leave one month before the expected date of birth.

Article two of the law states two main aims for the act. First, to ensure that children get to spend time with both parents, and second to enable both men and women to balance work and family life. In the explanatory notes with the bill, it was also mentioned that the prerequisite for the equal participation of men and women in paid labour and other activities outside the home, was that both parents divide the care for their children. So, the new law had specific objectives related to gender equality.

Under the new law, each parent has an independent right to a three month maternity/paternity leave for the birth of a child, adoption or placement into permanent foster care. In addition, both parents have a shared right of additional three months, which they can split as they wish. Altogether, the leave is nine months if both parents use their right to maternity/paternity leave.

According to the law, the mother has to take maternity leave for the first two weeks after the birth of a child. There is no such requirement for adoptions or permanent foster care. Also, the mother can start taking maternity leave a month before the birth of the child, but the father can only start taking his leave after the birth. After

that, each parent can take the leave as they wish, until 18 months after the child's birth or after the adopted or foster child enters the home.

The maternity/paternity leave can be taken part-time, or split into several time periods. However, the smallest time period each parent can take their leave is two weeks. Parents can take maternity/paternity leave at the same time or separately. It should be noted that the three months leave allotted to each parent can never be transferred to the other parent.

In addition to maternity/paternity leave, the law provides parents with the right to unpaid parental leave, which is 13 weeks for each child and can be taken until the child is eight years old. Each parent has an individual right to 13 weeks of parental leave, which cannot be transferred to the other parent. In case of serious illness or disability of the child, the right to parental leave can be used until the child reaches 18 years of age.

There is limited knowledge about the use of unpaid parental leave, since there is no formal registration of its uptake. In a Capacent Gallup survey, only about one-third of respondents knew about their right to parental leave (34.7%) and of those, only a quarter (25.5%) had used it. (Capacent Gallup 2006)

Iceland was the second country in Europe to pass a law allowing same-sex couples to adopt their partner's child. The law was passed on May 8, 2000. In 2006, lesbians in a registered partnership gained the legal right to artificial insemination and same-sex couples also gained complete rights to adoption, including adoption from abroad. Same-sex parents are treated the same as heterosexual couples by the maternity/paternity leave law.

2.b. Financing and payment of parental leave

The Childbirth leave fund was established by the new law, financed by a part of employers' insurance levy already paid by employers. The fund finances the payments for maternity/paternity leave. According to the law, parents active in the labour market are paid 80% of their average total salary during the leave, based on

a period of twelve consecutive months ending two months before the first month of the leave.

A parent gains the right to this payment after having been active in the Icelandic labour market for at least six consecutive months before the birth of a child or before a child is adopted or taken into permanent care. A parent's working period in the European Economic Area (EEA) was also taken into account, if the parent had worked in Iceland for at least one month in the last six months before the beginning of the leave.

The law also established a minimum payment for parents in part-time and full-time work, regardless of their salaries. Also, parents who have not been in the labour market receive a set amount per month. Self-employed parents who give up work during their maternity or paternity leave receive 80% of their calculated owner's income.

Originally, there was no maximum amount set regarding payment from the fund in the new law, so that parents were entitled to 80% of the average total salary, regardless of their salary. In 2004, the law was changed so that a maximum monthly payment of 480.000 ISK was imposed, which meant that parents with average monthly salaries of more than 600.000 ISK actually received less than 80% of their previous salary during the leave. This amount has since been raised with regulations.

This was a part of proposed changes to the law which were intended to strengthen the maternity/paternity leave system and somewhat limit payments from the fund. The reason for the change was that the payments from the fund were higher than previously estimated, mostly due to more participation from fathers than expected. The changes also included an increase of the insurance levy in order to fund the leave fund.

The time spent in maternity/paternity leave is considered time in employment, when the right to summer vacation, sick leave and unemployment benefits is calculated. Parents in maternity/paternity leave pay the legally mandatory 4% into pension

funds, the same as other employed people in Iceland, and the childbirth leave fund pays the 6% that an employer would normally pay. Also, parents taking maternity/paternity leave can pay additional payments into private pension funds and the childbirth leave fund will then pay the legally required employer's supplement.

3. National evaluation of parental leave and results

There has not been a comprehensive, national evaluation of the parental leave and results carried out in Iceland. However, there have been several smaller studies made, which attempt to measure the effect of the new maternity/paternity leave.

Studies made in 2006 showed that women's attitudes towards promotions and management position changed between 1994 and 2006. Before, marriage and childbirth decreased women's interest in both, but in the latter study they did not. Also, a Gallup survey in 2006 showed that the majority of respondents thought that the parental leave laws had significantly improved women's position in the labour market

In addition, the change in the law has resulted in some men being terminated after paternity leave, something that only happened previously to women after maternity leave. This was reported both in an annual report of a trade union and a Capacent Gallup survey. These surveys are discussed in more detail in chapter 5 of this report.

4. Integration with other policy areas, including flexible working time and the reconciliation of work and family life for women and men

As mentioned before, one of the two main aims of the Act on Maternity/Paternity and Parental leave is to enable both men and women to balance work and family life. The same goal is stated as one of the main aims of the Icelandic Act on the Equal

Status and Equal Rights of Women and Men from 2008. In the equal status law, companies with more than 24 employees are required to create a gender equality plan or include special provisions regarding gender equality in their personnel policy. This plan or policy shall be revised every three years, and the Centre for Gender Equality can ask companies for progress reports within a reasonable time frame.

One of the areas such an equality plan or personnel policy is required to cover by law, is the right to balance work and family life. Specifically, the act states that employers shall take the necessary measures to enable women and men to reconcile their occupational and family obligations. Such measures shall promote increased flexibility in organizing work and working hours, taking into account the needs of the labour market and the family situation of employees, such as making it easy for them to return to work after maternity/paternity leave or parental leave, or time off from work on grounds of force majeure for urgent family reasons.

The Centre for Gender Equality is the public body responsible for the administration of the Act on the Equal Status and Equal Rights of Women and Men. The new act passed in 2008 gives the centre greater authority to monitor compliance with the law. The centre now has the power to impose fines if a company does not comply with the law's requirements to create an adequate equality plan or include gender equality in its personnel policy. The centre has not yet imposed any fines on companies, but according to information from the centre, it is planning a campaign next year regarding the duty of employees to create adequate equality plans or policy measures.

In a Gallup poll conducted in 2003, a sample of Icelanders aged 25-64 were asked about their work. When asked about reconciliation between work and private life, 31% replied that they had experienced conflicts. According to the study, 50% had worked from home and 53% had worked flexible hours in order to meet the needs of their families. (Bjarnason 2003).

Employees of the state have a specific right by law to flexible working hours. The law covering the rights and duties of public employees states that an employee has the right to flexible working hours, provided it is not detrimental for the employer,

and that the head of the agency agrees. If an employee is denied flexible working hours, he or she can appeal to the minister responsible for the agency in question. No comparable rights exist for employees of private companies.

According to the law on day care passed in Iceland in 1994, municipalities in Iceland have the duty to provide children with quality preschools. The minister of education sets a national curriculum for preschools.. Other providers can run preschools if the municipality allows. Most children can enter preschool at two years of age or younger, but many municipalities have waiting lists for children to enter preschool.

Some municipalities have resorted to paying parents who have a child on a waiting list for preschool and the parent can then either stay at home or use the payment to pay someone else for childcare. In the capital of Reykjavík, the municipal government decided in 2008 to pay parents to stay at home with their children until they are 24 months, regardless of whether the child is on a waiting list for preschool or not. These payments have been criticized as being detrimental for gender equality, as it is more likely that mothers will stay at home than fathers.

Other municipalities are seeking different ways to bridge the gap between the end of the maternity/paternity leave and preschool. The municipality of Hafnarfjörður, which is the third largest municipality in Iceland, agreed in September 2008 to ensure that children 18 months or older should be able to enter preschool. The municipality further set the goals that in the year 2010 all children 15 months old or older would be able to enter preschool in the municipality and in 2012, all children 12 months and older, as well as priority groups such as single parents, which do not get 12 month maternity/paternity leave, would be able to enter preschool.

This plan assumes that the maternity/paternity leave will be lengthened to a total of twelve months, instead of the nine months it is now. The government of Iceland declared in 2007 that it would lengthen the maternity/paternity leave to 12 months during the current term, which ends in 2011. In January 2008, the Minister for Social Affairs said that she hoped that the leave could be lengthened from January 2009. As of the beginning of October 2008, no such proposal has been introduced in Parliament.

If the maternity/paternity leave is lengthened to 12 months in 2011 or before, and the municipality of Hafnarfjörður reaches its goal to provide all children 12 months or older with preschool in 2012, including priority groups, the municipality would in effect have bridged the gap between maternity/paternity leave and preschool, and could serve as an example of best practice in this regard.

5. Impact on gender equality

There is limited information available to evaluate to what extent the parental leave laws have resulted in greater reconciliation of work and family life, or whether they have improved women's labour market position.

A Capacent study done for the Ministry of Social Affairs in 1994 and repeated in 2006, showed that marriage and children decreased women's interest in managerial positions and getting promoted in 1994, but not in 2006. In the same study and a Gallup poll in 2006, the majority of respondents said that the parental leave laws had significantly improved women's position in the labour market. However, there have been no radical changes in men's and women's working hours, labour force participation or the gender pay gap since the law was changed in 2000.

As mentioned before, one of the main goals of the Act on Maternity/Paternity and Parental leave Act was to enable both men and women to balance work and family life. Also, the explanatory notes with the bill mentioned that the prerequisite for the equal participation of men and women in paid labour and other activities outside the home is that both parents divide the care for their children. However, there were no specific goals set in the law. It should be noted that Iceland already had a high participation of women in the labour force before the passing of the new law.

In his report "Parental leave in Iceland, Bringing the Fathers in" (2007), Ingólfur Gíslason says that it "can be assumed that the status of women and men in the labour market has been levelled somewhat due to the law." He offers two examples, one being newspaper reports in 2001 about the male-dominated Fire Department in

the Reykjavík area, which had to apply for additional funding due to the fact that many of its employees were on paternity leave and others had to work extra shifts. This of course is a problem which predominantly female workplaces have had to contend with for years.

The other example mentioned in the report is a bit more disturbing, dealing with the termination of employees while on maternity/paternity leave. According to the annual report from the VR – trade union for 2003-2004 (*Ársskýrsla VR 2003–2004* pg. 10), there was a considerable increase in instances of parents being (illegally) terminated while on maternity/paternity leave. The media coverage at the time revealed that while it was still more common that women were terminated during maternity leave, there was a marked increase in the number of fathers who reported termination during paternity leave.

This was also somewhat confirmed in the Capacent Gallup survey (Bryndís Jónsdóttir, 2006). A great majority of the respondents had returned to the same job they had prior to their maternity/paternity leave. Of those who did not, 10% (51 individuals) had been terminated. Of the women who did not return to the same job as they had before, 9% were terminated, but 14% of the men. The conclusion Gíslason draws from this is that an injustice that previously was directed only towards women, is now more equally distributed between men and women.

6. The take up of parental leave by men

There have not been any specific initiatives to facilitate the take up of parental leave by men. The take up of maternity/paternity leave in Iceland is quite high, and in this regard the Act on Maternity/Paternity leave can be considered an unqualified success.

Men's application for paternal leave as a percentage of women's applications were 82,4% in 2001, 83,6% in 2002, 86,6% in 2003, and 89,9% in 2004. So, in four short years, the uptake of paternity leave went up to almost 90%. The average leave taken by mothers is around six months and the average leave taken by the father is

around three months, so it is obvious that the leave which can be split among the parents is usually taken by the mother.

However, the number of men who took more than the minimum three months rose from 14,5% in 2001 to 17,1% in 2004, so there is a small proportion of men who take more leave than the three months specifically earmarked for them. Men split their leave more than women, that is, take their leave in separate blocks instead of all at one time. More than half of all men taking paternity leave in 2001 split their leave, compared with 29% of women. In 2004, this number had risen to 85% of all fathers splitting their leave and 46% of women.

Fathers who use the shared time, that is the three months that parents can split between them, to some or full extent have incomes considerably higher than the average. This is true for all parts of the country and all of the years the law has been in effect. Swedish studies have shown that fathers who take a relatively long paternity leave have higher salaries than men on average, and they also have a high level of education. Well-educated mothers with high salaries also have a positive impact on Swedish fathers' uptake of paternity leave. (Gíslason, 2007).

As said before, there has not been any dramatic increase in women's already high participation in the Icelandic labour market. In May of 2008, Auður Arna Arnardóttir and Margrét Jónsdóttir from the Reykjavik University introduced a study they had made, where they interviewed 600 fathers and their spouses regarding their experience of paternity and maternity leave. The questions asked had to do with the emotional connection between parents and children, as well as the participation in housework and childrearing after the end of the leave, and the parent's standing in the labour market.

The results indicate that paternity leave increases the emotional bond between a father and child, according to the participants in the study. Around 72% of fathers say that taking paternal leave has helped them to understand the needs of infants and 83% agree that taking paternal leave has increased their emotional connection with the child. However, less than 30% of the respondents agreed that the couples had a more equal standing after the maternity/paternity leave. According to the

study, housework and childrearing is still the responsibility of the mother than the father.

7. Specific initiatives that have been introduced to promote the take up and scope of parental leave provisions

There have not been any specific initiatives introduced to promote the take up and scope of parental leave provisions.

8. Elements of good practice and transferability of measures

Although the Icelandic law on maternity/paternity and parental leave has not made dramatic changes in women's labour force participation or in closing the gender pay gap, there are indications that the law has made at least some changes in women's standing in the workplace and in the home. The parental leave law has seemingly increased the emotional bond between fathers taking paternity leave and their children, and in some instances increased fathers' participation in the home after the leave.

The law is only eight years old and it is perhaps too soon to evaluate its full impact. Also, three months of paternity leave may not be enough to permanently alter the division of labour in the home. The maternity/paternity leave in Iceland is set to be lengthened within the next three years, and all reports indicate that the division of the leave between parents will remain in place. It will be interesting to see if a longer paternity leave will create more changes.

Since the maternity/paternity leave is now only nine months in all, and shorter for single parents, and many children do not get into preschool until two years of age or older, there is a huge gap after the end of the maternity/paternity leave until a child can enter preschool. Parents need to bridge this gap with outside help or by leaving the labour force for some time or entering part-time work. Most likely mothers bear the brunt of these adjustments.

Once the maternity/paternity leave is lengthened to twelve months, and municipalities can offer all children twelve months or older a place in preschool (sooner for children of single parents), the Icelandic system can truly be considered an example of good practice and should be transferable to other countries. The proposed measures from the town of Hafnarfjordur in this regard can be considered a good practice, if they come into effect. Also, the rights of public employees to flexible hours are a good practice, but something similar should be introduced for employees of private enterprises.

9. What are the main gaps and challenges at the national level in promoting access to parental leave, and particularly in encouraging men to take parental leave?

There really are no considerable gaps or challenges at the national level in promoting access to parental leave, particularly in encouraging men to take parental leave, as both men and women's uptake of the leave is quite high.

The only gap in this regard is perhaps regarding the unpaid 13 week parental leave, which studies indicate that few parents know about and even fewer use. This could be publicized more. However, it is uncertain that many more parents will use it while it is unpaid.

Another gap is the gap mentioned before between the end of the maternity/paternity leave and the beginning of preschool. This gap needs to be bridged, as it is likely to hinder women's full participation in the labour market after maternity leave and prior to the child reaching two years of age.

10. Issues for discussion

Is paternity leave a tool to promote gender equality, or is it mostly a question of fathers' rights and a way to increase the emotional bonds between fathers and children?

Why is it that the gender pay gap is not shrinking and even seems to be increasing in Iceland, in spite of eight years of paternity leave which is used by around 90% of fathers? Is there something other than women's role in childrearing and the home which affects the gender pay gap?

It is disappointing that less than 30% of respondents consider the status of couples more equal after paternal leave, and that housework and childrearing still seems to be the mother's responsibility more than the father's. Is more time needed, or do we need an attitude change? How can attitudes towards the traditional roles of women and men in the home be changed?

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Belgium

by Alison E Woodward

Part I: Country overview

A. Description of national context and parental leave system

- 1. A brief overview of the position of women in the labour market, covering issues such as the employment rate of women, the extent of part-time work, the gender pay gap and other relevant data. (max 1/2 page)**
- 2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?**

Belgian women have always had a significant place in the labour market. Today they make up 43.9% of the total employed (Europe 2008:169). However their proportion has grown relatively slowly in the last thirty years due to a number of factors. The employment rate of women is close the European mean at 54%, but in fact the gap between the Belgian rate and the European mean in 2000 and in 2006 has grown, as the employment rate of women in Belgium has been increasing at a lower rate than the European norm (Europe 2008:169). As everywhere in Europe more women are in part-time employment, with 33.1% of women working less than 30 hours a week. Only 53% of women work more than 35 hours a week as compared to the European mean of 64.2% and to Belgian men, of whom 92.1% worked full time in 2005 (Europe 2008:189). Parents with children under 12 are the most active on the labour market (92% of men, 69.3% of women in 2006, Merla and Deven 2008: 142). The pay gap between women and men has remained stubbornly stable at around 10-15% even though the government and trade unions have devoted considerable energy and campaigns to reduce this. An important feature of the Belgian labour market is the extremely low participation of older workers and women in particular. As a result of job stimulation plans and economic restructuring in the eighties and nineties, early retirement has become a pattern and astonishingly few women over fifty five are still in the work force (the lowest in Western Europe at 22% - Europe 2008:207). While women between 25 and 35 are the most active on the labour market, it is the question if this generation will break the pattern of earlier generations and stay committed to the labour market after age 45.

There are three main avenues for publicly funded parental leave. The leave granted around childbirth itself is virtually universally taken up. The first type of leave is

focussed on the health aspects of child birth, while the other two are aimed at providing time for care. Women have a right to 15-16 weeks of (paid) maternity leave, of which several weeks can be taken before child birth and the rest immediately following for recuperation. Nine weeks are obligatory. Private sector workers receive a portion of their salary and some employers top this up to 100%. Statutory civil servants receive full pay. Fathers have a right to 10 days of leave in the first month following childbirth. Three of these days are paid for by the social security system (Federal Department of Employment and Social Affairs) and salary is compensated 100% while the other seven are paid for by the health insurance of the parent at 82% of the earnings. Again, top-up plans are common in the private sector. The take-up patterns of these remaining days of paternal leave are to be investigated next year by the Institute for Equality between men and women, but it seems that a large majority of new fathers take it (Merla and Deven 2008:146). Secondly there is a provision for parental leave of six months in total which has to be split equally between the two parents and is paid at a flat rate. The rate is such that it is attractive for lower incomes. This is funded by the federal social security. Since this leave has been introduced it has been made increasingly flexible. Almost 80% of the leave is taken in a part-time format. Most recently the option has been introduced to allow leave to be taken out as one month at full time, two months at half time, and five months at one-fifth. By allowing parents to take out the leave one day a week, and to spread the care-taking leave over a period of 6 years, there has been a small increase in the number of fathers taking this form of leave, although the percentage is still hovering around 20% of fathers (Merla and Deven 2008:147). The one-fifth leave model means the loss of income is less. Almost all fathers take this form. Since many child care providers close on Wednesday afternoons, this form of leave is very useful. Mothers are much more likely to take out the full three months. However there is a strong culture among Belgian working women, especially the better educated, of returning almost immediately to the job after childbirth. This culture is supported by a historically well-extended system of public and privately organized child care for infants and toddlers. Almost all children are in a publicly funded pre-school program by age three.

The third type of support for parental care is the so-called time credit program or career break. This program was initially introduced to counter rising unemployment.

Apart from Sweden, Belgium is the only country offering such a leave program that is not specifically linked to child care (Vandeweyer and Glorieux 2008:276). The policy can be used to improve women's attachment to the labour force by providing leave opportunities of up to one year as a legal right. Collective bargaining has extended the number of years that can be taken in several sectors and companies, but the maximal is five over the course of a career. The first year of a break is paid at a low rate related to age and work history, and allows a return to the labour market. If an extended break is taken for child care of under-eights or care of sick family members or children, the leave can also be paid (Merla and Deven 2008:146). Since its introduction it is used by both men and women in both part-time and full-time formulas. Women make up the majority of users (around 70%). Studies have shown that men primarily use this leave for further studies, starting new businesses or easing into retirement while women primarily employ it to do care. This scheme is thus not only an employment policy but also one that can affect work-life balance.

There are also provisions for leave for parents adopting children, and for time off for urgent care duties.

B. Impact on gender equality

3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

As policies, these initiatives were launched as part of labour market policy and if gender equality was mentioned, it had to do with the stimulation of an increased participation of women in the work place first and foremost. The split parental leave initiative also had arguments about gender equality and the role of men in parenting, although this was never the main argument used. European developments also stimulated the parental leave policy adoption. Parental leave policies are followed intensively by gender equality specialists who were first located in the ministry of labour and now are at the Institute for Equality between women and men, so they have been coupled to equality aims. Sometimes this is couched in terms of the reconciliation of work and family. Since the nineties there has been support in

Belgium for gender equality policy that aims at mobilizing men as fathers, and a critical eye is kept on legislation and its potential effects not only on women but on men in the spirit of gender mainstreaming.

4. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

While there has been an overall increase in the use of parental leave entitlements and some evidence that work place policies have also been influenced by public awareness efforts and the spreading of good practices by the federal and regional authorities, there is little quantitative evidence that the policies have had an impact on increasing the percentage of women at work. Other factors such as increasing educational qualifications, smaller family sizes and changing employment opportunities may have had an equal or more important effect in women's behaviour on the labour market. However policies have been important in allowing women to maintain continuous employment histories.

Most experts on Belgium decry the relative lack of evaluative studies on the impact of the parental leave policy and policy changes in the last few years. While general take-up rates are known, the actual effect on family and work dynamics in different types of families needs to be investigated more thoroughly.

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

Money? Governmental capacity? Political pressure?

C. Evaluations and ongoing discussion

6. Is there any evaluation of the current parental leave system? If so, please summarise its main results

Belgium does not have a strong culture of evaluating its public policy, thus there seem to be few evaluations of this carried out by the public sector. The time-credit system is reported on an annual basis, but as this policy is not specifically designed to be parental leave, it is not so relevant here. However these reports provide insight into the user profiles, the costs and ongoing reforms of the system. Importantly

recent figures show that the increase in take-up of time credits and parental leave by men has been twice that of women (2004-2005) (Vandeweyer and Glorieux 2008:292). There is also sociological and anthropological research looking at the impact on gender roles with a particular focus on fathers and work-life balance in the last few years, as well as investigations of how work place culture and firm policies can affect the take-up of leave by men and women.

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

There are a number of proposals in the works for refining the current parental leave system. Many parties have claimed to be in favour of extending the parental leave to a full year rather than the present six months. Other ideas for improvement include raising economic compensation, introducing flexibility for situations such as babies in incubators, extending the paternity post-birth leave to fifteen days, and so forth. Most of these changes are not revolutionary, but involve improving the present policies. There is also reform in the works for the coverage of self-employed parents which is occurring in cooperation with European Union policy.

Part II: Take-up of parental leave by men

8. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country? (This can include measures introduced by the social partners, in collective agreements or other implementing mechanisms in the workplace.)

