



# Parental Leave in Council of Europe member States



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## 1. BACKGROUND

This study was commissioned by the Council of Europe Steering Committee on Equality between women and men, following a decision at its meeting in Strasbourg 3-5 December 2003 as a follow-up to Recommendation Rec (2003) 3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making.

The study focuses on parental leave in the 45 member states of the Council of Europe in the framework of gender balance reconciliation of professional and private life. It sets out the backdrop of legislation and identifies gaps that need to be filled in terms of national legislation; statistics showing patterns and trends in the take-up of parental leave. An Interim Report was presented to the Steering Committee meeting on 17 June 2004.

Within the framework of accessible information, some of the issues around the gendered take-up of parental leave are outlined along with a number of examples of good/bad practice. The study concludes with recommendations concerning the introduction of further actions to meet the objectives of gender balance reconciliation of professional and private life across the 45 Council of Europe member states.

Some of the key questions that need to be examined in relation to parental leave are:

- Has the introduction/implementation of Parental Leave as a statutory right contributed to reducing or accentuating gender inequality?
- Is the objective to promote gender balance OR is it another mechanism to help (mainly female) parents to reconcile professional and family life?
- Who Avails? Mothers/Fathers/Others?
- What is the duration of parental leave?
- What impact does parental leave have on the employment patterns and careers of men and women?
- What are the patterns of take-up? (e.g. fixed post birth or stretched, block versus staggered, 3 months versus half days)
- Is it availed of full-time versus part-time or both?
- What is the upper age limit for children?
- What is the impact of second/subsequent child(ren) while on parental leave?
- Who is eligible? (minimum length of service)
- Is it remunerated or not?
- Who pays:
  - parents?
  - the State?
  - employers?
- If unpaid – who can/cannot afford? (e.g. men, managers).

The report examines the definitions of parental leave and how it differs from maternity/paternity and other forms of leave (Section 2). It then outlines the origins and institutional interventions to introduce parental leave in Europe (Section 3) including the successful adoption of an EU Directive that is binding on member states. This section includes some critiques of the nature and outcome of the Directive. Section 4 sets out the diverse objectives for introducing parental leave and discusses how these may conflict and exacerbate rather than reduce gender inequalities in the labour market and within families.

In Section 5 the legal backdrop and take up of parental leave are examined, where data permit. These confirm the diversity and complexity that exists in relation to parental leave within the 45 Council of Europe member states, in terms of legislative provision, duration,

entitlement, payment of allowances, how parental leave can be taken, whether it is paid and how leave is allocated to parents and/or to a specific parent.

Section 6 analyses available data on the take up of parental leave across member states. Key policy issues and outcomes of parental leave in terms of gender balance are discussed in Section 7. This is followed, in Section 8, by conclusions and policy recommendations that include reference to good practice across Council of Europe member states.

## 2. DEFINING PARENTAL LEAVE

The explanatory memorandum of the European Commission's 1983 draft Directive on parental leave used the ILO's wording in defining parental leave as:

*"leave granted to fathers and mothers during a period after the termination of maternity leave to enable parents in employment to look after their newborn child for a certain time, whilst giving them some degree of security in respect of employment, social security and remuneration...Parental leave is also granted to adoptive parents"*

This definition emphasises the co-responsibility of *parents*, both natural and adoptive. The Directive envisaged that parental leave cover would be available only to wage earners, in full or part-time employment within the public and private sectors. Hence it did not extend to self-employed or family workers.

*Parental leave* differs from *maternity leave* in that its concern is not the health of the mother but the care and upbringing of young children, making both the father and the mother eligible. It also differs from *extended or optional maternity leave* (usually reserved for the mother and linked to breastfeeding) and *paternity leave* (a short period post birth) and *family leave* which need not be for childcare and is of limited duration (usually days). It is also distinct from *sabbatical leave* and *career breaks* which may be availed of for non-family reasons. The key feature of *parental leave* is that it is of longer duration (weeks/years) and is additional to/distinct from the other forms of leave. Likewise parental leave is different from *force majeure* (or emergency) leave for family reasons although many countries included such urgent leave in their parental leave legislation.

However, as this study illustrates, there are areas of overlap or a blurring of the distinctions between leave types. For example in Poland fathers can take the 'spare' part of maternity leave (2 additional weeks for first child, 4 weeks for the second and 12 weeks for multiple births). In some countries such as Portugal special leave can be availed of by working grandparents where the mother/father is under 16 years, while in Iceland the distinctions between paternity and parental leave assigned to fathers has blurred the distinction between these forms of leave.

However, the international definition distinguishes parental from maternity leave since it can be taken by the father and/or the mother but, like maternity leave, it does not entail loss of employment or any associated rights (e.g. pension, leave, service) (ILO 1997). It is also independent of (short duration) paternity leave assigned to fathers usually after the birth of their child.

## 3. ORIGINS FOR PARENTAL LEAVE INITIATIVES/IMPLEMENTATION

### 3.1 ILO

The Employment (Women with Family Responsibilities) Recommendation 1965 (No. 123) was adopted to protect the rights of women workers. It envisaged measures such as

childcare services and facilities, and appropriate counselling, placement and training to enable them to enter or re-enter employment after comparatively long absences due to family responsibilities. A new instrument was sought by the 1975 International Labour Conference in recognition of the fact that equality of opportunity and treatment could only be achieved by extending rights to all workers with family responsibilities, women and men. This was in recognition of that any change in the traditional role of women should be accompanied by a change in the traditional role of men and should be reflected in their greater participation in family life and in household duties. It was also believed that this was in the interests of male workers and that it would potentially eliminate a possible source of discrimination against women where hitherto only women had family responsibilities (ILO 1993).

The ILO Convention 1981 No. 156 sets out the rationale for Equal Opportunities and Equal Treatment for Men and Women Workers with Family Responsibilities. This Convention was adopted to extend the concept of balancing work and family to men as well as women. The Convention applies to all workers with children and other immediate family members who need support. Article 3 states that national policies should ensure that workers with family responsibilities should not be subject to discrimination or conflict between their employment and family roles. Article 8 states that family responsibilities should not constitute a valid reason for termination of employment. Other articles seek measures compatible with national conditions to enable workers to exercise free choice and for public authorities and bodies in each country to promote information and education to create a climate of opinion that is conducive to overcoming problems for workers with family responsibilities.

The ILO's Workers with Family Responsibilities Recommendation 1981 (No. 165), concerned with equal opportunities and equal treatment for men and women workers, sought an outcome in which "*either parent should have the possibility, within a period immediately following maternity leave, of obtaining leave of absence (parental leave) without relinquishing employment and the rights resulting from employment being safeguarded*" (para. 22.1).

## 3.2 COUNCIL OF EUROPE

### 3.2.1 EUROPEAN SOCIAL CHARTER

The European Social Charter of October 1961 was revised and updated to take account of Council of Europe objectives in relation to economic and social progress and the realisation of human rights and other European developments. The European Social Charter (revised) was agreed in Strasbourg on 3 May 1996. In addition to protection of employed women, in relation to maternity (Article 8), Article 27 relates to 'The Right of workers with family responsibilities to equal opportunities and equal treatment.'

The Charter refers to appropriate measures for workers with family responsibilities to:

- enable workers enter, remain in and re-enter employment (including vocational guidance and training);
- take account of conditions of employment and social security;
- develop or promote childcare services or arrangements.

In addition, Article 27 sought to ensure that family responsibilities should not constitute a valid reason for termination of employment. Most importantly it sought "*to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to*

*take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice”.*

### 3.2.2 RECOMMENDATIONS OF THE COMMITTEE OF MINISTERS

The Council of Europe adopted a Recommendation No. R (96) 5 of the Committee of Ministers to Member States on Reconciling Work and Family Life acknowledging the need for innovative measures to reconcile working life and family life among other backdrop conditions and initiatives. The Council of Europe recommended that the governments of member states:

*I Take action, within the framework of a general policy promoting equal opportunities and equal treatment, to enable women and men, without discrimination, to better reconcile their working and family lives;*

*II Adopt and implement the measures and general principles described in the appendix to this recommendation in the manner they consider the most appropriate to achieve this goal in the light of national circumstances and preferences.*

The Recommendation sought paternity leave for fathers of newly born children and in addition that:

*“Both the father and the mother should have the right to take parental leave during a period to be determined by the national authorities without losing either their employment or any related rights provided for in social protection or employment regulations. The possibility should exist for such parental leave to be taken part-time and to be shared between parents”.*

This Recommendation and related issues were discussed at the Conference of European Ministers Responsible for Family Affairs in the XXVIIth Session in Portorož 20-22 June 2001. The Final Communique reports on discussions that addressed the question “How can working and family life best be reconciled?”. They placed a strong emphasis on the role of fathers (also discussed at the XXIVth session of the Conference of European Ministers in 1995, Helsinki) and is enshrined in Principle 4 of the Committee of Ministers Recommendation No. R (94) 14 which states that:

*“The Family must be a place where equality, including legal equality, between women and men is especially promoted by sharing responsibility for running the home and looking after the children, and, more specifically, by ensuring that mother and father take turns and complement each other in carrying out their respective roles”.*

The discussants stated that governments could play a key role by introducing measures aimed exclusively at men, giving them rights which would enable them to play a real part in family life – one of the conditions of genuine equality. They also stated that leave “*reserved for the father can be an effective means of enabling fathers to participate*”. The Portuguese Minister and President of the National Commission for Family Affairs referred to the discrepancy between legal measures/policies that have been adopted and the people’s attitudes and behaviours. She also underlined that “*fathers have to realise that looking after children is not only a duty but also a right. Responsible paternity was to be seen as an integral part of the concept of citizenship*”.

### 3.3 EUROPEAN UNION

#### 3.3.1 EU DIRECTIVE

The first Commission proposal for a Directive on parental leave dates back to 1983. The minimum standards suggested were:

- leave was an individual right and could not be transferred from one parent to the other, nor could both parents take leave at the same time;
- a minimum period of 3 months leave per workers, including those in part-time employment;
- duration might be extended for single parents or in the case of a child with a handicap;
- leave to be taken up to the third birthday of the child (except for a child who is adopted or has a handicap);
- leave to be taken as one continuous period and might be taken part-time, but only at employer's agreement;
- an unspecified number of days off for family reasons to be decided by the individual member state;
- in relation to social insurance provision, leave for family reasons was to be treated as time off with pay;
- pay or indemnity for parental leave was left to members states to decide, but if available it should come from public funds.

