



The EU Mutual Learning Programme in Gender Equality

Instruments to foster long-term paternal involvement in family work

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Comments Paper – The Netherlands



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Fostering long-term paternal involvement in the Netherlands

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1. Relevant country context

1.1. Parental leave

In the Netherlands, there are (at least) five types of leave pertaining to the birth of and care for children: pregnancy leave ('Zwangerschapsverlof'), maternity leave ('Bevallingsverlof'), partner leave ('partnerverlof'), parental leave ('ouderschapsverlof') and leave related to adoption and foster care ('adoptieverlof' and 'pleegzorgverlof'). The first two are exclusively targeted to mothers, and thus beyond the scope of this comments paper.

Partner leave constitutes two (2) days of paid leave for the partner of a woman immediately after she gave birth (within 4 weeks of the birth of the child). Collective (sectorial) labour contracts can stipulate exceptions from this general regulation, including longer periods of paid leave, but also shorter periods or no pay during the leave.¹ Someone is considered the partner of a new mother, if one is married to the mother, if one is the registered partner of the mother, if one lives together with the mother, or if one legally recognises the baby. Often the partner is the biological father, but importantly the definition of partner extends to a broad range of family diversity.

In addition to these two days of partner leave, an employee can take 3 days of parental leave (see below) that cannot be refused by the employer if announced in advance. By default, these days are unpaid.

Parental leave is available for parents of children under the age of 8. For each child, each parent receives the right to take 26 weeks of leave. Parental leave is unpaid by default, although employers can opt or agree to partially or fully continue to pay wages.² This is often done in the form of collective labour agreements. If a person experiences a lower annual income because of taking parental leave, this person could possibly qualify for higher means-tested benefits (e.g. a supplement to child benefits, higher childcare subsidy, housing benefits, etc.). Parental leave applies for biological parents, adoptive parents, 'social parents' legally recognising the child, and in the case of foster care (if the foster child is registered on the foster parent's address).³ Employees can decide for themselves how and when to take parental leave, although the plans have to be communicated with their employer. The employer can only refuse the parental leave in case it leads to severe operational problems that

¹ <https://www.rijksoverheid.nl/onderwerpen/kraamverlof-en-partnerverlof/vraag-en-antwoord/regels-kraamverlof-en-partnerverlof>

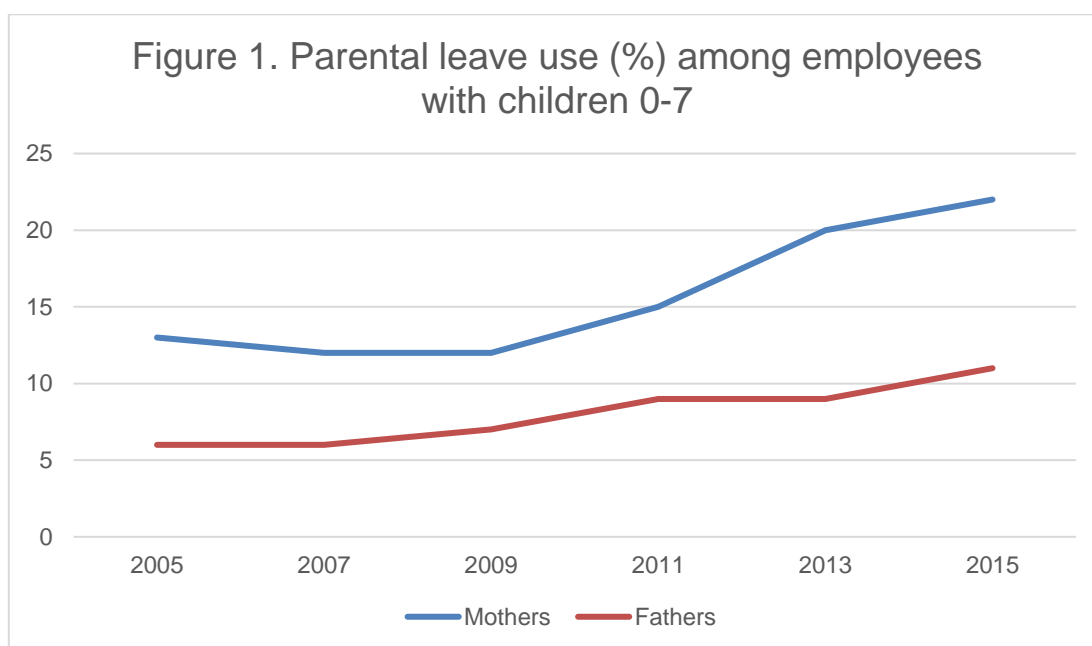
² <https://www.rijksoverheid.nl/onderwerpen/ouderschapsverlof/vraag-en-antwoord/welke-gevolgen-heeft-ouderschapsverlof-voor-mijn-inkomen>

