



# A Detailed Look at Parental Leave Policies in 21 OECD Countries

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## About the Author

Rebecca Ray is a research assistant at the Center for Economic and Policy Research (CEPR).

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## Introduction

This report reviews parental leave policies in 21 high-income countries, as of July 2008. The countries reviewed here include: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom, and the United States, as well as the European Union as a whole. Each country's profile presents the duration of leave, the level of financial support during leave (if any), the eligibility requirements for parents seeking to use leave, provisions for taking leave on a part-time basis, and whether workers may return to their previous jobs upon their return to work.<sup>1</sup>

The terminology used to describe various types of leave across these countries varies widely (and is further complicated by the need to translate these national terms into English). This report describes three types of child-based leave: maternity, paternity, and parental leave.<sup>2</sup> Maternity and paternity leave refer to time reserved for one parent's use, during pregnancy or immediately after the birth of a child. Parental leave refers to longer periods of leave for either or both parents, to be taken after maternity and paternity leave.<sup>3</sup> Most countries provide all three types of leave, although there are several notable exceptions. Australia and Switzerland, for example, provide only maternity leave, although Australian mothers may transfer one week of this time to fathers. The United States offers one type of leave, available to both mothers and fathers, which this report identifies as parental leave.

Most of the country profiles below describe national policies. However, in a few cases regional policies differ significantly within a given country. For example, Canada legislates parental leave on the provincial level; the resulting guarantees vary widely, from 52 weeks in most provinces to 70 weeks in Quebec. Regarding paid parental benefits, both Canada and Switzerland each have national policies, but the Canadian province of Quebec and the Swiss canton of Bern offer stronger social protection. Similarly, the United States has no national legislation for paid parental leave, but several states have established social insurance schemes to support new parents. In each of these cases, country profiles attempt to cover the full range of policy environments.

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<sup>1</sup> For a summary of these findings, and a comparative analysis of their generosity and gender equality, see Ray, Gornick, and Schmitt (2008).

<sup>2</sup> Notably, this report does not include leave reserved for parents to care for sick children or attend school-related appointments, or for caregivers of adult family members.

<sup>3</sup> Moss and Wall (2007) use identical definitions.

## Legislative Profiles

### European Union

The European Union has set minimum standards for member states' legislation pertaining to maternity and parental leave, as well as workplace protections for pregnant and nursing employees. Member states' maternity leave laws must allow at least 14 weeks of maternity leave, and must require at least two weeks of compulsory leave. During maternity leave, women must receive either their salary or an “adequate allowance,” as well as any other contracted benefits. Parental leave allowances must be at least three months for each parent (preferably non-transferable between parents), to be taken no later than their child's eighth birthday. Workplace laws must include protection for pregnant and nursing mothers from hazardous working conditions, night work, and dismissal due to pregnancy or maternity leave. Finally, workers must be assured of returning to the same or an equivalent position after taking maternity and parental leave. The only nation exempt from these guidelines is the United Kingdom, which did not sign the 1996 agreement on parental leave and thus must only meet the maternity leave provisions.<sup>4</sup>

### Australia

New parents in Australia may use 52 weeks of unpaid family leave. A new mother may choose to either use all 52 weeks as maternity leave or to transfer one week to the child's father as paternity leave. Adoptive couples may divide the yearlong leave between the parents however they wish, including assigning all 52 weeks to one parent. Family leave is available to nearly all employees – including “casual” employees, who are exempt from most employment standards, if they have at least 12 months' tenure.<sup>5</sup>

“Ordinary maternity leave” consists of 52 unpaid weeks beginning from the child's expected birth date. Expectant mothers may also take “special” maternity leave for pregnancy-related needs. This special leave must be deducted from ordinary leave taken after the child's birth.

Paternity leave comes in two types: short and long. “Short” paternity leave is one unpaid week of leave starting at the child's expected birth date, which can be taken concurrently with the mother's maternity leave, and is deducted from the 52-week total. “Long” paternity leave applies if a father becomes the primary caregiver and uses some or all of his wife's ordinary maternity leave. Long paternity leave and ordinary maternity leave may not be taken concurrently. Thus, the first year of a child's life may consist of both parents' presence for one week, and the rest of the year divided between periods with the mother and with the father.

Adoptive parents may use three types of leave: “pre-adoption” leave, “short” leave, and “long” leave. Pre-adoption leave consists of two unpaid days for adoption-related meetings and interviews. Once the child is placed with the family, parents can take up to three weeks of short adoption leave concurrently, and up to 52 weeks of long adoptive leave taken by either parent or divided between them.

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<sup>4</sup> EU 1992, 1996, and 2006. EU 1996 calls for “the compulsory nature of maternity leave of at least two weeks, allocated before and/or after confinement.”

<sup>5</sup> Information in this section is from Commonwealth of Australia 2007.

In order to diminish the burden on employers, the total of all types of leave taken related to a child's arrival, by both parents (ordinary and special maternity leave, short and long paternity leave, pre-adoption, short and long adoptive leave, and any employer-provided paid leave) may not exceed 52 weeks in total. Thus, the guaranteed minimum leave and the maximum available leave are the same: 52 weeks.

Prior research, including Heymann et al. (2004), has sometimes referred to Australian parental leave as paid leave. This decision reflects Australia's "Maternity Payment" (which now incorporates the previous "Baby Bonus"): a lump-sum payment to new parents, of AUD\$5,000 for each new child. While the Maternity Payment represents a nontrivial benefit, it does not depend on the mother's taking maternity leave. Thus, we have referred to Australian maternity leave as unpaid.<sup>6</sup>

## Austria

Austrian family leave consists of an initial paid maternity leave, to be taken solely by the mother, and an extended partially-paid parental leave, which can be taken by either parent. Employees may access these benefits without meeting any job tenure minimum, and they are guaranteed the same position upon their return to work.<sup>7</sup>

Expectant mothers receive paid maternity leave beginning eight weeks before their due date and lasting until eight weeks after delivery. In the cases of cesarean delivery and multiple births, this time is extended until 12 weeks after delivery; it can also be extended further if a doctor deems work to be a danger to the life of the mother or baby. Austrian law states that during this maternity leave, a woman's relationship with her employer is unchanged, meaning she continues to receive her salary and acquire seniority. Fathers may not access this initial, paid leave, but if the mother becomes sick or dies, the child's primary caregiver (which may be the father) may use the leave.<sup>8</sup>

Parents are also required to take parental leave: at least three months, and at most until the child's second birthday. Parents may take up to one month of this time simultaneously, and either of them may take the remaining leave. Parental leave is unpaid; however, parents who earn less than €14,600 per year may receive a child-care allowance. This leave is paid at a flat, annually-adjusted rate; in 2004 it was paid at a rate of €14.53 per day, or €20.59 in the case of families with very low incomes and single parents. The government pays this allowance; however, if the parents are separated, the non-custodial parent bears some or all of the cost of the child-care allowance (depending on income), through increased taxes for the duration of the allowance. This child-care allowance is paid for 30 months, or 36 months if both parents use some of their allotted parental leave, creating a load-sharing incentive.<sup>9</sup>

New parents have great flexibility regarding when and how they use their parental leave. First, it may be used either on a full-time basis, until the child's second birthday, or on a part-time basis, until the child's fourth birthday. Parents who choose the full-time option may also reserve a portion of their parental leave to use at some point before the child's seventh birthday. In addition, parents may reduce their working hours from full-time to part-time until their child's seventh birthday, or until the child starts school, whichever is later. Parental leave also incorporates flexibility regarding which

<sup>6</sup> Australian Government 2008, Heymann et al. 2004, Moss and Wall 2007.

<sup>7</sup> Drew 2004.

<sup>8</sup> ILO (n.d.), EC (n.d.), Kamerman and Gatenio 2002.

<sup>9</sup> Republic of Austria 1998.

parent takes it. Either parent may take it, or both may choose to alternate which parent works and which uses leave. If they choose to alternate in this way, they may divide the total leave time into as many as three sections of up to three months each. Finally, some of this flexibility is curtailed for small-business employees. If a parent works for a business with fewer than 20 employees, and chooses part-time parental leave, it may only last until the child's fourth birthday.<sup>10</sup>

Austrian employees also have access to adoption and fostering leave. This leave is unpaid, but parents may still access the child-care allowance mentioned above if their annual household incomes are below €14,600. Adoption and fostering leave begins the day after the child is placed with the family, and must last at least three months. If a family adopts an infant, they may use leave akin to the parental leave mentioned above: until the child's second birthday, or part-time until the child's seventh birthday. If a family adopts a child between ages 18 months and seven years, their leave may extend only for six months.<sup>11</sup>

## Belgium

New parents in Belgium may take a total of 43 weeks of leave: mothers may take 15 weeks of maternity leave, fathers may take two weeks of paternity leave, and each parent may take three months of parental leave. Parents may receive a benefit during each of these leave periods. Maternity benefits begin at 82 percent of a mother's usual earnings, and then scale back to 75 percent of her earnings after the first 30 days. Paternity benefits begin at 100 percent of a father's usual salary, and are reduced to 82 percent of his salary after the first three days. Parental leave is paid at a flat rate for its entire duration.

Belgian mothers receive 15 weeks of maternity leave: six prior to delivery and nine thereafter. One week prior to childbirth and eight weeks thereafter are compulsory; the remainder of the maternity leave can be extended or reduced in certain circumstances. In the case of multiple births, the leave is extended by two weeks. In cases of late delivery, the prenatal time is extended; in cases of premature delivery, the lost time is forfeited. If the child is hospitalized, the postnatal leave can be postponed until the child is released. At the end of their maternity leave, new mothers are guaranteed the right to return to their old position.<sup>12</sup>

Maternity leave is paid by the mother's health insurance, at a rate of 82 percent of her salary for the first 30 days, and 75 percent for the remainder of the 15-week period. In cases of extended maternity leave due to late or multiple births, the payment drops to 60 percent after the fifteenth week. Once the payments drop to the 75 percent level, they cannot exceed a fixed ceiling, which was €99,229.3 per day in 2004. Two special categories of women receive different treatment: those receiving unemployment benefits, and those who are self-employed. Women receiving unemployment benefits continue to receive their usual unemployment payment of 60 percent of their most recent salary, with an additional 19.5 percent for the first 30 days and an additional 15 percent for the rest of their maternity time. Self-employed women are in a special category, and receive only six weeks of leave paid at a fixed amount, which was €888.77 per month in 2004.<sup>13</sup>

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<sup>10</sup> ILO (n.d.), Drew 2004.

<sup>11</sup> ILO (n.d.)

<sup>12</sup> EC (n.d.), European Foundation for the Improvement of Living and Working Conditions (n.d.), ILO (n.d.), Meulders and O'Dorchai 2005

<sup>13</sup> Fagan and Hebson 2006, ILO (n.d.), Walthery 2004.

Belgian fathers have three days of compulsory paternity leave, paid by the employers at 100 percent of usual salary. Further paid paternity leave is available only after 12 months of employment within a 15-month period; self-employed and unemployed fathers do not receive this benefit. This further paternity leave consists of seven additional days of leave, paid by the father's health insurance at 82 percent of his usual salary, which must be taken within the first 30 days after a child's birth or adoption. If the mother is deceased or seriously ill, her unused maternity leave can be used by the father, and is paid at 60 percent of his salary.<sup>14</sup>

Parents with at least 12 months of job tenure may also take parental leave: a longer, flexible period of leave which may be taken at any point within four years of the child's birth or adoption (or eight years for parents of disabled children). Parental leave is paid at a flat rate, which will be discussed in greater detail below. Parents have three options for the scheduling of parental leave: continuous leave, half-time leave, or a 20 percent reduction in work hours. If they choose full-time leave, they may take a period of three months, or split it into sections of at least one month. If they choose half-time leave, they may reduce their work hours by 50 percent for a period of six months, or split it into two sections of three months. If they choose to reduce their working hours by 20 percent, they may do so for 15 months, and may split it into sections of at least three months.<sup>15</sup>

Parental leave is non-transferable; mothers and fathers have access to the same amount of parental leave and cannot take it for each other. Upon returning to work, parents are guaranteed the right to return to their old position. If an employee's contract is canceled during continuous parental leave, the employer must pay the employee a lump sum equal to six months' pay, in addition to standard entitlements for downsized workers. Finally, small businesses may require employees to postpone taking parental leave by up to six months, if the employee's scheduling choice would cause harm to the business.<sup>16</sup>

Parental leave is paid by the National Employment Service, at a flat rate, indexed for inflation. Payments in 2005 were: €547.37 per month for parents on continuous leave, €273.68 per month for those on half-time leave, and €109.47 per month for those on a 20 percent work reduction. Employees over the age of 50 receive twice the normal payment, if their leave is on a part-time basis. Workers in Flanders receive an added supplement from the regional government. In 2005 the supplements were €156 per month for parents on continuous leave, €104 per month for those on half-time leave, and €52 per month for those on a 20 percent work reduction.<sup>17</sup>

Finally, parents may take parental leave on a part-time basis, by combining it with a part-time reduction in hours. All qualifying workers (regardless of their parental status) may reduce their hours to part-time for a period of between three months and one year, or may reduce it by 20 percent for a period of between six months and five years. To qualify for a reduction to part-time hours, workers must have worked for their employer for 12 out of the previous 15 months, with a work schedule of at least three-quarters time. To qualify for the 20 percent reduction, workers must have worked for their employer for the previous five years, and worked full-time for the preceding 12 months.<sup>18</sup>

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<sup>14</sup> EC (n.d.), ILO (n.d.), Meulders and O'Dorchai 2005, Walthery 2004.