However, it was not until 1995 that an agreement could be reached which led to the formal adoption of the Council Directive 96/34/EC of 3 June 1996 *on the framework agreement on parental leave concluded by UNICE, CEEP and ETUC*.

Member states were required to incorporate the Directive into national law by 3 June 1998 with a maximum extension of one further year if it was "*necessary to take account of special difficulties or implementation by a collective agreement*". The Directive makes no reference to single parents or children with disabilities. The age limit was raised with the upper limit for member states to determine.

The Directive required member states to grant parental leave as an individual right belonging to workers, be they women or men, on the grounds of the birth or adoption of a child to enable them to take care of that child for at least 3 months, until a certain age defined by members states, which may be up to 8 years. By definition, parental leave may be shared, but not transferable, between parents. The Directive leaves member states the power to regulate whether parental leave is granted on a full-time or part-time basis, on a piecemeal or in the form of a time credit system. The directive obliges member states to take measures protecting workers from dismissal for having applied for, or taken, parental leave. It furthermore guarantees the worker's right to occupy the same job or a similar job when the leave is over, and it also ensures that the worker will keep any rights earned, or in the process of being earned, when parental leave began.

It was envisaged that implementation would not prejudice the right of member states and/or management and labour to develop different legislative, regulatory, or contractual provisions, in the light of changing circumstances (including the introduction of non-transferability) as long as the minimum requirements are complied with.

#### 3.3.2 CRITIQUES OF THE PARENTAL LEAVE DIRECTIVE

The Parental Leave Directive has been received with various degrees of support and criticism. Schmidt (1998) states "*Taking into account the long and unsatisfactory history of*

*vain attempts to adopt a directive on parental leave as well as the tremendous differences in national regulations within the Member States on the one hand, and the huge leeway of discretion left to the Member States and the resulting flexibility on the other hand, the concluded agreement can be regarded as a first step in the right direction towards a society where working life and family life are reconciled.”*

However, the very flexibility available to member states in implementing the Directive has come under considerable criticism. Caracciolo (2001:335) states that *“Prima facie, this measure represents a valuable step towards the creation of a family friendly workplace. A closer look, however, reveals that it is not flawless and is based on the idea that mothers still have the main responsibility for child-care. The most obvious weak point of the Parental Leave Directive is the fact that it does not mention any provision concerning financial compensation. This can easily be regarded as a deterrent for many working parents, especially fathers”*.

Other flaws were the *in principle* non-transferability and how this will be interpreted, and the possibility for member states to set lower age limits (than 8 years), which could further discourage fathers more than mothers from availing. Caracciolo (2001:335) refers to the Directive’s achievements as *“largely rhetorical as they have not significantly improved standards already existing at national level...only three Members States have benefited from the Directive”*.

Caracciolo (201: 343) further argues that the binding nature of the Directive is in itself unsatisfactory since its provisions are:

*“fragmentary and not underpinned by a coherent framework, they result in measures addressed to individuals rather than the family as a unit. Legislation in this field is also often the result of a political compromise, carrying with it all the problems associated with these arrangements...although to a certain extent it enables working parents to spend more time with their young children, it does not mention other members of the family such as elderly or sick relatives”*.

Hardy and Adnett (2002: 170) assessed parental leave in terms of:

*“the first directive created from social dialogue, has not provided an adequate or consistent legislative framework to enable parents to achieve their desired work-life balance. The rate of fathers taking up parental leave schemes remains consistently low, one consequence being that gender inequalities in the labour market are effectively reinforced.”*

The authors argue that, since the present legal framework is inadequate, this should be of concern to EU policy makers, claiming that increased economic flexibility can be consistent with the promotion of social justice. Hardy and Adnett (2002: 170) point out that *“Parental leave measures will only promote gender equality if those taking leave are highly compensated and not subjected to direct or indirect penalties on return, and fathers have a higher take-up rate than mothers”* (2002: 170). They point to the need for EU policy to ensure the more even distribution of unpaid work with reference to the substitution of market or public provision of caring activities as sought through the European Employment Strategy.

Further criticisms of the Directive have been made by McColgan (2000) over the failure to provide for payment (specifically in Greece, UK, Ireland, Portugal and Spain), which, she argues, will dissuade fathers from availing:

*“The detachment of working fathers from the domestic scene has implications not only for women’s aspirations to equality, but also for the relationships which develop*

*between fathers and children. These are vitally important, most especially given that early bonding promotes continued contact between fathers and children in the (ever more likely) event of family breakdown” McColgan (2000:141).*

This is emphasised by Dermott (2001:161) who states:

*“parental leave is a system which supports balancing work and home life in two senses...by allowing time for parents to spend with their children...[and] is a way of balancing work and family between partners...Theoretically it has much to commend it. However, unless men are taking parental leave there is no hope for a more equal division of childcare labour between men and women”.*

### 3.4 NATIONAL LEGISLATIVE PROVISION

Within the scope of this study it is not possible to give equal attention to parental leave legislation and impact across all 45 Council of Europe countries. Hence this section provides an overview of legislation enacted in some member states. It is interesting to note that considerable progress and experience of parental leave occurred in the Central and Eastern European states prior to the EU policy initiatives and Parental Leave Directive:

*“the notion of a child-rearing allowance [and leave] as an alternative to work by a parent during the first two or three years of life has an earlier East European history” (Kamerman and Kahn, 1991).*

Regrettably access to published information on parental leave in these, and other non-EU, member states is very limited.

Hungary is attributed with having one of the first parental leave scheme driven by state family policy. In 1967 Hungary introduced a **childcare benefit**, (aimed at increasing the birth rate) that required continuous employment for 12 months prior to the child's birth. The duration was 2.5 years following the birth. The benefit rate was relatively low (c. 25% of women's average earnings) and unrelated to previous earnings. At the time it was among the longest and most favourable child-care benefits available in the world.

In 1985 an employment-based **childcare fee** was introduced amounting to c. 65-75% of an individual's average earnings. The duration was up to the child's first birthday, extended to 18 months in 1986 and to 2 years in 1987. In 1995 the system changed and the **childcare fee** was abolished. **Childcare benefit** was extended by law to all parents regardless of whether they had been employed and the benefit became a fixed allowance, independent of prior earnings. The **childcare fee** was re-introduced in 2000.

Following these modifications, the current childcare supports are available in Hungary are:

**1. Childcare Allowance (GYES)** is available to all parents by law and is not based on previous employment. This allowance can be paid not only to parents but (from the 1<sup>st</sup> birthday of the child resident in parents' home) to grandparents also. The amount of the allowance equals the minimum amount of the old age pension at the time (HUF 23,200 in 2004; HUF 24,700/€98,8 in 2005) and is paid up to the age of 3 (or until the age of ten, if the child is permanently ill or seriously disabled or, in case of twins until the end of the year in which the children reach school age or 10 years of age).

**2, Childcare Fee (GYED)** requires 180 days of employment in the previous 2 years and is linked to average monthly earnings up to a limit of €332 per month.

**3. Child Rearing Support (GYET)** is the third form of childcare benefit available since 1993. It is independent of employment but the main pre-condition is that the parents are taking care of 3 or more children under the age of 14, where the youngest is between three and eight years of age, in their household. The amount of the benefit – similar to Childcare Allowance – equals the minimum amount of the old age pension at the time (HUF 23,200 in 2004; HUF 24,700/€98,8 in 2005).

The most common pattern in former Eastern European states was for a two year leave provision and grant, then equal to about 40 per cent of the wage of an unskilled woman (Kammerman and Kahn, 1991). The tradition among non-EU states was strongly interventionist with well established family/worker supports that extended to state childcare provision. Not all states were as generous in terms of leave duration or state payment. In the former USSR and GDR, ‘nursing leave’ was offered only until the child was one year old while Rumania had unpaid parental leave (Moss and Deven, 1999).

Since the period of transition from communism there has been a general shift from nursery provision to parental leave for children under 3 years with *“leave allowances providing mostly low rates of wage replacement [these have] magnified the risk of poverty for young families”* (UNICEF (1997: 97). Further reinforcement of this policy shift was evident in the Czech Republic where *“parental leave was prolonged from three to four years. However, the state abandoned its responsibility regarding child-care facilities”* (Kocourková, 1997).

Sweden introduced parental leave in 1974 (ILR 1997) initially for 6 months followed by Italy with leave for fathers (mothers had maternity leave by law from 1971), then Norway in 1977; Finland in 1978; and Iceland in 1980. In 1984 Denmark, France, Greece and Portugal introduced parental leave. West Germany followed in 1985 along with Belgium through sabbatical leave available for parents. Other EU and non-EU states made parental leave available: Spain (1989); the Netherlands (1991); US (1992) and Australia (1993). In 1993 Norway made the first non-transferable period of parental leave available to fathers exclusively (Wilkinson 1997).

The implementation of the EU Directive on parental leave required all (then 15) member states to adapt their policies and domestic structures but did not stipulate whether parental leave needed to be paid or unpaid. Some states, namely France, Ireland and the Netherlands raised their domestic standards in a minor degree above the EU minimum requirement. Others, such as Austria, Germany, Italy, Portugal and Luxembourg introduced more extensive reforms than the Directive envisaged (Falkner et al. 2002).

The design of national policies on the reconciliation of parental and professional responsibilities is highly diverse and complex, with the crucial factor being the priority accorded by public policies. According to IDS (1999), the state plays a major role in Nordic countries as lawmaker and paymaster, whereas the Netherlands legislation primarily provides a framework to be fleshed out by social partner negotiations.

It should also be stated that some member states (including Switzerland and Former Yugoslav Republic of Macedonia) have no legal provision for parental leave. The national legal framework for parental leave is set out in Table 1 for those states where information could be obtained.

