



PARENTING LEAVE ARRANGEMENTS

Which 'architecture' is best for young children?

SUMMARY

In this paper we explore evidence on parenting leave design and policies, relating mainly to high income countries (especially in the Global North), and focusing particularly on how to deliver the greatest benefits for young children (pre-natal up to 8) in terms of their learning and health, and in relation to the prevention of, and response to, domestic violence and child maltreatment. We consider how such designs and policies might translate in middle and low-income countries (mainly in the Global South).

We find that to bring the greatest benefits, parenting leave design must walk a tight-rope between providing for the health and welfare needs of mothers and infants **without marking women down as uniquely responsible for caring for children**; and that therefore it is best if much of the birth-related leave is **available** to mothers without being **limited** to uptake by them. What is to be avoided is (i) a huge differential between the leave available to mothers and fathers; (ii) the perception that only mothers are entitled to the bulk of leave; and (iii) low uptake of available leave by men.

With this in mind, we suggest that an optimum leave design involves reserved leave for mothers (possibly called Maternity Leave) before the birth and up to around four weeks after it; around two weeks' birth-and-post-birth leave for fathers (possibly called Paternity Leave); and thereafter, Flexible Parental Leave (for a minimum of 12 weeks, with an aspiration of 6-9 months or more; well-paid; and with reserved periods for mothers and fathers). We also consider options for 'nudging' fathers towards taking parenting leave

While parenting leave design has received more attention in high income countries, it is increasingly relevant in middle income countries as well, where a substantial portion of the workforce participates in the formal labour market. In the lowest income countries where particularly high percentages of the population work in the informal sector, formal parenting leave is likely to be only one of several arrangements which are badly needed to support parents of young children. Even in the Global North, parenting leave is only one means through which governments may support families with young children. Other significant policies include the provision of high quality, affordable childcare. In this paper, however, we look only at parenting leave design. This paper is not referenced, but the full references will be found in other papers on www.fatherhoodinstitute.org including <http://www.fatherhoodinstitute.org/2011/fi-research-summary-fathers-mothers-work-and-family/> and <http://www.fatherhoodinstitute.org/2010/fi-briefing-on-paternity-maternity-and-parental-leave/>.

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1. TERMINOLOGY

Across the world, terms such as ‘Parental Leave’ ‘Maternity Leave’ and ‘Paternity Leave’ are used in different ways in different jurisdictions. In this paper, our definitions are as follows:

- ‘Parenting Leave’: a collective term encompassing all kinds of leave entitlements for mothers and fathers
- ‘Maternity Leave’: a ‘use-it-or-lose-it’ birth-related leave that is available only to the mother of the child (i.e. if she does not use it, the family loses it). This can usually be taken from one month before the due birth date. Eligibility / entitlement is based on her employment status.¹
- ‘Paternity Leave’: a use-it-or-lose-it birth-related benefit (to be taken at the time of the birth) that is available only to the father of the child (or the mother’s partner), with eligibility/entitlement based on his employment status.²
- ‘Transferable Maternity Leave’: Maternity Leave that can be transferred to the father (or the mother’s partner) if the mother returns to work. To access this, the father/partner will need to be eligible for Paternity Leave AND will have to have a partner who is eligible for Maternity Leave. Thus to take ‘transferable Maternity Leave’, a father has to jump through two hoops: his own entitlement to leave AND his partner’s entitlement.
- Shared Parental Leave: this terminology is being introduced in the UK. In fact, since entitlement to it depends on *both* parents’ eligibility for leave, it is really Transferable Maternity Leave (as described above)
- ‘Parental Leave’: a leave for the purpose of taking care of a child to which each parent has his or her OWN entitlement, based solely on their own employment status, as defined in their jurisdiction. This leave can normally be taken more flexibly than Maternity or Paternity Leave.³
- ‘Reserved Parental Leave’ (sometimes referred to the father’s or mother’s ‘quota’ or the ‘daddy month’/‘mummy month’). This is a use-it-or-lose it element within Parental Leave, limited to one parent on the basis of sex and not transferable to the other parent.

Mothers’ **attendance at prenatal appointments** is not classed as a parenting leave in any country. Some countries provide fathers with time off work to attend two or three of these appointments. This may be paid or unpaid.

‘**Statutory entitlement**’ to leave means that this is the minimum guaranteed through statute.⁴ Statutory leave may be paid or unpaid.⁵

¹ In Europe, it is a feature of Maternity Leave that it must be taken in an unbroken full-time block from before or after the birth. Once the mother starts working, the leave is terminated.