<sup>15</sup> Anxo et al. 2007, Fagan and Hebson 2006, Meulders and O'Dorchai 2005, Walthery 2004.

<sup>16</sup> Fagan and Hebson 2006, Meulders and O'Dorchai 2005, Walthery 2004.

<sup>17</sup> Meulders and O'Dorchai 2005, Walthery 2004.

<sup>18</sup> EC (n.d.), Hegewisch and Gornick 2008.

## Canada

Canadian maternity, paternity, and parental leave is administered on the provincial level, creating differences in leave guarantees across provinces. A separate “federal jurisdiction” covers employees of companies working in inter-provincial or international commerce or for the federal government, regardless of their province of residence. In this analysis, we have taken the median amount of leave guaranteed by these 14 jurisdictions. Each jurisdiction has a cap on the total amount of child-related leave; the median cap is 52 weeks. The federal Employment Insurance pays benefits for 50 weeks regardless of jurisdiction. Thus, for the purposes of international comparison, we have represented Canadian leave as 52 weeks, including 50 weeks of paid leave and two weeks of unpaid leave.<sup>19</sup>

Almost all jurisdictions guarantee 17 weeks of maternity leave; Quebec and Saskatchewan offer 18; Alberta, 15. Expectant mothers can begin maternity leave as early as 11-17 weeks before their due date. Workers in Quebec and in the federal jurisdiction may take an unpaid leave of absence if their pregnancy requires them to stop working earlier, and those in Quebec may take unpaid leave for pregnancy-related medical appointments. In order to qualify for maternity leave, pregnant employees must meet tenure requirements in all but three provinces. The most common tenure requirement is 12 months (in the federal jurisdiction and six provinces), although the remaining four provinces require between 13 and 20 weeks of continuous work.<sup>20</sup>

During maternity leave, employees receive payments from the national Employment Insurance (EI) system, which is government-administered, but funded by employees paying premiums. To qualify for EI, employees must have worked at least 600 hours in the previous 52 weeks and paid premiums during that time. Payments amount to 55% of the employee’s usual salary, up to a maximum rate of CAD\$40,000 per year. Low-income parents who receive the Child Tax Benefit also receive a family supplement in addition to the EI payments. Payments last for 15 weeks; if the employee’s province allows additional maternity leave, it is unpaid. Finally, while receiving EI benefits, parents may continue to work on a part-time basis without losing benefits, as long as they are earning no more than 25% of their usual income, or \$50 per week, whichever is greater.<sup>21</sup>

Three provinces (Newfoundland, Prince Edward’s Island, and Saskatchewan) have guaranteed adoption leaves equal to their maternity leave provisions (17, 17, and 18 weeks, respectively). In Newfoundland and Prince Edward’s Island, both parents can use adoption leave, while in Saskatchewan, either parent may take it, or it may be shared. The national Employment Insurance scheme does not offer specific benefits for adoption, however, so this leave is unpaid.

Quebec is the only province to guarantee paternity leave and benefits, both for five weeks. The province administers paternity benefits, as well as higher maternity benefits than the rest of the country, through the Québec Parental Insurance Plan (QPIP), to which employees contribute instead of the traditional EI system. To qualify for QPIP payments, employees must have earned at least \$2,000 in the previous year, and paid premiums during that time. Employees may choose between a “simple” plan, which pays 70 percent of the employee’s usual income, up to CAD\$59,000 per year, for a longer period of time (18 weeks for maternity leave and five weeks for paternity

<sup>19</sup> Canada Department of Human Resources and Social Development 2001.

<sup>20</sup> Canada Department of Human Resources and Social Development 2001, ILO (n.d.)

<sup>21</sup> Canada Department of Human Resources and Social Development 2001, ILO (n.d.), US GAO 2007.



leave), and the “special” plan, which pays 75 percent, but for less time (15 weeks for maternity leave and three for paternity).<sup>22</sup>

In most provinces and the federal jurisdiction, paternity leave is included in parental leave, which is a longer, more flexible period of leave available to both birth and adoptive parents. Unlike maternity leave, parental leave has no tenure requirement. The amount of leave allowed varies widely between provinces, from 37 weeks shared between both parents in the federal jurisdiction and three provinces (Alberta, New Brunswick, and the Yukon), to 52 weeks for each parent in Quebec. The average leave allotment is 64 weeks.

The more generous provinces are less flexible in time-sharing: they allow each parent to take no more than half of the total leave. If one parent does not take all of his allotted leave, he forfeits it. Moreover, parents may take leave at the same time in every state except the Yukon (and Alberta, if the parents work for the same employer). Provinces encourage parents to take leave simultaneously by setting deadlines for taking time off; parents must usually finish taking their parental leave by the end of the first year after the child’s birth or adoption. In addition, four provinces (British Columbia, Nova Scotia, Ontario, and Saskatchewan) extend parental leave if the mother did not take maternity leave. When an employee returns to work after taking parental leave, employers must return them to a position at equal or greater pay and benefits, in the same location as their previous position. Seven provinces require employers to give new parents on parental leave any pay raises they would have received had they not taken leave. Because of the wide variations between provinces, we have summarized child-related leave in the table below.<sup>23</sup>

**TABLE 1**  
**Child-related leave in Canada, by Jurisdiction (in weeks)**

Jurisdiction	Maternity Leave	Parental Leave (total, both parents)	Additional Leave	All child-related leave cannot exceed
Federal	17	37	-	52
Alberta	15	37	-	52
British Columbia	17	70*	2 (if no maternity taken)	52
Manitoba	17	74*	-	54
New Brunswick	17	37	-	52
Newfoundland	17	70*	34 (adoption leave)	52
NW Territories	17	74*	-	52
Nunavut	17	74*	-	52
Nova Scotia	17	70*	17 (if no maternity leave taken)	52
Ontario	17	70*	2 (if no maternity leave taken)	52
PE Island	17	70*	34 (adoption leave)	52
Quebec	18	104*	5 (paternity leave)	70
Saskatchewan	18	68*	18(adoption leave), 3 (if no maternity leave taken)	52
Yukon	17	37	-	54

\* In these provinces, no parent may take more than half of the allowed parental leave (or adoption leave, where available). Thus, Newfoundland’s 70 weeks of adoption leave can also be read as 35 weeks for each parent. The remaining provinces allow leave to be used by either parent or shared between them.

<sup>22</sup> Moss and Wall 2007, Quebec Employment and Social Solidarity 2006.

<sup>23</sup> Canada Department of Human Resources and Social Development 2001.

Employees on parental leave receive Employment Insurance (EI) benefits just as they do during maternity leave. Tenure and contribution requirements are the same as for maternity benefits, as is the benefit level: 55 percent of the previous salary, up to a maximum rate of CAD\$40,000 per year. (An exception is made for low-income parents who receive the Child Tax Benefit; these parents receive an additional family supplement, and can thus have a higher benefit level.) Regardless of the employee's province of residence, EI will pay up to 35 weeks of parental leave benefits, to just one parent. Any additional leave taken is unpaid. Parents may work while receiving benefits, but only if they are earning less than 25 percent of their previous salary or CAD\$50 per week, whichever is greater. This creates an incentive for one parent to take most of the leave, since only one parent will receive benefits while away from work, and when that parent returns to work full-time, benefits cease.<sup>24</sup>

As with maternity leave, residents of Quebec receive higher payments through their independent Québec Parental Insurance Plan. Based on the plan they chose for maternity benefits ("simple" or "special"), they will receive one of two plans of payments. The simple plan provides 32 total weeks of benefits: seven weeks at 70 percent of the previous salary, and 25 weeks at 55 percent. The special plan provides only 25 weeks, but at a higher rate of 75 percent. As explained above for other provinces, only one parent receives these benefits, and they may only work while receiving them if they earn less than 25 percent of their previous wage or \$50 per week, whichever is higher. In the case of adoptive parents, the parental leave is extended to make up for the fact that they do not receive paternity benefits. The paternity benefits that correspond to their plan (three or five weeks, as described above) are added to their parental benefits.<sup>25</sup>

## Denmark

In Denmark, new parents receive a total of 52 weeks of family leave, divided as follows: 18 weeks of maternity leave, two weeks of paternity leave, and 32 weeks of parental leave to be divided between them. All family leave is accompanied by a financial benefit paid by the parents' municipal government, ranging from 30 percent to 90 percent of their usual salary. To be eligible for any of these three types of leave, parents must have had 120 hours of employment during the 13 weeks immediately before taking the leave, or be self-employed, receiving unemployment benefits, or in a vocational training program.

Danish mothers receive 18 weeks of leave, four of which are to be taken before the birth and 14 of which may be taken thereafter. Mothers may choose to return to work before the 14 weeks have finished, but they may not do so within the first two weeks after delivery. Danish fathers' paternity leave lasts for a period of two weeks, and must be taken during the mother's 14-week period of post-natal maternity leave. Adoptive mothers may use the 14 post-natal weeks of maternity leave, and adoptive fathers may access their full paternity time. The parents' municipal government pays them each a benefit during their leave: 90 percent of their usual salary (for manual workers), or 50 percent of their usual salary (for non-manual workers), with a cap, which was DKK3205 per week (before taxes) in 2004. If a worker's collective agreement stipulates that the employer will pay full wages during maternity or paternity leave, the government does not provide the employee with the usual benefit but gives it to the employer as partial reimbursement.<sup>26</sup>

<sup>24</sup> Canada Department of Human Resources and Social Development 2001, ILO (n.d.), US GAO 2007.

<sup>25</sup> Quebec Employment and Social Solidarity 2006.

<sup>26</sup> Clearinghouse on International Developments in Child, Youth and Family Policies 2004, Denmark Ministry of Science, Technology, and Innovation (n.d.), Danish Ministry of Social Affairs 2000, EC 2007, EIRO 2002, Fagan and

Birth and adoptive parents can also access parental leave: 32 weeks shared between both parents, to be used after maternity and paternity leave have ended. Parents may not postpone any of their parental leave to use later, but they can divide the time between themselves. Parents receive a financial benefit while they are on leave, equal to the 60 percent of the benefit paid during maternity or paternity leave. Thus, the benefit is 54 percent of the usual wage for manual workers, or 30 percent of the usual wages of non-manual workers. Parents also have the option of extending their parental leave, up to 46 weeks, but the benefit rate will be cut so that they receive the same total income over this longer period. For example, a manual worker taking a 40-week parental leave will receive 72 percent ( $.90 * 32/40$ ) of his or her usual income during a parental leave of this length. Because a two-earner family will see a dramatic cut in one earner's income during these 32 to 46 weeks, the family has an incentive for the lower-paid of the two earners (usually the mother) to take most or all of the leave.<sup>27</sup>

Danish family-leave policy underwent substantial reform in 2002. Legally some parents are still entitled to some of the old benefits. Before 2002, maternity leave was exactly as it currently is. Paternity leave, however, consisted of two periods of two weeks each (two weeks longer than the current provision), one to be taken during the 14-week post-natal maternity leave period, and one to be taken during or immediately after the period of parental leave. The largest change affected parental leave, which had been set at only 10 weeks but was accompanied by a higher benefit, paid at the same rate as maternity and paternity leave. Furthermore, an additional type of leave, childcare leave, lasted for 26 weeks and could be extended by an additional 26 weeks under certain circumstances. Parents could use it at any point within nine years of the child's birth or adoption, or split it into sections of eight to 13 weeks. While on childcare leave, parents received a financial benefit of 60 percent of the maternity and paternity leave rates. Because many parents had not used their allotted childcare leave before the reforms took place and childcare leave was discontinued, parents of children born before 2002 may continue to access childcare leave until their child's ninth birthday.<sup>28</sup>

## Finland

Finland guarantees new parents a total of 47.5 weeks of leave per childbirth: 17.5 weeks of maternity leave, four weeks of paternity leave, and 26 weeks of parental leave (divided between the parents). During all of these leave periods, the national health insurance system pays an allowance to parents who have been enrolled in the program for at least 30 weeks prior to the expected birth date, regardless of their employment status. This allowance ranges from approximately 30 to 70 percent of an employee's most recent salary.