**Table 1 Legislation for Parental Leave**

<b>Country</b>	<b>Legislative Instrument</b>
Albania	na
Andorra	Law 8/2003 and Civil Service Law 2000 ChapterII, Articles 10 and 16 and Chapter IV Article 18
Armenia	RA Parliament Decision N 235 April 1999 updated by Labour Code 2004
Austria	Maternity Protection Act 1979 and Law 651/1989 both amended July 1999 (Childcare benefit 2002) and July 2004 (entitlement to part-time employment)
Azerbaijan	Labour code 1999 and Leave Law 1994
Belgium	National Agreement CCT 64 April 1997
Bosnia and Herzegovina	Labour Codes of BiH FBiH and RS and Articles 73, 76 and 78 RS Law on Work (Republika SRPSKA)
Bulgaria	Labour Code Articles 163-166a-168
Croatia	Labour Law (Official Gazette Nos. 38/95, 54/95, 65/95, 17/01, 82/01, 30/03); Health Insurance Law (Official Gazette Nos. 94/01, 88/02, 149/02, 117/03); Law on Parental Leave for Self-employed and Unemployed Mothers (Official Gazette Nos.24/96, 109/97, 82/01, 30/04)
Cyprus	Parental Leave and Leave on Grounds of Force Majure Law 2002
Czech Republic	Yes
Denmark	Consolidation Act 711 August 2002 on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave etc.; Act on Benefits; and Act on Childcare Leave
Estonia	Parental Benefit Act (January 2004); State Family Benefit Act; Holidays Act
Finland	Contracts of Employment Act and Sickness Insurance Act
France	Labour Code Art. L. 122 and law of 25 July 1994 and Article 60 of Law No. 2003-1199 December 2003 relating to the financing of Social Security
Georgia	na
Germany	1985 law on parental leave amended by law on parental benefits and parenting time 2000
Greece	na
Hungary	Act No. XXII 1992 on Labour Code, Act No. LXXXIII 1997 on Health Insurance and Act No. LXXXIV on Family Allowances 1998
Iceland	Act on Maternity/Paternity and Parental Leave 1999-2000
Ireland	Parental Leave Act 1998 amended 2000
Italy	Law 53/2000 D.Lgs 151/2001
Latvia	Labour Law 2002, Article 156 on Childcare Leave; Law on Social benefits 2003 and Rules of the Cabinet of Ministers December 2004 relating to Childcare Benefit
Liechtenstein	na
Lithuania	Labour Code 146
Luxembourg	Law of February 1999
Malta	Legal Notice 225 of 2003 - Employment and Industrial Relations Act 2002 Parental Leave (Entitlement) Regulations, 2003
Moldova	na
Netherlands	Parental Leave Law July 1997 amended February 2001

Norway	Social Security Act relating to Workers' Protection and the Working Environment of 4 February 1977
Poland	Labour Code Art 186 and 189 1998 on family, childcare and nursing allowances and ordinance of MOLSP 28 May 1996 on leaves and childcare allowances
Portugal	Decree-law 230/2000 which amends 1984 law
Romania	na
Russian Federation	na
San Marino	na
Serbia and Montenegro	Labour Law (Official Gazette Nos 70/01; 73/01) – Articles 69, 70, 71, 72, 73, 74, 75, 76, 77; Health Insurance Law (Official Gazette Nos 18/92; 26/93; 53/93; 67/93; 48/94; 25/96; 46/98; 54/99; 29/01; 18/02; 80/02; 84/04) – Article 44; Support of Families with Children (Official Gazette No 16/02) – Articles 9, 10, 11, 12, 13
Slovakia	Labour Code Act No. 311/2001 amended by Act No. 165/2002, Act No. 408/202, Act No. 413/2002 and Act No. 210/2003
Slovenia	na
Spain	Law 39/1999
Sweden	1995 Parental Leave Act/584 and 1998/209 Act on Leave for Family Reasons
Switzerland	No Parental Leave available*
Former Yugoslav Republic of Macedonia	None Labour Relations Act relates to Maternity Leave only
Turkey	na
Ukraine	na
UK	1999 Parental Leave Law amended under Maternity and Parental Leave (Amendment) Regulations 2001)

Sources: ILO (1997); IDS (2003) updated from Council of Europe representatives (2004)

na denotes information not available

\*Switzerland will introduce Maternity Leave by 1<sup>st</sup> July 2005 of 14 weeks duration paid at 80% of salary.

#### 4. OBJECTIVES OF PARENTAL LEAVE

National policies vary widely in the motivation for, and implementation of, parental leave and may be driven by differing priorities such as:

- The promotion of gender balance and equity in the labour market for women and men;
- Pro-natalist policies to encourage mothers to combine employment with procreation and facilitate women remaining in the labour market;
- Labour market interventions to:
  - Reduce unemployment (by encouraging parents to exit);
  - Increase employment (by retaining parents after childbirth);
- Well-being of children;
- Women's economic independence;
- Involvement of fathers in family/home life.

Some of these may conflict with each other and need to be taken into account in assessing the impact/outcomes of parental leave in practice and in identifying best practice models operating in different states.

#### **4.1 GENDER BALANCE AND EQUITY IN THE LABOUR MARKET**

Higher employment rates and greater diversity in the labour market have come to be the hallmark of European economies. In the context of the European Employment Strategy (EES) goals have been set to increase the female employment rate to 57 per cent by 2005 and 60 per cent by 2010. However progress toward meeting these goals is uneven. Netherlands and UK already exceeded the targets by 2003 due largely to extensive patterns of part-time working among women, that are not matched among men. Other states like Finland, Portugal and Austria have also supported high levels of female participation with lower proportions of women working part-time. In contrast Greece, Italy and Spain have lower levels, around 40 per cent, of participation among women. Factors such as lack of childcare and high costs of child minding, accompanied by split day working arrangements, contribute to low levels of participation in the labour market by mothers of dependent children.

Labour force participation among women is positively correlated with higher levels of education. As more women complete secondary and tertiary education there will be increased pressure for working time/place initiatives to support their continuing participation in the labour market after starting families. This will require equality not only in the workplace but in the allocation of unpaid domestic work, and community/voluntary work often associated with women. Yet research suggests that there is:

*“little evidence of household working time arrangements emerging that are compatible with a more equal sharing of paid and unpaid work between men and women, with France apparently the most advanced in respect of sharing” (IDS 2003: 21).*

#### **4.2 DECLINING BIRTH RATE/FERTILITY**

Europe's birth rate has been declining steadily. In 2001 the fertility rate was 1.47 children per woman (defined as the mean number of children born to a woman during her child-bearing years). This ranges from 1.98 in Ireland and 1.90 in France to below 1.30 in Italy, Spain, Greece and Germany. In the 1960s Hungary introduced more generous parental leave with the objective of increasing the national birth rate. Demographic statistics for Iceland suggest that the increase in the national fertility rate from 1.93 in 2002 to 1.99 in 2003 may be related to a new reform introduced in 2000 that guaranteed Icelandic men three months non-transferable parental leave, with compensation of 80% of average monthly salary for the past year to both mother and father.

In 2000 the 'average' European woman had her first child at 28.3 years. Austrian and Portuguese mothers were the youngest at 26.4 years, compared with 29.1 for UK mothers (IDS 2003).

Combined with a general shift towards an 'ageing' population there are strong reasons for member states to introduce policies to support higher fertility as the tax base and carer/provider age cohorts contract across all European states.

#### **4.3 LABOUR MARKET INTERVENTIONS TO REDUCE UNEMPLOYMENT**

In 1985 France introduced a Child Rearing Benefit (Allocation Parentale d'Education-APE). Since 1994 the APE was made available to parents with at least 2 children (while it formerly applied only after the birth of a third child). In 2003 it was extended, for a more limited duration (6 months) to first time parents.

In 1999 the allowance was FF 3,045 a month which is not income related or taxable, but one parent has to stop work completely or work part-time. Fagnani argues that this allowance initially had a natalist objective but French parental leave policy was also formulated in response to increasing unemployment, in which context parental leave was used as a mechanism “*whereby mothers (at least a certain proportion) were encouraged to stop working*” Fagnani (1999:72).

Similar motives and policy changes were noted by Rubery et al. (1999) when a turning point was reached that halted the consistent rise in female participation rates in Sweden and Finland. As a result of the recession, and higher levels of participation in education, female labour force participation rates fell. The authors claim that the conjunction of high unemployment rates and the extension of parental leave schemes in Denmark and Finland in the 1990s “*may also be operating to encourage some women with poor employment prospects to withdraw from the labour market when they have young children*” (Rubery et al. 1999:82).

#### **4.4 LABOUR MARKET INTERVENTIONS TO INCREASE EMPLOYMENT**

According to an OECD (2003) comparative report on reconciling work and family life in Austria, Ireland and Japan the negative causal relationship between employment and fertility is changing:

*“in most OECD countries childrearing and employment seem to be less incompatible now than they were a few decades ago. Hence policy interventions have sought to retain/encourage re-entry of women who have children, It is recognised that “Japan will need “mother returners” to keep its economic engine going in the future, and the labour market will have to change in order to provide them with the hours, jobs, wages and careers which will entice them (back) into employment. Reducing the “either/or” element [career or family] when considering work and family choices seems to be the most promising strategy for improving birth rates” (OECD 2003:27).*

In the conclusions of its report the OECD point out that the Austrian Childcare Benefit and parental leave regulations involve significantly greater support to families that choose to have a full-time parent care for a young child/ren, than is the case in Ireland or Japan. In essence these recent reforms have reinforced the breadwinner/housewife model in which one parent (usually the mother) cares full-time for a young child.

#### **4.5 WELL-BEING OF CHILDREN**

According to Haas and Hwang (1999) parental leave in Sweden was designed to meet three major goals of social policy. The first goal concerns the well-being of children and this has dominated since the 1930s, in seeking to create a society where people want to have children and where children are well cared for. Parental leave is seen as guaranteeing that: parents do not suffer economically; children can benefit psychologically from the presence of their parents without the stress of pending unemployment; and children can develop relationships with both their fathers and mothers (Haas and Hwang 1999).

#### **4.6 WOMEN’S ECONOMIC INDEPENDENCE**

The second Swedish goal has been to promote women’s economic independence in a society where the dual breadwinner model for family life is strongly encouraged. Hence women’s economic independence is regarded as a necessary condition for achieving

equality with men in the family and society. The structure of the Swedish parental leave system encourages women to have a permanent attachment to the labour force since eligibility depends on labour force participation and the level of benefits relate to earned income (Haas and Hwang 1999).