The topic of paternal leave is on the agenda of the women's movement and gender equality activists in Belgium and has been since the nineties. Their argument has been consistently that it is not only women who need measures for work-life balance. The federal authorities have organized several conferences on the subject of men and equality to raise awareness. This month in Brussels an international conference on men will be held, and there is a European men's association that is very active in Brussels, which has some spin-offs towards national policy. The women's movement in Belgium has long argued that the focus on families in traditional and stereotyped fashion is harmful to women and that in heterosexual two partner families policies must be directed at mobilising men in care. Thanks to the

Charter on Gender Mainstreaming, the trade unions have also been paying some attention to this issue, although the wage gap and situation of women remains more central. However it would be an extreme exaggeration to say that the issue of men and parental leave is anywhere on the political agenda of Belgium at this moment.

Part III: Transferability of good practice

9. Please describe specific good practices (or good elements of your parental leave system) in your country in the provision of parental leave. (For example, in encouraging men to take up parental leave, in improving the recruitment and retention of women in the labour market, enhanced productivity and employee satisfaction, etc). What are the weaknesses?

An interesting experiment was carried out with employers in Wallonia. It seems that even providing full and attractive information about parental leave to men can have a role in increasing their take-up. An employer who made attractive brochures and publicity around new fathering and work demonstrated a dramatic increase in employees taking up parental leave provisions.

Certainly the increasing flexibilization of provisions so that the economic 'loss' of taking leave can be minimized is a good feature that did work to increase the frequency of taking up parental leave. The economic aspect of the leave is its most important weakness. Some employers do make up the difference in salary, but the flat rate system makes it unattractive for higher income workers. Some experts argue that not enough is done by the public authorities to provide information and positive examples of successful use of the parental leave. There has never been a directed campaign at fathers. Parents need to be quite proactive to discover the current features of the system and how it can be utilized to fit their own situation. As the experiment above illustrates, even increased information can be sufficient to stimulate papa-time use and increase public awareness.

10. How are these good practices transferable to other countries?

The European Union has been enormously important in stimulating discussion cross-nationally on this topic, and with its Directive, requiring three months leave for each parent, also firmly shaping policies. There are already a number of networks

that actively discuss parental leave and provisions at the European level, where national labour market authorities, family policy officials and researchers regularly meet. First and foremost is the Leave Policies and Research network coordinated by Peter Moss and Fred Deven including researchers that have been active as experts on the topics of child care and leave policies since the eighties. The conferences on the General State of Families and also the work on reforming the parental leave directives of the European Union also provide venues where good practices are shared and through open methods of discussion and coordination have an influence on other countries. The role of enterprises and bodies such as the Conference Board in stimulating companies to take a role in supporting parents in achieving balanced lives is also important.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country? Please refer to the Icelandic report in your response.

The strengths are the generosity of the economic compensation, the inclusion of a feature of non-transferability and the potential of using the leave in a part-time formula so that some of the road-blocks to paternal involvement are removed. Also the ambition to link the policies to evaluations of company plans for gender equality is very interesting. Many of the formal features of the Icelandic policy are also available under the Belgian system. The time frame is similar as well. One interesting reflection is that some firms are beginning to have extra costs because of increasing and unexpected take-up of paternal leave. Will this possibly have a back-lash on desires to increase the length of leave? Belgium also has political actors who hope to extend parental leave, so higher costs are a potential concern.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

For me, the elements of income replacement, job protection and protection of pension and other rights and the compulsory splitting of benefits between the parents seem to be absolutely crucial for a parental leave that strongly contributes to gender equality.

Models tried out in the Nordic countries seem to come closest to that. Flexibility which allows parents to maintain a foot in their careers rather than complete if temporary withdrawal is also a desirable feature if one wants to avoid 'mommy' tracking. Societal support and acceptance of male use of parental leave is also important. This seems to be able to grow quickly, if the Nordic experience is any example.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

Here I will wait for the conference to reflect on this.

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Bulgaria

by Jivka Marinova

Part I: Country overview :

A. Description of national context and parental leave system

- 1. A brief overview of the position of women in the labour market, covering issues such as the employment rate of women, the extent of part-time work, the gender pay gap and other relevant data. (max 1/2 page)**
- 2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?**

Bulgaria is a Balkan country situated in the South-East Europe. After the fall of the Berlin wall it entered into a long and painful economic transition. In 2007 Bulgaria has joined the European Union.

The participation of women in the labour market in Bulgaria used to be very high before the political changes in 1989 and was close the actual rate in Iceland (85%). After the fall of the Berlin wall and the start of the transition period together with the high inflation rate Bulgaria experienced a sharp drop in both participation and employment of women. In the last years the number of women in the labour market has been increasing again although slowly. However women's employment did not reach yet the goals of the Lisbon Strategy.

In 2007 the employed women aged 15-64 were 57.7%. The employment rate of older worker (55-64) being around 30%. However, considering the longer life expectancy of women, a substantial proportion of economically active women over 64 remain out of employment.

Concerning the gender pay gap, there is a definite positive trend for diminishing the disproportion in the pay of labour. Despite the significant disparities in the wages of men and women in different regions of the country, the overall wage difference dropped to 17.16%.

The average wages do not reflect the existing pay differences by economic sectors, where the feminized professions clearly demonstrate significant disparities. For

example 79% of the employees in the educational sector are women where the gender pay gap is 20% and 79.5% of those in health care are women where the pay gap is 32% as a result of the vertical segregation. In all economic sectors the average salary of women is lower than that of men and industries where the average salaries are significantly lower for both genders employ twice more women than men.

Part time jobs are not very popular. Only 2 per cent of women are employed in part time jobs. Although there is a provision in the labour code stating the equal rights of part time and full time workers, specifically concerning working mothers part time occupations are not yet seen as an opportunity for flexible employment but rather as another way of restricting women's full access to labour market.

However, part time employment is the only option for many young women. Especially concerned are women with small children who do not have the larger family support, cannot afford private childcare services and/or cannot qualify for state provided childcare facilities.

During the first transition years there has been a sharp drop of birth rate and very negative natural growth of the population. This trend has been countered and the decrease of the population has been slowed down.

Positive tendencies of the Bulgarian demographic development continue. They could be seen in the delay of population decrease, increase of birth rate and fertility, decrease of infant mortality, increase of life expectancy, decrease of international migration etc. (NSI, 2008). Compared to the other European countries, the high levels of crude death rate and infant mortality, premature mortality, lower life expectancy and negative international migration are still considerable problems.

Process of increase of the number of births and fertility rate continue in 2007. There are 75 915 children born in Bulgaria in 2007, of which 75 349 or 99.3% - live-born. Compared to the previous year, the number of live-born children increased by 1 371. Crude birth rate is 9.8 ‰ (NSI, 2008).

There is a steady trend of increase of the number and share of extra-marital births since 1991-1992. The share of extra-marital births increase from 18.4% in 1992 to 50.8% in 2006. The number of extra-marital live births in 2007 is 37 825 or 50.2%. High share of extra-marital births can be explained by the considerable increase of the number of cohabiting young people (living in partnership without juridical marriage).

There is also an increase of the age of first birth giving reflecting the change of career options for women.

The dynamics of maternal/parental leave have been changing in direction during the last 18 years. If the trend of the 90-s was to equalize and in fact, decrease the differentiated length of the paid leave for giving birth and raising of small children (different paid leave for 1st 2nd and 3rd child, different single allowances and different child allowances), there is a trend now to increase them again and to create more incentives for young women to have children and to reconcile their family and professional duties.

In 2002 monthly child allowances changed from universal to means tested. The threshold being quite low many families lost this small support. However this measure was meant to be a positive one and to introduce more just distribution of social security funds.

The concerns for the critical demographic situation led to the recent changes of the Labour code in relation to the maternity/parental leave.

Article 163 of the LC in force from 1.01.2007 (amended, State Gazette 68 of 2006), sets out a leave for pregnancy and birth giving at 315 days (increased from 135 days before the amendment) for every child. Out of the 315 days, 45 are to be taken before the birth by the pregnant woman. This leave is not transferrable unless in force majeure (death of the mother) (art. 167 LC).

During these 315 days the mother receives 90% of her salary according to her labour contract. After the expiry of the 315 day's leave the mother has the right of an

additional paid leave until the child is 2 years old (for 1st, 2nd and 3rd child) and 6 months for every following child (art.164 LC) during which she receives the minimum salary defined each year with the State budget. This additional leave is **transferrable upon the consent of the mother** to the father of the child or to any of the grandparents. The payment of this leave is regulated by the Social Security Code. The time of the **parental leave is regulated as work record** (length of service) and is taken into account in calculating the pension rights.

If this right to additional leave is not used by any of the entitled persons, the mother working on labour contract has the right to an additional payment regulated by law. After this leave, each of the parents has the right to **6 months of unpaid leave until the child gets 8 years old**. In case of single parent family the parent taking care of the child has the right of 12 months additional unpaid leave.

There are additional provisions facilitating the mothers who are breastfeeding: The breastfeeding working mother has the right of 2 hours leave per day for breastfeeding until the child has completed 8 months. After the 8th month she has 1 hour per day. In case of twins, the leave is 3 hours for the first 8th months and 2 hours for the rest.

Concerning the labour rights of women in the LC there is a specific regulation that the employer has no right to deny hiring women on the ground of pregnancy. This is also regulated in the antidiscrimination Law. However it is very difficult to control the implementation of this regulation especially in the private sector.

Usually mothers take the due parental leave. However there are increasing cases of grandmothers taking the leave for rising small children mainly of their daughters.

There is a proposal from the Ministry of Labour and Social Policy that **a new two weeks parental leave is introduced for fathers** at the time of the child's birth. If introduced this leave will be an affirmative action for the achievement of better gender equality.

B. Impact on gender equality

3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

The national policy on gender equality pays special attention to the development of mechanisms and actions for the promotion of the reconciliation of occupational and family obligations of both parents. Actually Bulgarian legislation regulating maternity has always been quite progressive in terms of rights of women mothers. But it ended-up to be a trap for women who as a rule were losing in qualification and promotion during the 3 years of leave. Although the maternity leave has always been considered as a length of service it did not compensate the lagging behind of women especially due to the lack of any re-qualification opportunities during the maternity leave.

The implementation of new gender equality policies implies a systematic review of the different conditions, situations and needs of men and women in all policies and activities. The first step to equality was the right of the mother to transfer the right of the leave for upbringing a child to the age of 2 years to the father.

The Government of the Republic of Bulgaria makes efforts to introduce the contemporary international labour standards in the area of gender equality and the reconciliation between family and professional life in the national legislation. A positive step in this direction is the forthcoming ratification of Convention №156 of the International Labour Organisation concerning equal opportunities and equal treatment of men and women workers: workers with family responsibilities, 1981. The problem for combining work and family life is particularly topical for the present Bulgarian woman, who has to share the responsibilities for the bringing up of children and taking care of elderly family members, as well as for the family financial provision when quality social services are lacking.

Measures and initiatives for better reconciliation of family and professional life contribute to the higher economic activity of both women and men. There is a new national program called "Support for Mothers" launched in January 2007. The

program creates conditions for mothers to return to work by engaging unemployed people as childcare providers. The idea is good but the implementation is quite poor. Slightly more than 100 women have benefitted from this opportunity in 2007.

The “Child Family Centres project” is another good practice providing employment for women who look after children of working parents in a semi-family environment. The project involves unemployed nurses, teachers and women experienced in providing social services. The government provides funds for remuneration and social security contributions from the active policy budget of the Ministry of Labour and Social Policy. The project partners are the local municipalities. They assist with the equipment of the family centres and provide also one meal per day for the children. So far **only nine** family centres were up and running in 2007.

4. What have been the outcomes of national policy provisions on parental leave in facilitating women’s access to the labour market? How have they been implemented in practice?

One of the major provisions in Bulgarian legislation is the right of a woman that her workplace be kept during the whole period of the maternity leave. However the implementation of this right could be reliably controlled only in the state owned enterprises and for civil servants. Smaller private companies employing mainly women in the retail sector sometimes have a life cycle smaller than a full maternity leave period.

In the Labour Code there are many protective provisions for pregnant women and women with small children. For example night shifts and overtime are prohibited for pregnant women and women with children up to 6 years of age (except in cases when they have agreed formally by signing a written agreement). Night work and overtime is prohibited for mothers taking care of disabled children of any age. This protection corresponds to the Directive 92/85/EEC. However there are 3 categories of labour. While the prohibition is absolute for the 1st category (heavy physical labour condition) for the 2nd and 3rd category the prohibition is relative. These provisions meant to be protective are sometimes seen by women as discriminatory.

The working hours, days-off and regular annual leave offer additional opportunities for contract negotiations aiming at the protection of maternity in collective labour contracts. The Labour Code stipulates that, regardless of the age of the child, the parents can work part time.

There is a specific regulation (art.312 of the LC) that women with children up to 6 years of age could work at home when the nature of the job allows it. The employer has the obligation to find an appropriate job for the women in the enterprise as soon as the child has reached 6 years.

For enhancing the economic activity of women and for supporting the professional realisation of parents, the following measures have been foreseen:

- Expansion of the network of services for child-rearing with available care of good quality;
- Elaboration of programmes and projects related to the introduction of an approach to work, based on the “vital cycle”, subordinated to the so-called global approach to the “professional life cycle”.

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

The culture of parental leave is not well rooted in Bulgarian society. Women are still expected to carry the double burden of child care and working in the same time to support the family economically. The legislation on **parental** leave is perceived more as a wish and an option than as a viable solution. Legislative changes are not enough to encourage men to take parental leave. Gender education at early stages is not sufficient to counter stereotypes and beliefs in gender roles. There is still the patriarchal culture, combined with the “new wave” culture of women staying at home and men earning for the whole family which automatically eliminates them from the idea of taking a parental leave. At the same time the insufficient amount of money allocated to parents in parental leave (minimum salary) and the lack of flexible working hours for both men and women are far from being an incentive for men to participate equally to the upbringing of children. The social security payments are calculated (mostly) on the basis of the average salary, which lags much behind the

European level and even behind the level of the private sector. Therefore it is hardly probable that men would take the leave.

There is another important gap: the child care options. These options provided at low price by the State have decreased opening the door for the market of private child care which is frequently provided by non professionals (students or elderly unemployed women) and despite that fact is expensive and therefore unaffordable for most of young mothers. Sometimes the salary of a working mother is less than the monthly fee for a private kindergarten.

C. Evaluations and ongoing discussion

6. Is there any evaluation of the current parental leave system? If so, please summarise its main results

The current parental leave system has been into force for a relatively short period. Therefore there has not been carried out a comprehensive evaluation of the system as such.

However as a result of the demographic situation in the country a Demographic strategy of the Ministry of Labour and Social Policy has been drafted for the period 2006-2020 which implementation has been evaluated each year.

One of the main points in the evaluation of the policy is that mechanisms for gender equality are crucial for the success of the policy and as a result of the slow-down of the overall decrease of the population.

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

As stated above the actual parental leave system is quite recent. It is not a theme for discussion in the society and in the Parliament. However there are other related topics which influence directly the life choices of families.

A measure to improve the living standard of families is the introduction of the family income taxation from the beginning of 2006. It is a part of the state policy to support parents in child upbringing. An amendment was adopted in the tax legislation

according to which the taxable revenues of a parent should be reduced by a fixed amount depending on the number of his/her children. In so doing, the tax burden shall be reduced. The precondition is that the children should be under age and should not be put up in a state institution at the expense of the State.

The adoption by the Parliament of a Draft Law for Amendment of the Law on Family Benefits for Children, which will introduce the term “**social investments**” for children, is forthcoming. This means that family benefits for children shall be granted in the form of social investment, i.e. purposefully for the child’s upbringing, education, socialisation and health protection. The Draft Law provides for the possibility of the benefit to be granted as a payment of fees for child care institutions, payment of school alimentation, buying of school appliances, etc. It is foreseen that the amount of the family benefits should be fixed every year by the Law on the State Budget for the relevant year. The aim is that this amount should be in accordance with the main macroeconomic indicators in the country. The amount of the benefit shall be differentiated according to the number and succession of the children in order to encourage the upbringing of more than one child

It is not expected that the parental leave system will change in the near future. However new measures could be introduced in order to reconcile occupational and family obligations and to promote equal opportunities and equal treatment for men and women.

Part II: Take-up of parental leave by men

- 8. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country? (This can include measures introduced by the social partners, in collective agreements or other implementing mechanisms in the workplace.)**

The national policy on gender equality pays special attention to the development of mechanisms and actions for the promotion of the reconciliation of occupational and family obligations of both parents.

According to the last amendments of the Labour code the parental leave after the 315 untransferrable days and up to the age of 2 year of the child could be taken by the father. Also both parents have the right of 6 additional months (each of them) of unpaid leave until the child reaches 8 years of age.

However according to the studies, less than 1% of men take advantage of the parental leave option. There is no lively public debate on men taking/sharing the parental leave. Unemployment, economic crisis, corruption, infrastructure and other issues constantly shift the debate on gender equality and reconciliation of family and professional life. Despite the progressive legislation and the harmonization with EU directive on parental leave the practices are far from being sufficient.

Part III: Transferability of good practice

- 9. Please describe specific good practices (or good elements of your parental leave system) in your country in the provision of parental leave. (For example, in encouraging men to take up parental leave, in improving the recruitment and retention of women in the labour market, enhanced productivity and employee satisfaction, etc). What are the weaknesses?**

The maternity/parental leave in Bulgaria is 315 days long of which 45 days have to be taken before the birth giving. It allows 9 months of paid leave after the birth, when 90% of the mother's salary is paid. There is additional leave up to the age of 2 years which is paid on the minimum salary and could be taken both by the mother, the father or one of the grandparents.

The length of leave is sufficient to allow women to take care of their children. However this leave (315 days) is not transferrable and is only for the woman. It could be taken by the father only in force majeure situation which does not contribute to gender equality.

The other type of leave – 6 months per parent up to the age of 8 years is clearly contributing to gender equality. It allows fathers to take care of their children during an important period, including when the child first go to school.

There are other provisions which constitute good practices and these are the right to have 2 hours per day for breast feeding mothers.

The possibility of women to work at home until the child is 6 allows them to stay. This regulation, however, could deepen gender stereotypes if it is used only by women.

10. How are these good practices transferable to other countries?

It is very difficult to assess how any good practice could be transferred to another country as the economic and cultural environments of the countries are very different.

A good practice in one country could be perceived as a bad one in another. It is possible also to have different generational perceptions of good practices. This topic should be discussed when there is more comparative data.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country? Please refer to the Icelandic report in your response.

There are lots of similarities between the Icelandic and Bulgarian provisions of maternity/parental leave: the length of the paid leave, the opportunity to take additional unpaid leave until the age of 8 years of the child etc. There are also differences where the Icelandic system is much progressive in terms of gender equality.

A very strong point of the Icelandic law on parental leave is the sharing of the leave between the two parents. This provision clearly creates a basis for equal participation of parents in child upbringing and therefore for gender equality. It also is a prerequisite for equal participation of both parents in paid labour and other activities outside of the home. A good point is the fact that the maternity/paternity leave could be taken part time or be split into several time periods. Another good

point is the option to have right of leave when caring for a disabled child up to the age of 18 years.

Another strong point is the support of municipalities for parents in a waiting list for preschool.

A weak point is the introduction of maximum financial reimbursement for parental leave which in certain cases could be less than the 80% of the salary of the parent. This could be discouraging for working parents, especially for men.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

The main pre-conditions for good quality parental leave would be the existence of a well-supported health system covering the care of both the mother and the child after the birth.

Another condition would be a subsidised market for first necessity baby's clothes, pampers, food etc; a well developed system of child care including hourly care in order that parents without the support of the larger family could have some social life outside of home at least for few hours in the week.

An important condition is the good legislation and the obligation of both parents to take pieces of the parental leave which, if not taken by them would be lost.

And of course if parental leave is paid at a higher level (close to the 100% of the salary) more men will take advantage of it and will benefit from the family life and the first steps of their kids which will lead on the one hand to the change the stereotypes of children and on the other hand to better gender equality and better career chances for women.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

The issue of the integration/reintegration of mothers/parents to the labour market after the parental leave is an important one and has to be addressed especially when the law provides for longer leave. With the dynamic development of technologies and the market itself it is easy for parents staying at home to lag behind. There are also cases with younger parents where they have no previous work record and entering the labour market is even harder for this group with small kids. Therefore special programmes should be set up allowing parents to gradually reintegrate into the labour market. It would be interesting to know whether such programmes exist in Iceland.

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Czech Republic

by Michaela Marksova

Part I: Country overview

A. Description of national context and parental leave system

- 1. A brief overview of the position of women in the labour market, covering issues such as the employment rate of women, the extent of part-time work, the gender pay gap and other relevant data. (max 1/2 page)**
- 2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?**

Women on the labour market:

The employment rate of Czech women 15+ is 46,1% (and 64,6% of men). The participation rate of all women 15+ is 50,5% (and 68,4% of men). The participation rate of women in the age range 20-44 with children from 0 to 4 is only 30%, whilst this age group without children has a participation rate of 84,6%.

The unemployment rate of women is 8,8% (and 5,8% of men) – the unemployment rate of women is higher than of men in all age groups 15-60. The unemployment rate of women 20-44 with children from 0 to 4 is 12,3%, whilst women in the same age group without children comprise only 9,3%.

Of all employed women, 90% work as employees; female employers and self-employed women total only 10%. Only 8,3% of women work part time (and only 2,3% of men). Full time working women work weekly on average 4,9 hours less than full time working men. Part time working women work weekly on average 1 hour more than part time working men.

Only 1% of women of working age are women “in household”.

According to a European comparison, in the Czech Republic there are big differences in the participation rate women with children up to the age of 12 compared to women without children.

Regarding wages: the average salary of women is 75,1% of the average salary of men; the median of women's wages is 81,1% of the male median wage.

Note: all the data used are from the Czech Statistical Office, www.czso.cz, and are for the year 2006.

Main national policy provisions on parental leave:

After maternity leave, which lasts 28 weeks (but a woman has to start it at least 6 weeks before the expected date of birth) and is paid from sickness insurance, 70% of the salary's daily assessment (*it is called financial support in motherhood*), the mother or father can take parental leave up to the child's third year, but the entitlement to receive parental benefit can be prolonged up to the fourth year of the age of the child. Parental benefit belongs among the social benefits. Until 2007, the benefit was the same for the whole period of four years. (So far, the maternity leave can be taken only by mothers with some exceptions – but new law enabling fathers to do so will be valid since Jan 1st, 2009.)

Regarding employment – the employer is obliged to secure the same position for the parent until the end of maternity leave and secure some position within the company until the third year of the child. If a woman has a second child before this 3-year-period ends, another 3-year-period starts and she can be at home for 6 years – and for all this time, the employer has to secure a job for her. This provision leads to the situation where the employer use an excuse such as due to re-organisation he is not able to offer the woman a decent job position after her return. At the same time, it supports women's discrimination on the labour market, because employers don't want to lose employees for such a long time.

Since January 1st, 2008, the new government (appointed beginning of 2007) approved new changes in the system of parental leave; these changes were done within a reform of public finances and the real major reason was to save money.

Parental leave and parental benefit have been divided into 3 degrees: a) 422,- EUR per month up to 24 months of age of the child (*only for mothers whose financial support in motherhood is relatively high, min. 14,- EUR per day*), b) 282,- EUR per

month up to 36 months of age of the child, c) 282,- EUR per month up to 21 months of age of the child and then 141,- EUR per month up to 48 months of age of the child. But the parent has to decide definitely when the child is 6 months, which “degree” he or she chooses. (Special conditions are made for children adopted or in foster care after coming to the family and for handicapped children.)

