



# The EU Mutual Learning Programme in Gender Equality

## Instruments to foster long-term paternal involvement in family work

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### Comments Paper - Portugal



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# Comments paper - Portugal

Rodrigo Rosa

ISCTE – University Institute of Lisbon

## 1. Relevant country context

In Portugal, studies have observed that, as everywhere, the presence of small children in the household often implies greater male participation in household tasks (Wall et al., 2010; Rosa, 2013). However, the country has witnessed major changes regarding work-life balance and paternal involvement in family life. In the last four decades, several factors have challenged the traditional paternity pattern, which was exalted by the Estado Novo dictatorship that ended up with the 1974 Revolution. Amongst those factors, the decline of the male breadwinner model, the advent of full-time dual-earner couples as the predominant model and the development of policy measures promoting better work-life balance stand out. After the 1974 Revolution, the State policy action was based on an early return of women to full-time work as the first threshold of gender equality. It was only at the turn of the millennium that the State started to encourage families and employers to a more paternal involvement in family work and care. Some qualitative studies have shown that, as a consequence of the increasing place that paternity has gained in the development of family policies – and, particularly, leave policies – which culminated in the current system of parenthood protection, other paternal models, based in a closer, more affective and caring father-child bond, have risen (Marinho, 2011; Wall et al., 2010; Wall, 2015).

### 1.1. The maternity/paternity paradigm

The 1984 law on ‘maternity and paternity protection’ (Law 4/84) was the first measure to include paternity as an “eminent societal value” and to acknowledge that caring for children on an everyday basis and when they are ill is a task which falls to both mother and father. This made new stipulations regarding working rights of fathers (leaves and absences to care for minors under 10). Nevertheless, the most significant measures which take into account early paternal involvement were introduced from the second half of the 1990s. Until the end of that decade, a diversity of father’s rights<sup>1</sup> were introduced, such as: two days off work on the occasion of the birth of a child; the option to take part of the maternity leave by joint decision of the spouses: optional ‘paternity leave’ of 5 working days<sup>2</sup>; optional ‘parental leave’ of 15 consecutive days; two hours per day off, in part or in whole, for feeding<sup>3</sup>; and unpaid individual parental leave of three months<sup>4</sup>. New measures were introduced after 2000, such as paternity leave - which became compulsory since 2004 - or the right to miss work for four hours every three months to attend to children’s school education needs. However, the principle underlying work-family policies remained: the mother was the main responsible for childcare and the father was still the family’s main breadwinner, even though she could have a full-time job and he could take her place in special circumstances (Wall, 2011).

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<sup>1</sup> Under the right of all workers, regardless of gender, to “reconcile work and family life”.

<sup>2</sup> Subsidised at 100% of relevant earnings.

<sup>3</sup> Previously an exclusive right of mothers, and only in the case of breastfeeding.

<sup>4</sup> Parents with children under 6.

## 1.2. A paradigm shift

The major shift resulted from the revision of the Labour Code in 2009, which brought together the right to reconcile work and family life and a gender equality policy, while promoting childbearing and infants' well-being. The Decree-Law 91/2009 replaced the previous system of 'maternity and paternity protection' with the new system of 'parenthood protection'. Once this change in terminology is based on the principle of rights and duties of mother and father alike, the new policy measures should strengthen fathers' rights and promote the sharing of parental leave. This new system was designed to boost the early involvement of fathers in family life following the birth of a child by introducing two major changes: First, it raises the paternal right and duty by increasing the former 'paternity leave' by 'father's exclusive initial parental leave', which increased from 5 to 10 compulsory working days plus 10 optional days. Second, it promotes the involvement of father in family life by replacing the previous maternal leave<sup>5</sup> with initial parental leave lasting 120 (at 100%) or 150 days (at 80%), as well as by rewarding parents who share the initial parental leave with the "initial parental leave with bonus"<sup>6</sup>. It should be highlighted that the principle behind the sharing bonus is to challenge gender roles while removing barriers to women's participation in the labour market by fostering both fathers' involvement in care work and mothers' return to full-time paid work. Following the 'initial parental leave', the father would still be able to take additional leave of up to three months.<sup>7</sup> Besides, this law brought in one further right for fathers three days off to attend pre-natal consultations. More recently, the Law 7-A/2016 increased the compulsory 'father's initial parental leave' to 15 days and enabled both parents to take up to 15 days of 'initial parental leave' in parallel<sup>8</sup>. Nevertheless, even if the first measure intended to strengthen father's right and duty, it should be noted that the second one represents a setback concerning the promotion of paternal involvement in family work, since fathers are less likely to be alone with the baby thereafter.