#### **4.7 INVOLVEMENT OF FATHERS IN FAMILY/HOME LIFE**

Finally, Swedish policy seeks to facilitate men's involvement in childcare and family life, by sharing responsibility for housework and caring. In order to promote this the Swedish government has actively publicised fathers' leave entitlements, available since 1974, through periodic educational and information campaigns (see Section 7.2 Best Practice Models). Publicity towards encouraging men to take parental leave stresses the benefits to *them* (as distinct from benefits for children and mothers). These include the development of interpersonal and communication skills, enhanced ability to do multiple tasks simultaneously and to become a 'whole human being'. Employers are also positive about men taking parental leave and in some organisations it is valued in a similar way to working abroad or having served in the military (Haas and Hwang, 1999).

The Swedish government has also set up three difference groups to help build public opinion on active fatherhood. The most recent of these is the Pappa Group composed of well known men from difference spheres of Swedish life. There is also strong support from political parties and party leaders for men availing of parental leave

### **5. AVAILABILITY OF PARENTAL LEAVE**

#### **5.1 LEGAL RIGHTS AND ENTITLEMENTS**

In a report on 'Workers with Family Responsibilities for the International Labour Conference, 1993, it was noted that a "*number of countries have made provision for the granting of parental leave and some have enacted legislation according employees the right to leave*" in the following Council of Europe member states: Austria, Netherlands, Norway, Portugal, Spain and Sweden.

The gradual evolution and debate around parental leave across European member states helps to explain the considerable variation in the regulatory framework, set out in Table 2. This table incorporates inputs in response to requests for information from Council of Europe representatives of the Steering Committee for Equality between Women and Men. It was *not possible* to obtain the necessary information from *all* member states.

Apart from those member states for which no published information is available, this study confirmed that parental leave (as distinct from maternity leave for mothers only) is now available in 38 countries in 2004 (Table 2).

According to ILO sources certain countries have eligibility requirements for parental leave. In France workers were required to have been employed for at least a year at the time of the birth of the child. In some of these there is no employment/service requirement: Armenia, Austria, Croatia, Finland, Italy, Latvia, Norway and Slovakia. Other member states require a minimum of up to 1 year in continuous employment with the same employer/organisation: Belgium, France, Greece, Ireland, Liechtenstein, Luxembourg and UK.

When first introduced the duration of parental leave varied considerably. In Norway it covered the first year after the child was born, while in Finland 170 days subsequent to the maternity leave is paid for. In Sweden either parent could take leave of absence from work

until the child was 18 months old. Parental leave is available until the child's second birthday in Austria, until the child was three in France and Spain (unpaid leave of absence). In Finland it has been possible for parents to take child-care leave after parental leave until the child is 3 years old.

Similarly duration of leave to parents of young children spanned from 8 weeks (Slovakia) through 3 months in: Belgium, Cyprus, Greece, Ireland, Liechtenstein, UK, to 3 years in Germany, Poland, Russian Federation, Spain (unpaid leave of absence) and Ukraine.

In the Spanish legislation there are two different parental leaves: 1) a long period of unpaid leave, which is leave of absence for the care of each child, until the child's third birthday (*excedencia*); and 2) an unpaid part-time parental leave which consists in a reduction of working time as a consequence of the need to care for the child until the child's 6<sup>th</sup> birthday. Moreover, there is a reduction in the working day up to a maximum of 2 hours, but without wage compensation, in case of premature births or hospitalisation of the baby.

**Table 2**  
**Legal Rights and Entitlements to Parental Leave 2004**

<b>Country</b>	<b>Statutory Right</b>	<b>Service Required</b>	<b>Duration of Leave</b>
Albania	Yes	12 months	12 months
Andorra	Yes	3 years 5 years in Public Service	3mths to 1 year Public Service up to 9 mths/1 year
Armenia	Yes	None	
Austria	Yes	None	Up to child's 2 <sup>nd</sup> birthday minimum 3 months (26 weeks 1 parent)
Azerbaijan	Yes		Up to child's 3 <sup>rd</sup> birthday
Belgium	Yes	1 year continuous	3 months
Bosnia and Herzegovina	Yes		Up to child's 3 <sup>rd</sup> birthday
Bulgaria	Yes	In employment	6 months up to child's 8 <sup>th</sup> birthday
Croatia	Yes	None includes unemployed/ students	Up to child's 1 <sup>st</sup> birthday or 3 <sup>rd</sup> Birthday if twins or 3 <sup>rd</sup> /subsequent births
Cyprus	Yes	6 months continuous	13 weeks
Czech Republic	Yes	None	> Maternity Leave for mothers, > birth for fathers up to child's 4 <sup>th</sup> birthday
Denmark	Yes	13 weeks/>120 hours or eligible for unemployment benefit/completed training of 18 months duration/ employees in training or education Self employed with 6mths business -18.5 hrs pw	32 weeks either parent

Estonia	Yes	Dual payment system for employees/non-employees	3 years
Finland	Yes	None	158 working days (+60 for multiple births)
France	Yes	1 year continuous	1 year (can be renewed twice until child's 3 <sup>rd</sup> birthday)
Georgia	na		
Germany	Yes	In employment	36 months until child is 3 years old
Greece	Yes	1 year continuous	13 weeks
Hungary	Yes	180 days in previous 2 years	2 years
Iceland	Yes	6 months on the Icelandic labour market	3 months by each parent
Ireland	Yes	1 year continuous	14 weeks each parent
Italy	Yes	None	Up to 10 months + 1 month if father shares leave up to child's 8 <sup>th</sup> birthday
Latvia	Yes	Dual payment system for employees/non employees	18 months up to the child's 8th birthday
Liechtenstein	Yes	1 year	12 weeks
Lithuania	Yes	7 months in previous 2 years	Up to child's 3rd birthday
Luxembourg	Yes	1 years service + 20 hours per week	6 months uninterrupted (FT)/12 months (PT)
Malta	Yes		Public: 3 years (career break) + 1 year unpaid Parental Leave/ Private 3 months
Moldova	na		
Netherlands	Yes	1 year continuous	3 months up to child's 8 <sup>th</sup> birthday
Norway	Yes	Unpaid leave: none Paid leave (employment benefit): employed for 6 of previous 10 months in pensionable job	3 years  Up to child's 1st birthday
Poland	Yes	6 months	3 years
Portugal	Yes	6 months	3 months (FT)/12 months (PT) + up to 24 months up to child's 6 <sup>th</sup> birthday
Romania	na		
Russian Federation	Yes		Up to child's 3rd birthday
San Marino	na		
Serbia and Montenegro	Yes	Yes for allowance	1 year

Slovakia	Yes	None	Parental Leave: up to child's 3 <sup>rd</sup> birthday; for children with disability until child's 6 <sup>th</sup> birthday
Slovenia	Yes		1 year
Spain	Yes	1 year	Leave of Absence up to child's 3 <sup>rd</sup> birthday
Sweden	Yes	6 months	16 months/2 months reserved for each parent
Switzerland	No parental leave available		Maternity Leave of 14 weeks (payed 80%)
Former Yugoslav Republic of Macedonia	No Parental Leave available		9 months Maternity Leave Fathers only if mother dies/abandons child
Turkey	na		
Ukraine	Yes		Up to child's 3 <sup>rd</sup> birthday
UK	Yes	1 year continuous	13 weeks Max 4 weeks in any year (Parents of disabled child have 18 weeks)

Sources: ILO (1997); EIRR November (1995); Commission of the European Communities (2003), IDS (2003) updated from Council of Europe representatives (2004)  
na denotes information not available

## 5.2 TIME LIMITS AND FLEXIBILITY OF PARENTAL LEAVE

The European Directive made provision for parental leave to be extendable up to a child's 8<sup>th</sup> birthday with member states deciding the time limit. Table 3 shows that only a small number of countries allow parental leave up to the 8<sup>th</sup> year most notably Sweden, Latvia and the Netherlands. Parents in Germany can take the third year of parental leave up to the child's 8<sup>th</sup> birthday and Malta has a similar cut off age for private sector employees. Cyprus Portugal and Spain allow leave to be taken up to the child's 6<sup>th</sup> birthday (for Spain: if that leave consists in a reduction of working time). However a large block of countries restrict take-up to five years or less: Armenia, Belgium, Bulgaria, Finland, France, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Norway, Poland, Russian Federation, Slovakia, Slovenia, Romania, Ukraine and UK. In Austria each parent may delay three months of parental leave up to the child's 7<sup>th</sup> birthday.

Some countries had provision for combining/alternating parental leave with part-time working arrangements. Such arrangements existed in Austria, France, Finland and Sweden up to 1993. Prior to the introduction of parental leave in Belgium a system of 'career breaks' was introduced in 1985 (Economic Recovery Act) which facilitated a total interruption or half time work. Since 1 January 2002, in the private sector, the possibility was offered to take one day per week during 15 months, which, concretely, stimulated take up by men of parental leave. Since the introduction of parental leave in Germany it was possible to combine parental leave and part-time working arrangements, but this only applied to short-time work. Germany established the right to part-time working during parental leave first in 2001. By 2004 the additional countries that facilitated part-time working with parental leave were: Croatia, Denmark, Estonia, Greece, Italy, Latvia, Liechtenstein, Lithuania, Netherlands, Norway, Russian Federation, Slovakia, Spain and UK (with the right to request flexible working) (Table 3).

The ability to take parental leave according the parents' personal needs in a staggered form is not widely available. Among EU member states, as with part-time working, individual countries could determine this. More flexibility exists in: Austria, Belgium, Cyprus, Denmark, Finland, Germany, Greece, Ireland, Latvia, Liechtenstein, Lithuania, Malta, Netherlands, Poland, Sweden, and UK. In other states parental leave must be taken at a set time as in Italy or one block only as in Norway, Portugal and Spain (Table 3). In Andorra there is provision for parents to avail of unpaid leave of between 3 months and one year. Within the Public Service general administrative staff are entitled to take leave of 2 hours per day divided up into two periods of 1 hour each or one single period for a maximum of 9 months. General administrative staff with 5 years service can apply to reduce their working day for up to one year, with a maximum of two consecutive periods, up to the onset of compulsory education for the child. This leave is also available to care for other family members/spouse or partner. In addition, administrative leave is available post maternity leave for up to one year to take care of a child aged under 6 years. In Norway, during the first year of the child's life, the parents can share both the paid or unpaid parental leave between them as they wish, and in addition to this, each of the parent is entitled to up to one year's unpaid leave.