² While Paternity Leave needs to be taken immediately or soon after the birth - i.e. to provide care to the *mother* not to deliver direct care to the infant, in Europe Paternity Leave is allowed more *flexibility* than Maternity Leave, in that it can be taken in short blocks. By contrast, Maternity Leave must be taken in one continuous block

³ For example, in Sweden Parental Leave can be taken in blocks as short as a half or quarter day.

⁴ The way in which legal provision is made varies enormously. In some countries, legislation can vary between states, provinces or cantons. Often, provisions about maternity protection are included in a number of different texts, such as labour and social security laws. In some countries, the public sector is covered by separate regulations. Some aspects of maternity protection are given effect through instruments other than legislation, such as collective agreements and arbitration awards. In some countries, paid disability leave is given for childbirth.

⁵ Where there is a paid element, there are many ways of paying this. It may be paid directly to the individual by the state (Sweden) or paid by the employer and claimed back by them from the state (UK) or paid by the employer alone. In some countries, the employer can claim the expense back against income tax. Other payment systems include, in the Netherlands, Maternity Leave being funded from the unemployment fund

In addition, some employers ‘top up’ the leave, where the state’s payment level is low, for all or part of the leave period, or pay leave entirely. This is commonly called an **‘occupational scheme’**.

Leave to care for sick children is another type of parenting leave. It is generally limited to a few days per year.

Early childhood education and care (ECEC), while not a parenting leave, is relevant because when it is affordable and widespread, it can release parents into the workplace. Countries which offer the most substantial parenting leave often also provide universal, affordable and high quality ECEC.

Flexible working and **reduced hours working** can be important to mothers and fathers in enabling them to manage domestic commitments and paid employment.

The purpose of any kind of parenting leave is to create a situation in law where employers are prevented from dismissing or downgrading employees who take leave to give birth or care for children.

Where a parenting leave scheme has a paid element, its purpose is to financially support, or partially support, the person who takes leave to recover from the birth or care for their infant or child. Where leave is unpaid it is rarely used.

2. MATERNITY LEAVE

The purpose of statutory Maternity Leave (and Pay) is to support the health and welfare of mother and infant. The need for Maternity Leave has been described as ‘globally accepted’⁶ and even as a ‘human rights’ issue.⁷ There is a substantial literature documenting the benefits of Maternity Leave to maternal and infant health. Before the birth, Maternity Leave can usually be taken from within one month of the due date. Many mothers try to take as little leave as possible before the birth. However, recent research suggests that a mother’s working, especially in a physically demanding or stressful job, during the last month of pregnancy is connected with her baby’s lower birth weight, equivalent to that mother’s smoking during pregnancy. Poor working conditions are also strongly associated with adverse pregnancy outcomes (Mozurkewich et al, 2000).

How long does full-time Maternity Leave need to be after the birth? For the mother’s recovery, 10 -12 weeks post partum is considered sufficient in most cases. But breastfeeding infants are dependent on their mothers; and UNICEF recommends exclusive breastfeeding to 26 weeks. Exclusive breastfeeding can be particularly important in the Global South because of infection rates. Longer paid leave is associated with longer exclusive breastfeeding (Baker & Milligan, 2010).

A Canadian study found no evidence that longer periods of Maternity Leave had benefited children’s development when assessed at ages two and five (Baker & Milligan, 2010). A longitudinal study in Norway found lower high-school drop-out rates when mothers in the

(which is financed by employers contributing 4.15% of employees’ earnings). In the Netherlands, Parental Leave is funded differently from Maternity Leave, being paid to mothers and fathers via a tax credit.

⁶ <http://allafrica.com/stories/201204130170.html>

⁷ [http://www.namibian.com.na/index.php?id=28&tx_ttnews\[tt_news\]=18351&no_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=18351&no_cache=1)

1970s had been enabled to stay at home for slightly longer periods, especially among disadvantaged families, but this was in a context of no high-quality, affordable professional day-care (Carneiro et al, 2010). The substantial related literature looking at the effects of mothers' employment on child outcomes suggests that in terms of the 'care element' in the first year of a child's life, it is quality of care that counts – whether the care is provided by the mother or another care-taker. This holds even when mothers return to work prior to six months: a recent meta-analysis concluded that while the evidence suggests that a return to paid work by mothers within six months after childbirth may have negative effects on child outcomes, particularly on cognitive development, the effects are small and not universally observed. Other factors such as family income, parental education and quality of interaction with children have greater influences on child development than early maternal employment per se (Huerta et al, 2011).