In addition to leave policies, the regular increases in the numbers and coverage of crèches and childcare services stand out amongst the various measures in the form of facilities and support services for families that have been introduced to promote work-life balance. The positive trend of coverage of crèches and childminders between 2000 and 2014 resulted from the investment in establishing more facilities with places in crèches and the maximising of installed capacity, by creating more places in existing facilities (Wall et al. 2017). Nevertheless, the coverage of crèches in the most populated urban areas continues to be lower than the overall average. In addition, there is social inequalities regarding the access to facilities even in the charitable sector, where prices are more affordable and parents pay according to their family income, since the average cost per child may still represent a large slice of the family budget.

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<sup>5</sup> The former "maternity leave" period - six weeks following birth - which the mother is required to take as leave was replaced by "mother's exclusive initial parental leave".

<sup>6</sup> Bonus period of 30 days for sharing when each of the parents takes at least 30 consecutive days or two periods of 15 consecutive days.

<sup>7</sup> This entitlement (for both parent) is non-transferable and subsidized at 25% of relevant earnings.

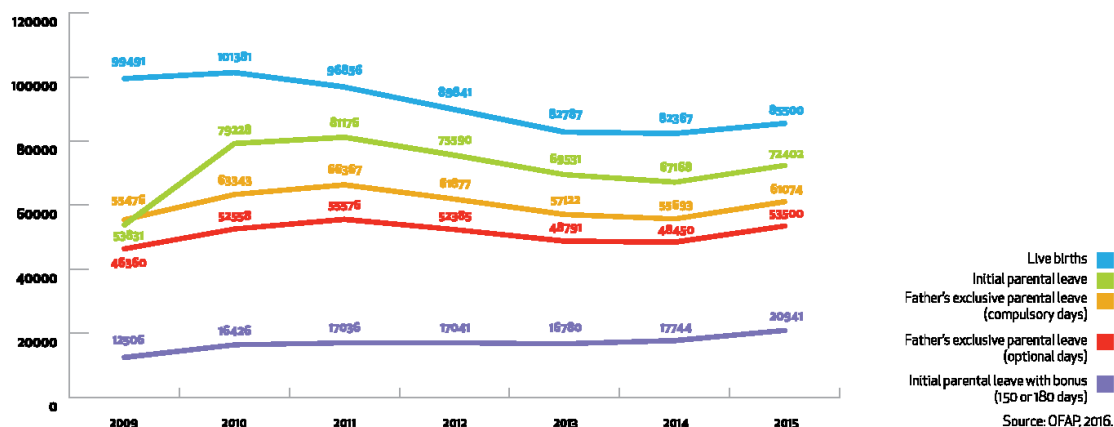
<sup>8</sup> To be taken between the fourth and fifth month.

### 1.3. Fathers' take-up of leave and fathers on leave alone

Currently, the number of Portuguese men who take up the exclusive parental leave to which the law entitles them is quite significant<sup>9</sup>. According to ISSP data, the take up of leave by men has progressed rapidly and consistently since the introduction of specific types of leave for fathers. By referencing the number of benefit applications approved and comparing them to the number of births the uptake of compulsory father's exclusive parental leave (65,8% by 2017) and the optional father's exclusive parental leave of 10 days (59,5% by 2017) increased by over 25 percentage points between 2005 and 2017 (CITE, 2018).