³ <https://www.rijksoverheid.nl/onderwerpen/ouderschapsverlof/vraag-en-antwoord/recht-op-ouderschapsverlof>

could threaten the continuity of the company. People who are unemployed do not qualify for parental leave.

Adoption leave and leave related to foster care, finally, allows parents of adoptive children to take 4 weeks of leave, within the first 26 weeks that the child lives with their adoptive parent(s). The same regulation applies to foster parents.⁴ During adoptive leave the employer does not have to pay wages, but 100% of previous wages are paid by a collectively funded public agency.⁵

The use of parental leave is strongly gendered. Figure 1 below shows the percentage of *working* mothers and fathers taking parental leave (adapted from Portegijs & Van den Brakel, 2016). This is after the maternity leave taken by mothers, and the leave available to their partner. In recent years, the use of parental leave has been rising, more for mothers than for fathers. In 2015, 22% of working mothers used parental leave, compared to 11% of fathers (that is: 1 in 9 working fathers of children under the age of 8 took parental leave).



Self-employed women can qualify for assistance during and after their pregnancy, at a level of at most the minimum wage.⁶ As far as I could determine, no form of leave (with partial income replacement) is available to self-employed partners.

1.2. Time for care and work

Work and care are intimately related, often with high investments of time in paid employment being correlated with lower investments in care work. Legislation on

⁴ <https://www.rijksoverheid.nl/onderwerpen/adoptieverlof-en-pleegzorgverlof/vraag-en-antwoord/adoptieverlof-of-pleegzorgverlof-regelen>

⁵ <https://www.uvw.nl/particulieren/zwanger-adoptie-pleegzorg/adoptie-pleegzorg/ik-word-adoptie-of-pleegouder/detail/hoe-hoog-is-mijn-adoptie-of-pleegzorguitkering>

⁶ <https://www.rijksoverheid.nl/onderwerpen/zelfstandigen-zonder-personeel-zzp/vraag-en-antwoord/heb-ik-als-zelfstandig-ondernemer-recht-op-een-zwangerschapsuitkering>

flexible working time allows workers to request changes in their (a.) working schedule, (b.) working location, and (c.) working hours.⁷ Such requests can be made after being employed for six months for an employer with a minimum of 10 employees, and have to be submitted two months in advance.

The Netherlands has joint taxation of couples (married or cohabitating), but has specific tax credits aimed at promoting a more gender equal participation in paid work (and, by extension possibly in care). An example is the combination-tax-credit ('inkomensafhankelijke combinatiekorting'), which is a tax credit for parents who combine the care responsibility for a child below the age of 12 with (self-)employment. The credit applies to dual-earner couples and to working single parents.⁸

In the Netherlands, men spend more time than women in paid work, and this gender difference is exacerbated upon the arrival of children in the households (Roeters, 2017a). On average, in 2015, working men spent on average 37,7 hours on paid work compared to 26,6 for working women (Portegijs & Van Brakel, 2016). The gender gap in time spent on paid work is smallest among singles, followed by couples without children and largest among coupled with a child. Notably, among the latter both fathers work more hours and mothers work fewer hours compared to men and women in couples without children (Roeters, 2017a).

Figure 2 below shows data from Statistics Netherlands on the percentage of part-time workers among all workers.⁹ All data pertain to people living in couples and are presented by gender and parenthood. Three things stand out. First, in the Netherlands men are much less likely to be working part-time than women, irrespective of their parenthood status. Secondly, whereas women are more likely to work part-time when they are a mother, fathers are *less* likely to work part-time compared to men without children. Finally, although mothers have become more likely to work full time and fathers somewhat more likely to work part-time, generally there was little change in these gendered patterns in the period from 2003 to 2017.