It is worth noting that the literature charting the health and wellbeing benefits to mothers of Maternity Leave has looked at full time leave. No study has looked at flexible return to work and how that plays out in terms of maternal health. Given that in the UK, 75% of mothers who return to work do so partly to escape the isolation and stresses of sole caregiving, and given that post partum depression in mothers is at its peak between 3-6 month post partum, there may well be benefits (financial and in terms of maternal mental health) to some mothers in an early 'graded' return to work. So while expectant and new mothers certainly need to **have access to** substantial periods of well-paid leave both before and after the birth, there is no evidence that this leave needs to be **restricted** to them for their exclusive use as non-transferable Maternity Leave. We address this issue later in this paper.

3. LEAVE FOR FATHERS

Like Maternity Leave, Paternity Leave is underpinned by the health and welfare principle: the father is to provide support to mother and infant. This is particularly important in communities without substantial kinship networks. The idea that the father should 'get to know' his infant in the earliest weeks is seen as another benefit; and some African nations have backed statutory leave for fathers to 'strengthen family bonds'.⁸

Where fathers are **permitted time off for prenatal appointments**, the purpose (similarly) is for the father to support the mother and be more involved in the pregnancy. While no-one has yet articulated the value of this in potentially 'strengthening family bonds', this may be the case. Further, it is likely that where fathers have a statutory entitlement to attend prenatal appointments, this may enhance opportunities for risk-assessment and genetic counselling: for example, prenatal testing for fathers' HIV status or carrier-status for sickle cell disease and thalassaemia. Vulnerable/risky fathers (in terms of their behaviour and emotional health) may also be more readily identified. There is also a growing literature in the Global South associating fathers' attendance in prenatal services with better maternal and infant health, including greater likelihood of in-clinic deliveries. Involving fathers right through the pregnancy, and facilitating this through statutory time off work, may also provide opportunities to address men on family planning, which may have an indirect impact on maternal and infant health.

While Maternity Leave, quite rightly, is far more common than Paternity Leave, the idea of leave for fathers is advancing in the Global South as well as the Global North. Most middle income countries have started with Maternity Leave and offer between two days to two

⁸ <http://allafrica.com/stories/201204130170.html>

weeks of Paternity Leave (paid in some countries, unpaid in others). In Tanzania, new fathers are entitled to five days fully paid Paternity Leave; in Algeria three days fully paid. In nations such as Cameroon, Chad, Ivory Coast, Djibouti, Gabon and Seychelles up to ten days 'paid leave for family events concerning workers' home' is granted annually. This leave is mainly used by new fathers and is therefore becoming *de facto* Paternity Leave. In South Africa male employees are entitled to three days paid 'Family Responsibility Leave' per annum, and this is specifically ear-marked for the birth of a child⁹; in Togo male employees can take up to ten days of paid leave for 'family events directly related to home'. Countries which provide no statutory leave for fathers include Angola, Benin, Botswana, Burkina Faso, Burundi, Comoros, Congo, Egypt, Mali, Somalia, Sudan, the USA and Nigeria. However, in some of these countries, large employers (particularly in the private sector) do provide Paternity Leave or – as in Nigeria - allow either paid or unpaid casual leave 'for their staff to take care of personal or family issues', which can be used as Paternity Leave.¹⁰

4. A NEW TREND IN PARENTING LEAVE

A recent trend in parenting leave design, to date mainly in the Global North, is a move away from the idea of a Maternity Leave towards a birth-related leave for women which can be transferred, at least in part, to fathers; or towards dropping Maternity Leave altogether in favour of Parental Leave (which either parent can access), usually with periods reserved for 'mothers only' and 'fathers only'.¹¹

This move is NOT underpinned by the maternal/child health/welfare principle. Gender equality in the labour market is the 'driver'. It is increasingly realised that long Maternity Leave may make women more expensive and less attractive to employ (World Bank, 2011:16)¹² and that unequal sharing of caring work between the sexes is the largest single driver of the gender pay gap (e.g. Olsen & Walby, 2004). Women's life-long earnings and pension entitlements suffer from a system which structurally inclines them towards prolonged absence from the workplace. Mothers' pre-eminence as caretakers in the first year after the birth establishes a pattern which tends to endure over the longer term, with mothers being far more likely than fathers to work reduced hours and be employed below education/skills levels. All this, of course, not only damages women but has a 'knock on effect' on national productivity, although this is not usually made explicit by governments when establishing systems that will encourage fathers' take-up of parenting leave.

There can be no doubt that substantial take-up by fathers of parenting leave contributes to gender equality. UK fathers who take formal parenting leave in the first year are 25% more likely to change nappies and 19% more likely to feed their 8-12 month old babies and to get up to them at night (Tanaka & Waldfogel, 2007). Similarly, analysis of data in the IMAGES surveys <http://www.promundo.org.br/en/wp-content/uploads/2011/01/Evolving-Men-IMAGES-1.pdf> which explored behaviour and attitudes in some middle and low income countries found that men who report taking any parenting leave (even two days) are more

⁹ Family responsibility leave is granted in the following cases only: (1) When the employee's child is born or is sick (2) in the event of the death of the employer's spouse or life partner; parent, adoptive parent, grandparent; child, adopted child or grandchild; or sibling.