**Table 3**  
**Time Limits and Flexibility of Parental Leave 2004**

<b>Country</b>	<b>Time Limit</b>	<b>Part-time Option</b>	<b>Staggered Option</b>
Albania	Up to 12 months	No	No
Andorra	1 year Up to child's 6 <sup>th</sup> birthday in Public Administration	Reduced hours in Public Administration	Up to 2 consecutive Periods in Public Administration
Armenia	Up to child's 3 <sup>rd</sup> birthday		Yes Single period or distributed
Austria	Up to child's 2 <sup>nd</sup> birthday (FT)/or 7 <sup>th</sup> birthday (PT )	Yes In companies: (1) > 20 employed PT for parents with 3 yrs service up to child's 7 <sup>th</sup> birthday. (2) < 20 employed by agreement up to child's 4 <sup>th</sup> birthday	Yes parents can change parental leave 2 times (leave split into 3 parts; min period 3 months); PT can be taken simultaneously by parents
Azerbaijan	Up to child's 3 <sup>rd</sup> birthday	Yes subject to agreement	
Belgium	Up to 4 <sup>th</sup> birthday	Yes 6 months	Yes 1 month blocks
Bosnia and Herzegovina	One parent up to child's 3 <sup>rd</sup> birthday	Only if child requires intensive care	
Bulgaria	Up to child's 8th birthday		

Croatia	Up to child's 1 <sup>st</sup> birthday or 3 <sup>rd</sup> birthday if twins or 3 <sup>rd</sup> /subsequent births	Yes Employed parents can work part-time up to child's 1 <sup>st</sup> birthday or 3 <sup>rd</sup> birthday if twins or 3 <sup>rd</sup> /subsequent births	Daily/weekly hours Prescribed by the employer
Cyprus	Post Maternity Leave up to child's 6 <sup>th</sup> birthday	Yes	Min 1 week/Max 4 weeks in any 1 year
Czech Republic	Up to child's 4 <sup>th</sup> birthday	Yes	No
Denmark	Post Maternity Leave	Yes	Parents can postpone absence from work for 8-13 continuous weeks up to the child's 9 <sup>th</sup> birthday
Estonia	Up to child's 3 <sup>rd</sup> birthday	Yes	No
Finland	Post Maternity Leave/up to child's 3 <sup>rd</sup> birthday	Yes	Yes
France	Up to child's 3 <sup>rd</sup> birthday	Yes	Single block/PT (15-32 hours per week both parents) or for training
Georgia	na		
Germany	Up to 3 years after birth to child's 3 <sup>rd</sup> birthday /3 <sup>rd</sup> year available up to child's 8 <sup>th</sup> birthday	Yes/week up to 30 hrs per week	Yes
Greece	Up to child is 2.5 years	Yes	Yes
Hungary	Up to child's 2 <sup>nd</sup> birthday	No	No
Iceland	Up to child's 8 <sup>th</sup> birthday	Yes	Yes parents may be on leave at same time/divided into a number of periods
Ireland	Up to child's 5 <sup>th</sup> birthday		Yes
Italy	Up to child's 8 <sup>th</sup> birthday	PT/Flex in working hours	Yes
Latvia	Up to child's 8 <sup>th</sup> birthday	Yes	Yes
Liechtenstein	Up to child's 3 <sup>rd</sup> birthday	Yes	Yes
Lithuania	Up to child's 3 <sup>rd</sup> birthday	Yes	Yes

Luxembourg	1 <sup>st</sup> parent immediately post Maternity Leave/2 <sup>nd</sup> parent up to child's 5 <sup>th</sup> birthday	Yes	No
Malta	Public up to child's 5 <sup>th</sup> birthday/Private up to 8 <sup>th</sup> birthday		Private 1 month blocks
Moldova	na		
Netherlands	Up to 8 <sup>th</sup> child's birthday	Yes	Yes PT or 3 month blocks
Norway	Unpaid: 3 years Paid: up to child's 1 <sup>st</sup> birthday for parental benefit + 42/52 weeks unpaid leave	Yes Yes  Yes	No No  No
Poland	Up to child's 4 <sup>th</sup> birthday	No	Yes
Portugal	Up to child's 6 <sup>th</sup> birthday	Yes	No
Romania	na		
Russian Federation	Up to child's 3 <sup>rd</sup> birthday	Yes	
San Marino	na		
Serbia and Montenegro	Up to child's 1 <sup>st</sup> birthday	Yes for mother of child with disability	No
Slovakia	Up to child's 3 <sup>rd</sup> birthday	Yes	No
Slovenia	105 days post birth		
Spain	Up to child's 6 <sup>th</sup> birthday if the leave consists in a reduction time; up to child's 3 <sup>rd</sup> birthday if it is a leave of absence	Yes  Yes	No  No
Sweden	Up to child's 8 <sup>th</sup> birthday	Yes	Yes
Switzerland	No Parental Leave available		
Former Yugoslav Republic of Macedonia	No Parental Leave available		
Turkey	na		

Ukraine	Up to child's 3 <sup>rd</sup> birthday	Yes	
UK	Up to child's 5 <sup>th</sup> birthday (up to 18 <sup>th</sup> birthday for disabled child)	Right request flexible working	to Yes min 1 week and multiples of weeks

Sources: ILO (1997); EIRR November (1995); Commission of the European Communities (2003), IDS (2003) updated from Council of Europe representatives (2004)  
na denotes information not available

### 5.3 LEAVE ALLOWANCE, AVAILABILITY AND JOB SECURITY

The issue of paid (versus unpaid) parental leave is an extremely controversial one. Similarly, the reservation of a block of leave for one specific parent is also a debated issue. Both have gained more acceptance in the Nordic countries while former Eastern and Central European states also have provision for payment – but not reserved leave for fathers (Table 4).

Parental leave is paid or partially paid in many Eastern/Central European states for example: Armenia, Bulgaria, Croatia, Estonia, Hungary, Lithuania, Russian Federation, Poland, Slovenia, and Slovakia. Parents also receive payment of an allowance in the Nordic countries: Denmark, Norway, Sweden and Finland. For example, in Norway under the time account scheme parents can combine parental benefit with shorter hours. The period of full-time leave is reduced but the size of the parental benefit remains the same. The benefit period is extended and the parents can combine work with care of the child without loss of income. The time account period can be up to 104 weeks, hence the total benefit period can be up to 2.5 years.

In addition parental leave is paid to some degree in Austria, Belgium, Germany, Italy, Luxembourg, Portugal (fathers only) and Sweden. In France the *allocation parentale d'éducation* (APE) allowance formerly available after third, then second, order births was extended from 2004 for parents of first born children. Of the 75,000 families in receipt of this allowance in 2004, one-quarter (25%) received the APE after having a first child.

The amount paid to individual parents varies considerably across member states and often involves a means test/ceiling on the maximum. More detailed information on parental leave allowances is set out in Table 4.

**Table 4**  
**Allowance, Availability and Job Security for Parental Leave 2004**

Country	Allowance	Individual/Family	Job Security
Albania	Yes half average monthly wage	Family lump sum to mother or father	Same job
Andorra	None	Family	Same job in same company
Armenia	Monthly payment 2300 drams	Family	Same post with exemptions due to liquidation/bankruptcy

Austria	€430 pm until the child is 30 months or until 36 months if parents claim allowance alternately	Family	Same job
Azerbaijan	Allowance is double the minimum wage for 1 <sup>st</sup> 18 months and equal to minimum wage for next 18 months	Family	Same/Similar post
Belgium	Full allowance: €558,34 pm	Individual	Similar post
Bosnia and Herzegovina	Only if child requires care	Family – either parent	Rights/obligations from employment are frozen
Bulgaria	Unpaid	Family inc. grandparents	
Croatia	Yes 1 <sup>st</sup> 6 months between Kn 1,600 to 4,250. >6mths Kn 1,600 to 2,500 based on average monthly salary	Individual 2 additional months for fathers who take parental leave for at least 3 months	Same/Similar post Rights/obligations remain dormant if leave is taken over 3 years
Cyprus	None	Family	Same/Similar post
Czech Republic	€110 per month until child is 4 years	Family	Same post up to 3 years
Denmark	Benefits based on hourly pay (earnings by self-employed) up to DK 3,203 per week	Family	Similar post
Estonia	Yes 100% of previous salary min €141 per month max €1115 per month till 365 days from start of maternity leave/ lump sum till child's 3 <sup>rd</sup> birthday	Individual – mother only till child has reached 6 months of age/Family	Same or similar post
Finland	70% salary + 40%/25% over salary limit/PT partial allowance both parents	Family/Individual 6 month father quota	Similar post
France	APE (€529.46) if FT now paid after 1st child for 6 months or 3 years for 2 <sup>nd</sup> / subsequent children or €304.45	Family	Reinstatement/similar post

	-€402.60 if PT		
Georgia	na		
Germany	Monthly Allowance €300 (2 years) or €450 (1 year) income limit applies	Family	Similar post
Greece	None	Individual 3 months non-transferable leave for each parent	Similar post
Hungary	70% of individual's average earnings up to max of €332	Individual Family	Similar post
Iceland	Yes 3 months paid at 80% of salary to each parent (maternity/paternity leave) + 3mths paid shared leave + unpaid parental leave of 3 months to each parent	Individual – 3 months each parents	Similar post
Ireland	None	Family	Similar post
Italy	80% allowance up to 12 months decreasing to 30%	Family	Similar post
Latvia	Yes – as of Jan. 2005 up to child's 1st birthday, 70% of previous salary (min. €80, max. €558 per month) for employees; €71 per month for non-employees. Up to child's 2 <sup>nd</sup> birthday, €43 per month	Family	Similar post
Liechtenstein	None	Family	Same/similar post
Lithuania	Yes	Family	Same post
Luxembourg	Allowance €1.651,38 FT €825,69 PT	Family	Similar post
Malta	None	Family	Similar post
Moldova	na		
Netherlands	None	Individual 6 months part-time reserved for each parent	Revert to former hours