In Finland, expectant mothers receive paid maternity leave for 17.5 weeks. Maternity leave can begin as early as eight weeks before childbirth, but mothers must take at least two weeks before and after

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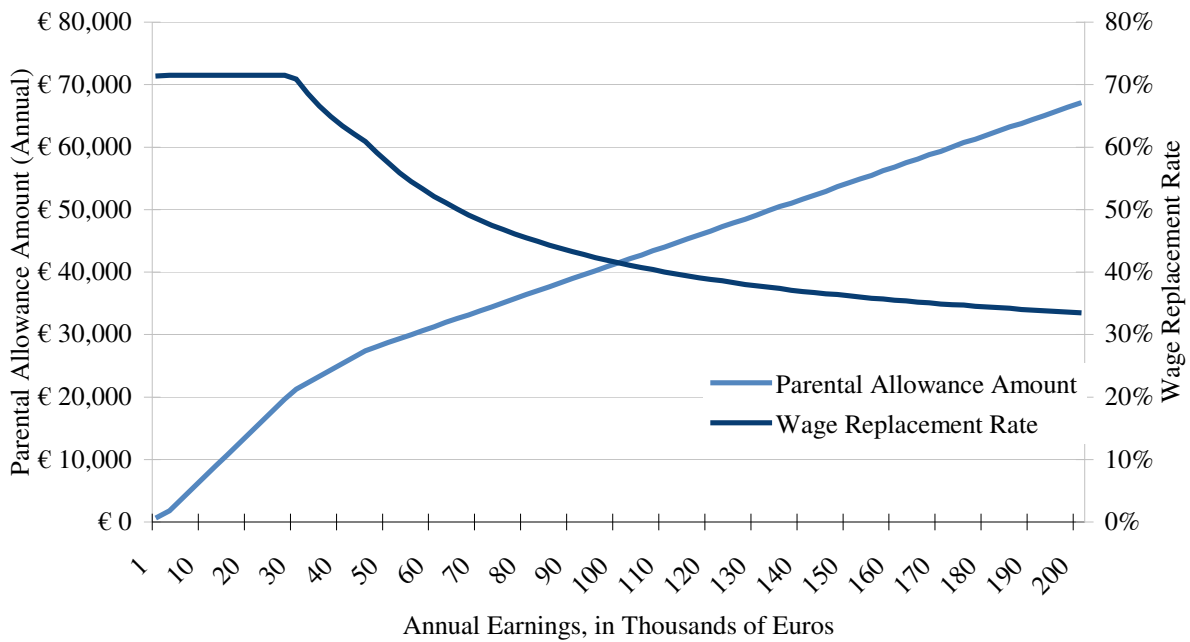
Hebson 2006, OECD 2002, Pylkkänen and Smitha 2003, and Collins, Helen, 1994. *The EU Pregnancy Directive: a Guide for Human Resource Managers*. Blackwell Publishing, quoted in UWO 2007.

<sup>27</sup> Clearinghouse on International Developments in Child, Youth and Family Policies 2004, Denmark Ministry of Science, Technology, and Innovation (n.d.), Danish Ministry of Social Affairs 2000, EC 2007, EIRO 2002, Fagan and Hebson 2006, OECD 2002, Pylkkänen and Smitha 2003, and Collins, Helen, 1994. *The EU Pregnancy Directive: a Guide for Human Resource Managers*. Blackwell Publishing, quoted in UWO 2007, and Hegewisch and Gornick 2008. Hegewisch and Gornick 2008 state that in some cases parental leave can be extended to 64 weeks.

<sup>28</sup> Danish Ministry of Science, Technology, and Innovation (n.d.), Danish Ministry of Social Affairs 2000, EC 2007, EIRO 2003, Pylkkänen and Smitha 2003,

childbirth. Finnish fathers may take up to four weeks of paternity leave while the mother is taking maternity leave, and may split the paternity leave into as many as three separate sections. KELA, the national insurance program, pays a parental allowance during maternity and paternity leave, calculated on a sliding scale based on their usual salary. The scale is arranged so that middle-income earners receive approximately two-thirds of their usual salary, and other workers receive between approximately 30 percent and 70 percent. KELA gives a minimum allowance of €15.20 per week to parents who: earned less than €1,130 in the previous year, or work during their allotted leave period, or are enrolled full-time in school, or serve in the military. A somewhat higher rate applies to mothers in their first nine weeks of maternity leave. Figure 1, below, shows how allowances are distributed based on an employee's usual salary.<sup>29</sup>

**FIGURE 1:**  
**Finnish Parental Allowances as a Percentage of Usual Salary**



Immediately after the end of maternity leave, parents are entitled to approximately 26 weeks of parental leave: 158 workdays in traditional six-day workweeks. In cases of multiple births, parents may take 10 additional weeks for each additional child. Adoptive parents receive a longer period of parental leave (200 workdays, or approximately 33 weeks), but do not receive maternity or paternity leave. Parents may both use parental leave, but not simultaneously. Fathers have an incentive to take some of the parental leave: if they take the last two weeks of it, they receive an additional two weeks. Together, these four weeks are referred to as the “father's month.” KELA continues to pay parental allowances during parental leave, and pays an elevated rate during the first 30 days of parental leave and the last two weeks of the father's month. Additionally, parents may work part-time during their usual period of parental leave, and receive half of the usual parental allowance. Thus, a baby could spend the first 15 weeks with her mother (and four of these with both parents), the next 24 weeks with just her mother (on maternity leave), and the next four weeks with just her father.<sup>30</sup>

<sup>29</sup> ILO (n.d.), KELA 2007, Kolimaa and Pelkonen 2004, OECD 2005, UPGEM (n.d.).

<sup>30</sup> Anxo et al. 2007, Drew 2004, ILO (n.d.), KELA 2007, Kolimaa and Pelkonen 2004, OECD 2005.

After the end of the parental leave period, parents can opt to care for young children at home (instead of using municipal childcare services) and receive a low, flat-rate “home care allowance” until their youngest child is three years old. As long as at least one child is younger than three years old, parents receive an additional allowance for each child under seven who receives home-based care. This provides an incentive for couples to space births no more than three years apart. Alternatively, parents have the right to request a part-time schedule from their employers until their youngest child is seven years old. If parents choose to work part-time, they will receive a lower home-care allowance of €70 per month. When parents return to the workforce after parental and home-care leave, they are guaranteed the right to return to their previous position or a comparable post.<sup>31</sup>

## France

French law allows for 16 weeks of maternity leave, 11 days of paternity leave, and 10 weeks of adoption leave, all paid at the parent's usual wage rate. Parents may extend these provisions in cases of multiple births or adoptions, or if the family has a total of at least three children. Within the first three years of a child's birth or adoption, parents may also take full or part-time leave for home-based childcare, while receiving flat-rate payments from the social insurance system.

French expectant mothers are entitled to 16 weeks of maternity leave (six before and 10 after the birth), although they are required to take at least eight weeks (two before and six after the birth). Several different possible circumstances add to the allotted maternity leave. For the birth of twins, mothers may take 32 weeks (12 before and 22 after the birth), and for triplets and beyond, mothers may take 46 weeks (24 before and 22 after the birth). For the birth of their third child and onward, mothers have 26 weeks (eight before and 18 after the birth). If a mother experiences medical complications in her pregnancy, her prenatal leave may be extended by two weeks, and if she gives birth prematurely by more than six weeks, the lost prenatal leave is added to her postnatal leave.<sup>32</sup>

New fathers in France may use 11 consecutive days of fully-paid paternity leave. In the case of twins (or more), paternity leave is extended to 18 days. To this basic paternity leave fathers may also add three days of “family leave,” for a total of 14 or 21 days.<sup>33</sup>

New adoptive parents receive 10 consecutive weeks of leave, beginning 10 days before the expected adoption date. If the family will have at least three children after the adoption, the adoptive parents receive 18 weeks. In cases of multiple adoptions, the new parents may take 22 weeks. Adoptive leave may be taken by either parent or shared between the two, but French law has an incentive for the parents to share it: if both parents take some of the leave, it is extended by the usual amount of paternity leave (11 or 18 days, depending on the number of children adopted).<sup>34</sup>

During maternity, paternity, and adoption leaves, parents receive an allowance from their local Sickness Insurance Funds if they have been registered and contributing for at least 10 months before the date of birth or adoption. These allowances amount to 100 percent of their usual after-taxes

<sup>31</sup> Anxo et al 2007, Drew 2004, ILO (n.d.), KELA 2007, OECD 2005.

<sup>32</sup> CLEISS (n.d.), ILO (n.d.), OECD 2007a, US GAO 2007.

<sup>33</sup> CLEISS (n.d.), ILO (n.d.), US GAO 2007, OECD 2007a.

<sup>34</sup> CLEISS (n.d.), ILO (n.d.), US GAO 2007, OECD 2007a.

salary, within the upper and lower boundaries of €8.39 and €71.80 per day. Upon their return to work, new parents are guaranteed their previous position, or a similar one.<sup>35</sup>

For the first three years after a child's birth or adoption, parents have the right to job-protected leave or part-time arrangements in order to care for the child at home. This parental leave can be taken in up to three one-year increments, and can be taken by either parent or both simultaneously. The “Infant Accommodation Benefit” system (*prestation d'accueil du jeune enfant* - PAJE) allows parents to use a variety of types of time arrangements and payment schemes. First, whether or not the parents choose to work during this time, PAJE provides a basic family allowance of €171.06 per month during these first three years, on a means-tested basis that includes approximately 90 percent of families. Second, if either or both parents choose to take partial or full leave during these three years, they receive a “Supplement for Free Choice of Working Time” (*Complément de libre choix d'activité* – CLCA). The CLCA is paid for six months for a family's first child, and for three years for later children. CLCA payments vary depending on how much a parent works during this time. Parents receive €538.72 per month if they take full leave, €409.64 per month if they work no more than half-time, and €309.77 per month if they work between 50 and 80 percent of a full work schedule. CLCA payments are not means tested. Moreover, if a parent takes CLCA but earns too much to receive the basic family allowance, their CLCA payments are increased by €171.06 per month (the amount of the basic family allowance). Finally, parents of at least three children who take full-time leave to care for them may opt to receive the “optional supplement for free choice of working time” (*Complément optionnel de libre choix d'activité* - COLCA) instead of the CLCA. The COLCA pays a higher rate (€758.95 per month) than the CLCA, but only lasts for one year. To receive CLCA or COLCA payments, parents must first meet a job tenure requirement: two years of continuous employment for a parent's first child, two years of employment over the previous four years for a parent's second child, or two years of employment over the previous five years for a parent's third child and beyond.<sup>36</sup>

## Germany

German child-based leave consists of 14 weeks of maternity leave and three years of shared parental leave; no separate period of time is set aside for paternity leave. Parents receive benefits during both maternity and parental leave. First, women receive their full salary during maternity leave. Afterward, during parental leave, the benefit level drops to 67 percent of parents' usual salary.