¹⁰ <http://allafrica.com/stories/201204130170.html>

¹¹ In Sweden, Maternity Leave is very short: just two weeks post partum (four weeks for women employed in manufacturing). But the mother in Sweden is additionally entitled to a full 18 months' paid Parental Leave – to which her partner is also entitled. Most mothers in Sweden take several months' leave, mainly made up of Parental Leave.

¹² See [http://www.namibian.com.na/index.php?id=28&tx_ttnews\[tt_news\]=18351&no_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=18351&no_cache=1) for a through exploration of this issue in Namibia

likely to report more participation in the daily care of children later. As with some other studies, it is not clear whether taking leave is a gateway to greater participation or that men who take leave are already more pre-disposed to participating in the daily care of their children - but the association is strong and consistent. It is likely that effects flow both ways.

Fathers' take-up of leave enables mothers to take shorter periods of Maternity Leave; and shorter periods of Maternity Leave have been found to strengthen women's attachment to the workforce and increase gender equality by reducing the size of the wage penalty facing mothers.¹³ A study by the Swedish Institute of Labor Market Policy Evaluation found a mother's future earnings increasing on average by 7% for every month of parenting leave her partner took.

Gender equality is also good for men: IMAGES data found that men who participate more in equitable decision-making and fatherhood have better mental health, and report stronger relationships and better sexual relationships with their partners. In the UK, employed fathers with employed partners have been found to have a significantly better sense of purpose and wellbeing (Lancaster University Management School/Working Families, 2010). By contrast, employed fathers whose partners do *not* work are the most likely to suffer stress (Cowan & Cowan, 2000), possibly because they are totally responsible for breadwinning in their families.

5. GENDER EQUALITY AND CHILD WELLBEING

Gender equality is not only good for women and men. Gender equality benefits children. When mothers have status and power at home (earning outside the home contributes substantially to their power within it) they are more successful in, for example, convincing their child's father to quit smoking or to smoke outside. And when mothers have more money of their 'own', more of the family income is spent on the children.

Like mothers' participation in the paid workforce, fathers' participation in caretaking is linked to greater equality in decision making in the home which, in turn, is linked to lower rates of violence and physical punishment of children (Holter et al, 2009:239). Higher levels of early paternal caretaking are also associated with lowered risk of father-daughter incest (Williams & Finkelhor, 1995; Parker & Parker, 1986). In Norway, promoting men's early involvement with infants and children is being seen as a potential tool for reducing domestic and other violence. Causation in this area remains to be proven, but it seems likely that a male who respects his female partner's rights and needs and the value of 'women's work' will be less likely to consider violence an acceptable form of dispute resolution or exercise of power within the home. It may also be that caring for a partner and/or children influences fathers' behaviour in biological (i.e. hormonal, neurological or other physical) ways, leading to greater interpersonal sensitivity and less likelihood of responding to stress through anger and violence (Gray & Anderson, 2010).¹⁴

¹³ Studies suggest that as the length of full-time Maternity Leave taken extends beyond 20 weeks (Plantenga, 2009, cited by O'Brien, 2009) or six months (Cawston et al, 2009), so do the negative effects on women's wages and future economic wellbeing.

¹⁴ The act of caring for babies renders fathers/men more nurturing, and is correlated with raised levels of hormones associated with tolerance/trust (oxytocin), sensitivity to infants (cortisol) and brooding/lactation/bonding (prolactin). Among males, physiological changes can occur with 15 minutes of holding a baby; and the more experienced a male is as a caregiver, the quicker and more pronounced are the changes (Hrdy, 2009 – pp168-171

6. OTHER BENEFITS OF FATHERS' LEAVE-TAKING

Mothers' wellbeing (or lack of it) impacts directly on children - and fathers' uptake of Parental Leave may have a positive impact here. Gender equality is a powerful factor in reducing violence against women. And it is increasingly argued that reducing mothers' sole responsibility for infants and young children (most importantly, through more active paternal care) and supporting new mothers to interact with adults outside the child-rearing arena (for example, through employment) are likely to contribute to better maternal mental health which will impact positively on their children (Hrdy, 2009 - p.130). Poor maternal mental health is strongly correlated with child maltreatment; and both child abuse and neglect by mothers are substantially less common when fathers play a greater role in caring for children. Furthermore, a father's *not* using Paternity Leave or *not* sharing childcare responsibilities has been found to increase the likelihood of a three year old child having developmental problems (Dex & Ward, 2007).