Since 1995, fathers had been able to take part of the 'maternity leave' by joint decision of the couple, but until 2008 very few couples (582 in that year) had taken advantage of this entitlement. Nevertheless, the equalization of the rights of mothers and fathers underlying the Decret-Law 91/2009, as well as the incentive to sharing through the 30-day bonus leave, produced remarkable results in the sharing of 'initial parental leave'. The approved applications for the bonus benefit rose from 12,506 by 2009 to 20,941 by 2015 (Figure 1). In 2010 the proportion of fathers who shared the initial parental leave represented 19,4% of total births, and by 2017 33% of fathers took the leave (CITE, 2018).

**Figure 1 – Births and number of benefits awarded (number) – Portugal, 2009-2015<sup>10</sup>**



A qualitative study on fathers' experience of staying alone with a baby at home (Wall, 2014) suggests the measures mentioned above, particularly those encouraging men to share the leave, have a very positive impact regarding paternal involvement in family work and gender equality within the family.<sup>11</sup> Nevertheless, the study also reveals several obstacles that fathers faced when they announced their decision to

<sup>9</sup> Particularly if we take into account that most fathers use more than the compulsory days and take up the optional days as well.

<sup>10</sup> Wall et al., 2017: 43.

<sup>11</sup> The experience of staying alone with a baby at home allows fathers to deep emotional involvement and father-child bond, to learn parenting and housework skills, to understand the father's role as main carer, to renegotiate the division of unpaid labour and to better recognise how women tend to be overloaded.

share leave.<sup>12</sup> While the family division of care and housework following the birth of the first child offers an opportunity to set a long-term pattern for gender equality and paternal involvement, fathers, as this study suggests, want to take on family responsibilities and would like to see them guaranteed, extended and given social recognition.

## 2. Policy debate

Despite in almost three out of four couples both partners have a full job (Wall et al., 2015), Portuguese women still spend more time every day and are more involved in housework and child-related activities than men (Perista et al., 2016). Even if young and most educated generations more often express their desire to spend more time with their children, fathers who are highly qualified continue to devote most of their time to their job (Rosa, et al., 2016). Nonetheless, Portuguese men and women are, in general, very receptive to the current “protection of parenthood” system. The results of the ISSP 2012 survey (applied in 2014) show that men and women in equal measure broadly agree that the father taking up parental leave positively impacts on parental relations, gender equality within the couple, woman’s career and individual well-being (Ramos et al., 2016). However, notwithstanding the openness of Portuguese society to the current leave system, there is a variety of cultural barriers and structural constraints that stain in the way of paternal involvement of Portuguese fathers in family work and care.<sup>13</sup>

### 2.1. Three major obstacles to father’s uptake leave

Three major factors stand out amongst the different obstacles to men’s uptake of leave.

First, employers are still very reluctant to let go of their male workers in favour of paternal involvement in family work and care (Wall et al, 2010; Casaca, 2013). Resistant attitudes of immediate superior and colleagues in workplaces/companies, especially in the private sector contractual conditions, as well as job insecurity are the major issues which have been pointed out. In addition, there is some ignorance among employers, as well as disinformation from staff at Social Security offices in relation to the father’s rights enshrined in current leave policies. In order to overcome this obstacle, the recently published White Paper Men and Gender Equality in Portugal recommends: to promote in-depth training in supervisory bodies which are responsible for monitoring impediments to the take-up of leave and non-compliance with the law for both fathers and mothers (Wall et al., 2017).

Secondly, the legal architecture of the current system retains the principle that the mother is the main beneficiary of leave policies. Even though one of the main objectives of the system of ‘parenthood protection’ is to promote “*gender equality by strengthening fathers’ rights and incentives to shared leave*”, the father loses the right

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<sup>12</sup> Some were misinformed about the father’s rights by their bosses or line managers and even by Social Security, whereas others felt employers’ lack of understanding as regards their motivation for staying at home with the baby or even suffered reprisals such as a cut in salary or dismissal.