⁷ <http://wetten.overheid.nl/BWBR0011173/2016-01-01>

⁸ https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/privel/inkomstenbelasting/heffingskortingen_boxen_tarieven/heffingskortingen/inkomensafhankelijke_combikorting/inkomensafhankelijke_combinatiekorting

⁹ <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/82956NED/table?ts=1534883372962>



An important correlate of time spent on paid work is time spent on housework and family work. I focus specifically on gendered patterns of time spent caring for children. In 2016, fathers spent about 4 hours per week on the care for their children. This has decreased from over 5 hours per week in 2006. In 2016, mothers spent around 6 hours per week caring for their children (down from 9 in 2006). Just like with paid work, the gender gap in time spent on total care tasks (including housekeeping, grocery shopping, care for children, and informal care) is smaller among people who live as singles, followed by couples without children and largest among couples with children (Roeters, 2017b).

1.3. Promoting awareness

Take-up of leave by fathers is not only affected by characteristics of the paternity leave policy, such as the wage replacement rate or the flexibility of taking leave, but also by gendered dynamics within couples and (perceived) workplace resistance (Evertsson, 2014; Kaufman, 2018). At the organisational level, one study found that adoption of work-family arrangements (not specifically regarding paternity leave) was more strongly determined by organisational conditions and characteristics than to the welfare state context (Den Dulk, Peters & Putsma, 2012). This strongly suggests the importance of looking beyond merely the (paternity leave) policy design in order to find effective strategies to foster long-term paternal involvement in family work.

The gendered dynamics in the household or in the workplace may help explain why policies that aim at fostering long-term paternal involvement are not used to their fullest extent. Based on focus groups with young parents, the Dutch Ministry of Social Affairs and Employment concluded that the division of labour among women and men is a strictly personal choice, and is often decided upon in an implicit process. Fostering paternal involvement is considered desirable by young parents, but challenging because of how (most often) fathers perceive the reaction among employers and colleagues. According to the focus groups, women's economic independence is not considered an important argument. Based on these findings, the Ministry seeks to create awareness campaigns that aim at encouraging young parents to use a more explicit decision process pertaining to the division of labour within and outside their

household.¹⁰ Examples of such campaigns are called The LeaveArranger ('Verlofregelaar') aimed at improving knowledge about and familiarity with leave policies¹¹, and the campaign called How does the Netherlands work, according to you ('Hoe werkt Nederland, volgens jou')¹², aimed at improving awareness and explicit decision making.

1.4. After separation

After a couple with children separates, a decision needs to be made with whom the children will live. In the majority of cases, the children live with their mother (about 70% of cases), and only in about 5% of the cases with the father (Poortman & Van Galen, 2017). In the remainder of cases, 20-25%, the children live with both parents, often alternating. Since 1998, by default both divorcing parents have legal custody over their children, although typically children lived with their mother. A 2009 change in legislation aimed at promoting (while not prescribing) shared residence, and this practice has become more common in recent decades among a selective group of parents (Poortman & Van Galen, 2017). Although the evidence is not without contradictions, the overall tendency seems to be that wellbeing of children, whose parents separated, benefits from having access to both parents (ibid., also see: Fransson, Låftman, Östberg, & Bergström, 2018; Nieuwenhuis & Maldonado, 2018). Moreover, the involvement of fathers in childcare (prior to separation) was found an important determinant of children living with the father and in shared residence after separation (Poortman & Van Galen, 2017).

Upon divorce or separation, parents in the Netherlands are legally bound to draft and sign a parenting plan ('ouderschapsplan'). This applies to married parents having a divorce, as well as separating cohabiting parents who both have custody. This parenting plan is required to include agreements pertaining to the sharing of care and raising the children, arrangements regarding seeing the children, rules of communication between parents on important information regarding the children, and the expenses associated with the child(ren), often referred to as child support.¹³ The requirement to sign a parenting plan upon divorce came into effect in 2009. In a recently published evaluation it was found that this law encouraged more parents to draw up such a parenting plan, but did not promote more parental contact (De Bruijn, Poortman & Van der Lippe, 2018). Conflict became slightly more common, although extreme forms of conflict were less common. Finally, the parenting plans were found unrelated to children's wellbeing. Nevertheless, for this memo it is interesting to note that the law regulating the parenting agreement is called the 'Promotion of Continued Parenting and Proper Divorce Act', signalling the policy makers' intention to have both parents (thus, including the father) involved in the care for and lives of their children after separation (for a similar interpretation, see: VanDoorneHuiskes and partners, 2010).