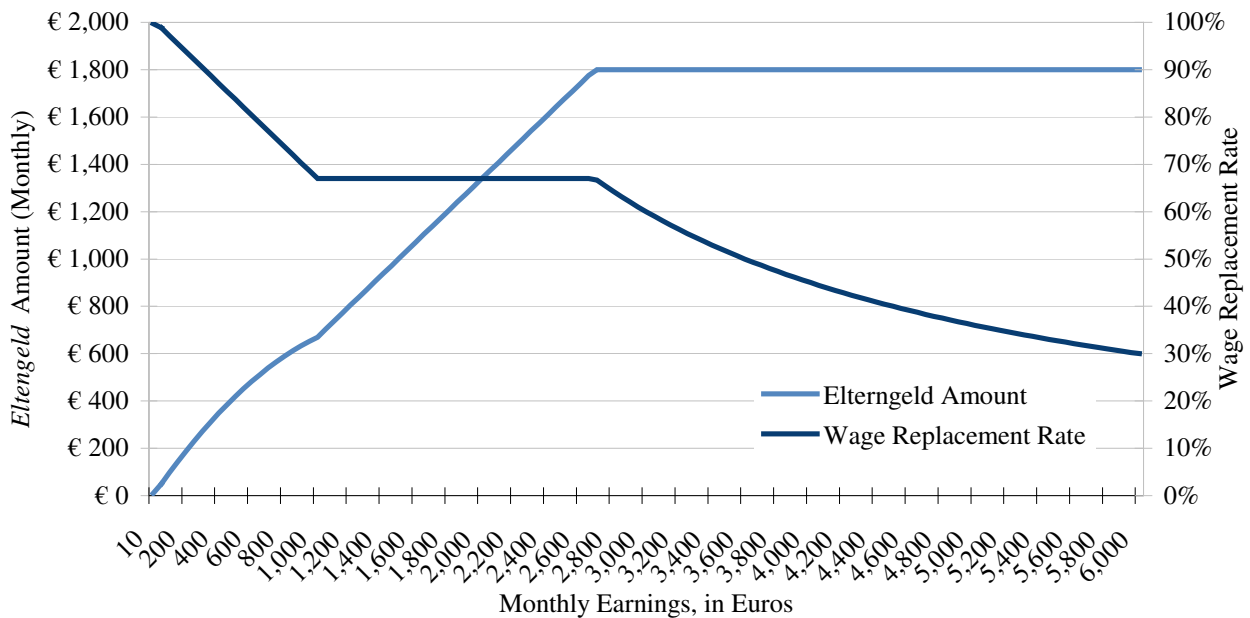
German law allows for 14 weeks of maternity leave, at least eight of which must be taken after childbirth. During maternity leave, women are eligible for a maternity allowance (“*Mutterschaftsgeld*”) if they have been enrolled in a statutory insurance program for at least 12 weeks during the period between 10 months and four months before the child's expected birth date. Insurance enrollment is available to women who are employed, receiving unemployment benefits, or in an educational program. The *Mutterschaftsgeld* pays her full usual after-tax wages, up to €13 per day. If her usual wages are above €13 per day, the remainder is paid by her employer. German law does not guarantee paternity leave or leave for new adoptive parents, outside of the longer-term parental leave (described below).<sup>37</sup>

<sup>35</sup> CLEISS (n.d.), ILO (n.d.), OECD 2007a.

<sup>36</sup> Bruning and Plantenga 1999, CLEISS (n.d.), Drew 2004, Fagan and Hebson 2006, Haas 2003, ILO (n.d.), OECD 2007a, US GAO 2007

<sup>37</sup> EC 2001, European Foundation for the Improvement of Living and Working Conditions (n.d.), ILO (n.d.), OECD 2007a.

**FIGURE 2**  
**Parental Allowance Levels at Varying**



In cases of premature or multiple births, the postnatal maternity leave is extended to 12 weeks, for a total of 18 weeks of leave. If her child dies during postnatal leave, the mother is still entitled to leave for two weeks after the infant's death. Women who are employed but not insured can receive the *Mutterschaftsgeld*, but only up to a limit of €210 (or approximately 16 days of usual payments). Women who are insured but ineligible for the *Mutterschaftsgeld* receive a maternity grant (“*Entbindungsgeld*”): a one-time payment of €77 (or approximately six days' worth of the *Mutterschaftsgeld*).<sup>38</sup>

German parents have the right to parental leave until the child's third birthday. They must take the first two years immediately after the child's birth or adoption, and may postpone the third until any time before the child's eighth birthday. Parents taking parental leave receive a parental allowance (“*Elterngeld*,” formerly known as “*Erziehungsgeld*”) for 12 months of parental leave per family, at a rate of 67 percent of their usual salary. Parents may also claim the childrearing benefit at half the usual rate for twice the usual length.

Two additional months of benefits are available exclusively for the father's use, but if he does not use them they are not deducted from the family's 12-month benefit. In other words, German families have 14 months of benefit to share, with two months reserved for the father's use.<sup>39</sup>

The *Elterngeld* is set at 67 percent of the worker's usual wage, but several circumstances can alter that amount. First, childcare benefit payments may not be less than €300 per month, and may not be greater than €1,800 per month (which is approximately half of Germany's average wage). Thus, parents with above-average wages will receive significantly less than 67 percent of their usual wage. Secondly, parents who earn less than €1,000 per month receive an higher benefit level. For every €2 below €1,000 that they earn per month, the benefit level rises by 0.1 percent. For example, a father

<sup>38</sup> Ibid.

<sup>39</sup> Bruning and Plantenga 1999, Drew 2004, EC 2001, Fagan and Hebson 2006, ILO (n.d.), Moss and Wall 2007, OECD 2007a.

earning €900 per month will receive 105 percent of the usual benefit, or 70.35 percent of his wage. **Figure 2**, above, shows the results of the ceiling and low-wage provision. Finally, childcare benefits increase by 10 percent if the child is the second born to the family within a 24-month period, which gives families an incentive to space children no more than two years apart.<sup>40</sup>

Beyond these 14 months of parental leave, all German employees with home-care responsibilities have the right to request part-time work schedules, and employees at firms that employ more than 15 workers are guaranteed the right to such a schedule. However, only full-time workers have the right to return to their old position when they are finished taking parental leave. Employees who were working part-time schedules before parental leave have no such guarantee.<sup>41</sup>

## Greece

Greek family leave is covered by two parallel legal structures: one for public-sector employees and one for the private sector. Public-sector employees receive five months of paid maternity leave, three days of paternity leave, two years of parental leave (for each parent), and nine months of child-care leave (giving a total of roughly five years and two months per family). Private-sector employees receive 17 weeks of maternity leave, three days of paternity leave, 13 weeks of parental leave (for each parent), and four months of child-care leave (giving a total of one year and two months per family).

Mothers employed in the Greek public sector receive five months of maternity leave (two prenatal and three postnatal); those in the private sector receive 17 weeks (eight must be taken before childbirth and nine thereafter). In cases of premature birth, unused prenatal leave is added to postnatal leave so that the overall duration of maternity leave is unchanged. In the public sector, mothers receive full pay during maternity leave. In the private sector, women receive allowances from their employer, the social insurance system (IKA), and the Greek Manpower Employment Organization (OAED - part of the federal government). These payments usually sum to full pay but at times are less. IKA will pay a new mother an allowance of her full pay up to €42 per day, if she has worked at least 200 work days in the previous two years. In addition, her employer will pay her one month's pay, minus any amount of payments she receives from IKA, if she has been working at her firm for at least one year. The OAED will pay her either the difference between IKA's payments and her full wages, if she is entitled to IKA payments, or up to €500, otherwise.<sup>42</sup>

Leave for new fathers and adoptive parents is much simpler. Paternity leave consists of three work days of leave, paid fully by the fathers' employers. Paternity leave is available for all new fathers, regardless of job tenure or employment sector. In the case of adoption, mothers in the public sector receive three paid months of leave, which they may take in the first six months after the adoption, while receiving her full salary. Fathers, and mothers in the private sector, have no adoption leave protections, although adoptive parents do have access to longer-term parental and child-care leave, as described below.<sup>43</sup>

Both public-sector and private-sector employees with one year or more of tenure with the same employer can also access longer-term parental leave and have the guarantee of return to the same or

<sup>40</sup> Moss and Wall 2007, OECD 2007c.

<sup>41</sup> Anxo et al. 2007.

<sup>42</sup> EC (n.d.), Fagan and Hebson 2006, Moss and Wall 2007, OECD 2007a, Stamati 2004

<sup>43</sup> Fagan and Hebson 2006, OECD 2007a, Plantenga and Remery 2005, Papadopoulos 2002, Stamati 2004.



similar job. Public-sector parents can take up to two years of leave to care for a child below the age of six. Private-sector parents can take up to 13 weeks to care for a child below the age of 3.5 years. In both public and private sectors, parental leave is unpaid, and parents must still make their regular social security contributions during their leave. In both sectors, leave is non-transferable: if parents do not take their allotted leave, they forfeit it and may not give it to their spouses. Although employees have a right to parental leave, an employer is only required to give parental leave to eight percent of the staff per calendar year, on a first-come, first-serve basis.<sup>44</sup>

Greek law also allows for “child-care leave,” which takes the form of a choice between a reduced schedule (at no loss of pay) and paid leave for the care of very young children. In the public sector, “child-care leave” is reserved for mothers, while in the private sector a mother may transfer unused time to her child’s father. Public-sector mothers may either reduce their schedule by two hours per day for the first two years of their child’s life and by one hour for the next two years, or they may take nine months of paid leave. Private-sector parents may either reduce their schedule by one hour per day for 30 months, or may take any other schedule reduction totaling to the same number of hours, including a continuous period of leave equal to slightly less than four months. Childcare leave is treated as working time, and does not affect a parent’s relationship with his employer, including pay and seniority.<sup>45</sup>

## Ireland

Irish maternity leave consists of 42 weeks of leave: 26 weeks of paid leave and an additional 16 weeks of unpaid leave. This policy also applies to instances of adoption, although in those cases the paid segment is reduced by two weeks. Fathers receive no guaranteed paternity leave. In the case of adoption, only the mother of an adoptive couple receives leave. However, each parent has access to a non-transferable period of 14 weeks of unpaid parental leave. Thus, the maximum amount of leave a family may take in relation to the birth of a new child is 70 weeks.

New mothers in Ireland receive 42 weeks of maternity leave. At least two weeks must be taken before childbirth, and at least four weeks must be taken thereafter. During the first 26 weeks of maternity leave, eligible mothers receive a maternity benefit from the government-administered social insurance fund; the remaining 16 weeks are unpaid. There is no job tenure requirement for maternity leave. However, to qualify for the 26 weeks of maternity benefit payments, mothers must have contributed to the social insurance fund for at least 39 weeks in the prior tax year (52 weeks for self-employed mothers), or for at least 26 weeks in each of the two most recent tax years. Maternity benefits are paid at a rate of 80% of the mother's usual pre-tax wages (or net earnings, in the case of self-employed women). The payments themselves are not taxed, and must be between €221.80 and €280 per week.<sup>46</sup>

Throughout maternity leave, a mother's relationship with her employer remains unchanged. Her contract remains in force, and she continues to accrue vacation time and seniority. Where collective agreements stipulate that the employer pays the mother full pay during her maternity leave, her insurance maternity benefits are paid to her employer as a partial reimbursement. Thus, such an arrangement only costs the employer the difference between the mother's usual salary and her

<sup>44</sup> Bruning and Plantenga 1999, Drew 2004, EC (n.d.), Fagan and Hebson 2006, OECD 2007a, Stamati 2004.

<sup>45</sup> Anxo et al. 2007, Fagan and Hebson 2006, Moss and Wall 2007, Pericleous Papadopoulos 2006, Plantenga and Remery 2005.