Norway	80% of pay for 52 weeks or 100% for 42 weeks up to max parental income of NOK 352,668 + Unpaid leave of 1 year	Family/Individual 4 week non-transferable father quota	Similar post
Poland	Monthly allowance €90,09 (24 months for 1 child, 36 months for 2 children, 72 months for handicapped child)	Family - either parent	Similar post
Portugal	Father is paid 15 days if leave follows paternity/maternity leave	Family	Similar post
Romania	na		
Russian Federation	1st 18 months	Family	
San Marino	na		
Serbia and Montenegro	Allowance equivalent to regular salary up to c. €200 per month max	Mother	Same post
Slovakia	Parental allowance 4110 SKK + 1200 SKK for 2nd parent for 1 month until child's 3 <sup>rd</sup> month	Family	Same or similar post
Slovenia	100% of previous earnings	Family	
Spain	Unpaid or 2,400 pesetas per month max	Family	Same position during the 1st year, and after that time, similar post
Sweden	390 days at 80% earnings or a minimum of 180 SEK pd + 90 days at 60 SEK pd	Family/Individual - 2 months for father/mother only	Similar post
Switzerland	No Parental Leave available		
Former Yugoslav Republic of Macedonia	No Parental Leave available		
Turkey	na		
Ukraine	1st 18 months	Family	
UK	None	Family	Same position up to 4 weeks otherwise similar post

Sources: ILO (1997); EIRR November (1995); Commission of the European Communities (2003), IDS (2003) updated from Council of Europe representatives (2004), Dossier 'La Prestation d'accueil du jeune enfant', *Courrier juridique des Affaires sociales No. 48, Sept./Oct. 2004, bimestriel d'information juridique de l'Administration sanitaire et sociale, DAGPB-SICOM*.

na denotes information not available

In most countries where parental leave is a statutory right it is 'available to either parent' and no leave is specifically assigned – in the ILO's terminology this is *family* based parental leave as distinct from *individual* leave which is generally added on to family leave and must be taken specifically by the father/mother and cannot be transferred. Finland has a 6 month father's quota, and Norway has a 4 week father's leave. In the Netherlands six months (part-time) parental leave is reserved for *both parents* while in Sweden 2 months are reserved for *each parent*. The situation in Iceland is also complex. A combination of maternity leave (3 months after birth); paternity leave (3 months) and further 3 months leave that parents can share are currently available. Hence 9 months leave can be taken before the child is 18 months old. All 9 months is paid at 80 per cent of prior salary. In addition, mothers and fathers can independently take 3 further months each of parental leave though unlike maternity/paternity leave this is not paid.

In Bulgaria it is possible for the mother's or father's parents to take unused parental leave

Protection against dismissal and the right to reinstatement to same or a similar post is assured in most countries (Table 4) where there is statutory provision of parental leave

## 6. TAKE UP OF PARENTAL LEAVE

### 6.1 DATA PROBLEMS

In 1997 the ILO noted that it was evident from relevant labour legislation and from available data on the take-up of parental leave that many other factors also come into play: demographic patterns and family policy, the economic situation and employment policy, enterprise profitability, the extent of equality between men and women at work as well as new attitudes towards the balance between work and leisure time.

The OECD (1995:172) states that "*available data are very limited; it appears that the incidence of parental leave is rather low. The statistics in a number of countries show, however, an increase in the number of workers on parental leave, with the large majority being women*".

The OECD acknowledge that "high quality statistics are an important aid to analytical work and fully understanding parental leave (OECD 1995:183) The measures sought relate to: the number of people actually on parental leave at any given time. The second is its incidence i.e. the number of people eligible for leave who avail of it over a period of time. Third is the average duration of leave taken. Fourth is the average duration of receipt of any benefits. The fifth measure concerns the average benefit payment.

Accurately measuring these is difficult for conceptual reasons (in many statistical systems parental leave is not clearly distinguished from maternity and paternity leave) and because basic data are simply lacking. These problems are reinforced by the complexity of, and frequent changes in, the legislative framework governing parental leave.

It is already evident that there is a paucity of statistics that would allow comparability on how parental leave is operating across different countries. Even where data are collected across

EU states, in the European Social Survey Questionnaire, the questions concerning: the take-up/experience of parental leave *and* part-time work in order to care for children and the potentially negative impact of either/both on a respondent's career are directed *only at women* (<http://www.europeansocialsurvey.org/>).

This situation will be improved in EU member states with the data to be collected from 2005 in the Labour Force Survey conducted in each state which will include new variables relating to the reconciliation between work and family life. It will capture data on take up by individuals of parental leave, whether it is full-time or part-time, remunerated or not, and whether it is taken in a block or in another arrangement. Where applicable, the survey will also seek the main reasons for *not taking* parental leave. This information will provide EU wide information on how parental leave is operating and how patterns vary across member states.

At an enterprise level there are more detailed ways of measuring the practice and use of parental leave:

- Number of Men and Women Availing
- Number of Days taken
- Number of 'Incidents'.

Since employers are not obliged to keep records there is virtually no information on the take-up of unpaid leave or its duration and form. Available figures are usually based on the social security records of those claiming parental leave payments, or on survey data. For the purposes of this study only national data on parental leave (excluding force majeure leave) are included in order to allow some degree of comparability.

## 6.2 PATTERNS OF TAKE UP

The OECD (1995) noted that take up of parental leave was very high in Sweden, Norway and Finland where it is used by nearly all eligible working families. Take up was also high in Western Germany (95%) and Denmark (82%). However in the Netherlands only 27 per cent of eligible women and 11 per cent of eligible men used the new form of leave. In France only 100,000 were on parental leave in 1992.

Comparative research on parental leave take-up in EU member states was undertaken by Bruning and Plantenga (1999). The authors were conscious of the limitations of the data as providing an indication of the popularity of leave regulations, yet acknowledging that the information is incomplete and often misleading as the data relate to the absolute number of leave takers and do not take account of the duration of the leave period: "*If fathers take up one month's leave at their child's birth and all mothers take up one year, take up rates for both groups are 100 per cent. Similarly take-up rates may mask important country differences since eligibility and duration vary widely*". Hence Bruning and Plantenga (1999) used take up rates and user rates - the latter reflecting the share of parents with young children on leave at any given time. Reliable data were available for only 8 member states (Table 5).

**Table 5 Parental Leave Take-up in 8 EU States**

Country/year	Take up Rate		User Rate	
	Men	Women	Men	Women
<b>Netherlands 1995</b>	<b>9</b>	<b>40</b>	<b>0</b>	<b>0</b>
<b>Finland 1995</b>	<b>54</b>	<b>100</b>	<b>0</b>	<b>5</b>
<b>Norway 1996</b>	<b>69</b>	<b>100</b>	<b>0</b>	<b>4</b>
<b>Sweden 1996</b>	<b>100</b>	<b>100</b>	<b>0</b>	<b>4</b>
<b>Denmark 1996</b>	<b>3</b>	<b>33</b>	<b>0</b>	<b>2</b>
<b>Austria 1995</b>	<b>0</b>	<b>96</b>	<b>0</b>	<b>8</b>
<b>Germany 1995</b>	<b>96</b>			
<b>France 1992</b>			<b>0</b>	<b>1</b>

Source: Bruning and Plantenga (1999)

In Ireland research showed that 6.74 per cent of the labour force was eligible to avail of parental leave in 2001 and that 20 per cent of eligible employees have taken parental leave of whom 84 per cent were mothers (Dept. of Justice Equality and Law Reform, 2003).

OECD (2003) sources provide comparative data on parental leave uptake in Austria and Ireland. This showed that 95 per cent of eligible mothers in Austria took parental leave compared with only 40 per cent of Irish mothers. However proportionately more men in Ireland availed 5 per cent of those eligible compared with 2 per cent of eligible fathers in Austria. There are no data available for estimated duration of parental leave in Ireland but in Austria it was 65 weeks in 2001 and is expected to increase to 110 weeks under the new scheme.

Portuguese law established the father's right to the first 15 days of parental leave, from social security or the state, regardless of working in the private/public sector if the leave is taken after paternity/maternity leave. While only 146 men availed of this leave in 2000, the figure rose to 27,384 in 2003. Statistics for days off to take care of children suggest a highly gendered pattern in Portugal. In 2003 the days taken by men represented only 4.4 per cent of those taken by women.

In Spain the number of parents availing of leave has risen from 127,739 in 1996 to 243,620 in 2003, an almost doubling in 8 years, based on National Institute of Social Security data. The percentage of mothers availing of leave has remained fairly constant at 99 per cent. Numerically, more fathers are availing. The number has risen from 1,875 in 2000 to 3,762 in 2003. However men comprise only 1.54 per cent of parents taking leave.

Take up of parental leave in Slovakia replicated the usual gendered pattern. In 2003 the monthly average recipients of the 3790 SKK allowance was 113,691 mothers and 2,362 fathers. Hence fathers represent 2 per cent of those claiming the full allowance and 2.6 per cent of those entitled to the lower 1200 SKK allowance when a parent works or is a beneficiary of other social insurance.

In Poland, according to ZUS (Social Insurance Institution) the number of people taking childcare leave is falling steadily and fewer benefits are paid. In 1990 281,700 parents availed of childcare allowances compared with 163,900 in 2000. Leave taking also fell from 336,100 persons in 1993 to 138,800 in 2000. It is claimed that women with a higher education and who occupy higher positions in employment tended to take childcare leave less frequently or for a shorter period. Unfortunately no data are available for the number of men who avail. This pattern of reduced uptake must be seen against a backdrop of diminished day care and nursery schools and higher fees for their use.

While there are no national data on parental leave take-up in Latvia, research carried out by the University of Latvia conducted a survey of 778 persons in 2002 about their use of childcare benefits and parental leave. Among recent parents, 37 per cent had used their whole parental leave of 3 years, 11 per cent had taken 1.5 to 2 years while 23 per cent had used 1- 1.5 years. Less than one-tenth had taken 6-12 months and 5 per cent took only 6 months. Fathers received child care benefit in 1.5 per cent of cases. These fathers tended to be older and were specialists, middle-level workers in services and were employed in the public sector. A larger proportion of these fathers had secondary professional education. Mothers working in foreign/partnership and private enterprises used shorter parental leave than those working in government and local municipal authorities. Higher levels of education and single parenthood were also associated with shorter parental leave taking by mothers.