It is very important to note, that to be entitled for the parental benefit, certain conditions have to be fulfilled (*see below, B 5*).

B. Impact on gender equality

3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

Concerning the development after 1989, the national provisions didn't consider gender equality at all – it can be said, that rather the opposite. The new politicians coming to power after 1989 used to say, that to have children is an individual decision of people and that there is no need for family policy in the Czech Republic. Furthermore, it was said that before 1989 women were forced to work in the centrally-led economy, so now they would be happy to stay at home. As a result, the entitlement to receive parental benefit was prolonged from 3 to 4 years, which makes it the longest time in Europe (the prolongation was proposed by the former chairman of Christian-Democratic Party). As one sociologist wrote, this prolongation was also recommended by the World Bank as a means to avoid a high unemployment rate (if women spend years on parental leave, they are not registered as unemployed). At the same time, certain conditions for parental benefit were set up - *see below, B 5*.

These decisions were supported by psychological explanations that a child needs to be at home with its mother/parent until the age of 3. So all these measures more or less pushed women out of the labour market.

4. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

The first public discussions on women, parental leave provisions and labour market started to take place at the end of 90ies. The most important changes until the recent reform of public finances introduced from January 1st, 2008 (see above) were:

- Since January, 2004, it is possible to earn an unlimited amount of money and at the same time receive parental allowance (*before that, the parent was allowed to earn only a very limited amount of money per month, or the entitlement for that month was lost*);
- Since February, 2006, a child older than 3 years can visit kindergarten for 4 hours per day and at the same time the parent is still entitled to receive parental allowance (*for children 0-3 the child can be put in an institutional care for max. 5 days per month*);
- The amount of parental allowance increased within the last 4 years (from 93,- EUR per month to 133,- and from January 1st, 2007 until Dec 31st, 2007, to 282,- EUR per month - up to the 4th year of the child).

These measures at least partly improved the situation caused by decisions taken during the first half of the 90s.

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

The big gap is the child care system and its legal conditions, which are necessary to meet to be entitled to parental benefit. The most important one is, that the parent is obliged to ensure a whole-day and proper care by an adult person – in fact this means, that if you have a nanny and work for 10 hours per day, you are still entitled to receive the benefit. But if the child until the age of 3 is put into an “institutional care”, it can be there only for 5 days each month – otherwise the parental benefit for that month is lost. This means that parents using nurseries are very discriminated against.

One of the results of the new ideology after 1989 was spreading the opinion that so called “collective care” – meaning nurseries for children until 3 years old – is wrong

for children and causes their deprivations (*although there isn't any research supporting this idea!*). This theory combined with the prolonged parental leave and with the above described condition lead to almost a destruction of the public child care system for children until the age of 3. Today, nurseries are visited by about 0.5% of children in the age 0-3. At the same time, about 25% of two-years-old children visit kindergartens, which probably in a way supply the missing nurseries. Altogether, the day care institutions are used by 9% of children until the age of 3.

	1990	1995	2005
Number of Nurseries	1043	207	54
Number of Places	39 829	7 574	1 671

The other gap is that nurseries (as well as kindergartens and primary schools) are established and run by municipalities; but unlike kindergartens, which receive contributions from the state per child, the nurseries are fully financed by the municipalities. This makes them quite expensive and therefore even nowadays several of them are being closed. At the same time, the central administration is not able under the current system to influence the number of places in the child care facilities, which makes the state national policy powerless.

Last but not least – one of the biggest challenges is the length of parental leave in the country; whilst in other countries we are talking about months, in the Czech Republic we are talking about years.

C. Evaluations and ongoing discussion

6. Is there any evaluation of the current parental leave system? If so, please summarise its main results

The new system has been introduced only since January 2008. Currently there are no results available.

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

In the 90s, the fertility rate in the Czech Republic dropped sharply and with 1,13 in 1999 it belonged to the countries with the lowest fertility rate in the world. Since then, the sociologists and demographers have been telling the politicians, that to help to increase it and at the same time to help women on the labour market, which are two inseparable issues, it is necessary to shorten parental leave and to concentrate on improving the child care system. The same ideas were promoted by women's NGOs. But none of the politicians wants to listen to this, either from a conservative or socialist party; both parties are of the opinion that women should and want to stay at home with their children at least until their 3rd year.

Recently (summer 2008), the Minister of Labour and Social Affairs proposed a so-called "Package of Pro-family measures" (*the definitive version hasn't been approved by the government yet*). Except father's leave (*see below – point 8*), the Package also contains proposals to support employers to create part-time jobs for parents of small children and contains several ideas which are supposed to supply the missing places in existing child care facilities: to simplify conditions for the establishment of so-called "mini-kindergartens"(small child care facilities which can be established, for example, on company premises or in a private house) and to introduce new official form of care – "mutual parental help" – which can be established by parents with a child/children in a pre-school age who will take care of other children in his/her flat or house (max. number of children per one parent is 5).

So there is a discussion about these proposals going on – the main critique is, that instead of changing the system and push municipalities to create more places in nurseries and kindergartens, the government is presenting these new forms of care, which have very weak security conditions (e. g. no obligation for such parents to follow at least a first-aid-course; one parent will be alone with a group of small children for 8 hours per day, 7 days per week – what if something happens to one of the children; who and how will prepare food for those children etc.) and that such forms of care can replace supply the missing places in public institutions.

Part II: Take-up of parental leave by men

- 8. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country? (This can include measures introduced by the social partners, in collective agreements or other implementing mechanisms in the workplace.)**

One of the proposals in the “Package of Pro-family measures” (*see above*) is the introduction of “father’s leave”. The father can take this leave for 1 week, until the 6th week after the child is born. The leave is paid from the sickness insurance, 70% of the salary (the same as on maternity leave), with an upper limit.

(If the child comes to the family from institutional care – in cases of adoption or foster care – the father can take leave within the first 6 weeks after the child came to the family, up to seventh year of the child.)

It is expected, that this “father’s leave will be used by 70-90% of fathers.

The expected impact on the state budget is 500-640 millions CZK (about 20-26 millions EUR).

The above described measure doesn’t encourage fathers to use at least part of the parental leave. So far, the government doesn’t plan to introduce anything supporting fathers to take parental leave – even the above described measure has been already described as “revolutionary”.

All initiatives – seminars, PR campaigns – have been carried by the NGOs or academia (sociologists and demographers). A research on use of parental leave by fathers in the Czech Republic was done by the Sociological Institute of the Czech Academy of Sciences.

Part III: Transferability of good practice

- 9. Please describe specific good practices (or good elements of your parental leave system) in your country in the provision of parental leave. (For example, in encouraging men to take up parental leave, in**

improving the recruitment and retention of women in the labour market, enhanced productivity and employee satisfaction, etc). What are the weaknesses?

Encouraging men to take up parental leave: So far, out of all parents on the parental leave fathers represent only about 1,2%. The proposed father's leave is not going to change this situation, because it only enables men to spend one week with the family after the child is born.

The number of fathers on parental leave might increase after 2008, though: as written above, the government introduced a "three-degree" parental leave, but the "first" degree (422,- EUR per month up to 24 months of age of the child) is only for those mothers, whose salaries are relatively high. Because this includes not many women, the Minister of Labour and Social Affairs advised publicly that fathers with high enough salaries can take parental leave officially, whilst in fact the person taking care of the child will be the mother. But if families are going to use this advice, in my opinion it is "bad practice".

Encouraging women to return earlier to the labour market: I don't see any reasonable legal measures which would support women to return to the labour market earlier than after the 3(2)-years-period; if this happens, it concerns individual companies and their special arrangements.

10. How are these good practices transferable to other countries?

In my opinion, the parental leave system in the Czech Republic doesn't have any good practices, which would be worth transferring to other countries systems. The only remarkable thing is the very high quality of the (remaining) child care facilities – nurseries and kindergartens – which actually remained from the "old" pre-1989 system.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country? Please refer to the Icelandic report in your response.

For me the most remarkable practice is the way how the parental leave is divided: 3 months for the mother, 3 for the father and 3 for either of them, plus the flexibility in spreading the parental leave. In my opinion, this very measure really supports gender equality.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

I think that first of all the state has to secure a good quality and accessible network of child care facilities including those for children under the age of 3.

I also think that the system should support those women who work, above those who don't – e. g. the parental benefit could be highest in the first year and lower steadily towards the fourth year.

Last but not least, a very important measure is to save one part of the parental leave only for fathers (i. e. for the "second parent"), as described in point 11. This means that the Icelandic example of parental leave could be transferred (in some transformed form) into the Czech system.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

I would like to discuss the issue of child care facilities for children younger than 3 years, because in the Czech Republic, this is still an ideological discussion (that such children should stay in an "individual" care at home, with parent or nurse). Thanks this ideology, the parental leave in the country is 3 years – compare to 9 (paid) months in Iceland (and other "West" European countries), the length is enormous. What is the most spread form of care for children under 3 in Iceland?

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Denmark

by Birgitte Kofod Olsen

Part I: Country overview

A. Description of national context and parental leave system

- 1. A brief overview of the position of women in the labour market, covering issues such as the employment rate of women, the extent of part-time work, the gender pay gap and other relevant data. (max 1/2 page)**
- 2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?**

A.1.

In 2006, the Danish workforce, including all employed and unemployed persons, totalled 2.76 million full-time persons. Women accounted for 1.31 million of these, which corresponds to 47.5 per cent of the entire workforce.

By EU standards, Denmark has high participation and employment rates, in particular for women, and, these years, both women and men have a very low unemployment rate. However, women's participation rate is somewhat lower than men's. In 2006, the participation rate for women was 73,4 per cent and 79,6 per cent for men. This gap between the participation rate of women and men has, more or less, been the same during the last ten years.

As concerns the unemployment rate, the trend is that men's and women's unemployment rates follow the same pattern and that women generally have higher rates than men. In recent years, there has been a decrease in both the general unemployment rate and in the gap between the unemployment rate of men and women. In August 2008, the unemployment rate among women was 1.7 per cent, whereas 1.5 per cent of men in the workforce were unemployed.

In 2006, the average weekly working hour for women was 32 hours and 38.3 for men. There are more part-time employed women than men: more than four times as many women as men who work between 30 and 34 hours a week. There are close to three times as many women as men who work between 20 and 29 hours a week.

There is a considerable gender pay gap in Denmark. In 2005, the hourly earnings (exclusive of inconvenience premium) were DKK 236.7 (EUR 31,8) for men employed in the private sector against close to DKK 202.8 (EUR 27,2) for women, cf. Figure 2. That corresponds to a pay differential of 16.7 per cent. In 2005, the hourly earnings for men employed in the local government sector were DKK 236.6 (EUR 31,8), whereas hourly earnings for women were DKK 214.3 (EUR 28,8), which is 14.3 per cent lower than for men. In 2005, men employed in the state sector earn an average DKK 248.6 (EUR 33,4) per hour performed. That is 8.3 per cent more than for women, whose hourly earnings in 2005 amounted to DKK 229.7 (EUR 30,8).

(“Hourly earnings” (exclusive of inconvenience premium) cover total payment by the employer to the employee. Accordingly, hourly earnings include pay during sickness and leave in connection with childbirth as well as other paid absence, holiday pay and public holidays as well as employee benefits.)

According to the Danish government, the gender-segregated labour market is the most important reason for the pay differentials between women and men. In its Seventh Periodic Report on the Implementation of the UN CEDAW from May 2008, the government stated that “[a] little more than half of all female employees and about 21 per cent of men are employed in the public sector. A larger number of men are employed in the private sector. In local government, there are more than three times as many female as male employees. By contrast, there are slightly more men than women employed in the state sector”, and [o]n average, men earn more than women. The naked pay differentials reflect among other things differences in the trades they work in, differences in the jobs they perform, and differences in the personal characteristics such as educational level and work experience. Today, discrimination is a minor factor”.

It should, however, be noted that among women employed in local government, only less than 10 percent serve as managers and executives. Moreover, there seems to exist a glass ceiling in especially the private sector for women who experience different forms of discrimination. Experience of discrimination is also linked to unequal payment in many sectors.

The statement by the Government may also be nuanced by the Women's Council in Denmark's comments to the Government's report to CEDAW. According to the Women's Council, the gender segregated labour market does indeed play a critical role in regard to the gender pay gap. However, as pointed out by the Women's Council "it is a fact that female dominated jobs are valued lower than male dominated. The inequality is obvious both across sectors and within sectors. Women working in the health, social services and other service sectors are paid less than men working in jobs with comparable levels of education and responsibility. This indicates that a core problem is to meet the principle of equal pay for work of equal value."

[Sources: Statistics Denmark – www.statistikbanken.dk; Seventh Periodic Report by the Government of Denmark on the Implementation of CEDAW, May 2008; Comments by the Women's Council in Denmark to the Seventh Periodic Report by the Government of Denmark on CEDAW, May 2008]

A.2.

The Danish rules on parental leave were amended in 2002 in order to ensure better terms for families with children by making the rules more flexible and by extending the period of leave.

This legislation grants the mother four weeks of parental leave from the date estimated to be four weeks before the birth of the child. In addition, the mother is entitled to 14 weeks of leave after giving birth ("pregnancy and maternity leave").

The father of a child is entitled to absence for up to two weeks after the birth or reception of the child in the home or - according to an agreement with the employer - within the first 14 weeks after the birth of the child ("paternity leave"). Nearly all fathers make use of this leave.

In addition, each parent is entitled to 32 weeks of leave ("parental leave").

This parental leave scheme is very flexible. The 32 weeks of parental leave may be prolonged to 46 weeks with some pay reduction, and it may be divided up so that

part of the leave can be put off. Further, it allows for part time work. As such, if the employer agrees, the parents are entitled to share the leave so both parents are able to work part-time.

Parental leave qualifies as time in employment. Similar rules apply in regard to adoption.

During the reserved period for the mother (4+14 weeks) and the father (2 weeks) and 1x32 weeks there is a right to parental leave pay for parents who are entitled to sickness pay, i.e. all wage earners, paid for by the State. This makes a total of 52 weeks paid parental leave. The parental leave pay equals allowances during leave, which amount to approximately 15,250 pr. month (EUR 2,047) and DKK 183,000 pr. year (EUR 24,564).

However, pay during leave is not only regulated by legislation. Most employees are regulated by a collective agreement between a union and an employer's organisation or by individual agreements. The majority of agreements grant full pay during the periods mentioned above reserved for the mother and the father, i.e. the 4+14 weeks and the 2 weeks, and an increasing number also grants full pay for another 10 weeks. A small amount of private companies even grants full pay during the whole period, i.e. up to 52 weeks. Employers paying parental leave pay are compensated an amount equivalent to the amount paid for by the State under the law.

The majority of infants are cared for at home until the age of 1, which equals the end of the parental leave. After this age, in the day time, the majority of infants are cared for in public day-care institutions.

In practice, there is a major gap in the amount of leave taken by the mother and the father. In 2005, in average, the mother took 271 and the father took 22 days, i.e. the mother's share of the leave was 92,49 percent of the leave taken, whereas the father's was 7,51 per cent.

Public employers may make use of a parental fund for state institutions, which covers additional costs involved in hiring temporary employees to cover employees on parental leave. This fund is established in the light of that public employees generally have a right to full pay during parental leave and that these additional costs generally relate to women in that women take more leave than men, which may have a negative impact in regard to the employment of women.

In 2006, a parental leave equalisation scheme was introduced for private employers by law. Under the scheme, employers must contribute to a parental leave fund, even if they do not provide pay during maternity/paternity leave, nor have any employees who are to take a leave period in connection with the birth of a child. The purpose of the scheme is to promote gender equality by equalising private employers' expenses for paid parental leave in order to ensure that it is not only women-dominated trades that have to bear the payroll costs during the leave period. The scheme does not apply to private employers that have made a similar arrangement through agreements.

[Sources: Statistics Denmark – www.statistikbanken.dk; Men Equal – Men Different. Joint Final Report, Karen Sjørup (ed.), Danish Research Centre on Gender Equality; Seventh Periodic Report by the Government of Denmark on the Implementation of CEDAW, May 2008]

B. Impact on gender equality

3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

It follows from the preparatory works to the Danish paternal leave legislation passed in 2002 that the increased flexibility of the rules is meant to make it easier for the parents to return to the labour market. Since women make use of the majority of paternity leave available for both parents, this flexibility makes it easier for especially women to participate in the labour market. However, the reason provided in the preparatory works for this change in the law is not gender equality, but to provide better conditions for families with children.

The parental leave equalisation scheme, i.e. the parental funds for public and private employers, aim to promote gender equality by compensating for the additional costs they may be involved in employing women on account of the fact that women take more parental leave than men.

4. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

In regard to the passing of the more flexible parental leave rules in 2002, this does not seem to have had an effect in regard to reducing the gap in the employment rate between women and men or the gender pay gap. As concern how these rules have been received by the parents, see the qualitative surveys referenced in Section 6 below.

In regard to the establishment of the parental leave fund for private employers in 2006, it is too early to assess what the outcome of this initiative has been.

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

The imbalance in women's and men's use of parental leave results in that women are less attractive employees than men from the perspective of the employer. A major challenge is to reduce this gap in regard to the amount of leave taken by the mother and the father.

One of the reasons why the mother makes use of the whole or the majority of the joint parental leave (i.e. the 32 weeks) is that the father's salary is higher than the mother's. As a result, because of the gender pay gap, it is generally more profitable for parents to let the mother make use of the parental leave. A positive step in this direction is the parental equalisation scheme. However, this scheme does not provide full compensation. For example, in regard to the parental leave fund for private employers, it has been pointed out that the amount refunded should be higher so that it may commensurate wages for academics.

[Source: DM Privat, nr. 3 2008]

The Danish rules on parental leave are complex, especially because of the fact that parental leave is not only regulated in legislation, but also in collective and individual agreements. A survey from 2005 on fathers' experience with parental leave shows that some fathers are "completely confused" about their rights. This may result in that some men do not make full use of their right to parental leave.

[Source: Center for Equality Advancement, Fathers on Parental Leave. A Joint Report based on qualitative research with fathers on leave, employers and decision makers in Lithuania, Iceland, Denmark and Malta, 2005]

Finally, in Denmark, no specialised independent national body for the promotion of equal treatment has been appointed by law. Hence, there is no official independent gender equality body to monitor and promote gender equality. In addition, there has been a cut in the financial support to NGOs working with gender equality.

[Source: Comments by the Women's Council in Denmark to the Seventh Periodic Report by the Government of Denmark on CEDAW, May 2008]

(It is notable that the European Commission has requested a statement from the Danish government about this possible gap in regard to the implementation of the EU law requirement to establish a body or bodies for the promotion of gender equality.)

C. Evaluations and ongoing discussion

6. Is there any evaluation of the current parental leave system? If so, please summarise its main results

No major quantitative evaluations of the current parental leave system have been carried out, but there are several qualitative surveys:

In a qualitative survey carried out by the Danish National Centre for Research in order to examine the result of the flexible parental leave system introduced in 2002, it is seen that more than 50 per cent of the mothers interviewed make use of the full

period of paid leave, i.e. the 1x32 weeks, approx. 25 per cent of the mothers make use of a little less than the 32 weeks, and approx. 25 per cent of the mothers share the 32 weeks with the father. Close to 100 per cent of all the mothers and fathers interviewed were happy with their arrangement. According to the evaluation, the parents are pleased with the flexible rules on parental leave, but many found the rules complicated and would like more information and the rules to be made simpler. A majority of both mothers and fathers were not in favour of earmarking three months of the leave for the father. However, a large minority of the men asked (37 per cent) were in favour of earmarking three months for the father. According to the evaluation, the reason for this may be that such a rule would legitimise the taking of parental leave in the eyes of employers and colleagues. On this basis it is suggested that it may be considered to pass such a rule in order to make it easier for fathers to take parental leave.

[Source: The Danish National Centre for Research, Evaluering af den fleksible barselsorlov – orlovsreglerne set fra forældres, kommuners og arbejdspladsernes perspektiv, 2007]

In another qualitative survey carried out in 2007 on men and paternity leave, some of the following barriers in regard to men's use of parental leave are mentioned:

- traditional gender roles: "real women" go on leave and "real" men go to work. This entails that women have "ownership" of the parental leave.
- social pressure at the work place: A lot of men experience a negative attitude among colleagues and management in regard to men taking parental leave.
- finances: it is often more profitable to let the mother go on leave because of the fact that the father generally has a higher income.

[Source: Gad's Research & Reflections, "Mænd og barsel". Oktober/November 2007]

In a third qualitative survey carried out in 2005, it is concluded that economic considerations seem to be absolutely paramount in regard to fathers' use of their share of the parental leave. As a result, where fathers are granted full wage compensation, they often take leave.

[Source: Center for Equality Advancement, Fathers on Parental Leave. A Joint Report based on qualitative research with fathers on leave, employers and decision makers in Lithuania, Iceland, Denmark and Malta, 2005]

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

The Danish parental leave rules and their use in practice are actively discussed by politicians, NGOs and labour unions and it is a topic often covered in the media.

One of the main discussions concerns whether to implement the Icelandic rule, according to which 3 months of leave are earmarked for the father. This has, for example, been recommended by the Women's Council in Denmark and the Danish Women's Society in their comments from 2008 to the Seventh Periodic Report by the Government of Denmark on CEDAW.

Some political parties are in favour of implementing the Icelandic rule on 3 months of earmarked leave for the father and have suggested this in Parliament. However, currently, the Danish Government and a majority of Parliament are not in support of implementing the Icelandic model. The main reason provided is that it should be left to the mother and father to decide how to plan their leave and that the father should not be forced indirectly to go on leave.

Part II: Take-up of parental leave by men

8. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country? (This can include measures introduced by the social partners, in collective agreements or other implementing mechanisms in the workplace.)

As stated in Section 7 above, men's take up of parental leave is a topic on the political agenda in Denmark.

As stated in Section A1 above, the main focus area of the Danish Government in regard to combating the gender pay gap is the gender-segregated labour market. The Government has addressed this through different initiatives, encompassing e.g. a project aimed at increasing the number of women in management. As concerns the promotion of the take up of parental leave by men, the government has expressed that it expects “that men will make use of parental leave to an increasing extent as pay during parental leave for both parents is becoming increasingly prevalent. It is notable in this regard that in recently concluded collective bargaining in the public sector, parents have had their paid leave extended by six weeks.”

[Source: Seventh Periodic Report by the Government of Denmark on the Implementation of CEDAW, May 2008]

Some private employers have taken up specific initiatives to encourage fathers to make more use of their parental leave. These are described in Section 9 below.

Part III: Transferability of good practice

9. **Please describe specific good practices (or good elements of your parental leave system) in your country in the provision of parental leave. (For example, in encouraging men to take up parental leave, in improving the recruitment and retention of women in the labour market, enhanced productivity and employee satisfaction, etc). What are the weaknesses?**

As stated in Section A.2 above, in 2002, legislation was introduced to the effect that the parental rules are made more flexible. As such, the legislation offers better opportunities to reconcile working life and family life. As concern possible weaknesses of these rules, it is problematic that they are complicated, and, therefore, difficult to make full use of. Further, it has been pointed out by the Women’s Council in Denmark that “[o]ne of the major problems for younger women is that there is no proper maternity scheme for self-employed women. They can either take full or half maternity leave on a public scheme and get paid the equivalent of unemployment benefit. Self-employed women need special terms for maternity leave. It is not possible for them to close down their business completely during periods of leave. Hence they need flexible arrangements.”