<sup>46</sup> EC (n.d.), Ireland Citizens Information Board 2008, Republic of Ireland 2004.

maternity benefits. When she returns to work after maternity leave, the employer must allow her to resume her previous position or a similar one. Finally, if she returns to work within the first six months of her child's life, the employer has special responsibilities to allow her to breastfeed: the employer must either provide facilities for breastfeeding at work or allow the mother to reduce her schedule by one hour per day without reducing her pay, to allow her to breastfeed elsewhere.<sup>47</sup>

In special cases, mothers may postpone or extend their leave. If the child is hospitalized, the mother may postpone up to 12 weeks of her paid leave and all of her unpaid leave by up to six months in order to spend that time with her child upon release. If the child's birth is late to such an extent that the mother will not have enough paid maternity leave to last until the child is four weeks old, she may extend her paid leave to cover her child's first four weeks. In cases of stillbirth and miscarriage after the 24<sup>th</sup> week of pregnancy, mothers are eligible for their full maternity leave allotment, both paid and unpaid.<sup>48</sup>

Irish law does not guarantee new fathers the right to paternity leave. However, if the child's mother dies in the first 24 weeks of the child's life, the father may take some of her maternity time. If the mother dies within the child's first 16 weeks, the father may take unpaid leave until the child is 16 weeks old. Likewise, if the mother dies between 16 and 24 weeks after the child's birth, he may take unpaid leave until the child is 24 weeks old. If a father takes one of these periods of leave, he may also take the 16 weeks of unpaid maternity leave that would otherwise have been used by the mother.<sup>49</sup>

In cases of adoption, leave and paid benefits are available to either the adoptive mother or to a single adoptive father. Adoption leave and benefits are nearly identical to maternity leave and benefits. However, instead of 26 weeks of benefit payments, adoptive parents receive only 24 weeks of payments, omitting the two prenatal weeks of maternity leave.<sup>50</sup>

Both mothers and fathers also have access to parental leave, which consists of 14 weeks of unpaid leave for each parent. Parents have some timing flexibility with their parental leave, in that they may use it any time before their child's eighth birthday, and may split it into two periods of at least six weeks each. Parents who adopt children between the ages of six and eight may use it within the first two years after the adoption. However, parents may not transfer parental leave between the parents, unless they both work for the same employer. Moreover, the employer may postpone parental leave by up to six months if it poses an undue business cost. Finally, much like other family leave, parental leave has no job tenure requirements and does not affect the employment contract.<sup>51</sup>

## Italy

Italian child-based leave consists of maternity and parental leave; no separate paternity leave exists. Maternity leave lasts for five months, paid at 80 percent of a mother's usual salary. Parental leave lasts for six months per parent (with a maximum of 11 months per child). During six of those 11 months, parents receive benefits amounting to 30 percent of their usual salary. Thus, if a family uses all of their allotted leave, they will have 11 months of paid leave and five months of unpaid leave.

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<sup>47</sup> Ireland Citizens Information Board 2008

<sup>48</sup> ILO (n.d.), Ireland Citizens Information Board 2008

<sup>49</sup> ILO (n.d.), Ireland Citizens Information Board 2008

<sup>50</sup> Ireland Citizens Information Board 2008

<sup>51</sup> ILO (n.d.), Ireland Citizens Information Board 2008

Italian mothers have the right to, and must take, five months of maternity leave: two prenatal months and three postnatal months. However, with permission from their doctors, healthy pregnant women can postpone maternity leave by one month, and thus have four months of leave after their children's birth. Less healthy women may take their full pregnancy terms as maternity leave if their doctors feel that their medical histories put their pregnancies in risk. Women with hazardous working conditions may begin prenatal leave one month early. Regardless of the length or timing of maternity leave, women are guaranteed the right to return to their previous post upon return to work.<sup>52</sup>

During maternity leave, employed mothers who are registered with the National Social Security Institute (*Istituto Nazionale Previdenza Sociale* – INPS) receive 80 percent of their usual salary. There are no tenure requirements for this benefit, and it is available to part-time workers as well as full-time workers. The INPS also pays women who are registered but ineligible for maternity pay due to unemployment or irregular schedules, at a flat rate of €283 per month (in 2007). Finally, mothers who have no employment record and thus are not registered with the INPS receive a one-time government assistance grant of €1,747.<sup>53</sup>

In certain situations, fathers and adoptive parents may also access maternity leave. While Italian fathers usually have no right to paternity leave, in cases of severe illness, death, or abandonment on the part of the mother, fathers may take the unused part of the mother's maternity leave. In cases of adoption, mothers and single fathers may take three months of maternity leave once the child is placed (equivalent to the usual post-natal maternity leave), if the child is not yet six years old. In each of these circumstances, the pay rate is the same as for birth mothers.<sup>54</sup>

Both mothers and fathers may access parental leave. Each parent is allotted six months for parental leave, which they may not transfer to one another, although the total parental leave taken may not exceed 11 months per child. Single parents are a special case, and may take up to 10 months. During parental leave, INPS pays parents a stipend of 30 percent of their usual wages for a total of six months per child. Thus, if both parents take their maximum allotted parental leave (11 months), six months will be paid leave and five will be unpaid leave. Low income families, defined by annual incomes of less than 250 percent of the minimum pension (or less than €14,401.40 in 2008), can continue to receive the 30 percent stipend after the sixth month.<sup>55</sup>

Self-employed parents have access to less parental leave. Self-employed mothers may take only three months of parental leave with benefits, and must take it in the child's first year. Self-employed fathers have no right to parental leave or benefits.<sup>56</sup>

Some flexibility exists for parents scheduling parental leave. Parents may take it simultaneously or separately. Furthermore, it may be taken any time before the child's eighth birthday (sixth birthday in the case of adoption), and as soon as the end of maternity leave (for mothers) or the child's birth

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<sup>52</sup> EC (d.), Fagan and Hebson 2006, ILO (n.d.), INPS 2007.

<sup>53</sup> EC (d.), Fagan and Hebson 2006, ILO (n.d.), INPS 2007.

<sup>54</sup> ILO (n.d.), INPS 2007.

<sup>55</sup> Anxo et al. 2007, Drew 2004, Fagan and Hebson 2006, ILO (n.d.), INPS 2007.

<sup>56</sup> INPS 2007

(for fathers). However, INPS will only pay benefits during parental leave if it is taken within the first 3 years of the child's life.<sup>57</sup>

## Japan

Japanese family leave consists of maternity and child-care leave. The law has no guarantee of paternity or adoption-related leave. Together, maternity and childcare leave last from six weeks before childbirth until the child's first birthday, for a total of 58 weeks in all. These 58 weeks of leave are paid, at rates ranging from 30 percent to 60 percent of the new parent's usual salary.

Japanese women are guaranteed leave for 14 weeks surrounding childbirth: six weeks before, and eight weeks after, childbirth. If a mother is expecting twins, she may begin her maternity leave four weeks early, for a total of 18 weeks. Of these 14 or 18 weeks, only the six weeks immediately following childbirth are mandatory. If a new mother wishes to return to work after six weeks and has approval from her doctor, she may do so, but only under light-duty conditions.<sup>58</sup>

During maternity leave, women who are enrolled (or whose husbands are enrolled) in the national Employee Health Insurance program receive payments of 60 percent of their usual salary. In cases of extended maternity leave due multiple births, maternity pay is also extended. However, if a mother is hospitalized during maternity leave, and has no dependents other than her new child, her benefits will drop to 40 percent of her usual salary during her hospital stay.<sup>59</sup>

While maternity leave is nearly universally guaranteed, maternity pay is not. Enrollment in the national health insurance system is maintained by premium payments, which are split evenly between employers and employees. However, companies are not required to enroll or pay premiums for workers who earn less than ¥1.3 million per year (approximately 31 percent of average production worker earnings in 2007). They are also not required to enroll casual workers who are on fixed-term contracts and who work fewer than 75 percent of the firm's usual employee hours. Finally, small employers (those with fewer than five employees) are not required to pay premiums for any of their workers.<sup>60</sup>

Japanese law also allows for child-care leave, which can be used by either parent (including adoptive parents) until their child's first birthday. Parents can extend child-care leave for an additional six months, but the employee must show that taking this extra, temporary leave is necessary to avoid outright resignation. Usually, one parent must take the entire period of child-care leave. However, if a family uses the extended 18-month leave period, a different parent may take the last six-month period. If a parent does not use their child-care leave, the employer must allow him or her to work shorter hours during the first year of the child's life.<sup>61</sup>

Child-care leave lasts until the child's first birthday, overlapping the postnatal portion of maternity leave. Thus, if a new mother takes maternity leave but her spouse takes child-care leave, both parents can be home simultaneously for the first eight weeks of their child's life (thus increasing the overall leave allotment from 58 weeks to 66 weeks). However, the OECD reports that only 0.4% of eligible fathers in Japan take child-based leave, largely due to workplace and cultural norms. In order

<sup>57</sup> Anxo et al. 2007, Drew 2004, Fagan and Hebson 2006, ILO (n.d.), INPS 2007.

<sup>58</sup> Republic of Japan 2004.

<sup>59</sup> ILO (n.d.), Kamerman and Gatenio 2002, OECD 2007.

<sup>60</sup> ILO (n.d.), Japan Social Insurance Agency 2007.

<sup>61</sup> ILO (n.d.), Republic of Japan 2004, Japan Social Insurance Agency 2007, Sato 2007.

to avoid overstating the amount of leave that Japanese families can access, we have used the 58-week figure in our comparative analysis.<sup>62</sup>

During child-care leave, the national Unemployment Insurance program pays qualifying employees 30 percent of their usual salary. As an incentive to return to work, employees also receive a lump-sum payment after six months of reemployment, which brings the total wage replacement up to 40 percent of what they would have earned without taking leave.<sup>63</sup>

To qualify for child-care payments, employees must have at least one year of tenure at their current firm prior to taking leave, and must have the expectation of continuing to work for the firm for another year after reemployment. If a worker is on non-renewable, fixed-term contract, scheduled to end before the child's second birthday, for example, the employee is ineligible for child-care leave. Moreover, employers are not required to allow employees to return to their previous positions; they must only agree on the conditions of reemployment before the period of leave. Thus, employers may avoid breaks in continuity by promoting subordinate workers to fill the positions of parents on leave.<sup>64</sup>

## The Netherlands

The Netherlands guarantees 16 weeks of maternity leave and two days of paternity leave. In cases of adoption, the law allows for four weeks of leave for each new parent. In addition, after parents have taken these breaks, they may each choose between taking 13 weeks of full-time leave or six months of part-time leave before the child's eighth birthday. Thus, in sum, new parents can access a total of over 42 weeks (for birth parents), or 34 weeks (for adoptive parents) of child-related leave.

Dutch mothers have access to 16 weeks of maternity leave: six weeks before, and 10 weeks after, childbirth. The law requires mothers to take at least ten of these weeks: four before childbirth and six after. In cases of early birth, unused prenatal leave is added to the planned postnatal leave. However, in cases of late birth, postnatal leave is not diminished. During maternity leave, the national unemployment insurance fund pays mothers 100 percent of their usual salary, with a cap of €174.64 per day (slightly above national average earnings). Self-employed mothers may also receive these benefits, but must commit to continuing their businesses after childbirth. Employers must save workers' jobs for them during maternity leave, and once workers return, employers must provide two hours per day in paid breaks for the purpose of nursing. Maternity leave and the associated benefits are available to employed women (regardless of job tenure), as well as to women who are receiving unemployment benefits and those who have ended a job within 10 weeks of giving birth.<sup>65</sup>

The Netherlands also guarantees access to a short period of paternity leave. Husbands or partners of pregnant women may take two days of leave within the first four weeks after delivery. Paternity leave is paid at 100 percent of usual wages, by the father's employer.<sup>66</sup>

In cases of adoption, leave and benefits are available for both parents. Each parent may take four continuous weeks of leave, either simultaneously or separately. Adoptive parents may take this leave

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<sup>62</sup> OECD 2007b.

<sup>63</sup> ILO (n.d.), OECD 2007, Sato 2007.

<sup>64</sup> ILO (n.d.), Republic of Japan 2004.

<sup>65</sup> ILO (n.d.), Netherlands Ministry of Social Affairs and Employment (n.d.), OECD 2002.