Low father involvement is also associated with high levels of women's anger at their partners (Ross & Van Willigen, 1996). Take-up of Parental Leave by fathers is linked to lower rates of separation/divorce (Olah, 2001)¹⁵ and to more father-child contact after separation (Duvander & Jans, 2009). Since separation and divorce (particularly where father-child relationships are weakened) place children at substantial risk, these are important findings.

Taking parenting leave may be good for fathers' health and longevity. Based on a population of all Swedish couples who had their first child together in 1978 (45,801 males), the risk of death for men who took paternity leave was found to decrease by 16% (Mansdotter et al, 2007). While health-related selection is likely to be a factor, this cannot explain the whole variance; and it is thought that, among other things, taking paternity leave may set in train a diminution in traditional masculine health behaviours, which are strongly linked to poor health outcomes among men.

A parenting leave architecture based on primary-mother-care is at odds with survey and other evidence revealing the choices that people would like to be able to make. Across the Global North and, increasingly in the Global South, the aspiration among parents is for greater sharing of caring and earning roles. It is increasingly rare for a family to be able to function adequately through the workforce participation of only one adult. And even when that is possible in the short term, reliance on a sole breadwinner contributes to child poverty when the breadwinner dies, leaves or is rendered unemployed. Further, investing substantially in women's education and training, and then failing to build on that investment, is enormously costly - not only to women and families but to the taxpayer.

It seems likely, therefore, that for even the very youngest children, substantial care-taking by fathers, made possible and promoted by appropriate parenting leave design, will benefit mothers directly and children both indirectly and directly. Patterns of caring established early on tend to endure; and high levels of father involvement are associated with a range of desirable outcomes for children and young people (Sarkhadi, 2008; Flouri, 2005; Pleck & Masciadrelli, 2004).¹⁶ It is also becoming increasingly clear that children benefit from secure attachments with more than one close caregiver (Hrdy, 2009 - p.130) and that where a

¹⁵ In Sweden, since 1995, the year when "daddy leave" was introduced, divorce and separation rates have dropped while they have risen throughout the world.

¹⁶ These include better peer relationships; fewer behaviour problems; lower criminality and substance abuse; higher educational /occupational mobility relative to parents' employment; capacity for empathy; non-traditional attitudes to earning and childcare; more satisfying adult sexual partnerships; and higher self-esteem and life-satisfaction.

mother-child attachment is insecure, a secure father-child attachment can buffer a child against negative effects.

7. 'NUDGING' FATHERS TOWARDS LEAVE-TAKING

Most fathers take time off when their babies are born, and use Paternity Leave when it is available and paid. The first IMAGES analysis, mainly of urban samples which have a higher percentage of workers in the formal sector than in a country as a whole, discovered that 11%-61% of new fathers took some **paid** leave (ranging from 3.4-11.5 days on average). This was not necessarily a statutory entitlement or formal Paternity Leave and could be made up of non-family-related leave, such as holiday or personal sickness leave. The figures for take-up of **paid** leave by new fathers were: Brazil 61%; Mexico 53%; Croatia 37%; India 25%; Chile 21%; Rwanda 11%. Most employed new fathers find ways of taking time off, paid or unpaid, when their baby is born.

Fathers' uptake of Parental Leave is most likely when this is reasonably well paid AND when a 'quota' within it is reserved for them on a 'use-it-or-lose-it' basis or some other incentive is applied. In Germany, fathers' uptake is incentivised through providing the family with additional paid Parental Leave if the father takes leave. In Norway the introduction of reserved Parental Leave for fathers has resulted in a dramatic increase (from 4% to 89%) in the numbers of fathers taking time off to care for children. And following the extension of this 'father's quota' from one month to six weeks in 2006, 70% of eligible fathers took more than five weeks in 2007, with increasing numbers taking six weeks (Brandth & Kvande, 2012). Norway's gender-equality experiment is being reinforced by a target (already achieved through enforced quotas) of 40% for female non-executive directors; and by a target of 20% for men working in childcare as well as a range of other measures to promote men's role in caring for children.¹⁷ This 'joined up' process for challenging the gender-stereotypes which are reproduced through adults' gender-segmented working lives is meeting with remarkable success, with male workers now very visible in Norwegian nurseries. This, together with greater involvement by fathers at home, is mounting a profound challenge to children's lived experience of 'care by women' as the norm.