[Source: Comments by the Women's Council in Denmark to the Seventh Periodic Report by the Government of Denmark on CEDAW, May 2008]

As mentioned in Section 5 above, one of the reasons why the mother makes use of the whole or the majority of the joint parental leave (i.e. the 32 weeks) is that the father's salary is higher than the mother's. Some private companies have chosen to grant the father full wage compensation for 10-12 weeks. This has resulted in very high numbers of fathers choosing parental leave.

[Source: Center for Equality Advancement, Fathers on Parental Leave. A Joint Report based on qualitative research with fathers on leave, employers and decision makers in Lithuania, Iceland, Denmark and Malta, 2005]

Some employers encourage fathers to make use of their parental leave. For example, the private company TDC has carried out a campaign titled "Dad's Hug", where fathers are encouraged to take ten weeks leave and are granted full salary in this period. Further, as a means of promoting this offer, fathers are given a present of baby tools and a letter encouraging them to take the offer.

[Sources: Karen Sjørup (ed.), Men Equal – Men Different. Joint Final Report, Danish Research Centre on Gender Equality, 2006]

The weakness of the two latter examples is that they rely on the willingness of employers to go the extra mile.

10. How are these good practices transferable to other countries?

As concern transferring the flexibility of the Danish parental leave rules, this would have to be done by law and its applicability depends on the nature of the existing national rules.

The ability of some employers to pay full wage compensation during parental leave depends on the system of the specific Member State. The effectiveness of the Danish model in other Member States is as such dependent on a similar combination of regulation and collective or individual agreements as in Denmark.

Campaigns where employers encourage fathers to make use of their right to parental leave, such as the “Dad’s Hug” campaign described above, seems transferable to all Member States.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country? Please refer to the Icelandic report in your response.

The Icelandic rules are clear and easy to use in that they cover all employees. This makes it easier for both parents to use their parental leave optimally. However, this approach may be difficult to implement in Denmark on account of the Danish principle that working conditions shall be left to the labour organisations to agree upon to the greatest extent possible.

The part of the Icelandic model according to which fathers are granted an independent right to 3 months of paternity leave is effective in that it pressures the parents to share the parental leave. The weakness is that it interferes with the parents’ autonomy in regard to the planning of their family life, including the parental leave. Further, where the father should choose not to make use of his earmarked leave, the parental leave will be shortened as compared to a setup where the mother can make use of all of the leave. As stated in Section 7 above, currently, the Danish Government and the political majority is against implementing this approach.

The Icelandic rules ensure equal treatment of same-sex parents. Under Danish law, the parent not giving birth cannot gain status as “parent” until three months after the birth of the child. As a result, the parent not giving birth is not entitled to the 2 weeks of “paternity leave” normally granted under the law.

As pointed out in the Icelandic report, it is a weakness in the Icelandic system that there often is a gap in the period after the period of paternal leave with pay as offered under the law, i.e. the nine months after birth, until the child can be placed in preschool, as this may result in that some women choose to stay at home in that period.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

-Transparent rules that are clear and easy to apply for both employees and employers.

-Flexible rules so that it may be easier to combine parental leave with employment, for example by being able to split up the leave taken or to work on part time.

-That men take part of the parental leave so that the father is engaged actively in the early life of the child and so that women are not automatically looked upon as less attractive employees on account of the fact that they generally take all of or the majority of the parental leave.

-That the parents are not put in a situation where it is obviously more profitable to let the mother make use of the parental leave. In this regard, equal pay and full pay for fathers during leave are crucial factors.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

It is a fundamental issue whether the planning of the parental leave should be left to the parents or whether men should be indirectly pressured into taking parental leave by earmarking a certain period of leave for the father, such as under the Icelandic rules.

Earmarking a period of leave for the father is effective in that it will more than likely lead to that a majority of men will make more use of their leave. Further, it gives men an apparently needed legitimate excuse to go on parental leave in regard to their colleagues and employers. An increase in parental leave taken by men may have an important impact on the existing stereotype that women take care of the child and men support the family. Further, it will make women and men (more) equally attractive as employees. In countries where it is obvious that the parents continue to choose to let the mother take up the majority or all of the parental leave,

despite campaigns, paid ages for the father during the leave etc., earmarking a certain period for the father may be the necessary solution.

However, a downside of this approach is that it interferes with the autonomy of the parents in regard to deciding how to arrange the leave. Further, if it results in that some or many fathers do not make use of their earmarked leave with the effect that the total period of leave is shorter, this cannot be considered as fulfilling the best interest of the child.

Accordingly, it is important to examine in detail what the short term and long term effects are of introducing such a model as the Icelandic.

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Finland

by Kaisa Kauppenen

Part I: Country overview

A. Description of national context and parental leave system

- 1. A brief overview of the position of women in the labour market, covering issues such as the employment rate of women, the extent of part-time work, the gender pay gap and other relevant data. (max 1/2 page)**

Finnish women have a long tradition of labour market participation. Not only do most women work outside the home but they do so full-time. The Finnish gender employment gap (m-f) is 3,9% which indicates that women make up nearly half of all employees in Finland.

During the fertile years (25-39), women's employment rates are somewhat lower compared with those of men's. However, women's employment rates remain at a high level (about 70%) throughout these years.

One reason explaining the high female employment rate of Finnish women is their high standard of education. Finland is one of the EU Members States with the highest share of women aged 25 to 59 having graduated from tertiary education. The share is 42% for Finland. In general, in the EU, nearly a quarter of women and men have graduated from tertiary education.

Education is strongly segregated by gender in Finland, which is also reflected in the labour market. Gender stereotypes significantly affect the educational and career choices of young people.

Partly due to the high degree of gender segregation in the labour market, the earnings of women are approximately 80 % of those of men measured by pay for regular working hours. Female-dominated fields of employment generally have a lower pay level than male-dominated ones. There are also pay differentials between women and men within employment fields.

Women are more often engaged in fixed-term jobs. Fixed-term employment is often a feature of a woman's career up until her 40s, whereas with men, fixed-term employment is a feature of a young man's early working years.

A peculiarity is that 19 % of Finnish women are engaged in part-time work, which is much less than in the neighbouring Nordic countries of Sweden (36%), Denmark (42%) and Norway (46%).

Career development is slower for women than men, and there are more men than women in leadership positions in private businesses.

In politics women are doing much better. In the municipality elections in 2004, 36% of the elected representatives were women, and in the parliamentary elections in 2007, 42%. %. New municipality elections were held in the end of October 2008. Women increased their seats particularly in the big cities of Helsinki, Espoo and Vantaa.

2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?

One of the focus areas of Finnish family and equality policies has been the reconciliation of work and family life. During the past 40 years, many arrangements have been developed to make it easier for working parents to combine work and family life. These arrangements are closely related with the development of the Finnish welfare system.

The comprehensive system of maternal, paternal and parental leave in its various forms is a good example of the Finnish welfare policies.

Adoptive parents of a child under the age 7 years are also entitled to parental leave.

In a *registered partnership*, the partner of the child's parent is entitled to take parental leave, if the child was born, or the other partner adopted the child under the age of 7, after registration of the partnership.

Maternity leave lasts 105 week days. Of these days mothers are to use between 30-50 days before giving birth and between 55-75 days afterwards.

Paternity leave amounts to 18 week days. It can be taken during the maternity or parental leave in up to four stages (see the 'Daddy month' extension below).

Parental leave lasts 158 week days. It is extended by 60 days per child in the case of multiple births.

Special maternity leave is granted on the order of a medical doctor if an expectant mother works under conditions that may be harmful to the unborn child, and if she cannot be assigned alternative work.

Adoptive parental leave entitlement is granted depending on the age of the child. In the case of a newborn child parental leave is 234 week days, counted from when the child is born. For children under 7 years of age the parental leave entitlement is 200 days.

Parents who intend to take maternal, paternal and parental or adoptive leave have to tell employers of their plans at least two months before they go on leave. There is some flexibility in this regard, such as if a child is born earlier than anticipated.

During the period of maternity, paternity or parental leave, the parent receives a daily allowance as provided under the Sickness insurance Act. The amount of the allowance is on average 70% or more of the person's previous income. Allowances for maternal, paternal and parental leave are allocated by the Social Insurance Institution of Finland. Parents who were not in the labour market before the birth of the child are entitled to minimum daily benefit.

Furthermore, some employees are entitled to salary in respect to the part of the maternity leave (6 weeks to 3 months) according to collective agreements.

Maternity, paternity and parental leave accrues holidays.

The employee taking family leave is entitled to return to his or her former duties at work. If such work is no longer available, the person must be offered work of similar kind.

Parents can also apply for a *child care leave* after the initial parental leave. The child care leave means a chance for the parent(s) to stay at home to look after a child until the child turns three. In case of an adopted child, no less than two years and at the most until the child starts school. During the child care leave, the parent's employment is secured, while the child care leave is financially subsidised by a home care allowance.

There is also a *municipal day care system*, which since the beginning of 1996 guarantees a day-care place for all children under school age (7 years in Finland). As an alternative to municipal day care, since 1997 parents can choose private day care and are entitled to an allowance to cover part of the private day care costs.

Some municipalities subsidise caring of a child at home with municipal child care allowances in varying amounts.

Parents of young children have also a chance to reduce their working hours (daily or weekly) until the end of the child's second school year (July). If they choose to use this *partial child care leave*, they are entitled to a partial home care allowance until the child turns three. In case of a handicapped child or a child with a long-term illness, the partial child care leave can last until the child is 18 years of age. Part-time work related to partial child care leave is subject to arrangement between employer and employee.

It is typical that the employee gives a notice of commencement of this arrangement two months prior to taking the leave which is changeable by mutual agreement.

Either of the parents has the right to stay at home for four days to look after a sick child under the age of 10 (*temporary child care leave*). The law does not secure their pay for these days but a number of collective agreements between employees' and employers' organizations have done so. The Gender Equality Barometer (2005) shows that about as many men as women have used this right to stay at home to look after a child who has suddenly fallen sick.

There is also a possibility for a *temporary absence* for an unpredictable reason due to illness or accident in the family. This absence must be notified by the employee as soon as possible and a reliable explanation has to be represented to the employer on request. This is normally an unpaid leave arrangement.

The key element of these family policy instruments has been to secure women's chances of joining and remaining in the labour market when children are young.

More recently, men's role has been encouraged. However, men have taken advantage of their family policy rights to a much smaller extent than women.

It has been possible for the parents to divide the parental leave between the mother and the father. So far, only 2-5% of the fathers have used this opportunity, but paternity leave is taken up by almost all (90%) of eligible fathers.

There is a new system developed for fathers according to which the father is entitled to another 12 days of leave provided that he also uses the last 12 days of the parental leave. The father can take altogether 42 days of the leave, of which 24 days have to be taken as a 'Daddy month' at the end of the parental leave.

This new system was designed to encourage men to take a bigger part of the parental leave. In practice, this arrangement has proven to be so complicated that only a few men (in 2005 about 10%) have used this opportunity. There are new plans to make the 'Daddy month' more flexible and family-friendly.

B. Impact on gender equality

3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

One of the focus areas of Finnish family and equality policies has been the reconciliation of work and family life. This is because women have a long and strong tradition of labour force participation in Finland.

The main objective of parental leave system (originally maternity leave system) was to enable working mothers (later working parents) of small children to stay at home for a fixed period of time to care for their children.

The present comprehensive system is meant for both working mothers and fathers. The idea is that when both parents take family leave while their children are small, both the father's and mother's relationship with the child becomes closer – and that has wide-ranging positive effects on gender equality and family well-being.

By encouraging fathers to take up their share of parental leave is also thought to diminish discriminatory attitudes toward young women. As noticed earlier, fixed-term employment is often a feature of women's career in Finland.

4. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

One outcome of the family policy system in Finland is the high degree of labour force participation of women; the system has clearly facilitated the access of women to the labour market.

During the fertile years (25-39), women's employment rates tend to be somewhat lower compared with those of men's. However, women's employment rates remain at a high level (about 70%) even during these years. Today, women's and men's employment profiles are almost identical in Finland.

The family leave system is quite complicated. It demands a great deal of negotiation and good-will between the employee and the employer to make the system function in practice. Particularly some representatives of female-dominated small scale enterprises and business owners regard it a heavy duty to implement the different type of family leave arrangements in practice.

Male-dominated workplaces and organization escape the 'daily hassle' caused by the family leave arrangements because men usually use only the paternity leave entitlement which amounts to max 18 days.

There has been much discussion in Finland how to divide more equally the direct as well as indirect costs caused by the parental leave system for the employers within male- and female-dominated fields.

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

As described earlier, the Finnish family leave system is quite complicated. Fathers and mothers find it often difficult to understand their rights especially concerning the financial compensation during the period of leave.

Also, the parental leave system and the 'Daddy month' are experienced by both parents and particularly by men as complicated to arrange in practice. Therefore, there are plans to renew the system in this regard.

Some fathers find it difficult to negotiate with their supervisors about their plans to take a family leave due to negative attitudes. More and better information should be available for both the employers and employees.

One reason why Finnish men use parental leave less than their counterparts in other Nordic countries may be partly due to a lower compensation level in Finland where about 70% of previous income is paid during parental leave. Parents in Sweden, Norway and Iceland receive benefits that compensate 80% to 100% of lost income. In Finland the compensation rate has been raised since 2005, but it has not had much effect.

Most studies on parental leave show that family economy is one of the main obstacles for sharing parental leave between mothers and fathers. However, the relation between economical factors and fathers' use of family leave has proven to be complicated.

It seems that in Finland the use of parental leave increases with father's income level. This suggests that families of well-paid fathers can better bear the income loss caused by the father's family leave.

C. Evaluations and ongoing discussion

6. Is there any evaluation of the current parental leave system? If so, please summarise its main results

There has been much discussion (and evaluation) in Finland regarding the direct and indirect costs of family leave from the perspective of both individuals and business organizations.

Results indicate that the companies' *direct* costs of family leave are on average quite small (most costs are compensated by the Sickness insurance Act). The *indirect* costs, on the other hand, tend to have a negative impact on companies' profitability especially in female-dominated fields. The indirect costs refer to such costs as hiring and training a new person.

There are also individual costs in the form of '*child penalty*'. Studies show that the wage of a mother returning from family leave lags behind that of childless but otherwise similar women who have worked uninterruptedly. These negative wage effects tend to fade out rather quickly after mother's re-entrance into working life. The longer the family leave duration, the higher and more prolonged is the '*wage penalty*'.

A similar '*child or wage penalty*' effect is not observable in the case of fathers due to their relative short family leave.

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

The *Finnish governmental equality program (2008-2011)* will develop the parental leave system further. The whole parental leave system will be evaluated from the

perspective of individuals, families and workplaces. Also the problem related to direct and indirect costs caused by the family leave for the employers and workplaces will be analyzed.

Studies show that a family-friendly work culture enhances employees' return from family leave. Therefore, good workplace initiatives will be analyzed as a driving force for new innovations also regarding men's willingness to take up parental leave.

One of the focused areas is on how to create incentives to encourage more men to take full advantage of the parental system (see 8.).

Part II: Take-up of parental leave by men

8. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country? (This can include measures introduced by the social partners, in collective agreements or other implementing mechanisms in the workplace.)

From the perspective of gender equality, there is new discussion of the role of men as parents. A growing number of young fathers want to establish a strong relationship with their children, which is possible only if they can spend more time with their young children.

The Finnish governmental equality program (2008-2011) will develop the parental leave system further. One of the focused areas is on how to create new incentives to encourage more men to take full advantage of the parental leave system.

In 2007, a campaign was run which was focused on men as fathers. The campaign was initiated by the Ministry of Health and Social Affairs. The goal was to encourage fathers to take up a bigger share of the parental leave. The general message of the campaign was positive: the family leave can be an opportunity for men to learn new social skills and open their eyes for new horizons.

However, the situation has proven to be difficult to change. The statistics show that fathers in Finland are less likely to take family leave when compared to fathers in the other Nordic countries of Sweden, Norway and Iceland. Fathers in Finland take only about 6% of all benefit days, compared to about 20% in Sweden.

This may be partly due to a somewhat lower compensation level in Finland as discussed earlier. There are also other reasons involved such as negative attitudes towards parental leave from superiors and colleagues at male-dominated workplaces.

The father's quota in Norway, Sweden and Iceland has resulted in higher numbers of take-up by fathers, and increased the sharing of parental leave between mothers and fathers even *outside* the quota.

The positive experiences based on the quota system in other Nordic countries have inspired discussions in Finland that a similar system could also be introduced here. However, Finnish studies indicate that both women and men tend to prefer the present system which allows them more freedom to negotiate about how to share the family leave provisions within the families.

A rigid quota system may arouse negative images in some people in Finland.

Part III: Transferability of good practice

9. Please describe specific good practices (or good elements of your parental leave system) in your country in the provision of parental leave. (For example, in encouraging men to take up parental leave, in improving the recruitment and retention of women in the labour market, enhanced productivity and employee satisfaction, etc). What are the weaknesses?

Positive element of the Finnish parental leave system is its broad scope and diversity; it takes into account the situation of adoptive parents and parents living in registered partnership.

There are studies on the '*rainbow families*' how they cope with the authorities, e.g. regarding their eligibility for financial compensations, etc. With more training and familiarity with these issues things can be improved.

There are some good practices in Finland such as working time arrangements allowing the accumulation of hours in a '*working time bank*'. This allows people more flexibility to balance their work/life demands.

Some Finnish companies offer their employees household and childcare services in order to accommodate situations when children fall suddenly ill.

It has been shown that a family friendly work culture enhances employees' return back to work from a family leave which also contributes to employee satisfaction and productivity at work.

The *weakness* of the Finnish parental leave system is that it does not stimulate more men to take up a bigger share of the parental leave.

The system can also be burdensome for female-dominated workplaces which often are small sized enterprises.

10. How are these good practices transferable to other countries?

The Finnish Equality Act (2005) provides some practical tools to promote gender equality in the workplaces.

One such good practice is *Equality plan*; the Act obliges employers with a regular staff of 30 or more to draw a gender equality plan.

The equality plans have mainly focused on such issues as wage and wage structures; safety and health at work; women's career development and job rotation; and family leave policies.

The equality plan, when it is prepared in cooperation with the whole staff, can be a useful tool by means of which workplaces can promote practices which support the combination of work and family and other relevant gender issues.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country? Please refer to the Icelandic report in your response.

The *strengths* of the Icelandic system of parental leave are related to the fact that it has inspired fathers to take full advantage of the family leave policy.

The system has increased gender equality in the Icelandic working life. Also the fertility rate has been positively affected.

Some elements can be transferred to the Finnish parental leave system particularly the ones which relate to the more active roles of fathers.

The rigid quota system (3x3x3) may be a critical factor from the Finnish perspective as discussed earlier. However, the system seems to give opportunities for flexible arrangements.

It will be interesting to see how the Icelandic welfare policy will survive during the economic crises.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

Ideally, a high quality parental leave combines elements which allows individual (and family based) choices and simultaneously offers opportunities for flexible workplace solutions.

These choices concern both women and men but particularly men regarding how they can combine their fathering roles with their professional work roles.

The *'European' attitudes to parental leave* (2004) survey points out the many obstacles which still are faced by men when they negotiate their family-related roles at the workplaces across the EU.

According to the survey, the most typical factors that would *encourage* fathers to take parental leave are: getting more financial compensation during the period of leave; better guarantees in respect of job/career during and after the leave; better information about taking parental leave; and a more open-minded attitude towards parental leave from superiors and colleagues at work.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

It will be interesting to see how the Icelandic welfare policy which includes the innovative parental leave system will survive during the economic crises.

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Germany

by Dr Susanne Baer

1. Description of national context and parental leave system

In Germany the participation of women in the labour market is higher than the Lisbon goal for 2010. The employment rate of women increased to 64.0% (men 74.7%) in 2007. (Eurostat)

Hours of work vary greatly according to gender, due to the fact that women are forced to undertake the main burden of housework and domestic duties and therefore to reduce (at least temporarily) their hours of paid employment. While women more frequently take up part-time or low-paid work, most men work full-time. Overtime is also disproportionately worked by men. 45.8% of women and 9.4% of men are in part-time employment. (Eurostat)

There continues to be a significant income gap between men and women (about 22% in 2008), which, combined with reduced hours of work, has a negative impact on women by virtue of their correspondingly lower social security benefits in old age and/or unemployment. This income gap, it must be said, is far more pronounced in the private sector than in the civil service. There are a few discussion papers which discuss data and specific action plans. (e.g. Friedrich-Ebert-Stiftung, Anger/Schmidt)

2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?

In 2007 Germany changed its parental leave policy. Germany has instituted recent reforms that shifted their parental leave policy towards gender equality (for example: more men / fathers are now active in childcare and more women / mothers return to work earlier). (The old system of paid parental leave still applies to children born before 2007.) Parents still have the right to take parental leave up until their child is 3. Parental leave has to be seen differently from paid maternity leave, which generally starts 6 weeks before the confinement and ends 8 weeks after it.

Since 2007, one of the parents can receive childcare benefit for up to 12 months. This can be supplemented by a further 2 months if the other partner wants to take parental leave as well – in Germany these months are called “bonus months” or

“fathers’ months”, because the majority choose the model of 12 months for the mother and 2 months for the father. The partner not at work gets 67% of their net income in the last 12 months before the birth, but not less than 300 € and not more than 1,800 €. (There are special guidelines for parents who earned less than 1000 €, and those who did not work before the birth can only get 300 €.) In addition to the parent's allowance, child allowance is paid to all children under 18 years regardless of parents' income (154 € per child per month, 179 €) from the fourth child on.

Parental leave is funded by the German Federal Government.

B Impact on gender equality

3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

The new system supports the abolition of conventional gender roles. The shorter length of parental leave allows both parents to make a better return to his or her job. Part-time work up to 30 hours is also compatible with parental leave. New studies in Germany concerning the gender pay gap show that the shorter the “time out” in parental leave, the better the chances for a woman to continue her career. (DIW)

4. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

There are no significant changes in women's positions in the labour market, since mothers mostly take parental leave for the first 12 months after the child's birth, while only 18% of fathers take the additional 2 months' leave. However, the new policy seems to be increasing the participation of young mothers in the labour market.

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

The re-entry into employment after a long period of parental leave seems to be the greatest challenge.

C. Evaluations and ongoing discussion

6. Is there any evaluation of the current parental leave system? If so, please summarise its main results?

So far, there are only studies on how the new policy is perceived by parents: Federal Ministry for Family Affairs, Senior Citizen, Women and Youth (2008): 'Das Elterngeld im Urteil der jungen Eltern'

<http://www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Abteilung2/Pdf-Anlagen/bericht-elterngeld-urteil,property=pdf,bereich=,sprache=de,rwb=true.pdf>
and <http://www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Abteilung2/Pdf-Anlagen/tabellenband-elterngeld-urteil,property=pdf,bereich=,sprache=de,rwb=true.pdf>

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

The discussion on parental leave has moved on to the right to public childcare from the age of one year upwards.

Part II: Take-up of parental leave by men

8. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country?

See A. 2.