The situation in Hungary is more complex. On the one hand the number of recipients of a childcare allowance, which is available to parents regardless of whether they have been in employment and the value is very low (16,602 HUF per month in 2000), has increased from 94,711 in 1990 to 192,838 in 2000. Although no breakdown is available the vast majority of recipients have been mothers. A contrary trend is evident in relation to those receiving a *childcare fee* available since 1985, abolished from 1997-1999 and re-introduced in 2000, in which the number availing has fallen from 154,977 in 1990 to 54,008 in 2000. This allowance is available only to those who have been employed and hold social insurance. The value is higher than *childcare allowance* (31,448 HUF per month in 2000). No gender breakdown is available for recipients. It should be noted that besides these changes in statistical data, there are also changes in the conditions of availability of childcare allowance (e.g. in 1990, it was based on social insurance, while in 1995 it was a universal right).

In the Azerbaijan Republic the low parental leave allowance has contributed not only to the low uptake by men (c. 1%) but the low proportion of women who take parental leave on a full-time basis.

Bruning and Plantenga (1999) noted also that the extensive paid leave available in Austria and Germany identify them as the 'time off' model. In contrast, Sweden represents the 'sequential' model involving a more limited time for full-time care accompanied/ followed by childcare support. Finland is regarded as the 'parallel' model in which parents can choose between time and services depending upon individual preference or specific circumstances. The fourth model is exemplified by France and Denmark as the 'facilitation of services' in which care for young children is structured through childcare and parental leave takes a supportive role. The authors concluded that the majority of leave takers are women, even in the Nordic countries. When user rates are taken into account, the role of fathers is disappointing.

In 1999 it was estimated that 90 per cent of mothers took some parental leave in the Nordic countries, Germany and France. Belgian data for 1998 showed that 93 per cent of leave takers were mothers usually taking less than 6 months and they preferred to work part-time on return to fit in with childcare and school hours. Among the 15 EU countries 98 per cent of mothers took leave (on average 12 months), while 50 per cent of fathers did so, typically for the one month reserved for fathers, plus one additional month. Elsewhere few fathers took leave – 5% in Germany, 4% in Finland and 6% in Denmark (IDS 1999). Of 158 days available to fathers or mothers since 1991 in Finland "most of the 158 days allocated for parental leave tend to be used by mothers" (EIRR June 2001:24).

In Denmark where parental leave is for both parents, mothers usually take advantage since men are better paid. Hence letting the father take care of the baby for six months is an

expensive option for a large number of Danish families. Danish men also fear that a six month absence from work might damage their careers (Bernbom, 2001).

In Finland maternal, paternal and parental leave allowances are calculated on the basis of parents' gross income. Payments of parental allowance to fathers (per 100 spells ended) increased from 42,4 to 65,6 in 2002.

Rubery (1999) points out that even in Sweden the number of days taken by fathers accounted for 9 per cent of all leave in 1992. In 2004 it was estimated that Swedish fathers used 17 per cent of all parental leave. This has led a Swedish government commission to be set up to examine the ways of increasing men's take up of 'papa months'.

In Norway the introduction of a 'daddy month' triggered a rapid increase in take up rates to approximately 70 per cent of eligible fathers. A nationwide survey of a sample (3000) of Norwegian men in 1995 showed that the reform was popular. Among men entitled to the new father's quota, 78 per cent used their right. The main reasons for using the daddy leave was that men wanted to spend more time with their child and to know the child better. The reasons for non-use were linked to work-related conditions and economic concerns. Fathers in temporary or very highly paid employment (earning more than NOK 300,000 annually in 1995) were least likely to avail. Conversely fathers were more likely to use their quota if the mother earned more than NOK 200,000 and worked more than 30 hours per week (Leira 1999). Brandt and Kvande (2003) demonstrate that since the father quota was introduced in Norway there has been a dramatic increase in the proportion of fathers taking parental leave from 4 per cent in 1993 to 85 per cent in 1998/99. However, fathers take 25 days on average whereas mothers take an average 108 days.

There have been rapid changes in the availability and take-up of paternity/parental leave in Iceland since legislation assigned an independent father quota in 2000. This was phased in providing one month in 2001, two months in 2002 and three months in 2003. Einarsdóttir and Pétursdóttir (2004) have traced the impact of this father quota. The average number of days taken by fathers increased from 39 in 2001 to 94 in 2003, uptake by mothers has remained stable at 186 days in 2001 and 182 days in 2003. The authors classify Norway and Iceland as countries with gender targeted measures to involve men. In contrast, countries such as Spain and Germany are characterised by *"flexibility within a universal but gender-biased system does not have a large potential for change"* (Einarsdóttir and Pétursdóttir 2004:48). They concluded that the proactive approach in which *"Icelandic men have the longest individual right to parental leave in the world"* reflects the strong political measures to involve men in childcare.

## **7. POLICY ISSUES AND OUTCOMES OF PARENTAL LEAVE**

According to Rubery et al (1999) parental leave has complex effects on women's labour supply. On the one hand it strengthens their labour force attachment where the alternative option would be to exit the labour market. However it may also weaken their attachment if it is used as a substitute for childcare provision and support. In the absence of low cost, particularly state subsidised, childcare women may postpone their re-entry in the absence of any bridge back to employment.

Rubery et al (1999) argue that parental leave works in a more balanced way in countries, such as Denmark, Belgium, France and Finland where there is strong state support for childcare. Any significant reduction in this would have the long term impact of reducing female employment levels and reinforce women's position as carers. Hence Rubery et al claim that the French extension of APE and leave and Finnish leave and allowances to all parents, whether they are in employment or otherwise may reduce the continuity of female participation rather than strengthen it. In the 1990s there was an increase in the number of

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women in their 20s who were defined as housewives, probably as a result of child homecare leave (up to the child's 3<sup>rd</sup> birthday) at a time of poor employment prospects.

Rostgaard et al (1999) discuss why so few fathers take parental leave. Based on Danish experience of parents with children born between 1984 and 1989 who had chosen to take parental leave, in the majority of cases the mother had taken all the leave. Among economically active parents the four main reasons were that the mother was breastfeeding the child; economic viability; father's work did not allow him to take parental leave (dismissal or difficulty in finding a substitute); and the family had not considered letting the father take parental leave.

Moss and Deven (1999) summarised the policy issues in relation to parental leave in the context of the reality in which they have to operate. Gender is the first main issue and presents a 'Catch 22' dilemma. If parental leave is offered as an equal opportunities measure to promote gender equality in the home and the workplace, it should be equally used by men and women. Whilst progress toward this objective has been mixed it is recognised that the solution does not lie in coercion since inequality in employment is a major obstacle to male take up: "*Existing inequality also gives fathers a more powerful voice than mothers in family negotiations about the use of leave, and contributes to a situation where it may seem self evident that the mother should take the leave*" (Moss and Deven, 1999:13). One major inequality in employment is the gender pay gap where men generally earn more than their female partners, hence families lose more financially if fathers, rather than mothers, take leave. Furthermore men fear the effects of parental leave on their careers from the negative reactions of managers and colleagues. This can only be overcome if both parents avail.

However even within one gender there are other factors such as class and educational attainment that intersect. Fagnani (1999) shows that parental leave in France is more likely to be used by women with lower educational levels and who work in less skilled occupations. In conclusion, parental leave can contribute to rather than reduce socio-economic and gender inequalities.

The second factor referred to by Moss and Deven (1999) is that families in Europe are becoming more diverse and parental leave schemes need to take account of this. The shift from traditional male breadwinner husband and dependent housewife/mother is no longer the norm in Europe and many more people will spend some time of their lives as single people/parents (Drew 1998). This presents a challenge particularly for women who have traditionally adopted the role of home maker/carer at the expense of their own career development since leaving the labour market for prolonged periods of time [e.g. to avail of parental leave] might in the long run turn out to be an economic and social trap for mothers.

Moss and Deven (1999) refer to the major changes in the labour market: new technologies, employment, patterns of work, flexibility and insecurity, new opportunities coupled with unemployment and inequality. Organisational cultures are seen as instrumental in the acceptance and take-up of parental leave. Research by Drew et al (2002) on work/life balance showed that increasingly workers are subjected to a 'long hours' workplace culture which poses major conflicts for reconciling family and professional life.

Further pressures are evident due to the concentration of work (paid and unpaid) on workers aged 25 to 50 years as 'prime working years'. This is due to delayed entry to the labour force due to educational participation; delayed childbirth/bearing until prime working years; and earlier exit/retirement.

These are among the many policy issues that need to be addressed by the Council of Europe in considering the future role of parental leave for European parents.

## 8. CONCLUSIONS AND POLICY RECOMMENDATIONS

### 8.1 CONCLUSIONS

According to OECD sources:

*“Parental leave must be seen as part of an integrated system rather than in isolation from other initiatives which may contribute to the reconciliation of family and work responsibilities. Other forms of support for employees with family-related responsibilities include subsidised day care, flexible working hours, compressed work weeks, job sharing, availability of part-time jobs with full social benefits and working from home” (OECD 1995: 171).*

Among the beneficiaries of parental leave that OECD list are: children, workers, employers, the labour market and society as a whole.

Rubery et al (1999) reiterates the kind of policies that do little to support the employment of women, or which reinforce their position of women as dependent spouses and cares include:

- Extended period of unpaid or low-paid parental leave combined with limited or no childcare facilities at the end of the leave period to facilitate re-entry into employment;
- Short school hours or interrupted school days and/or long holidays, combined with limited after-school or school holiday childcare arrangements;
- Limited provision of publicly funded childcare for pre-school children and a later starting age for compulsory schooling.

To these may be added the difficulties of reconciling working/family life where employment and services, including schools, operate on a split day.

Appraisal of parental leave arrangements may depend on the objectives that underlie national policies. Hence the impact of parental leave may need to be measured in terms of not only take-up by men and women but also in relation to: fertility, labour force participation rates, especially of women and young mothers.

The Nordic countries' family protection policy is governed by the principles of universality and individual rights. Their policies combine the existence of benefits per child and family benefits with a legislative system that allows parental leave and a publicly-funded childcare system.

An abundance of international literature suggests that unpaid leave and/or leave without social security coverage is ineffective. Parental leave should always entail some economic benefit or at least certain compensation. The consequences of unpaid leave restrict the option for both parents – but especially men.

Legal mechanisms to encourage fathers to take parental leave may be necessary since available statistics suggest that it is widespread practice in all countries for parental leave to be confined mainly to women. Fathers appear to need strong incentives, and reassurances, to use their parental leave entitlement. The Swedish/Danish/Norwegian/Icelandic approach has been to set aside a portion of the parental leave for the father alone so that if he does not avail, that portion is forfeited. The model in Italy is to offer specific advantages if the father uses a portion of parental leave.