<sup>66</sup> ILO (n.d.), Netherlands Ministry of Social Affairs and Employment (n.d.), USGAO 2007.

beginning two weeks before placement and up to sixteen weeks thereafter. As in the case of maternity leave and benefits, parents receive 100 percent of their usual wage up to €174,64 per day during adoptive leave, paid by the unemployment insurance fund.<sup>67</sup>

Birth and adoptive parents may also access parental leave: a longer, unpaid period of leave that can be used at any point before the child's eighth birthday. Each parent has access to parental leave and cannot transfer it to their spouse. However, parents do have flexibility regarding when to take their parental leave: either as 13 weeks of leave or as six months of half-time work. Moreover, parents can take it simultaneously or separately, and can split it into as many as three periods. While there is no legal guarantee for pay during parental leave, the OECD notes that it is extremely common for employers to provide parental leave pay; for example, civil servants receive approximately 70 percent of their usual salary during this leave.<sup>68</sup>

Independent of parental leave, all Dutch employees have the right to request a change in schedule, including changing between part-time and full-time hours, after every two years of employment. Employers may only refuse a worker's request if it will cause serious business harm. Thus, the parental leave scheme, if taken as six months of unpaid part-time leave, is essentially no different from the right that all workers have to a part-time schedule.<sup>69</sup>

## New Zealand

In New Zealand, new parents may access four kinds of leave: maternity leave, special leave, partner's leave, and extended leave. Mothers have both maternity leave (the only family leave that is paid), which lasts for up to 14 weeks, and special leave, which consists of up to 10 days for pregnancy-related medical care. New fathers have up to two weeks of partner's leave. Together, both parents can also share up to 52 weeks of extended leave, although maternity leave is considered part of extended leave and counts towards the 52-week limit. Thus, parents' total allotment consists of 52 weeks of extended leave (including maternity leave), plus two weeks of partner's leave and two weeks of special leave (assuming a five-day workweek), for a total of 56 weeks in all.<sup>70</sup>

Mothers in New Zealand can access 14 weeks of maternity leave, beginning up to six weeks before childbirth, as well as 10 days of unpaid "special leave" for pregnancy-related medical attention. Maternity leave is paid, from government funds, at 100 percent of their usual wages, up to NZ\$391.28 per week (in 2007). To be eligible for leave and benefits, women must have at least six months of continuous job tenure prior to taking maternity leave, and must have worked an average of ten hours per week or more, whether for an employer or self-employed. Women working under fixed-term contracts may take maternity leave, but their time off may not last beyond the end of their contract.

New Zealand law also guarantees unpaid partner's leave to fathers, as well as spouses and partners (including same-sex partners) of new mothers. Partners who have six months of job tenure may take one week, and those with 12 months of tenure may take two weeks. New mothers may also transfer

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<sup>67</sup> ILO (n.d.), Netherlands Ministry of Social Affairs and Employment (n.d.), USGAO 2007.

<sup>68</sup> Bruning and Plantegna 1999, Drew 2004, Fagan and Hebson 2006, ILO (n.d.), Plantenga and Remery 2005, USGAO 2007.

<sup>69</sup> Plantenga and Remery 2005, USGAO 2007

<sup>70</sup> Information in this section is from New Zealand Department of Labor 2007 and 2008.

some or all of their paid maternity leave to their partners, if the latter have at least six months of job tenure before taking the leave.

Adoptive parents in New Zealand receive the same guarantees as birth parents. Adoptive parents may access both maternity and partner's leave (although not the “special leave” reserved for pregnant women). These couples may choose which parent will be the primary caregiver and use the 14 weeks of maternity leave, and which parent will use the one or two weeks of partner's leave. As with birth parents, the primary adoptive parent can transfer some or all of their leave to their partner.

After maternity and paternity leave, parents also have access to paid and unpaid “extended leave”: up to 14 weeks of paid leave and the remainder of the first year after birth or adoption, unpaid. To be eligible, parents must have 12 months of continuous job tenure before taking extended leave, under the same conditions as maternity and partner's leave. If both parents are eligible, they may split the 52 weeks between them at their discretion, but if only one is eligible, he or she may not transfer any extended leave to their partner.

Employees are guaranteed the right to return to their jobs after parental leave, provided that the leave does not last longer than four weeks. Even if an employee takes more than four weeks, the employer is usually still required to save the job. However, if an employer can prove that the parent's position is key to business and that it is impossible to find a short-term replacement, the employer can sever the employee. In these cases, the worker must be notified before their family leave that their job will not continue, and the worker must be given preference for any similar position that comes available within six months of the end of the leave period.

Finally, as of July 2008, all workers with caregiving responsibilities have the right to request a change in their working hours, schedule, or work location, either on a temporary or permanent basis. Employers may deny their request, but must show that they have “Recognized Business Grounds” for denying it, including irresolvable productivity, staffing, or quality problems resulting in the schedule change.

## Norway

Norwegian parents may take a total of up to three years of leave after a child's birth. Initially, parents receive 54 weeks of paid, employment-guaranteed leave, which they can divide between maternity and paternity leave according to their needs. Fathers also have two additional weeks of unpaid paternity leave. Finally, each parent may take an additional, unpaid, year of leave before the child's third birthday. While these last two years are considered unpaid leave, parents receive a childcare benefit of KON 3,657 per month during this period if their child is not enrolled in public child-care.

In Norway, eligible parents have a great deal of flexibility with regards to the duration of maternity and paternity leave: they have one allotment of paid leave per family, which they can divide between maternity and paternity leave as they see fit. They may choose to take either 54 weeks, paid at 80 percent of the leave-taker's usual salary, or 44 weeks, paid at 100 percent of their salary, up to a ceiling of NOK 364,194 per year (2005). Only 15 of these weeks are designated for one parent or the other: the mother must take at least three weeks before childbirth, and each parent has a quota of six weeks thereafter (in addition to the two weeks of unpaid paternity leave mentioned above). The remaining 29 or 39 weeks (depending on the payment scheme they have chosen) may be split between the two parents. Single mothers may use the entire 44 or 54 weeks, including the father's

portion. Parents may not take their leave simultaneously, unless they share it by each working part-time and having correspondingly reduced benefits. For example, one parent may work 75 percent of a usual salary and take 25 percent of their benefits, and the other may work 25 percent of a usual salary and take 75 percent of their benefits, or they may both work 50 percent of their usual salary and take 50 percent of their benefits. Because of this arrangement, paid maternity and paternity leave always lasts until a few weeks before the child's first birthday.<sup>71</sup>

To be eligible for paid maternity or paternity leave, a parent must have worked for at least six months out of the 10 months immediately preceding their leave. During this 10-month period, parents must also have earned at least half of the National Insurance basic annual amount, or NOK 30,350 (2005). If only one parent is eligible for leave, that parent may take the entire allotment, minus the other parent's quota.<sup>72</sup>

Parents who are ineligible for paid leave still have some state benefits related to childbirth. Women who are ineligible for paid leave will receive a lump-sum payment of NOK 33,584 (2007). Also, employers must allow breastfeeding mothers two, paid, 30-minute breaks or a paid schedule reduction of one hour per day. Thus, if a mother returns to work while still breastfeeding, even if she is ineligible for paid maternity leave, she receives some financially-supported leave from work. Fathers, whether they are eligible for paid leave or not, have two weeks of unpaid paternity leave, provided that they live with their child. If not, someone else who lives with the child can take this leave to help with childcare.<sup>73</sup>

All parents, regardless of their eligibility for paid leave, are also entitled to one year of unpaid parental leave (two years, in cases of single or unemployed parents). Parents may take this leave simultaneously or separately, allowing total leave to last until the child's second or third birthday. However, parents have a financial incentive to take it separately and extend the total time: parents of children under age three, who do not use public childcare, receive a childcare benefit of NOK 3,657 per month. Thus, even though the leave is unpaid, parents nonetheless receive financial support for time spent at home with young children.<sup>74</sup>

Adoptive parents can access the same paid maternity and paternity leave as birth parents. However, the total time available is reduced by three weeks, to be equivalent to the postnatal leave for birth parents. Adoptive parents have a quota of six weeks each, and can divide the remaining time as they like. The unpaid, year-long parental leave is also available to adoptive parents, provided the child they are adopting is under age 15.<sup>75</sup>

Finally, Norwegian parents have a great deal of workplace flexibility, which can allow them to extend parental leave until their children reach 10 years of age. Parental leave can be combined with part-time work (50, 60, 75, 80, or 90 percent of usual hours) to allow parents to receive pro-rated benefits for a longer period of time. Second, all parents have the right to reduce their work hours until their child's tenth birthday.<sup>76</sup>

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<sup>71</sup> ILO (n.d.), Norwegian Ministry of Children and Equality 2005, Moss and O'Brien 2006, Moss and Wall 2007, OECD 2007, Tanaka 2005.

<sup>72</sup> ILO (n.d.), Norwegian Ministry of Children and Equality 2005.

<sup>73</sup> ILO (n.d.), Norwegian Ministry of Children and Equality 2005, OECD 2007.

<sup>74</sup> ILO (n.d.), OECD 2007.

<sup>75</sup> ILO (n.d.), Norwegian Ministry of Children and Equality 2005.

<sup>76</sup> Hegewisch and Gornick 2008, Moss and Wall 2007.



## Portugal

Portugal guarantees new parents access to 20 weeks of paid leave, 11 weeks of unpaid leave, and the right to suspend their contracts or to work part-time for an additional two years. The 20 paid weeks of leave consist of 17 weeks of maternity leave, one week of paternity leave, and two weeks of parental leave that are paid if taken by the father. An additional 11 weeks of unpaid parental leave can be taken by either parent.

Mothers in Portugal receive four months of paid leave, three of which must be taken after childbirth. Mothers must take at least six weeks of this, and may transfer the rest to the child's father, if they wish. Additional time benefits protect women before and after maternity leave. Before childbirth, pregnant workers may take off as much time as necessary for medical appointments. Afterward, and until their child's first birthday, women may take two paid breastfeeding breaks daily (up to two hours total per day), and may refuse to work extra hours.<sup>77</sup>

Several circumstances can alter the amount of maternity leave. Mothers receive less leave in cases of miscarriage and adoption, and receive more leave if they have multiple births or usually work at night or with hazardous materials. Women who adopt children under age 15 receive a reduced maternity leave of 14 weeks, equal to the usual post-natal maternity leave period. In cases of miscarriage, mothers may still take an abbreviated maternity leave, of two to four weeks. Alternately, mothers who have multiple births (twins or more) receive an additional month for each additional child. Mothers who work at night or with hazardous materials receive an extra prenatal maternity leave of up to 16 weeks, although this additional time is paid at only 65 percent of the usual benefit rate. Finally, if mothers (or their children) are hospitalized, they may suspend their maternity leave and begin it again once the family is home.<sup>78</sup>

New fathers have five compulsory, paid workdays of paternity leave in the first month of their child's life. In addition, they may use some of their wives' maternity leave if they both agree to the transfer, or if the mother is deceased, disabled, or seriously ill. Like new mothers, fathers can refuse to work extra hours until their child's first birthday.<sup>79</sup>

In addition to maternity and paternity leave, Portugal has a special leave for grandparents. New grandparents may take one full month of paid leave if one of the infant's parents is under age 16 and lives with the grandparent. The grandparent's spouse must be either working or disabled.<sup>80</sup>

During maternity, paternity, and grandparents' leave, eligible workers receive 100 percent of their usual earnings from a government-administered insurance fund. However, mothers may choose to take a longer maternity leave (five months instead of four) with a lower benefit rate (80 percent instead of 100 percent). To qualify, workers must have six months of registered earnings, either continuous or interspersed. The daily benefit is calculated as the total salary earned between eight and two months before the beginning of leave, divided by 180. However, it may not be less than half of the minimum wage (as it might otherwise be if the beneficiary did not work for the entire

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<sup>77</sup> EC (n.d.), Fagan and Hebson 2006, ILO (n.d.), OECD 2004, Plantenga and Remery 2005.

<sup>78</sup> EC (n.d.), OECD 2004, Plantenga and Remery 2005, US SSA 2004.

<sup>79</sup> Fagan and Hebson 2006, EC (n.d.), Moss and Wall 2007, OECD 2004, US SSA 2004.