In a dramatic (and increasingly successful) bid to challenge gender norms through parenting leave design, what is now becoming known as 'the Icelandic model' (Gislason, 2007) is attracting attention. Iceland allows three months' reserved paid leave for mothers; three for fathers; and three months family leave which can be taken by either parent. All the reserved paid leave, apart from two weeks' post partum for mothers, can be taken at 50% time (Einarsdóttir & Pétursdóttir, 2009). Even though 36% of Icelandic mothers have returned to work by six months post partum, breastfeeding rates at that point are 74% (O'Brien, 2009). By 2008, 23% of fathers were taking not only their own 'reserved' leave but some of the unreserved family leave. More recent figures are not available but it is likely that fathers' use of the unreserved family leave in Iceland is continuing to grow. In 2009, Iceland outstripped the rest of the world (including Norway and the other Scandinavian countries) in reducing the gender pay-gap (Hausmann et al, 2009). Just before Xmas 2012, the Icelandic parliament voted unanimously to the gradual extension of the parental leave to 12 month to be divided as follows: 5 months for the father; 5 for the mother and 2 for parents to share as they like (Eydal & Gislason, 2013).

¹⁷ Norway leads the way: men to join the equality train
<http://www.nikk.uio.no/?module=Articles;action=Article.publicShow;ID=591>

In the Netherlands, while at first sight there is a substantial differential between mothers' and fathers' entitlements (16 weeks Maternity Leave v. 2 days' Paternity Leave)¹⁸ each parent is individually entitled to the equivalent of 26 weeks' Parental Leave per child which, as far as we can ascertain, is not transferable to the other parent. For men in the Netherlands the use of Parental Leave has grown from 10% in 2001 to 23% in 2010. Among women, uptake was 43% in 2010. Figures are not available for the **amount** of Parental Leave taken by women or men (Groenendijk & Keuzenkamp, 2012).

Being able to take Parental Leave flexibly may be a useful way of encouraging take-up by fathers while also allowing mothers to ease back into employment. In Sweden, both parents can take leave flexibly and part-time; and indications from France are that mothers, when they have the option, are keen to take Parental Leave part-time. In the Netherlands, Parental Leave *must* be taken part-time, unless the employer agrees a different arrangement. It is important that the bulk of the father's leave is not taken while the mother is at home (except where the mother is ill): competence and confidence in looking after children is achieved more quickly when a parent, mother or father, has primary responsibility for childcare.

Designing a parenting leave system that supports parental choice, while nudging families towards greater sharing of breadwinning and domestic and childcare responsibilities, is a positive agenda, which contributes to maternal, paternal and child health and wellbeing, supports the aspirations and needs of both women and men, and contributes to economic success. Iceland's economy is currently bucking the trend of flat-lining growth in the rest of Europe, with growth of 2.7% p.a. It is highly likely that Iceland's parenting leave policies which make the most of women's education and skills are contributing to this relatively rosy outlook.

8. WHICH LEAVE REGIME?

The leave that is of overwhelming importance for maternal and child health and welfare across the whole world is **birth-related leave for mothers**. Leave needs to be available to expectant and new mothers at reasonable wage-replacement for a month or so before the birth and for at least 10-12 weeks afterwards.

Any type of paid parenting leave, including Maternity Leave and Pay, is more often a middle-class benefit because beneficiaries must be in formal and generally stable employment. Where funding is through the public purse, a cap on earnings may extend the period over which reasonably well paid leave can be extended over a longer period to more mothers. In countries where there are great inequalities and/or large informal economies¹⁹, it could be argued that spending public money on maternity benefits for already comparatively well-resourced families reduces the amounts that could be paid to poorer families through, for example, conditional cash transfers and micro-credit programmes (see also **LOW INCOME COUNTRIES**, below) However, even in the poorest countries, establishing a system which provides statutory protection to even the relatively few expectant and new mothers employed in the formal economy, will improve maternal and child health outcomes in the affected families, reduce child poverty where mothers are enabled to stay in the formal

¹⁸ A substantial differential in statutory leave between fathers and mothers contributes to the gender pay gap and other markers of gender inequality

¹⁹ In the world's poorest countries the percentage of workers in the informal sector ranges from 48% to 72% (reaching above 90% in some parts of Africa). By comparison, in the Global North, the percentage is around 15%. In addition, self-employed workers do not usually qualify for paid parenting leave.

workforce and put a marker in the sand in relation to addressing gender inequality. The value of this, even in very low income countries, should not be underestimated.

But because leave-design must walk a tight-rope between providing for the health and welfare needs of mothers and infants **without marking women down as uniquely responsible for caring for children**, it is best if much of the birth-related leave is **available** to mothers without being **limited** to uptake by them. What is to be avoided is (i) a huge differential between the leave available to mothers and fathers; (ii) the perception that only mothers are entitled to the bulk of leave; and (iii) low uptake of available leave by men.