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<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2016/12/16/kamerbrief-arbeid-en-zorg/kamerbrief-arbeid-en-zorg.pdf>

¹¹ <https://verlofregelaar.nl>

¹² facebook.com/HoeWerktNederland/

¹³ <https://www.rijksoverheid.nl/onderwerpen/scheiden/vraag-en-antwoord/ouderschapsplan>

Child benefits ('kinderbijslag') and a means-tested, child related budget ('kindgebonden budget') can only be applied by (and will only be paid to) one parent, even if parents do no longer live together.¹⁴

2. Policy debate

The current proposed to extend the partner leave policy to five days with continued pay (by the employer), planned to be in effect by January 2019. An additional leave of 5 weeks, to be taken within 6 months after the child's birth, is planned to come into effect by July 2020. This leave will be paid by a government agency at 70% of previous wages (with an earnings gap).¹⁵ On the 2nd of October 2018 the parliament approved these plans, but they have yet to be confirmed by the senate.

A main objection against extending the duration of leave for fathers, expressed in the public debate, was raised by employers' organisations. Major employers' organisation NCO/NCW raised several objections, arguing that existing regulations – including holidays – would adequately allow fathers to take leave¹⁶, and citing the expenses to employers and the complexity of dealing with a large number of different leave policies.¹⁷

More recently, a debate was started on the very definition of a parent. It was discussed above that various forms of parental leave can apply to individuals other than two biological parents. Yet, it was argued in op-eds in newspapers¹⁸ and by interest organisations¹⁹ that with rising family diversity, there is a great need to expand the number of parents that can be legally recognised and that can have custody. Indicative of how the subject of family diversity is on the public and political agenda, the Research and Documentation Centre (WODC) of the Dutch government recently published a legal and empirical exploration of legal custody by more than two parents (Antokolskaia et al., 2014) and the Dutch statistics organisation is hosting a conference on family diversity (on the 17th of October).²⁰ A governmental committee in 2016 issued the recommendation to extend the possible number of legal parents to four (Staatscommissie herijking ouderschap, 2016).

3. Transferability aspects

Transferability of policies (and implementation thereof) is notoriously difficult to assess, particularly if empirical evidence is based on single countries. Such difficulties include different countries facing challenges that are seemingly similar but differ in the details, the interplay between (details of) policy implementation with other institutional conditions, other actors that include employers, and the distinct differences in public opinion on gender equality observed across the European Union (Knight & Brinton, 2017). Gender role attitudes and family policies, as well as their interplay, have been

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<https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/privetoelagen/kindgebonden-budget/voorwaarden/coouders>

¹⁵ <https://www.rijksoverheid.nl/onderwerpen/kraamverlof-en-partnerverlof/vraag-en-antwoord/regels-kraamverlof-en-partnerverlof>

¹⁶ <https://www.mkb.nl/nieuws/voldoende-bestaande-mogelijkheden-voor-vaderschapsverlof>

¹⁷ <https://www.vno-ncw.nl/column/ouderschapsverlof-maak-het-simpel-en-betaalbaar>

¹⁸ <https://www.nrc.nl/nieuws/2018/08/03/het-zijn-allemaal-echte-papas-en-mamas-a1612140>

¹⁹ <https://www.coc.nl/jouw-belangen/advies-staatscommissie-is-historische-overwinning-voor-meeroudergezinnen>

²⁰ <http://nvdemografie.nl/activiteiten/seminars/nvd-cbs-seminar-familiecomplexiteit>

shown to affect aspects of gender equality (Andringa, Nieuwenhuis & Van Gerven, 2015).

The leave policies in Germany, as described in the discussion paper, seem by and large focused on improving the employment of mothers. Very few provisions, beyond eligibility criteria, seem specifically focused on stimulating fathers to stay home and provide care for their children. Coming from a fairly gender unequal division of labour typical to the male breadwinner model, the introduction of the partnership bonus may encourage fathers to work part-time, indeed, but may have a larger effect on stimulating mothers to work. Of course, as no evidence on its impact was presented, it cannot be inferred here what the aggregate impact of that policy measure has been. In that sense, it is important to realise that a gender-neutral formulation of policy conditions can very well lead to gender-unequal outcomes.