<sup>80</sup> Drew 2004, OECD 2004, Plantenga and Remery 2005, US SSA 2004.

reference period). In addition, all of these periods of parental leave are employment-guaranteed: parents can be sure of returning to their old job or a similar post.<sup>81</sup>

After maternity and paternity leave, parents may also take “child-care leave”: a longer period of unpaid parental leave. Child-care leave lasts for three months per family; mothers and fathers can divide it between themselves as they see fit. However, fathers have an incentive to use the first two weeks: if the father does, he continues to receive benefits at the same rate as during paternity leave (100 percent of his usual earnings). Portugal introduced these “daddy days” in 2000 to encourage fathers to participate more in parental leave, and the law seems to have had its desired effect: take-up rates of childcare leave among fathers rose from fewer than 150 men in 2000 to approximately 16,000 men in 2002 and 27,000 men in 2003. Parents also have an incentive to stay in the workforce part-time during child-care leave. If parents continue to work for 50 percent of their usual salary and take only part-time leave, they can extend child-care leave to a full year (for twice as many hours of leave as the usual three-month period). If both parents take part-time leave, they can each work part-time for six months and thus avoid using child-care outside of the home. Parents may make other arrangements of combining work and leave, but in these cases the total number of hours of leave may not exceed three months. When parents return to work after child-care leave, their employers must provide them with refresher workshops and training to assist their re-entry into the workforce.<sup>82</sup>

After parental leave, parents may take extended, unpaid leave from work or reduce their work hours. First, parents who have used child-care leave may suspend their contracts for periods of six months to two years. To qualify, parents must have already used child-care leave, and must use this contract suspension before their child's second birthday (or third, if the family has at least three children). Parents also have the right to reduce their hours on a temporary basis. At any point before their child's twelfth birthday, parents may change their work schedules from full-time to part-time for a period of up to two years. Finally, until the child's first birthday, parents may take two hours of nursing leave each day with no reduction in pay. One parent may take both hours, or they may take one hour each.<sup>83</sup>

## Spain

New parents in Spain have 16 paid weeks of maternity leave, two paid weeks of paternity leave, up to three years of child-care leave for each parent, and the right to work part-time until their child's eighth birthday. Of all of these types of leave, only six weeks of maternity leave is mandatory.

Spain guarantees 16 weeks of maternity leave. New mothers must take six weeks immediately after childbirth. They may take the remaining 10 weeks before or after giving birth, on either a part-time or full-time basis. If mothers wish, they may also transfer some or all of the 10 optional weeks to the father, provided that he meets eligibility requirements. During maternity leave, mothers receive Social Security payments equal to 100 percent of their usual salary. To qualify for leave and benefits, women must be currently employed, self-employed, or receiving unemployment benefits, and must

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<sup>81</sup> Drew 2004, EC (n.d.), Fagan and Hebson 2006, ILO (n.d.), OECD 2004, US SSA 2004.

<sup>82</sup> Drew 2004, EC (n.d.), European Foundation (n.d.), Fagan and Hebson 2006, OECD 2002 and 2004, US SSA 2004.

<sup>83</sup> Anxo et al. 2007, European Foundation (n.d.), Hegewisch and Gornick 2008, Fagan and Hebson 2006, Moss and Wall 2007, OECD 2004.

have made Social Security contributions for at least 180 days in the seven years prior to taking leave, or 360 days in their entire working life.<sup>84</sup>

Several circumstances can alter the eligibility requirements of maternity leave. Young mothers have lower tenure requirements: those under age 21 are exempt from these requirements, and those between ages 21 and 26 must meet half of the usual tenure requirement. Mothers who do not meet job tenure requirements for maternity leave may still take the six postpartum weeks, and receive the usual benefits, but with a benefit ceiling of €499.20 per month.<sup>85</sup>

The length of leave can also change depending on the new mother's situation. In cases of multiple births, maternity leave is extended by two weeks for each additional child. Her leave is also extended by two weeks if the child is disabled. In the event of a miscarriage after at least 180 days of pregnancy, women are entitled to the six weeks of postpartum leave. Finally, if the child is hospitalized, the mother may suspend the 10 optional weeks of maternity leave until the child's release.<sup>86</sup>

Although maternity benefits are provided by the government, the mothers' employers must provide two kinds of support. First, the employers must save the mothers' jobs and allow mothers to return to the same positions after maternity leave. Second, employers must provide returning mothers with two paid, half-hour breaks for breastfeeding for the first nine months after childbirth. Women can also opt to take these breaks in the form of a workday shortened by one hour, or may save the breaks and take them as entire workdays of employer-paid leave.<sup>87</sup>

Paternity leave has greatly expanded recently, due to the Gender Equity Law of 2007. New fathers receive two different types of paternity leave. First, they receive two employer-paid days for having a birth in their family, or four days if travel is necessary for the childbirth. Second, fathers are entitled to paternity leave of 13 calendar days, paid by Social Security, with benefits and eligibility requirements equal to those that apply to new mothers, described above. In cases of multiple births, Social Security pays for two extra days of paternity leave for each additional child. As mentioned above, mothers may also transfer some of their maternity leave to fathers. In cases of maternal death, fathers can use the entire unused portion of maternity leave. They may take their paternity leave either part-time or full-time, and either simultaneously with the mother's maternity leave or immediately thereafter. Finally, as with maternity leave, fathers have the additional guarantees of returning to the same position at their employer and having two 30-minute feeding breaks during the first nine months of their child's life (although if they opt to use these by shortening their workday, they may only reduce it by 30 minutes per day).<sup>88</sup>

Adoptive couples may choose which parent will receive the 16-week maternity leave and which will receive the 13-day paternity leave. As with births, some or all of the maternity leave can be transferred to the other parent. Thus, leave arrangement in connection with adoption can vary significantly – from one parent receiving most of the 18 total weeks to each parent using an identical 9 week period. Usually, adoption leave begins on the day the child is placed with the family.

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<sup>84</sup> EC (n.d.), ILO (n.d.), Hegewisch and Gornick 2008, Kingdom of Spain 2007, Kingdom of Spain (n.d.).

<sup>85</sup> EC (n.d.), ILO (n.d.), Kingdom of Spain (n.d.).

<sup>86</sup> ILO (n.d.), Kingdom of Spain 2007, Kingdom of Spain (n.d.).

<sup>87</sup> ILO (n.d.), Kingdom of Spain 2007, COMFIA 2007.

<sup>88</sup> ILO (n.d.), Kingdom of Spain 2007, Kingdom of Spain (n.d.), OECD 2007, COMFIA 2007.

However, in cases of international adoption, parents may begin their periods of leave four weeks earlier.<sup>89</sup>

After maternity and paternity leave, parents may both access child-care leave: an unpaid leave of absence that can last until the child's third birthday. Both parents can use this leave simultaneously, unless they are working for the same employer (in which case the employer may object). Child-care leave must be taken in one uninterrupted period, but may be taken on a full-time or part-time basis. To access child-care leave, parents must have at least one year's service at their current employer. In turn, if the leave is one year or less in length, the employer must guarantee parents the right to return to their previous position; if parents take more than one year of child-care leave, employers must only guarantee a similar post upon return. If parents wish to extend their leave beyond child-care leave, they may take an additional "voluntary leave of absence", which can last between four months and five years. All employees with at least one year of job tenure can use voluntary leaves as many times as they wish, but may only do so if four years have elapsed since their last voluntary leave. Finally, all parents have the right to request part-time schedules until their child's eighth birthday. In doing so, parents may lower their work schedule to between one-half and seven-eighths of their usual schedule, but the employer is permitted to lower their salary accordingly.<sup>90</sup>

## Sweden

Sweden guarantees 14 weeks of maternity leave and approximately two weeks of paternity leave, as well as 18 months of parental leave for each qualifying employee. Parents of children under age eight may reduce their working hours by 25 percent. Of this total of over three years of full-time leave, 480 calendar days of leave are paid to the family. Thus, if a two-parent family were to take all possible leave, they would have a total of 480 days of paid leave and 664 calendar days (approximately 22 months) of unpaid leave, as well as the right to work part-time for 6.5 years each.

Sweden allows maternity and paternity leave for all new parents, regardless of job tenure. New mothers have the right to 14 weeks of maternity leave; seven may be taken before childbirth and seven thereafter, and two weeks are compulsory. If the mother has hazardous working conditions and cannot be transferred to another post, she may begin her maternity leave as early as 60 days before childbirth. New fathers may take 10 workdays of paternity leave within the first 60 calendar days after their child's birth, and must take them simultaneously with the mother's maternity leave. Both maternity and paternity leave are paid through the parental leave benefit system, described below.<sup>91</sup>

Parents are also eligible for parental leave if they meet eligibility requirements: at least six months of job tenure with their current employer, or 12 months in the last two years. Each parent may take leave until the child is 18 months old; in cases of multiple births, parents may use an additional 180 days for each additional child. Parents have substantial timing flexibility; they may take their leave either full-time or part-time, either simultaneously or sequentially, and either continuously or in up to three blocks of time per year. The first 480 calendar days taken by a family are paid; if they have not taken all 480 of these days before their child is 18 months old, they may continue to take them until the child's eighth birthday or until the end of the child's first year of school (whichever is

<sup>89</sup> ILO (n.d.), Kingdom of Spain 2007, Kingdom of Spain (n.d.), COMFIA 2007.

<sup>90</sup> Drew 2004, ILO (n.d.), Kingdom of Spain 1999, Kingdom of Spain 2007.

<sup>91</sup> Drew 2004, ILO (n.d.), US GAO 2007, OECD 2005, OECD 2007, Swedish Institute 2007, Kingdom of Sweden 2006.

sooner), but parents may not take more than those 480 calendar days. Until the end of the child's first year of school or their eighth birthday, all parents may also reduce their working hours (and salary) by 25 percent.

Adoptive parents, while ineligible for maternity or paternity leave, have full access to parental leave, with one difference: they may take leave until 18 months after the child is placed with the family, and if they have not used at least 480 calendar days by that time, they may take them any time before the child's eighth birthday or the end of the child's first year of school, whichever is *later*.<sup>92</sup>

Maternity, paternity, and parental leave are all paid in one family-based benefit system. Parental benefits are paid to the family for the first 480 calendar days of child-based leave taken by either parent. In cases of multiple births, families receive 180 additional days for each additional child. In cases of single and divorced parents, only the primary caregiver may use these benefits. In two-parent families, each parent has a 60-day quota of benefits, and the remaining 360 calendar days of benefits may be divided between the parents as they wish. These benefits do not have any job tenure requirements, except for the requirements for the leave itself, described above. However, parents who have contributed to the insurance scheme for at least 240 days receive a higher level of benefits. The baseline benefit amount is 180 SEK per day, but parents who qualify will receive 80 percent of their usual net salary for the first 390 days (up to an inflation-indexed ceiling, which was 874 SEK per day in 2007). If parents take parental leave on a part-time basis, they can also claim benefits on a part-time basis. For example, a father taking half-time leave can receive 50 percent of the usual benefit rate for twice as long.<sup>93</sup>

Beginning July 1, 2008, fathers will have an additional incentive to take parental leave. Couples who share parental leave will receive a “gender equality bonus” (or *jämställdhetsbonus*) of up to 3,000 SEK per month, depending on their usual salary and the amount of parental leave taken by the father.<sup>94</sup>

When parents are finished with their parental leave, they are guaranteed the right to return to their previous position or a similar one, unless they have taken a full-time leave of absence of over 18 months. Fathers must then contribute to the insurance scheme for another 240 days before receiving benefits for their next child; mothers must do so as well, unless they find themselves pregnant again before their previous child is 21 months old.<sup>95</sup>

## Switzerland

Switzerland offers 14 weeks of job-protected maternity leave, paid at 80 percent of usual income. Prior to the 2005 referendum that ushered in this new policy, paid maternity leave was only available in Bern. (Bern's policy remains in effect, as it is more generous than the federal policy: 16 weeks of leave, paid at 100 percent of usual income.)<sup>96</sup>

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<sup>92</sup> Anxo et al. 2007, Drew 2004, Fagan and Hebson 2006, ILO (n.d.), OECD 2005, Swedish Institute 2007, Kingdom of Sweden 2006.

<sup>93</sup> Fagan and Hebson 2006, ILO (n.d.), Drew 2004, OECD 2005, OECD 2007, Swedish Institute 2007, Kingdom of Sweden 2007a.

<sup>94</sup> Kingdom of Sweden 2007b.

<sup>95</sup> Drew 2004, Gustaffson et al. 2006, OECD 2005.

<sup>96</sup> SwissInfo 2005, Swiss Federation (n.d.).

Swiss maternity leave lasts for 14 weeks and is accompanied by a benefit of 80 percent of a mother's usual income, up to a ceiling of CHF 6,450 per month. Swiss mothers may not return to work within eight weeks of childbirth, and may take up to 16 weeks of leave in total (although they are not guaranteed a benefit after the 14<sup>th</sup> week). However, mothers who begin any gainful employment during maternity leave immediately lose all benefits.