Furthermore, awareness campaigns are necessary - aimed at parents, employers and society in general encouraging fathers to use the leave time to which they are entitled.

It is difficult to cite a best duration for parental leave, that could apply across all states and no specific length is recommended. When the period is too short it fails to provide enough time for parents to take care of their children as much as they might wish to. However if parental leave is too long the result is to distance the parent on leave (usually the mother) from the labour market (e.g. Austria and Finland). Duration may be dependent on specific social patterns, labour market conditions and the availability of affordable childcare that vary between countries.

Flexibility in the conditions of take-up of parental leave can be important for the reconciliation of work and family. Some parents might chose to take all their parental leave together as a block while others might seek it on a piecemeal basis, utilising a full-time or part-time arrangement during the first years of their child's life. This could provide an optimal take-up in which parents could extend the time they spend caring without cutting themselves off from their jobs and without enduring financial hardship. Such flexibility would be of particular benefit in some European countries where leave is relatively shorter and there are scant public resources for childcare provision.

## 8.2 BEST PRACTICE MODELS

### 8.2.1 NATIONAL MEASURES

- **Information** booklet/campaign about parental rights to leave e.g. **Ireland** 'About the Parental Leave Act 1998' and the '**Good Practice Guide for Reconciling Family and Working Life**' published by the Women's Institute and Ministry of Labour and Social Affairs in **Spain**;
- Encourage fathers to take parental leave by mechanisms such as reserving a specific period that only they can take as in **Norway, Iceland, Denmark and Sweden** or lengthening the total leave time if the father participates in parental leave (or some other incentive) as in **Italy**;
- Promote fatherhood in campaigns by messages such as "**How many men on their deathbeds say they spent too little time with their boss?**" and those stressing the positive returns from fatherhood base on **Swedish** advertising:

### 9 Advantages of Active Fatherhood

- **You need to know your own child. The deepest contact between parent and child is developed during the child's first months of life, when it is little and helpless. You cannot have that time back again.**
- **You will train your fathering instinct. Through taking care of the baby along, you become attentive to its needs, you get to know its signals and develop a close relationship with your child. It increases your self-confidence as a parent.**
- **You will gain your child's confidence....If you show you are able to take care of the child, the child will go to you later with its worries and its joys.**
- **You get to watch your child develop and not just hear about it second hand. Everyday something new and fantastic happens.**
- **You will become closer to your child's mother. You can share experiences and responsibilities with each other.**

- **You will develop your social competence. Being with a child places completely different demands on you than being with an adult.**
- **You will develop new skills because you are obliged to solve problems which you perhaps did not know existed.**
- **You will have fun. To take care of small children is very demanding but it also gives a great deal back to you. You will come to feel appreciated and loved as never before.**
- **You will never regret that you took this unique opportunity to gain a deep, close and meaningful relationship with you child from the beginning.**

**Haas and Hwang 1999 translation of Föräkringskassan 1997**

- Encourage more flexibility in leave schemes so that workers can take and distribute parental leave all at once **or** in a piecemeal way during a long time over the first few years of the child's life (**Austria, Denmark and Sweden**) and facilitate allocation of care to relatives including grandparents (**Hungary/Bulgaria**);
- Encourage **all parents** to avail through some form of payment/social security provision dependent upon the duration of the parental leave sought, especially by ensuring that pension benefits are not adversely affected by taking parental leave (**Austria, Sweden, Finland**). **Canada** is regarded as having adopted a '**generous model**' of parental leave. In 2001 Canada extended leave to both parents from 6 months to a full year and these rights extend to adoptive parents and same-sex couples. Under Canadian law parents can collect 55 per cent of their weekly pay, pre tax, up to a maximum of 420 Canadian \$ (US\$ 308) for 50 weeks, per couple. After their leave is finished, parents are guaranteed their jobs back. It is also possible for both parents to stay home together and collect the government allowance for 25 weeks. Parental leave claims by fathers rose by 80 per cent in the extended policy first year, while total claims increased by 24 per cent to 216,000. Average leave expanded from 6.5 months to 10 months (Cherney, 2003).
- Monitor and analyse how the different leave arrangements impact or otherwise on gender in/equality (**EU Labour Force Survey 2005** onwards).

### 8.2.2 ENTERPRISE/COMPANY BASED INITIATIVES

- Linking leave to other child/parent supports. The **German based RWE Net AG** (the largest electricity distribution company in Europe) created a company kindergarten and provides on-site 'day-care mothers' for their employees. RWE Net offers employees the opportunity to take up to three years parental leave with the guarantee of re-employment at least in an equivalent position, and the option of working part-time with the flexibility to choose the hours they wish to work. These initiatives are driven by business motives 'to compete internationally, while maintaining long standing Western European values of social well being' (Jones, 2003).
- The **Norwegian company HAG** holds similar core values and recognises that flexibility is needed to provide work-life balance. The company provides maternity/paternity leave system (for birth or adoption) of 42 weeks with full salary or 52 weeks at 80 per cent (Jones, 2003).

- **Ericsson, is a Swedish owned telecommunications company** employing 44,000 workers in Sweden and 100,000 worldwide, introduced a top-up parental leave scheme aimed specifically at high earners who stand to lose out on the state's parental leave scheme which does not replace a full 80 per cent of their actual earnings. Parental leave can be taken on a part-time basis in half or full days. There is no earnings ceiling on the company top-up payments. The scheme has led to a significant rise in the number of male and female workers availing and the number of days taken particularly among parents whose earnings are above the statutory earnings ceiling. The scheme is viewed as a success not only statistically but also in cultural terms as it signals to employees that "*it is OK to take parental leave*" (EIRR 2000: 35).

### 8.3 BAD MODELS

- Experience in the US where, as in most European states, parental leave is unpaid, the Family and Medical Leave Act 1993 has not led to more leave taking or longer leaves by recent fathers. Research suggests that:

*"If unpaid leave is not a viable option for a sizable number of families of newborns, then the United States will have to move forward with policies that provide paid leave if parents are to have real choices about spending more time at home in the first few months of their children's lives"* (Han and Waldfogel, 2003:201).

### 8.4 POLICY RECOMMENDATIONS

Parental leave is only one of the supports for reconciling family and working life. Coupled with maternity and paternity leave, it provides an option for either parent to avail of further time out to care for a child/ren. In practice there are major variations in how it works that relate to: service required, duration of leave, paid/unpaid, how it can be availed of (full or part-time) and concentrated after maternity leave or in staggered blocks of time.

It has to be acknowledged that the very concept and practice of parental leave is relatively recent in Europe. Even when it was first introduced it was already associated with women's employment and as an extension of maternity leave. Achieving the joint objectives of gender equality and the reconciliation of family/professional responsibilities may be unrealistic in the short term. However there have been encouraging indications of the acceptance of parental leave not least in the agreement for an EU Directive that provides a landmark in negotiations. Other positive developments have come mainly from the Nordic countries: moving from unpaid to paid (at least partially) parental leave; longer periods available to parents; the shift from 'either parent' to designated leave assigned which is non-transferable; and more flexibility in how parental leave can be taken including the transfer of unused leave to grandparents.

In practice, all the national data point to the continuation, and at best only partial weakening, of women's predominance as those availing of parental leave and any associated benefits, even in the Nordic countries when patterns of take-up *and* duration are examined. The male breadwinner/female carer still emerges from examination of parental leave take up statistics. In extreme cases the term 'poisoned chalice' (Cohen, 1999) has been used to highlight the gendered nature and potentially negative outcomes for women taking parental leave. In order to avoid parental leave becoming a ghetto for women with lower educational attainment, hence lower income and occupational status, the debate has to extend to the paid/unpaid division of labour in society as a whole. This calls for a reallocation of caring

work as well as marketed labour. Currently the burden of 'reconciliation of family and professional responsibilities' is skewed heavily towards women. Hence the target has to be male and female attitudes and behaviours.

The existing objectives of gender equality and reconciliation in pursuing parental leave may be too limited. The debate needs to be widened to embrace objectives such as: child/ren's welfare, fatherhood (as more than the role of breadwinner), women's economic independence (from men/state) and the achievement of work-life balance. In this context there will have to be consideration of payment of parental leave to make it more appealing to men and high and low earner parents. In itself, payment is not enough since parental leave is challenging well established sex roles of breadwinner/care giver. To ensure a more equitable distribution of caring means that 'fatherhood' has to be seen as 'manly' and that parental leave can contribute to a win-win outcome for fathers, mothers and children.

There is also a need to build upon the business case for parental leave as one of a range of measure that will contribute to long term viability and profitability. An awareness that across Europe the future workforce will be increasingly composed of well-educated and highly motivated female, as well as male, workers has to be acknowledged. In a knowledge intensive competitive economy it will no longer make sense to lose human capital when women exit from the labour market for protracted period in the absence of parental leave, childcare and other supports.

Arising from these considerations the following policy options are outlined for debate.

#### 8.4.1 INTERNATIONAL ACTIONS

- Review of the objectives, operation and effectiveness of parental leave across European states;
- Monitoring, research and evaluation of how national policies contribute to the objectives;
- Funding and support for comparative case study research modelled on the 4 country study of parental leave in Iceland, Norway, Germany and Spain;
- Guidance to member states on good practice in (re)structuring, promoting and monitoring parental leave based on the findings from comparative research;
- Funding of Action Programmes involving Social Partners to promote a more supportive environment for parenting, including quality and affordable childcare that contributes to gender equality.

#### 8.4.2 NATIONAL ACTIONS

- Debate and action to meet the objectives of parental leave and to achieve coherence between these building upon the experience across member states (including the Nordic Model);
- Supporting parental leave to take account of diversity (in family forms and employment situations) and adapting policies to meet these diverse needs;
- Promoting a degree of flexibility in the workplace generally and in the take-up of parental leave (part-time/staggered options) specifically to maximise the benefits for parents and child/ren;
- Supporting the provision of, and state support for, childcare particularly for low income families;
- Father leave assigned that is non-transferable;
- Launch of national campaigns to broadcast the role of and potential return for fathers of active parenting roles;

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- Role models are needed of men leading by example (e.g. Prime Minister of Finland Paavo Lipponen twice took paternity leave to be with his new-born children and has proposed an extension of paternity leave from 18 days to 1 month).

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