Ideally, then, most of the leave should be Flexible Parental Leave. There should be a small amount of reserved leave for mothers (possibly called Maternity Leave) before the birth and up to around four weeks after it. There should also be around two weeks birth-and-post-birth leave for fathers (possibly called Paternity Leave). Thereafter, both mothers and fathers should move seamlessly onto Flexible Parental Leave. The length of leave will vary country by country (interestingly, not necessarily attached to GDP) but the minimum should be 12 weeks post partum with an ambition to rise to six or nine months or more. The aspiration should be for all the leave to be paid at reasonable wage replacement (with a cap). Where there is a trade-off between long, poorly paid leave and shorter better paid leave, shorter better-paid leave is likely to be more beneficial.

Central to the architecture of Flexible Parental Leave should be a reserved period of Parental Leave for fathers (a 'fathers' quota') matched by a reserved period for mothers. The 'Icelandic model', with its well paid three months-for-mothers (soon to be five months); three-months-for-fathers (soon to be five months); and three months (soon to be two months) use-it-as-you-wish leave in the first year, manages to support maternal health and wellbeing without labelling mothers as sole caretakers, and also delivers high breastfeeding rates. The 'Swedish model', providing flexible Parental Leave from two weeks after the birth and reserving well-paid leave for fathers within the Parental Leave entitlement, sounds promising, but since fathers can take their reserved leave right up until their child is 8 years old, may not be impacting on gender roles within the all-important first year. In a number of important domains, gender divisions remain substantial in Sweden.

Should mothers and fathers both be able to be off work together? Where the mother has died or is incapacitated, this may be necessary and leave-architecture should allow for this. Currently, some countries do allow ordinary parents to take Parental Leave at the same time. Many do not. Fathers who are left 'in sole charge' for extended periods (e.g. on Parental Leave) are most likely to continue to contribute substantially to infant/childcare after they have returned to work. For maximum support for gender equality, policy should support this. Ideally, for best outcomes for children a parenting leave regime should be complemented by high quality, universal and affordable early education and childcare.

9. OPPOSITION

Opposition from the business community, especially small businesses, to any kind of parenting leave, including Maternity Leave, is always substantial. No parenting leave regime has ever been introduced with the overwhelming support of the business community, even when individual businesses are already offering benefits in excess of proposed statutory entitlements; and even when the state, rather than the employer, is remunerating parents. The business case for Maternity Leave (based mainly around employee retention and commitment, and workforce diversity) has been forcefully put. Even so, many employers

seize opportunities to avoid accommodating pregnant women, through, for instance, not employing women of childbearing age or by putting them on short-term or consultancy contracts.

Opposition is even greater when policy begins to require employers to take men's paternal role seriously. The argument that, for every father who takes leave, a mother will be back in the workforce (and therefore making things easier for their employer) generally falls on deaf ears in the business community. Other 'business case' arguments for extending parenting leave rights to men which also tend to receive little traction, include high-value male employee retention;²⁰ reduced negative home-to-work spill-over; and positive home-to-work skills transfer. Some private sector employers in Scandinavia encourage fathers to take Parental Leave, finding that the men develop skills and personal qualities at home when caring for young children which transfer into the workplace.

Opposition to parenting leave entitlements for fathers is also found among some advocates for women. For example, recently in the UK the government tried to introduce a parenting leave architecture that would have enabled sharing of leave from 14 weeks post-birth and included an additional month of paid Parental Leave so that this could be reserved for fathers without reducing mothers' entitlement.²¹ This was totally unacceptable to a wide range of women's organisations, who argued that mothers needed to have total control over the first year's leave. They were totally against fathers having an independent entitlement and were willing only to allow fathers to take up transferable Maternity Leave, even though a consequence would be that the vast majority of couples (around 70%) would not be eligible for any of the new leave at all. The two major concerns of these groups were: (a) that separated fathers might have tried challenging the mother's sole right to leave in the first year; and (b) employers who, through occupational schemes, had been 'topping up' Maternity Pay beyond statutory levels, might take fright at the idea that their male workforce would be entitled to the same rights and cancel their occupational schemes altogether. This cautionary tale points to the difficulties of changing a leave system predicated on mothers' sole entitlement once that is embedded; and indicates the importance of creating an inclusive leave policy from the outset.

10. AGAINST THE LAW?

It is worth noting that in any jurisdiction which operates within an equalities framework, a government or employer which restricts ANY parenting leave entitlement, whatever it is named, to mothers alone may open themselves to legal challenge. This is the case in Europe.