The German leave policies include eligibility for the unemployed, something that is not the case in the Netherlands. Similarly, financial support for childcare in the Netherlands is tied to paid employment (or education, or participation in a program to actively search for employment). Moreover, the parental allowance that also is available to fathers is partially paid, which seems to be associated with more fathers taking up (at least some) leave in Germany compared to the Netherlands.

An important lesson is to be found in Table 1 of the discussion paper, showing the take-up rates of parental allowance in Germany according to the net income before birth. Notably for fathers, it is observed that take-up is substantially higher among fathers with higher earnings. This clear social gradient is common in the take up of public services, and often referred to as the 'Matthew effect' (Ghysels & Van Lancker, 2011). Such Matthew effects are found in many countries and illustrate an important lesson on the challenges of effective policy implementation.

It was not specified in the discussion paper how 'parents' are defined with respect to the leave policies. The broad definition of 'partner for parental leave in the Netherlands provides an example of a policy formulation that is fairly inclusive to a wide range of families.

4. Conclusions and recommendations

Fostering the long-term involvement of fathers in family work is of importance for gender equality, both within many households and between genders. Gender inequality in care and paid employment are intrinsically linked (Lewis, 1992; Korpi, 2000). Involvement of fathers in the care for their children was found to have long-term consequences, as it was associated with a greater likelihood of paternal involvement in the form of shared residence after separation (Poortman & Van Bavel, 2017).

It was argued that a mere focus on parental / paternity leave policy at the national level may be insufficient to achieve high take-up of leave by fathers, among other reasons because it ignores the role of gender attitudes and the role of employers. In the Netherlands, employers' organisations expressed positions against proposed (or discussed) extensions of paternity leave, illustrating the importance of accounting for multiple actors and suggesting that top-down policy making alone may not achieve the desired outcomes. It is recommended to take this into greater account in policy discussions both at the national and the European levels.

It is notable that the Netherlands uses a definition of 'father' that extends beyond the biological, and equally notable that there currently is a discussion to further extension. It indicates that, at least in the Netherlands, there is a demand for an inclusive formulation of family policy arrangements.

Although the effectiveness of public awareness campaigns to foster paternal involvement in family work has yet to be assessed, they represent initiatives that acknowledge that more aspects are to be considered than the legal and financial aspects addressed by for instance leave policies.

As part of the European pillar for social rights, the European Parliament and the European Council issued a proposal for a directive on work-life balance for parents and carers. Although the stated aims to address women's underrepresentation in the labour market²¹, several of the proposals pertain to fathers' involvement in family work.²² This include legislative measures regarding paid paternity leave for fathers, non-transferable parental leave, paid at least at the level of sickness pay, and the right to request flexible working arrangements. Although supportive texts describe both fathers and second carers, the explanatory memorandum does not define fathers (Article 3)²³ and articles only refer to 'fathers', which (given the experience and discussion in the Netherlands) could expect criticism pertaining to excluding the reality of family diversity. The current leave for fathers in the Netherlands, nor the proposed extensions thereof, are not on par with the legislative measures in the proposed directive. This is a right to request flexible working arrangements, but as the data in this comments paper have shown the use of such arrangements is uncommon among fathers in the Netherlands. These discrepancies would need to be addressed in the Netherlands if the Directive on work-life balance for parents and carers (in its current formulation) comes into effect.

References

Andringa, W., Nieuwenhuis, R., & Van Gerven, M. (2015). Women's working hours. The interplay between gender role attitudes, motherhood, and public childcare support in 23 European countries. *International Journal of Sociology and Social Policy*, 35(9/10), 582–599. <http://doi.org/10.1108/IJSSP-10-2014-0073>

Antokolskaia, M.V, Schrama, . W.M., Boele-Woelki, K.R.S.D., Bijleveld, C.C.J.H., Jeppesen de Boer, C.G. & Van Rossum, G. (2014). Meeroudergezag: een oplossing voor kinderen met meer dan twee ouders? Een empirisch en rechtsvergelijkend onderzoek. Den Haag: Boom Juridische Uitgevers. <https://www.wodc.nl/onderzoeksdatabase/2348-gezag-van-meer-dan-twee-personen.aspx>