<sup>13</sup> In fact, compared to uptake of father’s compulsory or optional exclusive leave, men’s uptake of the subsidised ‘initial parental leave’ - less than one third of total births - is still far below its full potential.

to take parental leave<sup>14</sup> if the mother is not eligible for the initial parental leave, whether on account of being inactive or for any other reason. With a view to overcome this obstacle, the White Paper recommends to review the underlying principles of this policy by abolishing the gap between mother's and fathers' periods of leave, whether in compulsory or optional days, but also to create inclusive leave policies which recognise the diversity of family contexts, with no discrimination against same-sex couples.

Finally, despite the various measures, particularly in the form of facilities and support services for families, which have been introduced to promote work-family reconciliation<sup>15</sup>, parents' associations and the National Education Council have pointed to several problems among which difficulties in registering children in crèches and cheaper kindergartens, as well as uneven national coverage of support services stand out. This obstacle to work-life balance more often reflects on men's uptake leave. In order to overcome this obstacle, the White Paper recommends to increase the coverage of not-for-profit crèches, making a special commitment to regions with reduced coverage of facilities for children up to 3 years of age (Ibid: 6).

## 2.2. Political Debate

Currently, the political debate fundamentally focuses on the question of father's leave extension versus parental leave extension. Different proposals from the different political parties regarding father's leave to care for a child have been discussed in the Portuguese parliament. The Left Bloc (BE) and the Portuguese Communist party (PCP) propose to extend the exclusive leave for the father. While the BE put forward a proposal to extend compulsory exclusive leave for the father from 15 to 20 days, PCP's proposal is more ambitious since it suggests an extension of the compulsory leave from 15 to 30 days, adding 30 days of optional exclusive leave (for a total of 60 days of exclusive leave for the father). On the other hand, PAN party (People-Animals-Nature) proposes the immediate extension of the parental leave from 120/150 to 183 days, subsidised at 100% of relevant earnings, as well as its extension to one year until 2023, subsidised at 100% in the first six months, 80% in the following three months and 60% in the last three months. Lastly, the proposal of the right-wing Centre Democrats party (CDS) is more moderate. CDS's proposal suggests that the law should entitle the father to time-off from work so that he can assist child up to two years old (currently up to one year of age).

## 3. Transferability aspects

As regards the transferability potential of German policies to Portugal, I would highlight: (1) the possibility to reduce working hours through a policy measure such as PAP; (2) and the non-transferable nature of parental leave. (1) Even if part-time practices is an unusual work option for both men and women, since there are not a great offer of part-time jobs in the labour market, and working full-time is the predominant work ethic even amongst working mothers, the possibility to reduce working hours for a period of time after the birth of a child could have positive impact on the division of unpaid work as long as both parents uptake the leave.

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<sup>14</sup> He is only entitled to the father's exclusive initial parental leave.

<sup>15</sup> Regular increases in the numbers and coverage of crèches and services, from pre-school to leisure time facilities during the holidays; increased capacity of childcare facilities from the non-profit sector; schools in the first cycle open for 8 hours, as well as compulsory family support services before and after school hours; and curriculum enrichment activities.

(2) Transforming parental leave into an exclusive and non-transferable individual entitlement could have a positive impact on paternal involvement in family life and division of care responsibilities, since if fathers do not make use of their entitlement, the family as a whole would forgo the paid leave.

Based on the Portuguese experience, I have four suggestions to the host country.