Part III: Transferability of good practice

9. Please describe specific good practices (or good elements of your parental leave system). What are the weaknesses?

Federal Ministry for Family Affairs, Senior Citizen, Women and Youth (2008): Exploring new Avenues. Portraits of Men in Transition.

http://www.bmfsfj.de/bmfsfj/generator/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/neue-wege-m_C3_A4nnerbrosch_C3_BCre-englisch,property=pdf,bereich=,sprache=de,rwb=true.pdf

Federal Ministry for Family Affairs, Senior Citizen, Women and Youth: Online network 'Frauen machen Karriere'

http://www.frauenmachenkarriere.de/Themen/Familie_und_Beruf/Wiedereinstieg

Federal Ministry for Family Affairs, Senior Citizen, Women and Youth: Program 'Re-entry into employment'

<http://www.bmfsfj.de/bmfsfj/generator/Politikbereiche/gleichstellung.did=108548.html>

The weakness of the German policy is the lack of public childcare, and also the gender pay gap in Germany.

10. How can good practices be transferred to other countries ?

The general ideas of implementation programmes such as 'Re-entry into employment' and the network 'Frauen machen Karriere' can easily be transferred to other countries.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country?

The strength of the Icelandic approach is the earmarking of two identical time-frames for each parent, thereby promoting the concept of gender equality. As I mentioned above, parents in Germany are almost completely free in how they divide up their parental leave, which leads to the vast majority choosing the model of 12 months for the mother and 2 months for the father.

As another very positive point, I want to point to the initiatives the Icelandic government has taken (such as the Icelandic Act on the Equal Status and Equal Rights of Women and Men from 2008) in encouraging companies to include special provisions regarding gender equality in their personnel policies. Obliging companies

to allow for flexible working hours, facilitation of the return to work after maternity/paternity leave, and acceptance of employees' time off for urgent family reasons on grounds of *force majeure*, helps to create an environment in which parents can take full advantage of the parental leave policy without concern. The reported terminations, however, show that there is still a lot of work to do.

It seems very promising that there should be a public body responsible for monitoring compliance with GM strategies – such as the Icelandic Centre for Gender Equality, which has the power to impose fines on companies that do not comply with the requirements to include gender equality in their personnel policy. Many countries would probably benefit from such a specialised institution.

As for the weaknesses, I would agree with the report that the policy of some municipalities of paying parents to stay at home with their children until they are 24 months is highly risky. The incentive created by such payments usually works against the aim of having mothers continue to invest in their careers. Similar negative effects might be caused by the gap between parental leave and the beginning of preschool.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

For me, an important pre-condition for a parental leave policy that increases gender equality that has not been mentioned yet is the decrease in the gender pay gap: only when the average income of mothers is no longer significantly less than the average income of fathers will families consider relinquishing 20% of the father's income for several months while he is on parental leave.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

The plan to lengthen the time-frame of the subsidised parental leave is ambiguous: on the one hand, closing the gap between parental leave and preschool might make the return to work easier for mothers. On the other hand, the additional three months would probably again be mostly taken by the mothers, leading employers to see

women as less dependable employees – with an average parental leave of 9 months in comparison to three months for men – which might have a negative effect on women's situation in the labour market.

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Greece

by Laura Alipranti-Maratou

Part I: Country overview

A - Description of national context and parental leave system

- 1. A brief overview of women's status in the labour market, covering issues such as the employment rate of women, the extent of part-time work, the gender pay gap and other relevant data.**
- 2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leave are they taking mostly?**

1. A brief overview

In Greece, women's participation in the labour force has progressed at a slower pace than in most other European countries. The female participation has increased from 27% in 1981 to 32% in 1991, to 36.2% in 1997, to 41,9% in 2001 and to 47,2% in 2006 - represents the lowest rate among 27 EU member states as the EU average the same year was 57,2% . There is also limited part-time work as legislation on part-time employment was not introduced until 1990 and seems to have had little impact as yet: in 2006 the figure for men was 2.8% and for women 10,5%.

Although female employment rate is low, the gender pay gap in Greece is lower than average (around 10% in 2007 and 15,9% in average EU27) which reflects the small proportion of low-skilled or un-skilled women in workforce. Moreover the presence of small children has had a significant effect on female employment. Existing data on employment rates indicate that, the proportion of men with at least one child under 6 years old is more than double than the equivalent of women (96,2% and 49,0% for the women). As it is obvious many women withdraw or delay to integrate into the labour market in order to take care of their children. This reflects also the persistence of traditional patterns on gender roles and the gender division of domestic labours.

In Greece the pay gap between men and women is not very high and it has been reduced during the last year. The annual report from the European Industrial Relations Observatory (EIRO), based on contributions from its national centres, provides a broad indication of trends in pay increases over 2006 and 2007 across the current 27 EU Member States (EU27). In Greece the percentage has decreased from 5,8% to 5,1% in 2007.

2. Parental leave

As a member of the EU since 1981, Greece was obliged to comply with the directives that supported equal treatment of men and women: equal pay for work of equal value; equal access to employment; vocational training, promotion and working conditions etc;

During the last decades, the most important laws with regard to family and gender issues are those related to provisions for support of large families and facilitation of working mothers and fathers. They concern regulations on parental leave, laws regarding the protection of pregnancy and maternity as well as the protection of pregnant women in the workplace, the operation of daylong schools. Furthermore, some laws concern the institutionalization of informal types of work, such as work at home and tele-work etc

Maternity leave

In the private sector women are entitled to maternity leave 56 days before the birth and 63 days afterwards (17 weeks). In order to be given the possibility to receive these benefits, women directly insured should have completed 200 days of work from the possible day of childbirth during the past 2 years.

More favourable provisions were established from 1997 in the Banks and the public sector. So, women working in these sectors are entitled with 18 weeks maternity leave.

Recent law (3655/2008) increased the maternity leave of working women insured in the main Social Security Fund -IKA-ETAM (private sector) who are entitled to 6 months paid maternity leave. However the grant corresponds to the minimum wage salary.

Maternity leave is fully paid by the state, the Social Security Funds and the "Hellenic Employment Organisation"/OAEED (state organisation).

Self-employed (men or women) direct and indirect insured receive an allowance of 800,00 euros for each child birth.

Parental leave

1. Childcare leave: Reduced working hours or continuous absence

Childcare leave in both the public and private sector takes the form of either **reduced working hours or continuous absence** after maternity leave which is mandatory.

Working mothers are entitled to **a reduced working day** at full pay in both the public and private sector, in principle intended for breastfeeding. **In the public sector**, mothers with children up to the age of two (2 years) are entitled to a reduction of two working hours a day and one-hour reduction for the women with children aged two to four (2-4 years).

However, working mothers in the public sector who do not make use of reduced working hours are eligible **for nine (9) months paid leave** to look after the child (law 2683/1999). It is fully compensated and is considered as employment time for labour and social security benefits. **Only mothers are entitled to this benefit. In the private sector** mothers are entitled to a one-hour reduction of working hours for a period of 30 months after the expiration of the maternity leave of a working mother (or a working father if she does not make use of it). Upon agreement with the employer she/he can take a continuous leave of equivalent time duration to the reduced hours' entitlement which is almost 4 months.

2. Parental leave for childcare.

Starting in the 1980s, legislation has provided parental leave to assist working parents in the private sector but most of them are without pay. In 1988 the legislation was extended to include the public sector by Presidential Decree 193/1988.

2.1. Private sector and Banks: Parents with children up to 3,5 years, working in a private-sector company that employs more than 50 people (from 1998 with the adoption of the 96/34/EC Directive this was abolished), in Banks or in the public sector are entitled to 'parental leave' **without pay**. The leave can last **up to 3,5 months** for each parent (or six months for a single parent) and is given by the employer on a basis of the employed order of seniority. The leave is unpaid but it is counted as service time (for pension purposes).

Employers are obliged to satisfy requests for up to 8% of their employees. Employees are expected to return to the same or a similar position and should not suffer a demotion or job loss as a result of parental leave. The law provides for

social insurance rights during the leave but makes parents pay both the employee and employer portions of the insurance premium.

2.2. In the Public sector parental leave for up to 2 years

In the Public sector each parent of a child under 6 years is entitled to unpaid parental leave up to 2 years after having completed one year of service. However few women or men take advantage of this leave, as the time spent on leave does not count towards promotion or pension entitlements.

2.3. Parental Leave to Attend School Performance

Parents employed full-time in the **Private** (full-timers only) **and Public sectors** may receive **up to four days (six days in the Public sector) of annual leave with pay to attend the school performance** of school-aged children up to 16 years old without losing any of their employment rights (wage, salary, social security). When both parents are working, the leave is shared between them.

2.4 Parental leave for illness of a child

For parents **employed (full-timers only) in Public and Private sectors** with children under 16 years – without age limit if they need special care due to disability or serious chronic illness- are entitled **up to 6 days unpaid leave**. It rises to **8 working days** for each single working parent or each working married couple with **2 children** and to **10 days** for **working parents of more than two children**. The period of absence is considered as employment time for all purposes.

2.5. Parental leave up to 2 years (unpaid) for parents (biological or adoptive) **employed in the Public sector** with family dependant members who suffer from serious severe chronic illness which makes self-care impossible.

3. Paternity leave

In the **private sector** in case of childbirth the father is entitled **to a two day paid leave** for every child (2000, National General Collective Agreement).

In the **public sector**, according to the Civil Servant's Code, fathers are entitled to 5 days of a so-called special family leave upon their child's birth, after the administration approval and according to service needs.

All the above provisions for working parents are addressed irrespective of their civil status. Lone parents (widowers, divorced or unmarried) as well as parents of handicapped children have in many cases additional rights in terms of the time of entitled leave.

The use of paid childcare leave differs sharply according to the sector of economy in which parents are working and the size of firms. Moreover, almost all users are women. This not only results from the existence of traditional stereotypes on gender roles but also because mothers working in the private sector have priority of access and fathers in the public sector are not entitled. The new Civil Servant's Code allows both parents to take parental leave.

There are no data on the use rate by parents. However working mothers in the public sector prefer to stay home for nine (9) months paid leave instead of working one or two hours less each day (reduced working hours scheme). In the private sector continuous absence after the maternity leave doesn't happen very frequently because of the negative implications on career development.

Child care services

Child care services include: public and private crèches, nurseries, kindergartens, after-school centres and summer camps. However the public services for childcare run and financed by the local authorities are not sufficient (cover about half of the needs). Consequently, the exceeding demand is channelled into the private sector (private nurseries) and particularly into the expanding market of personal services due to the work of migrant women. Family networks and women migrants are the main sources for family support in care services.

B. Impact on gender equality

- 3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.**

Reconciliation, equal opportunities and family policy in Greece constitute fields that have been recently closely connected, with a commitment to promoting women's access to employment whereas the gender dimension does not seem to play an important role in the implementation of public provisions and services.

The *reconciliation of work and family life* is generally recognised as a social problem with several dimensions associated with the social organisation of the provision of care and the pressing need to modernise the Greek labour market in order to facilitate the participation of more women in it.

There are no targets in the national provisions and only in the private sector working fathers are entitled to childcare leave.

Reconciliation of work and care remains an important issue on the political agenda in Greece.

4. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

All sectors of the Greek economy include rights and regulations for the reconciliation and harmonious combination of private and professional life. However these rights vary between the private and the public sector and in the latter the provisions are more generous.

The tendency though is for industries and firms with strong unions to converge with the public sector's provisions.

However, the high cost that these policies/services require, the structure of Greek labour market with the existence of a great number of SME, the prevailing mentality of the employers as well as a series of both institutional and cultural obstacles create a negative environment regarding the endorsement of harmonizing policies.

The fact that parental leave in the private sector is not paid discourages parents and especially fathers from taking advantage of these provisions.

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

The main gaps are:

- The non-paid (and deprived from insurance) nature of parental leave, which discourage parents and specially fathers from taking advantage of these provisions.
- There is lack of variety in alternative services: Working parents should be able to choose from a wide field of policies and services in order to balance family and professional life.

- The under-representation of women in employers' associations/trade unions is an obstacle for the promotion and establishment of reconciliation policies.
- A crucial factor is the hesitation of employers to provide flexible working time arrangements to the employees or to take the responsibility for the cost of child caring or the cost for long-term leave.
- There is limited integration of gender dimensions in the business culture and in Greek society in general.
- The lack of harmonization between working hours and operating hours of kindergartens leads many parents to search for other/personal ways to balance professional and family life responsibilities
- Moreover, the existence of informal networks of assistance within the Greek family which – even though they have been reduced –still cover to a great extent the needs for child-care and constitute an obstacle for the development of an efficient reconciliation policy scheme.

Challenges:

- A number of actions should be planned for raising public awareness in order to instigate men-parents to participate more actively in the domestic activities/and the care for the dependent family members.
- To provide incentives for parents-fathers to take advantage of parental leave.
- To turn existing unpaid parental leave into paid ones.
- To expand the provisions on paid parental leave in the private sector as well.
- Another element is the introduction of flexible working time arrangements which are missing in Greece.
- The inclusion of the dimension of reconciliation of family and working life in the agenda of the General National Collective Labour Agreements is very important.
- The gradual removal of obstacles in order reconciliation services and measures to be applied at the workplace in private sector mainly.

C. Evaluations and ongoing discussion

- 6. Is there any evaluation of the current parental leave system? If so, please summarise its main results**

In Greece there is no evaluation procedure of the parental leave system to date.

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

In Greece there is always discussion on the revision of the parental leave system. However, only some complementary provisions and new regulations for working parents and mainly fathers are currently under development and will be implemented by the Ministry of Interior and the General Secretariat for Equality.

Part II: Use of parental leave by men

8. Please briefly describe any specific initiatives that have been introduced to promote the use and scope of parental leave provisions by men. Is this topic on the political agenda of your country? (This can include measures introduced by the social partners, in collective agreements or other implementing mechanisms in the workplace).

There are no available data on the use of parental leave by men as there is no formal registration by the state administration. Take up of childcare leave differs sharply according to the sector of economy parents work in and the size of firms. Moreover, almost all users are working women/mothers. This is not only resulting from the existence of traditional stereotypes on gender roles but also because mothers working in the private sector have priority of access and fathers in the public sector are not entitled to this provision. The new Civil Servants Code, however, will provide this option.

Part III: Transferability of good practice

9. Please describe specific good practices (or good elements of your parental leave system) in your country in the provision of parental leave. (For example, in encouraging men to take up parental leave, in improving the recruitment and remaining of women in the labour market, enhanced productivity and employee satisfaction, etc). What are the weaknesses?

Good Practices

The establishment of the “**National Thematic Network for the Reconciliation of Professional and Family Life**” which is operating in the frame of **Community**

Initiative EQUAL. Most important goals of this network are to publicize and disseminate Good Practices to the enterprises in order to promote equality in the work place and also to disseminate equal opportunities policies.

Moreover the **General Secretariat for Equality** of the Ministry of the Interior, Public Administration and Decentralization and the “**Hellenic Network for Corporate Social Responsibility**” have signed a **Memorandum of Cooperation**. Both parties agree to cooperate in order to inform, raise awareness among employees and to motivate enterprises to promote and disseminate equal opportunities policies between men and women and relative Good Practices, actions and measures adopted and implemented by the enterprises’ members of the Network.

The “**Hellenic Network more** precisely will encourage the following:

- The development and promotion of policies harmonizing professional and family obligations,
- A positive attitude toward carrier brakes and the promotion of re-integration programs for the employees returning to the company/ enterprise after a long lasting absence.
- The encouragement of fathers as well as of working mothers to make use of the child rearing leave.

COSMOTE is a mobile phone provider employing 2000 workers which has signed a firm-collective agreement. This agreement stipulates that childcare leave may be granted in the form of uninterrupted six-month leave immediately after maternity leave.

Finally, in Greece “informal arrangements” are frequent between employees and employers. They are not legally recognized and they depend on the employer’s willingness to accommodate their staff.

10. How are these good practices transferable to other countries?

- Participation of Greek public and private Institutions and NGOs in various European Networks and Research teams and forums.
- Exchange of Good Practices in the Framework of EC EQUAL Initiatives.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country? Please refer to the Icelandic report in your response.

The positive points are as follows:

1. The participation of the father in childcare is compulsory and he has to take up one third (3 months of total 9 months) of the paid nine months' parental leave after the maternity leave. This constitutes a positive action for the balance of gender roles within the couple.
2. The possibility to split the leave into several time periods.
3. The possibility for the self-employed parents to give-up work and take advantage of a paid maternity leave receiving 80% of their income.
4. The right for flexible working time in the public sector.
5. The establishment of a minimum payment for all working parents in part-time and full-time jobs regardless of their salaries and their presence in the labour market.

All these elements provided by the Icelandic system are very important for the parents and could be adopted in Greece as well.

Weakness

There is no parental leave for school visits, for child illness (for example up to 10 days a year) and/or special paid provisions in case of child disability.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

- To remove any obstacles for the professional advancement of parents who make use of parental leave.
- To develop a dialogue culture between the administration and employees.
- To introduce paid leave in the private and public sectors.
- To establish measures and policies for the balanced participation of the two parents (father and mother) in care activities.
- To set up flexible working arrangements.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

A number of actions should be planned for public awareness in order to push men-parents to participate more actively in the domestic activities/tasks as well as in the caring of the dependent family members. Particularly important are:

- To provide incentives to parents-fathers to take advantage of parental leave.
- To turn existing unpaid parental leave into paid ones.
- To expand the provisions on paid parental leave in the private sector as well.
- To introduce flexible working time arrangements which are missing in Greece?
- To include the dimension of reconciliation family and working life on the agenda of the Collective Agreements.
- Finally, the institutionalization of incentives to enterprises and employers in order to apply reconciliation services and measures seems to be crucial.

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Ireland

by Ursula Barry & Grainne Healy

2. Description of national context and parental leave system

National Context

The Irish economy was unique within the EU in recording particularly high levels of economic growth, above the EU average, throughout the decade 1997-2007. However over the last eighteen months the economic situation has changed quite dramatically and Ireland is now officially in recession. Over the course of 2008 economic commentators have revised their projections of economic growth downwards from 3% to 1%, zero and now negative growth. According to many analysts, an over-reliance on construction and property-fuelled economic growth, combined with unregulated credit, accounts for the marked downturn in Irish economic performance. Rising inflation levels have also become a feature of the Irish economy - the most recent projections estimate consumer price inflation at 4.5% for 2008. This combination of over-pricing and rising interest rates have led to a steep fall in demand within the residential property market and to reduced consumer spending across the economy. Falling taxation revenue has been a consequence of this leading to a significant growth in the projected budget deficit (from a budget surplus in 2006 of 3% to a forecast deficit of 4 or 5% for 2008) causing cutbacks and restrictions in government expenditure, particularly in public services and social expenditure. These combined trends initially had particularly negative effects on employment in construction, a significant male-dominated sector, accounting for a large share of the job losses. Over recent months, however, employment decline has begun to spread across the economy to manufacturing and services involving both women and men workers. After almost a decade of a low rate of registered unemployment, the past eighteen months has seen a sharp rise.

Position of women in the labour market

The labour market situation of Irish women has undergone significant and rapid change over the last decade. Between 1999 and 2007 women's employment rate increased from 53% to 61%. As well as the growth in the level of women's employment, its composition has also changed, particularly its age structure. The strongest growth in women's paid employment rate has taken place in the 35-44 age group (from 60% in 1999 to 67% in 2007) and also in the 45-54 age group (from 48% to 66% over the same time period) (CSO, 2008). These figures reflect the way

in which the pattern of increasing employment rates has been working its way through different generations of Irish women. The gap between the employment rate of younger and middle age groups of women has narrowed significantly and even in the older age group a similar pattern of change is emerging. Among Irish men, employment rates have generally been stable over the decade, although there has been a lowering of the rate among younger men (linked to higher educational participation) and an increased rate of employment among older men. Together these changes have led to a narrowing of the gender gap in the employment rate between women and men (among those aged 15-64) from 21.5 in 2001 to 16.3 in 2007, still wider than the EU average.

New patterns are also evident in rates of employment and non-employment, particularly among women, within the Irish economy as a whole. While rates of recorded unemployment are similar between women and men, non-employment rates or 'inactivity' rates are significantly higher among women than among men reflecting women's traditional roles as primary carers, a role which continues to shape women's attachment to the labour market. A new study on Gender Inequalities in Time Use (McGinnity and Russell 2008) reveals significant inequalities between women and men in the distribution of unpaid work in the household, particularly where there are children. Women continue to experience disadvantage on the labour market linked to their unequal position within the household. Director of the Equality Authority, Niall Crowley commenting on this Report called for paid paternity and parental leave as well as statutory entitlement to childcare in order to create the conditions for greater equality care responsibilities and in the distribution of both paid and unpaid work.

Because of a lack of available and affordable childcare, employment trends show a sharp decline in women's labour force participation over the life cycle, particularly dependent on factors such as the number and age of their children. Gender differences are very marked in that men's employment rates are largely unaffected by the presence of children in the household. The central issue in relation to women's access to employment is the lack of a proper care infrastructure, particularly the lack of adequate childcare and pre-school education. Broader

policies to support women's paid employment during childrearing years are also critical, particularly leave entitlements, family friendly and flexible workplace policies.

Gender patterns within the Irish labour market are marked, reflected in a high level of segregation on both a sectoral and occupational basis. The principal economic sectors where women are located are the public sector (health, education and administration), retail, business services and hotels and restaurants. Key sectors for men are construction, public administration, retail, business, agriculture and land transport. The particularly high concentration of male employment in construction has been evident in its vulnerability to recent changing economic conditions, particularly in the contraction of the over-valued property market in Ireland, a sharp downturn in construction activity and a rise in unemployment. Trends in the gender pay gap highlighted in recent studies show the significant level of the gap in Ireland (around 14%) including among recent 3rd level graduates (around 7%) (indecon 2004)

Statutory provision for leave entitlements (other than maternity leave) are very limited in Ireland. Only maternity leave is paid. There is a statutory entitlement to parental leave but it is unpaid. Paternity leave is not recognised under Irish employment law and hence there is no statutory entitlement to paternity leave. Specific organisations or employers may provide leave in addition to that provided under statutory regulations, for example, within the public sector fathers are entitled to 3 days leave on the birth of a child. In the absence of a funding system (except for maternity leave), which would be based on the assumption that parental leave is a positive opportunity, individual employees incur a cost of parental leave in loss of salary. This lack of a funding structure means that individual organisations bear the organisational cost of parental leave: employers bear the cost where replacement cover is provided and employees where work cover is provided. While there is no national research on practices around parental leave there are small scale studies and informal reports that work cover by existing employees (rather than replacement cover) is the usual practice.

Details of statutory Maternity, Paternity and Parental leave provision in Ireland is presented below :

Maternity leave provisions

- Available to female employees
- First introduced in 1994 under Maternity Protection Act subsequently amended in 2004.
- Current entitlement is for 26 consecutive weeks of paid leave and 16 consecutive weeks unpaid leave.
- At least two weeks leave must be taken before the birth and 4 weeks after.
- Employers are not obliged to pay.
- Payment is drawn from Maternity Benefit from Department of Social and Family Affairs if sufficient PRSI contributions have been made.
- Maternity Benefit is paid at rate of 80% of wage or salary.
- In absence of benefit entitlement a flat rate of Maternity Assistance is paid.
- Some employers, including majority of public sector employment, employees on maternity leave receive full pay less maternity benefit they separately claim.
- Pregnant women are entitled to leave for one set of antenatal classes.