De Bruijn, S., Poortman, A.-R., & Van der Lippe, T. (2018). Do Parenting Plans Work? The Effect of Parenting Plans on Procedural, Family and Child Outcomes. *International Journal of Law, Policy and the Family*, 46(1), 1–18. <http://doi.org/10.1093/lawfam/eby012>

²¹ <http://ec.europa.eu/social/main.jsp?catId=1311&langId=en>

²² <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1494929657775&uri=CELEX:52017PC0253>

²³ https://eur-lex.europa.eu/resource.html?uri=cellar:84205176-2b39-11e7-9412-01aa75ed71a1.0001.02/DOC_1&format=PDF

Dulk, den, L., Peters, P., & Poutsma, E. (2012). Variations in adoption of workplace work–family arrangements in Europe: the influence of welfare-state regime and organizational characteristics. *The International Journal of Human Resource Management*, 23(13), 2785–2808. <http://doi.org/10.1080/09585192.2012.676925>

Evertsson, M. (2014). Gender Ideology and the Sharing of Housework and Child Care in Sweden. *Journal of Family Issues*, 35(7), 927–949. <http://doi.org/10.1177/0192513X14522239>

Fransson, E., Låftman, S. B., Östberg, V., & Bergström, M. (2018). *Well-being among children with single parents in Sweden – focusing on shared residence*. In R. Nieuwenhuis & L. C. Maldonado (Eds.), *The triple bind of single-parent families: resources, employment and policies to improve wellbeing*. Bristol: Policy Press.

Ghysels, J., & Van Lancker, W. (2011). The unequal benefits of activation: an analysis of the social distribution of family policy among families with young children. *Journal of European Social Policy*, 21(5), 472–485. <http://doi.org/10.1177/0958928711418853>

Kaufman, G. (2018). Barriers to equality: why British fathers do not use parental leave. *Community, Work & Family*, 21(3), 310–325. <http://doi.org/10.1080/13668803.2017.1307806>

Knight, C. R., & Brinton, M. C. (2017). One Egalitarianism or Several? Two Decades of Gender-Role Attitude Change in Europe. *American Journal of Sociology*, 122(5), 1485–1532. <http://doi.org/10.1086/689814>

Korpi, W. (2000). Faces of Inequality: Gender, Class, and Patterns of Inequalities in Different Types of Welfare States. *Social Politics: International Studies in Gender, State & Society*, 7(2), 127–191. <http://doi.org/10.1093/sp/7.2.127>

Lewis, J. (1992). Gender and the Development of Welfare Regimes. *Journal of European Social Policy*, 2(3), 159–173. <http://doi.org/10.1177/095892879200200301>

Nieuwenhuis, R., & Maldonado, L. C. (Eds.). (2018). *The triple bind of single-parent families: resources, employment and policies to improve wellbeing*. Bristol: Policy Press.

Poortman, A.-R., & van Gaalen, R. (2017). Shared Residence After Separation: A Review and New Findings from the Netherlands. *Family Court Review*, 55(4), 531–544. <http://doi.org/10.1111/fcre.12302>

Portegijs, W. en M. van Brakel (red.) (2016). *Emancipatiemonitor 2016*. Den Haag: Sociaal en Cultureel Planbureau.

Roeters, A. (2017a). Betaald werk. In: *Een week in kaart: Editie 1*. Last accessed on August 21, 2018 via <https://digitaal.scp.nl/eenweekinkkaart1/betaald-werk>.

Roeters, A. (2017b). Zorg voor het huishouden en anderen. In: *Een week in kaart: Editie 1*. Last accessed on August 21, 2018 via [...] via <https://digitaal.scp.nl/eenweekinkkaart1/zorg-voor-het-huishouden-en-anderen>.

Staatscommissie herijking ouderschap (2016). *Kind en Ouders in de 21ste eeuw*

Rapport van de Staatscommissie Herijking ouderschap. Den Haag: Xerox/OBT.
<https://www.rijksoverheid.nl/documenten/rapporten/2016/12/07/rapport-van-de-staatscommissie-herijking-ouderschap-kind-en-ouders-in-de-21ste-eeuw>

VanDoorneHuiskes and partners (2010). *Werkende vaders. Strategieën voor vaders die werk en zorg willen combineren* (onderzoek in opdracht van de Directie Jeugd en Gezin). Zeist: VanDoorneHuiskes en partners.