First, as in many other European countries, policy designs in Germany have focused on making it more expensive for families to have only one parent take all parental leave by allocating to each parent a non-transferable individual period of leave. Fathers are not obliged to make use of their entitlement but, if they do not, their option has a direct impact on the household budget. However, given that normative attitudes and behaviours tend to counter gender equality, a leave architecture which goes beyond the non-transferable 'daddy days' system and combines obligatory leave and optional leave entitlements could increase the effects on paternal involvement. This kind of policy design that Portugal is currently experiencing has proven its efficacy, since there have been a steep increase in the proportion of fathers who take both compulsory and optional leave. Some experts actually believe that the path to gender equality in the household would be achieved if both mother and father were entitled to the same amount of compulsory leave (Wall et al., 2017). In sum, we should reflect upon to what extent leave systems under which paternity leave is not, unlike maternity leave<sup>16</sup>, mandatory are overlooking if not reinforcing gender norms rather than challenging them.

Secondly, the Portuguese system specially promotes a "caring paternity" by providing a bonus for sharing of the initial parental leave with bonus, which enables the father to stay alone with the baby while the mother returns to full-time work. This feature has seen sustained growth in recent years, and, as the results of various studies have suggested, staying alone with baby have a positive impact on paternal involvement in family work. Providing a bonus for the fathers who specifically stays alone with the child during long leave periods is my second suggestion to the host country.

Thirdly, even if employers cannot reject leave requests, the uptake of part-time work leave options, such as PAP, may not be perceived at work as a manly choice or a choice which takes into account the career advancement, and several men may fear to be seen as "less-competitive" by the superior or colleagues, who prefer to work side-by-side with others whose work behaviour resembles their own. This may contribute to explain why fathers' uptake PAP is overall lower than mothers' uptake. Therefore, making the uptake of PAP obligatory for an initial short period (15-30 days) could have a positive effect on the take-up of PAP by fathers, increasing the number of men who claim it and for longer periods of time.

Lastly, as in Germany, the provision of non-parental childcare has considerably risen during the last years. However, both countries should: amplify the provision of institutional childcare, in order to reach all the family with young children, and mitigate geographic and social inequalities in family's access to childcare services. Since the provision of non-parental childcare, if publicly financed, generally secures time spent at work and allows parents' simultaneous involvement in the labour market, it would be ideal if there was no care gap between the end of paid leave and a legal entitlement

<sup>16</sup> The crucial time for mother to recover physically is, in fact, subject to cultural interpretation, which varies from county to country. That is the reason why the length of compulsory maternity leave more often exceeds the two weeks settled by the Maternity Leave EU Directive.



to childcare. Therefore, any of the following policy measures would be welcome: financial compensation whenever the only option is private due to a lack of available place in publicly financed childcare; better harmonisation of childcare costs across the country, in order to overcome territorial inequalities; increase the flexibility and improve timetables of day care centres.

## 4. Conclusions and recommendations

To sum up, there is a diversity of measures that should be taken into account at a national level in order to overcome the persisting obstacles to paternal involvement in family work. Ideally, the Portuguese leave system would provide the same amount of parental leave as the German system (12+2), but the measures introduced since 2009 represent a successful effort towards gender equality. I would highlight the following challenges at the national level: to raise awareness of employers for the right and benefits of employees' work-life balance; to improve the legal architecture, which retains the principle that the mother is the main beneficiary of leave policies; to increase the numbers and coverage of childcare services; to assess the effectiveness of leave policies by devising and implementing tools which allow to produce and disseminate statistics on the take-up of leave: and to undertake research on the impact of father's uptake leave in the long run.

However, there are a set of cross-national challenges which, therefore, should be faced at an European level, such as developing policy measures which; encourage change in organisational culture and management models, by introducing the notion of "workplaces friendly to caregiver parents" and provide the implementation of European-wide programmes to support interchanges between businesses and disseminate and successful good practices; make universities aware of their responsibility to promote gender equality in their capacity as educational bodies for future managers; promote the involvement of male public figures, political decision-makers and employers as examples of agents of change; and promote research on work-life balance in order to devise action guides and toolkits which encourage paternal involvement in family work.

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