Parental leave provisions

- Irish system of parental leave is unpaid.
- Parental Leave was first introduced in Ireland in under the Parental Leave Act 1998, subsequently amended in 2006.
- Current provisions are for 14 weeks unpaid leave for each child and which can be taken up until the child reaches eight years of age (or 16 years for a child with a disability).
- Parental Leave is non-transferable between parents (except where parents work for the same employer and then only by agreement with the employer). Adoptive parents are also covered.
- Social welfare claims may not be made during a period of parental leave.
- Other rights, for example annual leave and pension entitlements, are unaffected.
- Those eligible have a statutory right to six week block and ten weeks between block
- In the case of illness while on parental leave, leave can be suspended.
- Those who are 'in loco parentis' also have entitlement to parental leave.
- 'Force Majeure' leave is also included under parental leave legislation providing for 3 days leave over a 12 month period (covering persons in relationships of domestic dependency, including same sex couples).

Paternity leave provisions

- Paternity leave is not recognised in Irish employment law.
- There is no paid or unpaid system of paternity leave.
- Some employers do grant fathers discretionary leave of three/four days.

7. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?

Current policy development reflects a contradiction evident in labour market policy towards women in Ireland. On the one hand there is the objective, supported by recent policy changes, of increasing the employment rate of women, including that of lone parents. On the other, there is a continuing assumption of the provision of care by, primarily women, unpaid in households or through the private market place, an assumption reflected in a low level of public provision. These contradictory aspects of policy are particularly evident in relation to lone parents towards whom there is pressure to reduce their dependence on welfare through accessing employment primarily and, to an

B Impact on gender equality

8. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

Policy provisions on parental leave include the stated objective of increasing the level of women's labour market participation and establishing greater equality in access to the labour market. These objectives are framed in terms of general aspirations and are not accompanied by specific targets or timescales. However, parental leave has been associated with a group of measures which have been aimed at increasing women's employment rate and meeting the Lisbon targets – an aim that has been achieved for 2007 and is likely to be achieved for 2010 (i.e. 60% employment rate among women). To a significant extent it has been women's increasing demand for employment, combined with the growth in employment opportunities, rather than the policy context, which has accounted for the positive change in women's employment levels.

9. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

Policy provisions on leave entitlements have focused primarily on strengthening paid maternity leave over recent years while provision for parental leave continues extremely weak and unpaid. Women's access to the labour market has increased over recent years, partially as a result of the improved maternity leave entitlements. Extended maternity leave means that up to six months paid leave and fourteen weeks unpaid leave can be availed of by women. However, because of the lack of paternity leave, and the unpaid nature of parental leave, the gendered pattern of care provision has remained largely unchanged – women continue to do most of the caring and the policy system reinforces men's lack of involvement in child rearing.

10. What are the main gaps and challenges at the national level in promoting good quality parental leave?

Lack of financial resources dedicated to comprehensive parental leave entitlements.

Cultural attitudes and behaviour which perpetuate the tradition of women carrying the burden of caring responsibilities, most of which are unpaid.

Policies which perpetuate gender inequality in care responsibilities and reinforce women's disadvantaged position on the labour market.

Lack of support among many employers for parental leave reflected in the absence of a replacement policy and strategy.

Lack of support among employees for parental leave due to the absence of a replacement policy among employers.

Need to develop active policies to achieve a more equal sharing of parental and care responsibilities.

C. Evaluations and ongoing discussion

11. Is there any evaluation of the current parental leave system? If so, please summarise its main results?

Under the national agreement 'Towards 2016' a review of leave entitlements and provisions has been promised for the end of 2008. This agreement was negotiated by the traditional social partners (employers organisations, trade unions, farmers organisations and the government) as well as new social partners (non-governmental organisations including women's organisations, organisations of the unemployed, those with disabilities, travellers and others).

14. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

Women's organisations and trade unions have repeatedly called for a system of paid parental leave and paternity leave, for which Ireland currently has no provision. There has also been some discussion in the media on the lack of a paid system of parental and paternity leave.

The review promised in 'Towards 2016' is to include a Statutory Code of Practice in relation to the manner in which parental leave and 'force majeure' leave may be taken.

Recent Study on Gender Inequalities in Time Use (McGinnity and Russell 2008) called for paid parental and paternity leave.

The Equality Authority has also called for paid parental and paternity leave as well as statutory provision of childcare.

Part II: Take-up of parental leave by men

15. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country?

The only specific measure aimed at encouraging men to take up parental leave is the principle of non-transferability between partners which has been applied to the policy. In practice, the lack of payment discourages both women and men from taking up parental leave entitlements, and is thought to contribute particularly to the small percentage of men among claimants. In a study carried out in 2004, the Irish

Congress of Trade Unions estimated that only 20% of eligible parents had taken up parental leave and 84% of those were women.

Part III: Transferability of good practice

16. Please describe specific good practices (or good elements of your parental leave system). What are the weaknesses?

Parental Leave – Maternity Leave

Good Practice : non-transferability – statutory-based entitlement – protection of employments rights – flexibility in mode of take-up – universal access (including same sex parents and adoptive parents).

Weaknesses : Lack of payment and no social welfare related payment under parental leave entitlement. Maternity Benefit system dependent on insurance contribution level - financed from government revenue without employer (or employee) contribution or any dedicated fund. Top-up employer contribution to maternity pay is discretionary. Employers not obliged to pay. Lack of replacement policy and strategy among employers. Although significant improvements have been made over recent years, entitlement is for a limited duration. Predominantly taken up by women – consequently child care and child rearing continue to be carried by women. No statutory entitlement to paternity leave.

17. How can good practices be transferred to other countries ?

- Through the legislative system
- Through a strengthened EU policy framework
- Through agreement between social partners at EU level
- Through an enhanced system of information exchange

18. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country?

Strengths :

Strong stated aim of 2000 legislation to achieve greater gender equality, to improve children's rights and to establish more sharing of responsibilities and greater work-life balance.

Parental leave as an integrated system encompassing 3 months (non-transferable) maternity leave, 3 months (non-transferable) paternity leave and 3 months shared parents leave at 80% of average salary (includes same-sex couples).

Childbirth Leave Fund financed in part by government and in part by employers.

Survey reports men availing of paternity leave experiencing increased bonding with their children.

Weaknesses :

Limited duration of leave.

In practice, women take-up shared parental leave entitlement, thus continuing to carry primary care responsibility.

Small increase in percentage of men taking more than the minimum leave entitlement of 3 months.

Survey reports that just 30% think that more equal sharing, or more equal standing in relationship between women and men have been achieved.

19. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

Pre-conditions for good quality parental leave are that the leave is statutory based, adequately paid, universally accessible (including same sex parents and adoptive parents) and protective of the employment rights of those availing of leave.

Parental leave should include both non-transferable entitlements and shared leave entitlements, provide for adequate time, be flexible in the mode of take-up and

financed from a combination of government taxation revenue and employer contributions.

Parental leave needs to be accompanied by a replacement policy and strategy at the level of the organisation.

Parental leave needs to be supported by social, economic and cultural frameworks which value care and parental responsibilities and a more equal sharing of both paid and unpaid work.

20. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

EU Directive on paid parental and paid paternity leave.

EU policy towards establishment of financing system for leave entitlements, drawing on Icelandic model – based on State and employer contributions.

Review of strategies aimed at achieving a more equal sharing of care responsibilities and of paid and unpaid work.

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Latvia

by Inete Ielite

Part I: Country overview

1. What are the main national policy provisions on parental leave, including how parental leave is funded?

Since 1 January 2008, an employed or self-employed parent – mother or father - is entitled to parental leave benefit (vecāku pabalsts). This benefit is provided irrespective of gender, based upon the requirements of the family: the family can choose which parent takes leave, irrespective of labour market involvement or status (employed, self-employed). The intention of providing this benefit by the state and from the social insurance budget was to ensure that families care for their children up to the age of one year, as well as encouraging men and women who are actively involved in the labour market to have a child without significant effects on the family's economic status, at least for a year.

The rights to the benefit are based on contributions to the social insurance scheme (as employed or self-employed) and caring for a child up the age of one year. If a father or a mother claims benefit, he or she is entitled to receive 70 % of the monthly salary from which the social insurance tax has been paid, but not less than LVL 63.00 (approx. 90 EUR).

Parental leave (bērna kopšanas atvaļinājums) of 1.5 years in all can be taken during the period up until the child is 8 years of age. It can be taken through part-time work or in blocks. This flexibility enhances involvement in the labour market and also provides the possibility for both parents, if they wish, to share the leave. The payment schemes are different depending on whether the person is employed or not.

Childcare benefit (bērna kopšanas pabalsts) is provided for people without social insurance up until the child is two years of age. The monthly amount is set at LVL 30 (approx. 45 EUR) and comes from the state budget.

After one year of parental benefit, the provision of childcare benefit is an entitlement of one parent, unless it has been requested by the other parent.

The state contributes for a period of 1.5 years to the social scheme of the parent who actually takes the leave and not only the benefit.

Following the Judgement of the Constitutional Court on 1 March 2007, the requester of the benefits has a right to work and receive either parental benefit or childcare benefit in full up until the child is one year old, or childcare benefit up until the child reaches the age of two, irrespective of the workload and the level of age.

Other benefits in connection with childbirth are maternity leave, paternity leave, birth benefit and state family benefit.

Maternity leave (*maternitātes pabalsts*) is a benefit provided for women who are employed or self-employed and paying social insurance tax, to support loss of income for a minimum of 112 days before and after the birth. Depending on the needs of the woman in question and other medical considerations, an additional 14 days before the delivery and 14 days after may be granted. The length of the maternity leave is guaranteed, irrespective of how many days before the delivery have been used by the mother. Maternity benefit is granted at 100% of the average salary.

Paternity leave (*paternitātes pabalsts*) is a benefit provided for fathers who are employed or self-employed for 10 days during the period between the birth and the child reaching 2 months of age; it is paid at the rate of 80% of the average salary. This benefit is particularly important as it encourages fathers to spend time with newborn babies and actually has a far greater impact on gender equality *de facto*. This benefit comes from the social insurance budget.

Birth benefit (*bērna piedzimšanas pabalsts*) is a one-off payment for one of the parents (mother or father, married or not), in the case of a child who has reached 8 days of age. It is paid at 296 LVL plus 100 LVL for the first child, plus 150 for a second and 200 LVL for a third or subsequent child. This benefit is not connected to the employment of the parent and comes from the state budget.

The state family benefit (ģimenes valsts pabalsts) is a support provided for a child from birth until till the age of 15, or up to the age of 20 if the child attends a general education or vocational education institution. This benefit is not linked to contributions to state tax.

All benefits must be requested within 12 months from entitlement and will be paid only up to 2 months prior to the request. The social benefits (childbirth, family, childcare and parental benefit) are granted 10 days after receipt of the request.

2. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

Latvia has for years been a country with a fairly high involvement of women in the labour market. In 2007 the employment rate of women was 64.4% - that is, higher than the EU average - and for men, 72.5%, corresponding to the average EU rate. Average salaries for men are still higher than for women.

Currently there are approximately fewer than two hundred fathers caring for babies at home and yet more than forty thousand babies in families entitled to parental benefit and childcare benefit.

Especially since Latvia joined the European Union and benefited from the European Social Fund programmes and projects, considerable effort has been made by various governmental institutions (such as the Ministry of Welfare, the State Employment Agency as well as non-governmental organisations) to develop new services and promote gender equality policies that address mothers after they have taken leave. Much has been done to promote equal rights in families vis-à-vis sharing domestic duties and providing both parents with an opportunity to successfully develop their careers or at least access the labour market. Some initiatives have been taken by municipalities to develop private services for children (for instance by Liepaja City Council) and to introduce kindergarten benefit for families that cannot benefit from the municipal kindergarten services (for example, by Riga City Council); by employers in providing childcare facilities and flexible

working times; and by the Ministry of Children and Family in co-funding part-time childcare facilities.

3. Outcomes of national policy provisions on parental leave in facilitating women's access to the labour market

Since 1996 the policy of gender equality has been introduced in Latvian policies and legislation, providing fathers as far as it is possible with the same rights and entitlements to take care of children. The provisions have been influenced by a number of driving forces and have not always facilitated women's access to the labour market.

The current provisions were mainly set by two major players: the government and the Constitutional Court.

The government has ensured that Latvia's legislative body adopts and promotes legislation in compliance with EU policies and regulations. No doubt considerable effort has been made to date, but there is still a need to make parental leave a working tool in the real promotion of gender equality.

The Constitutional Court has played a significant role in facilitating access for two groups of women at risk: mothers who are taking parental leave or receiving childcare benefit, and mothers who are receiving benefit for taking care of children with disabilities.

Currently national practices allow these women to have flexible working times and improved social protection and therefore the possibility of a reasonable work-life balance.

However, it has to be said that there is a recent trend that women, after giving birth, are taking the decision to take the parental benefit entitlement and stay at home caring for the child. As the time of the 1.5 years of the child's age is bound to the benefits (parental benefit and/or childcare benefit) paid by the state to the social insurance scheme for the parent requesting the benefit, the mother loses her social protection and contributions towards her pension scheme as well.

Information about all the benefits available and about the consequences of the decisions to have higher benefits for the short time is still not sufficient and not available to every family.

4. Main gaps and challenges

The main challenge is the perception of society that, in the majority of cases, the carer of a baby should and must be the mother. Current provisions (except for paternity leave) do not encourage fathers to invest more time in the care and upbringing of their children and in an equal division of domestic tasks.

The other significant challenge for the government is to link parental and childcare benefit and their timing to the provisions and services available for children, in order to allow women to take full part in the labour market and advance their careers. Current unavailability of places in public kindergartens and the cost of private services undermine women's involvement in the labour market and/or significantly influence the number of children in a family.

5. Please describe specific good practices in your country in the provision of parental leave? (For example, in encouraging men to take up parental leave, in improving the recruitment and retention of women in the labour market, enhanced productivity and employee satisfaction etc.).

So far, most significant in the experience of Latvian citizens supported by gender equality non-government organisations is the practice of protecting equal rights to childcare leave and its financial value in the proceedings in the Constitutional Court. Since 2003, several cases have been submitted to the Court and the Court has greatly contributed to the development of the childcare system and the rights of individuals to receive state support upon the birth of the child.

Another significant example is connected with the Latvian Confederation of Employers which, in recent years, has been very active in promoting gender equality amongst its members and in society as a whole. Some of their achievements include the development and promotion of the *Handbook for Introducing Gender*

Equality Principles in Management of Personnel, promoting gender equality, flexible work times and childcare facilities, etc.

Of major importance has been the collaboration of the Ministry of Children and Family with the Coalition for Gender Equality and international partners in supporting young fathers in the project “*Men equal, men different*”, co-funded by European Union. More information on this can be found at <http://www.menequal.lv/eng/> .

6. How are these good practices transferable to other countries?

The transferability of practices is dependent on the legislative framework of the country in question, but it is always possible to learn from best practices and approaches.

7. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country?

The strengths of the Icelandic system are: the flexibility of the parental leave between the parents, its duration and the amounts of benefit that provide a financial incentive for fathers to accept the voluntary part of the leave, apart from the general acceptance in society and amongst employers of fathers’ engagement in child-rearing.

8. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

One pre-condition for good-quality parental leave that would contribute to the long-term development of the careers of both parents and would not adversely affect retirement benefits would be allowing the parent who is least subject to risk (vis-à-vis career development, job position, loss of income or qualifications necessary for the work) to take the leave. The possibility of combining the leave with part-time work - especially if shared by for both parents - would be of great benefit to gender equality and encourage a more equitable division of domestic chores. In addition, the possibility of working from home for at least a day or two per week would

contribute towards the earlier return of women to the labour market. The attitude of employers must also play a significant part not only in the setting up of helpful procedures/work schedules but also in creating an environment supportive of leave-taking.

The role of bodies such as municipal institutions, social services, psychological services, help lines or support groups must also not be underestimated. Non-governmental organisations should also be engaged in providing information, advice and good practice examples for young parents in order to help them not only choose the most suitable short- term solutions but also, in the longer run, handle issues related to their employment, childcare and other activities.

One inadequately exploited resource is the possibility of performing voluntary work for a few hours a week in order to maintain qualifications. For that reason, the recognition of voluntary work and acquired skills should be developed in cooperation by government, employers' associations, trade unions and civil society organisations. In fact, a new concept should be introduced that would greatly contribute towards the sustainable development of communities across Europe: not merely the reconciliation of work and life, but the reconciliation of work, family and voluntary work for the benefit of the community as a whole.

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Norway

by Margunn Bjornholt

Part I: Country overview: Norway

1. The position of women in the labour market

The female employment rate in Norway is high; 68,3 % of Norwegian women are employed, as compared to 75, 6% of the men (2006). The labour market is, however, gender segregated, both horizontally and vertically, and there is a persisting gender pay gap. The gender pay gap is 16%, which is low in the Nordic context but higher than the rest of Europe (15%). 43,6 % of women work part time, as compared to 12,6 of the men (2006). Women typically hold long part time jobs (60-80%) and have children below 16. Men hold shorter part time jobs in addition to studies or towards the end of careers, indicating that mainly women work part time for family reasons. 86% of part time work is freely chosen, while in 2007 17% of part time employees were under-employed. In total the underemployed part time workers work 19 hours but would prefer 33 hours a week. Underemployment is more widespread in female dominated sectors.

2. Parental leave

Parental benefit of 44 weeks at full benefit, compensated at a hundred per cent of earnings up to a ceiling of six times the basic national insurance payment representing an annual pay of maximum NOK 420 000 (euro 50 500) or 54 weeks at 80%. Parental leave may be shared among the parents, except for some weeks which are reserved for the mother and the father, respectively. Parental benefit may also be combined with part-time work and stretched over a period of maximum three years. The majority (80%) choose the longest leave option, 12 months at 80% compensation.

Maternity leave: Nine weeks of parental leave are reserved for the mother as maternity leave, three weeks before and six weeks after birth.

Paternal quota: Six weeks of parental leave are reserved for the father; Norway introduced the paternal quota 1993, as the first country in the world, starting at four weeks which have gradually been increased to the current six weeks. The paternal quota can be taken at any point during parental leave, after the six weeks of maternity leave. The majority of fathers take the quota towards the end of parental leave.

Paternity leave: In addition to the (paid) paternal quota of parental leave, fathers have the right to two weeks paternity leave upon birth.

Breastfeeding leave: Breastfeeding mothers have the right to two hours off work every day.

Funding: The parental benefit, including the paternal quota, is financed by the State through the national insurance system. For state employees as well as many other employees, the employer pays the difference between the ceiling for the state benefit and real wages.

The two weeks of paternity leave upon birth are not state funded, but payment relies on collective agreement, and is negotiated and (mostly) paid by the employer.

Breastfeeding time is also mostly paid by the employer, depending on collective agreement.

Eligibility: Both fathers and mothers must have been employed six out of the last ten months for full parental leave rights. During the paternal quota, mothers may work or stay at home (on unpaid leave). For fathers to receive parental benefit beyond the paternal quota, mothers must return to work or full time study, or for reasons of illness be totally dependent on help to care for the child.

Cash-benefit: Non-employed women receive a flat payment upon birth, currently approximately 5000 E.

Cash-for-care-benefit: Parents of children aged 1-3 years who do not use publicly sponsored child-care are eligible for a flat, monthly cash-benefit which approximately equals the cost of child-care.

Further parental rights

Right to paid leave when children are ill. For children up to twelve years age, each parent has the right to ten days leave at full compensation (15 if more than two children), - 20/30 days for single parents.

Right to unpaid leave and part time work

Each parent has the right to one year of unpaid leave after parental leave. Parents have the right to work part time until the child is ten years old.

B. Impact on gender equality

Parental leave has been an important part of a “state feminist” agenda which originally aimed at protecting working mothers and restoring work capacity after birth. Increasingly the infant’s need to be cared for by (both) parents and the sharing of parenting responsibilities between men and women became part of the arguments underlying the gradual expansion of parental leave as well as the promotion of fathers’ leavestaking. The objective of the designated daddy period is twofold; to strengthen fathers caring relations with their infants, and to support gender equality. The latter is based on the assumption that fathers’ greater participation in care will contribute to gender equality in the family as well as in the labour market. Recently fathers’ rights to be recognized as equal parents have also increasingly become part of arguments for the sharing of parental leave.

5. Outcomes of national policy provisions on parental leave in facilitating women’s access to the labour market

There is little research on the employment effects of the Nordic leave arrangements. Historically, an increase in mothers’ labour market participation by far preceded the expansion of parental leave. There is thus no direct causal effect in Norway of leave policies on women’s access to the labour market.

From earlier lagging behind the other Nordic countries, the female employment rate in Norway is among the highest of the Nordic countries. Worthy of mentioning are also the high birth rates, which, in combination with high employment rates, indicate that Norwegian women successfully combine work or motherhood; but at some expense of life-time earnings, mainly due to the high share of part time work.

The generous, well established and fairly general parental rights as part of workers’ rights probably help women maintain their labour market participation and facilitate women’s combination of work and care over the life course.

The flexibility in use of parental leave, vis–vis the labour market, as well as in parents' sharing of parental leave and additional parental rights, further benefits employees with caring responsibilities and facilitates labour market participation.

6. Main gaps and challenges

The provision for mothers who are for different reasons not in the labour market, among others students, is incomplete.

Another challenge is the full recognition of reproductive and parenting rights in the labour market; recently an increase in work-place discrimination on the basis of pregnancy and parental leave has been reported.

Although generous in an international context, the current length and level of compensation of parental leave benefits well off parents more than the less affluent. Well-paid parents can afford a prolonged leave at 80% compensation, which fits well with admission into child-care institutions, as the provision for under-ones is negligible. The less affluent may have to take full leave at 100% compensation, thus they will have shorter leaves and there will be a larger gap to be filled between parental leave and admission to kindergarten. This conflicts with recent research findings (Stefansen, Farstad, 2008), which indicate that working class families tend to prefer somewhat longer periods of care in the home, 1,5-2 years, rather than the current maximum length of twelve months, which fits better with current Norwegian middle class ideas of what represents an ideal care trajectory.

Those who can afford it often bridge the gap by mothers staying home on unpaid leave, while others may have to rely on private childminders and return to work earlier than they perceive to be good for the child and the family as a whole. For the latter the cash-for care benefit may to some extent help bridge the gap although the level of compensation is too low to compensate for loss of wages.

C. Evaluations and ongoing discussion

5. Evaluation of the current parental leave system

An evaluation of the parental leave system in total has not been conducted, but some researchers have recently discussed possible negative effects of long leaves taken primarily by women, discrimination related to parental leave in the labour market and the gender pay gap.

The cash-for-care scheme has been evaluated, showing small and decreasing effects. Despite decreasing use, political and popular support for the cash-for care scheme is high. The cash-for care system has been portrayed as counteracting gender equality, in possibly leading to a retrenchment by women from the labour market and promoting a traditional male breadwinner model. The evaluation disproved the fear of such negative effects on gender equality.