The Swiss Social Security system provides maternity leave to birth and adoptive mothers (if the adopted child is under age one), provided that they meet three qualifications. First, mothers must be either employed, self-employed, or receiving unemployment or disability benefits at the time of childbirth, even if they do not plan to return to their current employment afterward. Second, mothers must have been covered by a public insurance scheme for the nine-month period prior to childbirth, either in Switzerland or another European Union or European Free Trade Association country. Finally, if mothers are not receiving unemployment or disability benefits, they must have been employed for at least five months of the nine prior to giving birth.<sup>97</sup>

In addition to maternity leave, Switzerland offers several protections to pregnant and nursing employees. First, they may not work overtime, and may only work a maximum of nine hours each day. Beginning eight weeks before childbirth (or earlier with a doctor's note), pregnant women must be protected from overnight work, hazardous working conditions, and piece work if the tempo is determined by a machine. If a pregnant or nursing woman is in any of these situations and cannot be transferred to a different position, she must be given early (or extended) maternity leave. Finally, pregnant women may not work on their feet continuously: they must be given ten-minute breaks every two hours, and beginning in the sixth month of pregnancy, may only work on their feet for a maximum of four hours per day.<sup>98</sup>

For fathers, and for mothers who have already used their maternity leave, Switzerland does not guarantee access to extended parental leave. However, certain protections do exist for working parents. All workers with family obligations (those with children under age 15, or those caring for a relative) may refuse overtime and may request longer lunch breaks, of 90 minutes. Additionally, for the first year after childbirth, mothers must be provided with a nursing room, equipped with a small couch. They must be able to take nursing breaks of one hour, if taken at the workplace, or 30 minutes, if taken outside of working hours.<sup>99</sup>

## United Kingdom

British family leave consists of 52 weeks of maternity leave (39 of which are paid), two weeks of paid paternity leave, and 13 weeks of unpaid parental leave for each parent. Thus, if a two-parent family were to take all of the family leave available to them, they would have a total of 41 weeks of paid leave and 39 weeks of unpaid leave.<sup>100</sup>

British maternity leave lasts for 52 consecutive weeks, but may last for as little as two weeks after childbirth if the mother wishes. All working mothers are eligible, regardless of job tenure. Maternity

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<sup>97</sup> ILO (n.d.), Petersen 2007, EC (n.d.), Christen (n.d.), Canton of Vaud (n.d.), Canton of Valais (n.d.), Swiss Federation (n.d.).

<sup>98</sup> ILO (n.d.), Christen (n.d.).

<sup>99</sup> Christen (n.d.), Swiss Federation (n.d.).

<sup>100</sup> Except where otherwise noted, information in this section comes from UK Department for Business Enterprise and Regulatory Reform 2008.

leave is divided into two 26-week parts: Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML). During OML, seniority and annual leave continue to accrue, and the mother's job is guaranteed. If a mother chooses to take AML as well, her seniority and annual leave accruals stop increasing after her OML and resume when she returns to work. Also, women who take AML are not guaranteed the right to return to their previous position, but only a similar one, upon return to the workplace.

Women have a moderate amount of flexibility in their use of maternity leave. They may begin maternity leave up to 11 weeks before their expected delivery date. Once their leave has begun, they must take all of it continuously. However, they may take up to 10 “Keep in Touch” days, during which they perform contract work for their employers, and which are paid separately from maternity benefits.

During the first nine months of maternity leave, eligible mothers receive Statutory Maternity Pay (SMP). By 2010, this benefit is set to expand to cover the entire year of maternity leave. To qualify for SMP, a mother must work for an employer who is liable for employer National Insurance contributions, and she must earn at least £90 per week. If she has multiple jobs, she must qualify for SMP separately on each job. The SMP benefit level is the lesser of 90 percent of usual income or £117.18 per week, although the £117.18 ceiling does not apply in the first six weeks of leave. Employers pay SMP to their employees, and are then reimbursed 92 percent of their expenses by the British government. Small businesses (those whose yearly National Insurance contributions are £45,000 or less) are reimbursed 100 percent, plus an additional 4.5 percent for the National Insurance contributions they made for the employee during leave.<sup>101</sup>

Women who are ineligible for SMP may receive a Maternity Allowance (MA) instead. The allowance is paid at the same level as SMP, but is paid directly by the government. To qualify, women must have been employed or self-employed for at least 26 of the 66 weeks prior to childbirth and must have earned an average of at least £30 per week during that time. Self-employed women must also be paying Class 2 National Insurance contributions.<sup>102</sup>

Paternity leave consists of a father's choice of either one or two continuous weeks within the first eight weeks after his child's birth. To qualify, a man must be either the child's biological father or the spouse or partner of the child's mother. He must also have worked at least 26 continuous weeks for his employer by the 15<sup>th</sup> week before the delivery date, and continue working for the same employer until the child's birth. If he has multiple jobs, he must meet this tenure requirement to have leave from each job.

During paternity leave, a father may receive Statutory Paternity Pay (SPP) if he meets the same earnings and tenure requirements described above for maternity benefits. SPP payment levels are the same as maternity benefits, and are similarly paid by the employer and reimbursed by the government. The employer must continue to make pension and insurance contributions for the father, and must count the time off toward tenure and annual leave accrual. Thereafter, the father is guaranteed the right to return to his position.

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<sup>101</sup> Lewis and Campbell 2007, HM Revenue and Customs 2007.

<sup>102</sup> UK Department for Work and Pensions 2007.

In cases of adoption, single parents may take adoption leave, and couples may choose which parent takes adoption leave and which takes paternity leave, regardless of gender. Adoption leave is much like maternity leave, with a few differences. Like maternity leave, it consists of two 26-week parts: Ordinary Adoption Leave and Additional Adoption Leave. These leave sections have the job security and seniority treatments as Ordinary Maternity Leave and Additional Maternity Leave. Also, adoption leave is accompanied by Statutory Adoptive Pay (SAP), with benefits of the same level, and with the same requirements, as maternity benefits. However, there is no equivalent of the Maternity Allowance for adoptive parents who do not qualify for SAP. Also in contrast with maternity leave, parents wishing to take adoption leave must meet a job tenure requirement: at least 26 continuous weeks working for their employer before they receive notice of a match (or in cases of international adoptions, before they begin to take leave). Finally, adoptive parents have slightly more flexibility regarding timing: parents adopting within the UK may begin adoption leave up to 14 days before placement, and those adopting internationally may begin adoption leave any time within the first four weeks after the child's entry into the UK.

After maternity, paternity, or adoptive leave, parents are also eligible for parental leave, which is more flexible than the other types of family leave, but unpaid. Each parent with at least one year of tenure working for their employer may take 13 weeks of parental leave per child. This leave is non-transferable between parents, so those who choose to forgo their leave simply forfeit it. Parents have a great deal of flexibility regarding the timing of parental leave. They may take parental leave at any time within five years after their child's birth or adoption (or eighteenth birthday, in the case of disabled children and older adopted children), but may not take more than four weeks in any calendar year. However, employers also have scheduling flexibility; they may postpone a worker's parental leave by up to six months if they can show that it severely impacts business. Also, if a worker does take more than four weeks of parental leave at a time, or takes it in conjunction with Additional Maternity or Adoptive Leave, he or she is no longer guaranteed the right to return to his or her previous position, although the employer must still reincorporate the worker into a similar position.<sup>103</sup>

Finally, several protections exist for pregnant and nursing workers. First, prior to childbirth, pregnant women are due paid leave from their employers for all medical appointments. From the beginning of pregnancy to the end of nursing, women who work in dangerous conditions, based on a doctor's assessment, must be transferred to other work or put on paid work suspension. Finally, birth, adoptive, and foster parents of children under age six (or 18, in the case of disabled children) may request part-time or flexible work schedules. While the employer is not required to accept this request, they must give it serious consideration and accommodate it if possible.

## United States

New parents in the United States may access leave through the Family Medical Leave Act (FMLA) of 1993. FMLA leave consists of 12 weeks of unpaid leave that must be taken continuously and on a full-time basis. Employers who provide private health insurance benefits must continue to do so during an employee's FMLA leave, but if the employee does not return to work thereafter, the employee must reimburse the employer's contributions from the FMLA leave period. Pension

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<sup>103</sup> Moss and Wall 2007.



contributions, and the accrual of seniority and seniority-based privileges (such as annual leave) stop during leave and begin again thereafter.<sup>104</sup>

To qualify for FMLA leave, parents must have at least one year of job tenure with their current employer. In addition, leave is limited to workers whose employers have at least 50 workers within 75 miles of the work location. FMLA leave covers both birth and adoptive parents, but if both parents work for the same employer, their total allowance is limited to 12 weeks.

Unlike parental leave in the other countries discussed here, FMLA leave covers both new parents and employees who are either ill or caring for ill family members. Thus, unlike their counterparts abroad, US workers who take leave upon the birth of a child forfeit the ability to take leave later in the same year if the need for medical care arises.

In addition to the provisions described above, 13 states offer either partially-paid disability leave for new mothers or greater FMLA protections.<sup>105</sup>

- California offers six weeks of paid leave to care for new children, regardless of the parent's job tenure or the size of their employer. Payments, which begin after a waiting period of seven calendar days, amount to 55 percent of the employee's usual income, up to \$917/week. Also, the state Temporary Disability Insurance (TDI) program entitles mothers who are unable to work due to pregnancy or maternity-related disability to up to four months of unpaid, job-protected leave to recover (firms with fewer than five employees are exempted). The program is financed through a 0.8% tax on wages up to \$86,698 per year.
- Connecticut expands FMLA coverage to workers with slightly less tenure (1000 hours instead of 1250), but limits it to firms with 75 or more employees. Allows greater flexibility: parents may take 16 weeks of leave within any two-year period, and may also use up to two weeks of accrued paid sick leave, to care for a new child or sick family member.
- District of Columbia expands FMLA leave to firms with 20 or more employees, and to workers with slightly less tenure (one year of seniority, but only 1000 hours). Allows 16 weeks of FMLA leave in a two-year period, but the right to take it for a newborn child expires one year after childbirth.
- In Hawaii, parents with at least six months of job tenure may take 16 weeks of unpaid parental leave per calendar year. Also, firms that employ at least 100 workers and provide paid sick leave must allow employees to use all of their sick leave, up to 10 work days, during parental leave. Finally, firms must enroll in disability insurance programs that give partial wage replacement during times when a worker is unable to work due to a pregnancy or maternity-related medical condition.
- Maine extends FMLA leave to workers at smaller firms (with at least 15 workers), but grants less leave (10 weeks in a two-year period).
- Minnesota extends FMLA leave to workers at smaller firms (with at least 21 workers), but grants less leave (six weeks). Also offers partial wage replacement to low-wage parents who care for infants at home.

<sup>104</sup> Except where otherwise noted, information in this section comes from United States 2008 and USDOL 1995.

<sup>105</sup> Connecticut Department of Labor 1999, Sherriff 2007, State of New Jersey 2008, USDOL 2007, USJEC 2008, Washington State Department of Labor and Industries 2007.

- New Jersey recently approved parental leave of six weeks, paid at two-thirds of parents' usual salary (up to a cap of \$524 per week), to take effect July 2009. In addition, the state TDI program offers up to 26 weeks of partial wage replacement to workers who are unable to work due to a pregnancy or maternity-related medical condition. It is financed through a 0.12% tax on worker wages (beginning at 0.09% in 2009, the first year of operation).
- New York, like Hawaii, requires employers to enroll in disability temporary insurance programs to cover 26 partially-paid weeks of leave due to pregnancy or maternity-related disability.
- Oregon expands FMLA leave to workers at smaller firms (at least 25 workers), but limits it to those who work 25 or more hours per week.
- Rhode Island gives more flexibility (13 consecutive weeks in a two-year period), but limits it to those who work at least 30 hours per week. Also, Rhode Island operates a state-wide TDI program to pay partial wages during pregnancy or maternity-related disability, for periods of up to 30 weeks.
- Vermont expands FMLA leave to workers of smaller firms (with at least 10 employees), but limits it to those who work at least 30 hours per week.
- Washington recently approved partially-paid parental leave. Beginning October 2009, parents may take up to five weeks, with a benefit of \$250 per week, to care for a newborn or newly adopted child. Also allows mothers to take unpaid pregnancy-related disability leave in addition to FMLA leave, with a doctor's approval.
- Wisconsin extends FMLA leave to those with slightly less tenure (52 consecutive weeks, but only 1000 instead of 1250 hours). Allows only six weeks of leave.

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