Although no full evaluation has been conducted, research has been undertaken by Berit Brandth and Elin Kvande on paternal leave both before and after the introduction of a paternal quota. Their most recent study on the use of the paternal quota (2003, 2003b), concludes that, due to the high uptake rate, it is a success, but that men use the quota differently. Couples who used the quota as intended; that is the man stayed home alone with the child, were found to be more egalitarian in their parenting practices, which has been interpreted as a learning effect of having sole responsibility. Recently this assumed learning effect of paternal leave has increasingly been questioned on the basis of new studies of caring practices of parents of young children, and so have the assumptions of causal relations between taking parental leave in the intended way and being an involved father (Stefansen, Farstad, 2008, Meling, 2007).

The effects of the fathers' quota on gender equality in the family as well as in the labour market, have not been evaluated.

6. Revision of the parental leave system

The increase of paternal quota has been one of the objectives of the current government from its formation 2005.

During 2008 mandatory sharing of parental leave was suggested from two state committees. The Icelandic model (3/3) was suggested by a committee on equal pay

as a strategy to reduce the pay gap. This suggestion was based on labour market arguments such as the assumption that a more equal sharing of parental leave will redistribute the disadvantage of staying out of work and its consequences for the accumulation of human capital in the labour market and at the same time teach men to take a more equal share of parental responsibilities and domestic tasks in the long run.

A modified version of the Icelandic model (4/4) was suggested by a committee on the legal regulation of parenthood after divorce; in this case arguments of children's rights to both parents and of fathers as equal parents were the main framing.

Fairly close to the last suggestion, from 2009 the paternal quota will be increased to 10 weeks, two of which will be added to total parental leave and two redistributed from the common, shareable leave to fathers.

The abolition of the cash-for care-allowance and an increase in the cash-benefit upon birth are also being discussed.

Part II: Take-up of parental leave by men

7. Initiatives to promote the take-up of parental leave for men

89% of eligible fathers take paternal leave, and 11,4 % of total parental leave is taken by fathers. The expected effect of the paternal quota in terms of sharing more of the common parental leave has so far been weak. This question is an important political topic in Norway, and the increase from the current six to ten weeks next year of the paternal quota is aimed at increasing men's total share of parental leave.

Part III: Transferability of good practice

8. Good practices in the provision of parental leave

The fairly universal right to and length of parental leave and the high level of compensation are among the most obvious good practices in the provision of parental leave in Norway.

Norwegian parental leave is flexible vis-a-vis the labour market, with the possibility of prolonged parental leave in combination with part time work.

The paternal quota is often mentioned as an example of good policies for gender equality, but its effect on gender equality – in the family as well as in working life - is still largely hypothetical and has so far not been convincingly documented.

9. How are these good practices transferable to other countries?

The Norwegian system of parental leave benefits as part of universal worker/welfare rights is transferable to other countries. Parental leave must however be seen in context and its success and effects within different welfare regimes and cultural contexts may not be predictable. In Norway the combination of structural and cultural factors such as the lack of day-care for children below one year, strong cultural norms of the need for children to be cared for in the home, and the high support of egalitarian values as well as the high legitimacy of the Norwegian state, may be important for the relatively long leaves, the broad acceptance of the 'mild force' of the state represented by the paternal quota and its high take-up rate.

As for the paternal quota; depending on different contexts and cultural factors, the effects of the implementation of this reform in other countries may be unpredictable.

10. Strengths and weaknesses of the Icelandic system of parental leave

With a substantial increase in parental leave Iceland took a great leap forward, from a low level, compared to the other Nordic countries. The mandatory sharing of parental leave between fathers and mothers in Iceland was part of a general expansion of parental leave, which was long overdue in a Nordic context. The increase in parental leave is probably the most important factor in promoting a better work-life-balance for parents, which may also positively influence gender equality.

The effects on gender equality of the mandatory sharing of parental leave are still not accounted for. Caution is warranted in interpreting the success in terms of high take-up rates as effect; rather the relations between take-up rates, fathers' actual

use of parental leave and effects of fathers' leaves-taking on gender equality at couple level as well as in working life are still uncertain.

One important weakness of a system of compulsory sharing of parental leave is that, at least in Norway, such a system privileges a middle class family model. Enforcing this model as a norm for all families represents a dilemma in a democracy and may conflict with other policy objectives such as the recognition of diversity.

11. Main pre-conditions for good quality parental leave

Parental leave should be generally available and of sufficient length for women to fully recover after birth, bond with the child and breastfeed according to WHO recommendations, without losing out in the labour market.

Parental leave should allow parents to provide the model of care they find suitable for their child without financial constraint.

The degree of compensation must be adequate for parents to maintain a normal living standard without suffering financial constraint as a consequence of child-birth.

Adequate parental leave schemes increase women's independence in relation to the labour market and in relation to husbands and make it easier to stay employed after child-birth, and thus contribute to gender equality in a broad sense, in terms of reducing the immediate cost of childbirth and increase opportunities for mothers in the labour market and in society.

Parental leave and different designs of parental leave, may, however, also have diverse, adverse and ambiguous effects, both in the family and in the labour market. Consequently, parental leave may not be a direct or precise tool for gender equality. The question is whether parental leave should rather be seen as a necessary welfare good, which in a broad sense benefits working mothers, but which may also have some adverse effects in the labour market. The latter will have to be counteracted by separate anti-discrimination strategies for pregnant, leaves-taking and breastfeeding women as well as for parents in general.

The ambition to influence gender equality directly through rigid designs of parental leave, and in particular to influence intra-familial gender relations by extensive mandatory sharing of parental leave, may be overly optimistic.

12. Issues for discussion

In light of the Icelandic, as well as the Norwegian, experiences, the questions raised in the Icelandic report are very important. It is necessary to discuss and further investigate whether paternity leave is a tool to promote gender equality, or if it is mostly a question of fathers' rights and a way to increase the emotional bonds between fathers and children.

It is also important to discuss why the gender pay gap is not shrinking in spite of several years of paternity leave (eight and fifteen, respectively, in Iceland and Norway) and take-up rates around 90% for both countries.

The Icelandic report raises the question if there something other than women's role in childrearing and the home which affects the gender pay gap. This question should be further explored and calls for a stronger focus on mechanisms in the labour market.

Finally, the Icelandic report raises the question why housework and childrearing still seem to be the mother's responsibility more than the father's. The question of how sharing of parental and household responsibilities in the family at different stages of family life are related to gender equality at couple level and in society needs further discussion at a political and theoretical level. Such a discussion should take into account the decline of the male breadwinner model and the modernization of informal care.

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Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Poland

by Natalia Sarata

Part I: Country overview

A. Description of national context and parental leave system

- 1. A brief overview of the position of women in the labour market, covering issues such as the employment rate of women, the extent of part-time work, the gender pay gap and other relevant data.**
- 2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?**

1.

The labour market in Poland is specific for its profound gender inequalities.

The employment rate for women is 54,9 % and 66 % for men. The activity rate for women in the labour market in Poland for 2006 was 47,1 % and for men 62,6 %. The lower activity rate for women in comparison with men is noted in every age group; the lowest activity rate is for women of 55-59 years old (different retirement age of women and men) and 25-34 years old – 14 % - because of giving birth to a child. The unemployment rate is higher for women: 14,7 % and for men: 12,2 % (2006). Women are at higher risk of long-term unemployment – among all long-term unemployed, women as a group make 53,3 %.

The gender pay gap oscillate between approx. 10 % and 30 % , depending on the field and the scale of the company – the bigger the company and the more feminised branch, the wider the pay gap. On the high managerial positions in big companies women's wages make approx. 64 % of men's wages. In small companies women earn usually approx. 92 % of men's salaries. In education branch women earn 77 % of what men earn, in the health service also dominated by women their average salary is 76 % of what men get.

Preschool availability is low. In 2006 62 % of children aged 3-5 attended preschools in the cities, and 19 % in the country (UNDP 2007).

There is a visible gap in the employment rate between women and men with children up to 3 years old: 17% women less than men are employed in Poland.

In Poland the labour market is rather inflexible, with a relatively small number of people employed on the part-time basis, out of the total employed population. The rate of part-time employment for women is 14,5% and for men 8,4% (Lisowska 2006).

As the situation in the labour market is much more difficult for women than for men, women escape the situation of gender-based discrimination by establishing their own companies. The rate of women's participation among the total number of self-employed in Poland oscillates at the level of 36 – 38 %, which is one of the highest rates in the European Union.

2.

There is no such institution in Poland as parental leave – the official name for the leave a parent can take because of giving birth to a child is “maternity leave”. The name comes from a mother's obligation to take maternity leave which is a systemic provision (allowing women to come back to her duties earlier than after 14 weeks of the maternity leave is considered offence against The Labour Code). As for father, his right to the maternity leave is mediated by the mother's right. If the mother is insured thus obligated, then the father is entitled (if working and being insured) to the last part of maternity leave. There is no such systemic provision as an independent and obligatory maternity (or paternity) leave for fathers.

The maternity leave provisions are accessible to heterosexual couples, single mothers or to single fathers when the mother dies during delivery or maternity leave. Maternity leave provisions are not accessible to same-sex couples because same-sex couples can not be registered in Poland.

As the maternity leave is obligatory, 100 % of entitled women take the maternity leave. Only 2 % of entitled men use their right to take up the last weeks of maternity leave.

The maternity leave is funded from the national Office for Social Insurance (Zakład Ubezpieczeń Społecznych, ZUS). Only those women (and men) who are employed on the basis of the labour contract (both in public and private sector) and are thus insured with a national social insurance fund have the right to take maternity leave. Rural workers insured in the Agricultural Insurance Fund (Kasa Rolniczych Ubezpieczeń Społecznych, KRUS), free lance workers and entrepreneurs, both women and men, are not entitled to the maternity leave, nor to financial provisions connected to it.

Maternity leave in Poland lasts for 18 weeks after the child is born (20 weeks for the 2nd child and 28 weeks if more than one child is born at a time). The maternity leave is compulsory for women – they are obliged to take up at least 14 weeks of the leave to be entitled to re-enter the labour market. But this entitlement can be used only if the father of the child is also insured with a national insurance fund and if he applies to his employer for the last weeks of the parental leave (4 weeks maximum) to stay with his child. The employer is obliged to agree. But if the father does not apply at all or is not insured, the mother is obliged to take up all 18 weeks of the maternity leave.

The maternity leave is paid from the Office for Social Insurance. During the maternity leave, mother receives 100 % of her salary counted as the average for the last 6 months of her employment.

The period of the maternity leave (and childcare leave) is considered as employment but the period of maternity leave and following childcare leave does not count to the retirement pension capital. That is why, apart from gender pay gap's results and faster retirement age, women in Poland receive retirement pension usually approx. 35 % less than men working in the same position.

There is a project of The Family Act under discussion since 2006 in the Polish governments, prepared by The Ministry for Labour and Social Policy. The project includes propositions to lengthen the maternity leave for women up to 26 weeks. Until October 2008 there were no propositions of the obligatory and independent paternity leave in the project. During the last few days (October 2008) the

governmental project was supplemented with a proposition of the independent, paid paternity leave for fathers only, starting with 1 week in 2010 and with 2 weeks from 2011. It would be available for willing fathers during the first year after the child is born. If not used, the mother could not take it instead. The project is still under discussion. What is the most important fact is that the project does not propose the paternity leave to be obligatory for fathers.

B. Impact on gender equality

3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

There are no gender equality related targets connected to the present national maternity leave provisions. Gender equality, reconciliation of work and life and encouraging men to take up family responsibilities are neither direct nor indirect objectives of national provisions in the matter at the systemic level.

4. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

There is no national policy provisions on parental (maternity) leave in facilitating women's access to the labour market.

What is seen as a solution by independent gender experts and non-governmental feminist organisations dealing with women's rights and women's participation in public sphere, is an obligatory and independent paternity leave, for fathers only. The solution would help changing the image that employers have that women are only child bearers and it is better for the company's stability not to hire women, especially young women.

This way the national provisions on maternity leave make the situation of women on the labour market even harder. National provisions on maternity leave deepen the gap between men and women's professional careers and make the discrimination against women in the labour market even more profound. There are no activities

taken up on the national level to make child care institutions more available – crèches and preschools are available to only part of the families in need of this kind of service. The most difficult situation with childcare facilities is in the country and in small villages where only 25 % of all country municipalities have such an institution at their disposal. Mothers and grandmothers pay with their career opportunities for the systemic negligence and gender-based stereotypes.

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

The main barrier is that there is no obligatory, independent paternity leave that would not be mediated by the right of mother to the maternity leave.

The barrier is also frequently implemented through employers' policy of effective company management, based on the present maternity leave provisions. The policy is that hiring men is more profitable for the company than hiring women. Women are seen solely responsible for children and dependent members of the family and the obligation to maternity leave uptake strengthen the stereotype. The stereotype is rooted in the traditional vision of woman's role in the society and strengthened by the national provisions on maternity leave.

There's no provisions at the systemic level allowing women to come back to work earlier than after 14 weeks (or 18, if the father does not take up the part of the leave available to him), accordingly to her own work and family plans and at the time considered best for her. There's no official possibility to stay in close contact with her company, performing at least part of her duties, even if it is her own will to do so. This increases the level of stress, raises frustration and creates the situation where women as independent members of the society, are excluded from labour market participation.

A change of view is required when referring to women and men's participation in the family and in professional life. For now the focus of the discussed governmental project is on "helping" women with regards to family as their most important social and life role. It affects proposals of even longer maternity leave to "help" women stay with their children. But the focus should be on gender equality and equal chances of

women and men in every sphere of life. That is why the main challenge is the shift in attitude towards equality of women and men, especially in household duties and family responsibilities – paid and unpaid work.

C. Evaluations and ongoing discussion

6. Is there any evaluation of the current parental leave system? If so, please summarise its main results

There is no evaluation of the current maternity leave system that would bring comprehensive and complex data and results referring to the system's functioning and the impacts for gender equality in Poland.

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

Yes, since 2006 at least there is a strong ongoing discussion connected to the project of The Family Act shaped by The Ministry for Labour and Social Affairs, run especially by feminist activists and specialists dealing with gender issues in the labour market.

Also Gazeta Wyborcza, one of the most influential daily newspapers, involved in the discussion, presenting theme articles supporting paternity leave's introduction on the web page and in the printed edition of the newspaper. The discussion though is not a debate on the level of the whole society in Poland and as for politics, the topic seems to be used by politicians to gain social support, especially by giving promises to increase the maternity leave period rather than to create practical solutions, which would make the paternity leave compulsory and more attractive to men living in the Polish society with strong gender roles stereotypes.

Part II: Take-up of parental leave by men

8. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country? (This can include measures

introduced by the social partners, in collective agreements or other implementing mechanisms in the workplace.)

As the period of maternity leave available for men is strictly limited, quite short, and mediated by many other aspects and conditions, there were no known specific initiatives introduced to promote the take up and to broaden the scope of parental leave provisions by men. Some more general initiatives were conducted, especially by non-governmental organisations, but they were aimed at changing the stereotype of men as not involved in family responsibilities and in taking care of children.

The topic is on the political agenda for now, but especially for feminist organisations claiming obligatory paternity leave introduction to the present parental leave provisions, allowing women coming back to work earlier if they wish so or allowing part-time work during the last weeks of the maternity leave.

The issue is not popular in the society though, the social campaign arranged by one of the most important and influential newspapers in Poland, Gazeta Wyborcza, was supported only by approx. 5000 readers during a 3-month period.

Part III: Transferability of good practice

9. Please describe specific good practices (or good elements of your parental leave system) in your country in the provision of parental leave. (For example, in encouraging men to take up parental leave, in improving the recruitment and retention of women in the labour market, enhanced productivity and employee satisfaction, etc). What are the weaknesses?

Any of the practices connected to the maternity leave provision can not be presented as a good practice. I would not recommend any part of the provisions to be transferred to other countries.

10. How are these good practices transferable to other countries?

The current maternity leave provisions in Poland are not seen as good practices and should not be transferred to other countries.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country? Please refer to the Icelandic report in your response.

The strengths that could be transferred to Poland are:

- the idea underlying the maternity/paternity leave system that states the parental leave institution is to help balancing work and family life and gender equality is its objective,
- mother is obliged to take maternity leave for 2 weeks only (14 weeks minimum in Poland), which does not limit her chances to participate actively in the labour market,
- possibility of the leave extending into several periods to be taken until 18 months after the child is born, adopted or fostered,
- equal (3 months) time periods allotted both to mother and father - father is seen by the law as equally responsible for the child, being admitted the same time of the paternity leave to be obligatory taken,
- parents can take maternity/paternity leave in the same time or separately.

The strength that could not be transferred to Poland under current legal conditions is:

- same-sex couples entitled to maternity/paternity leave provisions on the same basis that heterosexual couples are – same-sex couples are not seen families by the law and can not be legally registered.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

The main pre-condition for good quality parental leave is to make it easily and equally accessible for women and men as well as obligatory.

Another crucial thing that should be taken into consideration while constructing or implementing parental leave provisions is that the leave is a way of life-work reconciliation and that the direct aim of the provisions should be promotion of equal opportunities for women and men, both in family and professional life.

The Icelandic parental leave law states that this is the measure for gender equality and work-life balance for women and men. That is why I find the Icelandic practice very important and I admire the ideological approach that the Icelandic provisions provide. The practice and the idea should be broadly spread and promoted in other countries.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

From a long term perspective, how effective is paternity leave in encouraging men to participate in family responsibilities on an equal basis with women? How profound is the change in gender roles? Is paternity leave a guarantee of a significant change in the belief that women are mostly responsible for housework and childrearing?

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Portugal

by Helene Alexandre

Part I: Country overview

A. Description of national context and parental leave system

- 1. A brief overview of the position of women in the labour market, covering issues such as the employment rate of women, the extent of part-time work, the gender pay gap and other relevant data.**
- 2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?**

1. Women's participation rate in the labour market in Portugal is one of the highest among other EU countries. In 2006 the female activity rate was 47,7% and the male activity rate was 58,7%. The female employment rate of women aged 15-64 years was 62,3% against 73,8% of men. For women aged 25 to 34 years the employment rate was 86,6% against 92,6% for men. For women aged 35 to 44 years was 84,7% and for men was 94,6%.

Unemployment affects more women than men. In 2007 the female unemployment rate was 9% and the male unemployment rate was 6,3%.

In 2006, the working hours per week in the private sector were 35 to 40 hours and 35 hours in Public Administration. 84,2% of women and 92,6% were working full time (defined as more than 35 hours per week), and 15,8% of women and 7,4% of men were working part-time. If we look just for women and men working for others in the private sector (77% of women and 74% of men) these percentages are even lower - 5,4% of men and 7,4% of women. In Public Administration it is possible to have a reduction of 2 hours per day if the worker has children under twelve years-old. There are no systematic data available of the number of women and men working by this system, but a recent study (Rato, *et al*, 2007) shows that around 13% of civil servants working in professions with superior level of qualifications use it, and 20,8% of those are women and 4,3% are men. The same study shows that only 0,5% of civil servants work part-time (0,6% of women and 0,3% of men). Portugal has a low rate of part-time work but it affects more women than men.

In 2004, the average monthly basis remuneration received by women was 80% of men's average monthly basis remuneration. The general gender pay gap is 20%, but if the reference is the total income, the gap is 23,2%. The gender pay gap increases with the level of qualification (eg. for workers with superior level of qualifications the GPG is 26,8%, but for unskilled workers stand at 6,5%). Factors such as occupation, availability for working after hours, the criteria of performance based payment, and years of work experience concur to explain a part of the wage difference between men and women. There are signs that indicate that the gender pay gap is getting smaller in Portugal but the reduction still is very small.

2a) In Portugal parental leave must be understood as maternity/paternity leave and specific parental leave.

The present Labour Code, approved in 2007, defines that maternity/paternity aims to ensure the care of newborn children and the physical and psychological conditions of mothers. Women workers are entitled to a maternity leave of 120 consecutive days, but 90 must be taken after the birth. If there are siblings the parents are entitled to 30 more days for each sibling. During this time, the worker is paid the equivalent to 100% of salary by the Social Security if she/he works in private sector. If she/he is a civil servant the State pays the regular remuneration. Parents can choose to take 30 additional days, but in this case, the payment is 80% of the salary, during the total time of the maternity/paternity leave (150 days)

Except for the first six weeks (which are exclusive for mothers), mothers and fathers may share the maternity leave by joint decision.. Father also can take the maternity leave if the mother is physically or psychologically ill or in case of the mother's death. If fathers take leave in one of those circumstances, it is considered paternity leave. In addition to the previous situations, fathers are entitled to a paid 5 work-days paternity leave, to be taken compulsory, consecutive or alternated, during the first month after the child's birth. This is a specific paternity leave.

Time spent in paternity/maternity leave is considered work time and offers entitlement to all work rights.

Working parents of children under 6 are entitled to take a (specific) parental leave for a period of 3 months or to work part-time for 12 months. This period may be extended to a special leave of up until 2 years. It is not paid but it is considered as working time. In this situation (specific parental leave) the father is entitled to have a paid 15 days of paternity leave if he decides to take the leave immediately after the maternity/paternity leave (120 or 150 days), even if the mother is not a working mother. This leave can be taken by mother and father but it is paid only if is taken by fathers.

Parents of children under 10 years old can miss work up until 30 days a year to take care of their children in case of illness or accident. In case of hospitalisation the right to time off from work is extended by the period of the hospitalisation. There is no age limit in case the child is disabled. In the case of disabled children or children suffering from chronic diseases, parents are entitled to a six months leave that might be extended up until 4 years to take care of their children, adopted child or the spouse's child, if they are living together during the first 12 years of the child.

Working parents with children under 12 years-old have the right to work part-time or flexible work. There is no age limit in case the child is disabled.

Parents or guardians of school-aged children have the right to be absent from work during four hours each three months, for each child, to attend school meetings and be involved with school matters.

There are no systematic data available for all the aspects of general parental leave. The available data refer to the leave paid by social security (private sector). There are no data available for the civil servants. In 2007, 75 701 working mothers in the private sector took-up maternity leave. During the same period, 551 men took-up paternity leave (shared the maternity/paternity leave) and 45 689 took-up the compulsory 5 days paternity leave. There are no data available for the 15 days paid paternity leave or other leave.

2b) Maternity and paternity leave are financed from different funds depending if the beneficiary works for the private sector or in the Civil Service.

The leave of parents working in the private sector is paid by the Social Security System. This is a general social protection fund and it is financed by a unique tax of 34,75% of the monthly salary. Employees pay 11% and employers pay 23,75%. If the mother is self-employed she must pay the general tax. The amount of the payment for the maternity/paternity leave is 100% of the salary (for a period of 120 days or 80% for a period of 150 days).

Civil Servants continue to receive their regular monthly salary if they are on maternity/paternity leave.

B. Impact on gender equality

3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

The Portuguese Constitution states that is the duty of the State to guarantee equal opportunities in the choice of profession or type of work and guarantee the necessary conditions to access any position or kind of work, without restrictions or impediment on the basis of sex. It recognises maternity and maternity as eminent social values.

The Labour Law establishes equality and non-discrimination and protection of maternity and paternity. The aim of parental leave provisions in Portugal regarding gender equality is to guarantee that mothers are not discriminated against in their access to the labour market, but also to enable fathers to get more involved in child care and parents to share family responsibilities.

Portugal has a high rate of female employment full time, but women are still seen – in private life and in the workplace - as child carers and they assume more responsibilities than men in this context. The low level of paternity leave taken-up illustrates these situations. The 2000 Time Use Survey (INE, 2000) shows that women work one hour per day less than men in professional/occupational activities, but three more hours per day than men in family/domestic activities.

4. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

In Portugal, in 2005, 72% of women with children aged under 5 years and 83% of women without children were employed. Parental leave provisions are important to guarantee that both women and men work and return to work after the birth of their children.

Nevertheless, although there are no comprehensive or systematic evaluations of the impact of maternity and parental leave on professional situation and opportunities for women and men, some researches, in private and public sectors, show that having children creates bigger negative impact on women's career opportunities and strategies than on men's opportunities and strategies.

Women are seen by employees and superiors as less available for professional tasks because of family responsibilities. Maternity/paternity is still seen as a "*question of women*" and paternity has not the same social value as maternity. Men are not seen as responsible for their children as they should be.

The III National Plan for Equality – Citizenship and Gender (2007-2010), which defines the Portuguese main strategies for gender equality, recognizes that the present situation of parental leave provisions is not enough to guarantee effective gender equality in work and in family responsibilities. Regarding the promotion of the work-private/family life balance and the reduction of negative gender impacts, it defines some areas of intervention mainly oriented to the systematic identification of division of time uses between men and women in paid and non paid work, of the number of all paternity/maternity leave, to the establishment of gender equality plans in all companies and public agencies, to make aware the employers and employees of the importance of taking-up paternity leave and to actions related to the reduction of gender stereotypes associated to men and women in work and family.

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

The Portuguese parental leave provision is not enough to get more men to take-up paternity leave and is not solving the negative gender impacts on opportunities and strategies of men and women in work-family balance.

There is a clear need of improving the number of fathers taking-up paternity leave. More information regarding paternity leave and positive actions in workplace for father that take paternity leave should be carried out.

There is a need to rethink the extension of the period of paid maternity/paternity leave and to relate them to affordable and reliable childcare facilities.

The involvement of social partners on these questions is fundamental.

In order to have better definition and evaluation of national policies, systematic and reliable data concerning the number and type of leave take-up must be collected, and comprehensive research regarding their impacts on the situation of men and women in labour market is also needed.

C. Evaluations and ongoing discussion

6. Is there any evaluation of the current parental leave system? If so, please summarise its main results

There has not been a comprehensive and systematic national evaluation of the parental leave in Portugal.

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

There will be some changes in the Labour Law in 2009. Regarding maternity/paternity leave, the aim is to extend the period of maternity/paternity leave and to involve more fathers in taking-up leave. What is in discussion is the possibility of having 100% payment of the 150 days leave (5 months) or 83% of

a 180 days (6 months) leave if the father takes at least 30 days. Parents may take 3 more months each, but the payment will be 25% of the salary.

The III National Plan for Equality – Citizenship and Gender (2007-2010) defines the evaluation of present parental leave provisions as one of the intervention areas in order to reduce gender negative impacts and to improve the number of men taking-up paternity leave.

Part II: Take-up of parental leave by men

8. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country? (This can include measures introduced by the social partners, in collective agreements or other implementing mechanisms in the workplace.)

Fathers are entitled to an exclusive and compulsory 5 days paternity leave that must be taken-up during the first month after the child birth. In addition they are entitled to a paid paternity leave of 15 days if it is taken-up just after the end of paternity/maternity leave. In addition, parents may decide to share two and a half months or three and a half months of maternity/paternity leave. But, although the number is increasing, still few men take-up non compulsory paternity leave.

Since 1999, there has been some evolution regarding the extension of paternity leave and specific measures to enable men to get involved in childcare and in taking-up paternity leave. The exclusive paternity leave was extended from 2 to 5 days, the 15 paid days after the maternity/paternity leave was established and , latter, the 5 days paternity leave has become compulsory.

As mentioned before, the III National Plan for Equality – Citizenship and Gender (2007- 2010) recognizes the need for more men to take up paternity leave. But, this question still isn't seen as a matter of importance for social partners. A long and profound work must be developed regarding the changing of values, representations and practices about the importance of men's responsibilities in family and to reduce the negative impacts of maternity and paternity leave and other issues.

Part III: Transferability of good practice

9. Please describe specific good practices (or good elements of your parental leave system) in your country in the provision of parental leave. (For example, in encouraging men to take up parental leave, in improving the recruitment and retention of women in the labour market, enhanced productivity and employee satisfaction, etc). What are the weaknesses?

Good elements of the Portuguese parental leave system is the possibility of parents to share maternity/paternity leave, the compulsory leave for fathers and the paid 15 days just for fathers and the possibility of flexible work-time arrangements. Another good element is the existence of a public body that may receive and evaluate compliances made by men and women that feel affected in their rights or discriminated in using the parental leave or maternity rights.

The most evident weaknesses are the short period of paid maternity/paternity leave, the reduced number of men taking-up and the short period of compulsory paternity leave. The rights of general parental leave (maternity/paternity and parental) are strongly related with the working situation of the mother. Part of paternity leave should be autonomous and not connected to the working situation of the mother.

10. How are these good practices transferable to other countries?

It depends on the country and on the situation and objectives related to gender equality and to the access of women to labour market.

In general, the compulsory paternity leave, the possibility of flexible work-time arrangements and the existence of a public body that receives and evaluates compliances seem to be good elements that could be transferred.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country? Please refer to the Icelandic report in your response.

The period of maternity/paternity leave and the period of independent right for each parent seem to be strengths of the Icelandic system and they could be

transferred to Portugal. The plan or policy for gender equality in the companies is also a strength in terms of the promotion of gender equality in the workplace.

The payment limits of maternity/paternity leave, the number of men that are not aware of the paternity leave and the gap between the maternity/paternity leave period and the preschool system provided by the municipalities, seem to be the most evident weaknesses.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

Parental leave must be considered and respected as fundamental rights of men and women.

The rights of general parental leave must be related with situation of both parents and not with the working situation of the mother.

Leave must be paid, or many families cannot take them up. Because women tend to take more parental leave than men, non paid leave may conduct women to dependent and vulnerable economic situations.

Parents must be sure that taking time off to take care of children will not have negative effect on their working situation and career opportunities – salary, promotion, performance evaluation, training, etc.-. There must be well defined and clear reintegration systems in the workplace after parental leave.

The balance of childcare responsibilities between parents, the possibility of flexible work-time arrangements and affordable and reliable childcare facilities are fundamental.

A good quality national policy of parental leave requires political involvement, clear targets, reliable data, strong monitoring and impact evaluation.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

The question of compulsory leave for men (challenges)

The involvement of social partners

The negative gender impact on the workplace

Organisation of exchange of good practices on gender equality (VT/200/054)

RESPONSE REPORT: Sweden

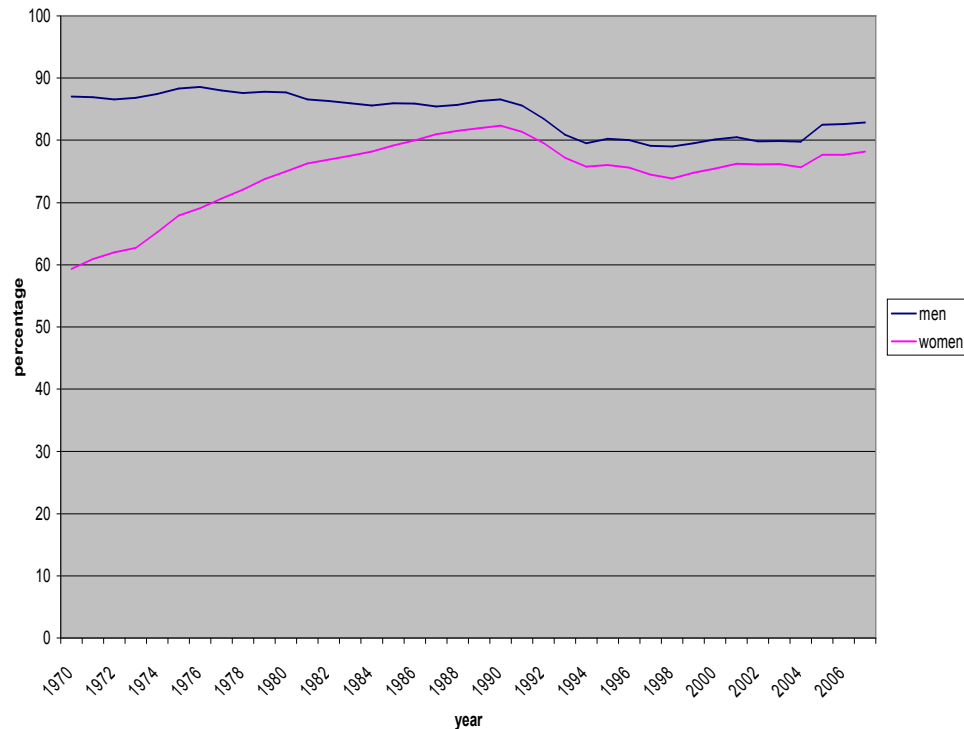
by Christiana Christiansson

Part I: Country overview

A. Description of national context and parental leave system

1. A brief overview of the position of women in the labour market, covering issues such as the employment rate of women, the extent of part-time work, the gender pay gap and other relevant data. (max 1/2 page)
2. What are the main national policy provisions on parental leave, including how parental leave is funded? What is the take-up rate by women and men and which types of leaves are they taking mostly?

Proportion in the labour force 1970-2007. Women and men in ages 16-64.



1. There is a high female labour force participation in Sweden compared with other countries. 78 % of women 16-64 years are in the labour force and 83 % of men. But many women are part-time workers. 64 % of all women aged 16-64 are employed full-time in 2007. The corresponding figure for men is 89 %.

The average income for women is 75 % of that for men. If you study women's wages/salaries as a percentage of men's, then it is 92 % if differences in age, educational background, full time/part time, sector and occupational group are taken into account. That figure has been constant since the measure started ten years ago.

There is paid work and unpaid work. Women and men spend the same amount (51 hours per week) on paid and unpaid work. Women spend 21 hours on paid work and men 30 hours on paid work per week. The data is for the population aged 20-84 years from the survey 2000/01.

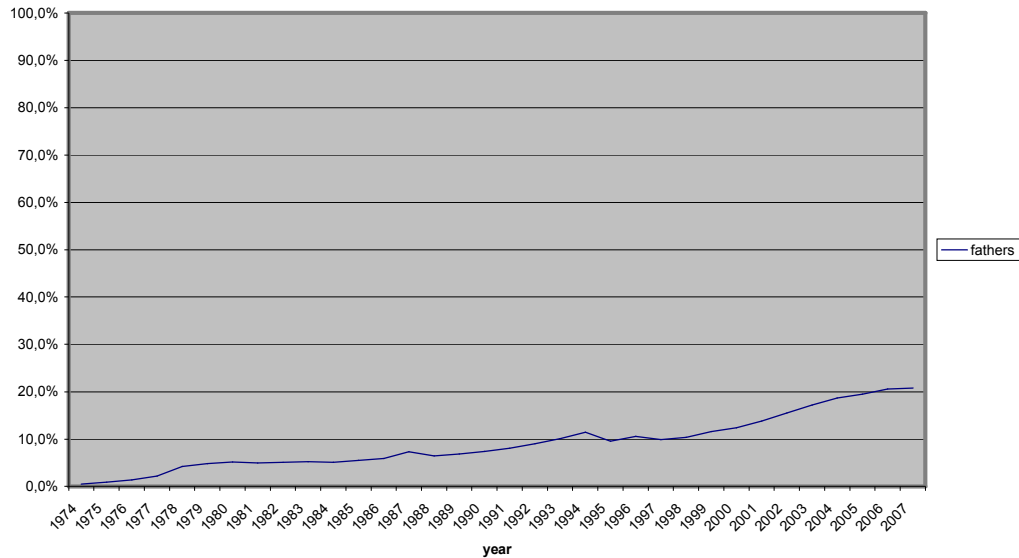
2. The legislation for parental leave, leave for both mothers and fathers, started in 1974. Before this period there was a maternity leave insurance system. Sweden was the first country to introduce paid leave for both mothers and fathers. The structure is based on earnings-related benefits and a long leave period. Today parental benefit is payable for 480 days. In accordance with the legislation the days are shared equally between both parents. But one parent may give up the right to parental leave to the other parent, apart from 60 days. A single parent is entitled to all these days himself/herself. The parental leave may be drawn until the child reaches the age of eight or when the child comes to the end of him or her first year of school. One can choose to draw full, three-quarters, half, one quarter or one-eighth parental benefit. So parents can be with their child for a long period of time if they choose a low benefit to live on.

In addition there is something called paternity leave. A father is entitled to ten days leave in connection with the birth of the child. One may take these days within sixty days.

The national insurance system is financed by the national taxation system. According to the law and the employment rights an employee could not be dismissed depending on parental leave.

Percentage of parental leave for men and women 1974-2007

Distribution of days for parental leave 1974-2007



B. Impact on gender equality

3. Please describe how these national policy provisions on parental leave contain objectives and/or targets related to gender equality and the participation of women in the labour market.

A main policy in Sweden is that parenthood and paid work should be possible to combine for both mothers and fathers. Since Sweden introduced paid parental leave also to fathers in 1974, the policy has been to continuously reform the system to strengthen the dual earner family model.

The structure of parental insurance legislation, with earnings-related benefits and a long leave period are often seen as an explanation to a relatively high fertility rate with high female labour force participation rate and low child poverty.

4. What have been the outcomes of national policy provisions on parental leave in facilitating women's access to the labour market? How have they been implemented in practice?

Today most men use one to two months of leave. Fathers who have a weak attachment to the labour market, are unemployed, receive welfare benefits or have low earnings, are over-represented among those who use no leave. In other words, fathers who would receive a low benefit during parental leave most often choose not to take leave.

The fathers who use a longer leave are the ones with high income, although the income ceiling in the insurance discourages longer leave. As the use of parental leave may be seen as a bargaining process between the parents, the relative income of the mother and the father are also of importance. Studies have also found that other factors are important, e.g. attitudes and values (Bekkengen 2004), but also contextual factors such as workplace situation (Bygren and Duvander 2004; Haas, Allard and Hwang 2002; Näsman 1992).

5. What are the main gaps and challenges at the national level in promoting good quality parental leave?

As could be seen from the studies mentioned above there is not one single solution to promote good quality parental leave. To remove the maximum level for paid leave days may not be the only and best solution. Income, education, profession and type of working environment are all important factors in the family decision if the leave days should be taken by the father or the mother. One challenge is to find out how to move to a less gender segregated labour market. In Sweden women work in the public sector and men in the private sector and changing that represents an important challenge for the country. A less gender segregated labour market may force all employers to take into account that employees have families and dependants.

C. Evaluations and ongoing discussion

6. Is there any evaluation of the current parental leave system? If so, please summarise its main results

According to Professor Ulla Waldenström at Karolinska Institutet in Sweden, a researcher in this field, the leave benefit system supports the option to delay having children until you have an income.

Another solution could be to have a higher basic benefit for everyone, e. g. you can have children even when you study. Keep in mind that in Sweden people enter the labour force at a higher age than many other countries. Only 54 % of women and 58 % of men in the age group 20-24 are in the labour force.

The current discussion focuses firstly on the freedom of choice issue. The main objective must be that women and men have their children when they want to. From the individual point of view the leave benefit is an important factor, but not of course the only one. The cost factor is also an issue, and we know that in the future the number of people in the labour force will decrease, and thus fewer people will have to support more people who are not in the labour force.

Could another construction of the parental leave system change the situation? Another part of the discussion in Sweden is focused on how to increase the number of fathers who use the legal possibility to take paid leave to be with their children. It could be by bonus, higher level of benefit or just attitude.

7. Is there any ongoing discussion on the revision of the parental leave system? If so, what are the main elements and driving forces?

The ceiling of the parental leave benefit and the flexibility for the parents to decide for themselves who will be off from work and opt for the leave days are the main issues at the moment.

Part II: Take-up of parental leave by men

8. Please briefly describe any specific initiatives that have been introduced to promote the take up and scope of parental leave provisions by men. Is this topic on the political agenda of your country? (This can include measures

introduced by the social partners, in collective agreements or other implementing mechanisms in the workplace.)

I have been participating in a project to construct a gender Equality Index. A better work-life balance is the vision in our work for growth and development in Västra Götaland. Equal opportunities are one part of that vision and we want to measure how we manage. Therefore we initiated a project together with Statistics Sweden to construct an Equal Opportunity Index which compares municipalities and regions in Sweden.

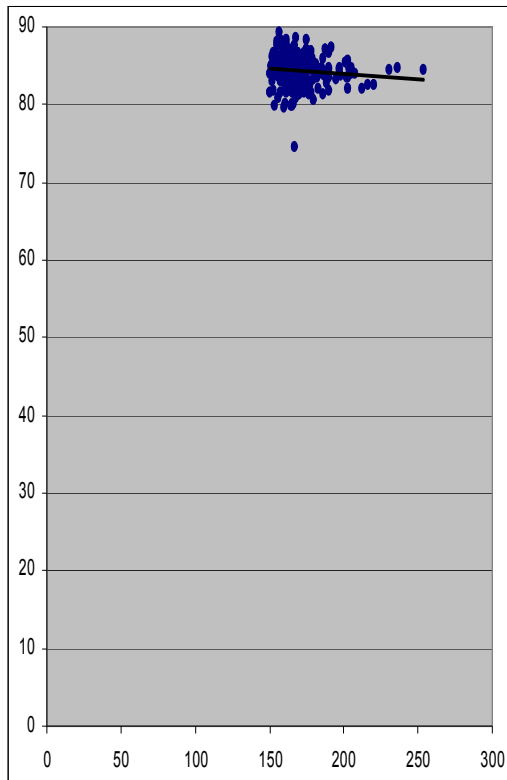
The Gender Equality Index compares municipalities or counties and the results are displayed in maps and tables. The index is a weighted sum based on 15 variables. The regions are ordered by size of difference between women and men for each variable. The best region gets rank 1. The Gender Equality Index reflects the average of the ratings based on 12 variables.

This initiative promotes the idea of a competition and there are indications that it supports the development of provisions of leave.

Average income and percentage of parental leave days

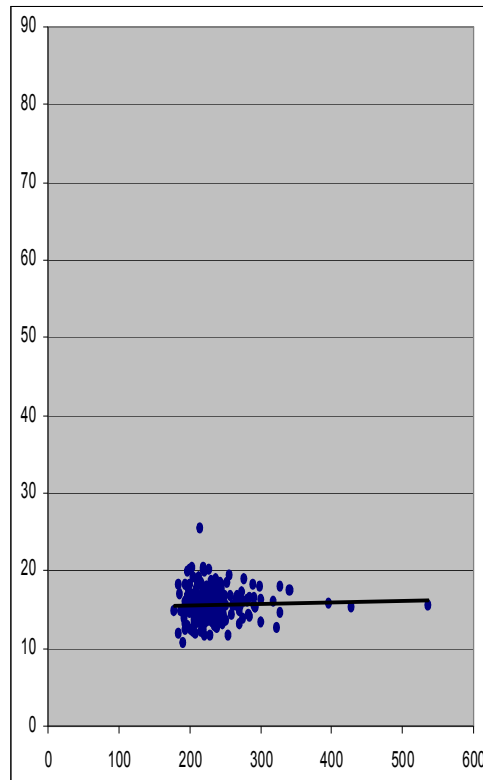
Women

%



Men

%



Percentage of leave days is showed on the vertical line and average income on the horizontal line. The graph to the left is for women and the graph to the right for men. Each dot is a municipality.

The almost horizontal lines show that either for women or men the level of income in the municipality is important for the days of leave benefit. The highest average income for men is in Danderyd just north of Stockholm, the men had 15 % of days for leave benefit. The lowest average income for men was in Haparanda, in the north near the Finnish border. Even the men in Haparanda had just 15 % of the days of leave benefit.

There are other measurements as well. The Swedish Confederation for Professional Employees (TCO) has introduced an index for fathers (pappaindex) which is a ranking based on number of leave days and number of fathers using the parental

leave system. More research and investigations could be done within this area to increase the knowledge to formulate better activities to reach the goals.

Part III: Transferability of good practice

9. Please describe specific good practices (or good elements of your parental leave system) in your country in the provision of parental leave. (For example, in encouraging men to take up parental leave, in improving the recruitment and retention of women in the labour market, enhanced productivity and employee satisfaction, etc). What are the weaknesses?

An important area for activities is to support employers who have a policy to support parental leave for both fathers and mothers. The trade union 'Unionen' which organises white-collar employees in the private sector has introduced an award, an honour called the gold teat awarded to companies that promote mothers and fathers in their working life. Among the companies that have got that award since it started some years ago is IKEA, the world famous furniture company. It got the award in 2003 for "ambitious work for equal opportunities and a generous compliment to parental leave that shows that it is not enough for IKEA to get people to put the bookshelf up but to make it easy for parents to combine working life with being a parent".

They introduced an additional parental leave benefit at 80% of the salary for their employees. The numbers of men who take parental leave has increased, but they have no figures to quantify the amount. On returning to work many will continue to work part-time to spend more time with the family. Since 2003 the attitude in society has changed and more and more men take their parental leave.

There are also companies who have a policy for equal opportunities, e.g. Statoil and Ericsson.

Parents with children under 12 are entitled to work 80%. Many mothers work part-time, but not so many fathers. An issue in the policy for equal opportunities is that everyone should be able to support themselves. If one works part-time, that could be difficult in certain positions – eg, lower paid workers in health care and social work. Therefore there is a move to reduce the number of part-time positions and

increase the number of full-time, but with the option of choosing part-time work when you have children.

10. How are these good practices transferable to other countries?

Systems to support employers who make it easy for people to combine working life with family life are important as good practice as well as the various legislations. The role and size of the public sector in a nation may be of importance when transferring good practice. We build our societies in different ways, but independent of that a society can only survive if both production and reproduction are recognized as important.

11. What do you think are the strengths and weaknesses of the Icelandic system of parental leave, as it contributes to gender equality? What elements of this experience do you think could be transferred to your own country? Please refer to the Icelandic report in your response.

The strength of the Icelandic system is the fact that it supports fathers in spending time with their children by allocating leave days to fathers only. A weakness exists in the gap between the nine months of parental leave and the start of preschool when the child is 24 months.

For the labour market and the business sector it is a new experience to deal with when more men take parental leave (see the case of male-dominated fire department). Such experience could benefit women and their career options.

Having children is a life-long relationship and very little research exists about the long-term outcome of an early relationship between father and child. Sweden has had parental leave for fathers since 1974 and there must be a lot to find out from this period about the effects for the family and its members.

12. What do you consider to be the main pre-conditions for good quality parental leave, in particular so that it contributes to gender equality?

Separate taxation for parents promoting the dual earner family model is a main precondition for gender equality regarding parental leave benefit. And of course a subsidised child care system after the first period is of equal importance.

13. Are there any other issues you feel should be discussed or any suggestions you would like to make in the light of the Icelandic experience?

The parental leave system is a very key question in the field of equal opportunities. It is “easy” to submit legislation about parental leave. But there are other issues and attitudes to take into account. For example, it is shown that whatever the average income, the average percentage of fathers taking leave is the same whether the municipality has the highest average income or the lowest.

A society with a political system that does not encourage people to have children is not a society that believes in its own future. It is a big challenge for the society to develop better conditions for children and parents. The political interest in how family policy affects childbearing must increase with the changing demographic structure in Europe, with declining fertility levels and a growing proportion of elderly people. The ageing of societies creates a demand for female labour force participation which could benefit our equality.