The EU's Recast Directive (formerly the Equal Treatment Directive) aims to implement 'the principle of equal opportunities and equal treatment of men and women in matters of employment'. In *Alvarez* (Case C-104/09 30.9.10) the Court of Justice of the European Union ruled that Spain, in its Breastfeeding Leave design, was in breach of this Directive. This was because there were different qualifying conditions for men and women to take up this leave: for the father to be eligible, both he and the mother needed to be employed, whereas for the mother to be eligible, only her employment record was relevant. The Court said that

²⁰ Many fathers, like mothers, change jobs when these do not fit with their parenting role. Because this is less visible to employers than when new mothers leave or do not return to work after having children, employers generally remain unaware and therefore do not 'count the cost' as they do with mothers.

²¹ In the UK, mothers are entitled to 52 weeks Maternity Leave, 39 weeks of which is paid. The new scheme would have given families 56 weeks Parental Leave, one (paid) month of which would have been reserved for fathers

this situation was 'liable to perpetuate a traditional distribution of the roles of men and women by keeping men in a role subsidiary to that of women in relation to the exercise of their parental duties' (see also Lommers, para 41). This could mean that a self-employed mother would have to limit her self-employed activity and bear the burden resulting from the birth of her child alone, without the child's father being able to ease that burden.²² As a result, Spain's Breastfeeding Leave design was 'not a measure seeking to achieve substantive as opposed to formal equality by reducing the real inequalities that can arise in society' and thus 'prevent or compensate for disadvantages in the professional careers of the relevant persons (para 38)'. In a nutshell, the Court was saying that when Spanish men did not have equal access to the Breastfeeding Leave, this disadvantaged *women* and undermined 'the principle of equal opportunities and equal treatment of men and women in matters of employment'. Thus the Recast Directive was breached.

In Europe, therefore, ANY parenting leave that creates additional barriers for men to take up that leave will be open to legal challenge. The Spanish example refers to self-employed women. Another example would be where a father himself qualified for a parenting leave through his employment record, while his partner - unemployed or in casual employment before the birth – did not. If she wanted (or needed) to start working after the birth whether in casual employment, self-employed or employed, he would not be able to take leave to care for their child. Thus, in the language of the European Court, she 'would have to bear the burden resulting from the birth of her child alone, without the child's father being able to ease that burden'. Far from 'reducing the real inequalities that can arise in society' this would exacerbate them and such a parenting leave design would breach the Directive.

11. ADDITIONAL THOUGHTS: THE GLOBAL SOUTH

Promundo and MenCare, following on from their IMAGES survey work, have been promoting Parental Leave (i.e. to increase availability to fathers) in middle income countries (eg Brazil, Chile, Mexico) where a higher percentage of the population is in the formal workplace. Promundo/MenCare have not seen this as relevant in the poorest countries (and particularly rural areas in the low income countries), their view being that the issue is not so much time with children - since these are often countries with high levels of subsistence agricultural work and fathers are often in close proximity of children - but rather an issue of economic security. However, Maternity Leave is increasingly found in low income countries, and advocating in those countries, too, for the establishing of leave regimes that are flexible from the outset (in that both mothers and fathers are entitled to take at least some of the available leave) may be useful.

In the poorest countries, and rural communities within them, conditional cash transfers have become a major family support. In many Latin American countries, the conditionality is simply having the child registered in school if they are of school age, and having their vaccine card up to date. Other countries have no conditionality but offer a monthly subvention to all families with children below the poverty line (e.g. South Africa, some states in India).

Barker & Pawlak (2011) reviewed some of the literature on the effects of conditional cash transfers and micro-credit programmes (both of which are generally focused on women and on mothers) and the pros and cons of that focus. Their recent pilot study in Rwanda

²² Similarly, where a man, through his employment record qualifies for a parenting leave but his partner does not because she was unemployed or in casual employment before the birth, he would not be able to take leave if she started working after the birth. Thus she would have to bear the burden resulting from the birth of her child alone, without the child's father being able to ease that burden.

engaging men deliberately as caregivers and partners as part of a women's economic empowerment initiative (children were of various ages) found that engaging men deliberately as partners led to both greater income gains than would have been the case if the focus had been purely on women; and also to better couple communication and increased participation by men in caregiving.

With support from UN Women, Promundo is currently carrying out a study in Brazil as part of Brazil's conditional cash transfer program (Bolsa Familia) to look at father participation in households receiving the benefit, and to explore ways of promoting greater involvement by men in caregiving in such households.

A review of World Bank and other literature on the impact of such programmes on family poverty (as well as on maternal and child health and child development) and an identification of those which are providing conditional or unconditional cash transfers to expectant and new mothers, might be justified. A feasibility study could test, perhaps in partnership with UNICEF, MEDECINS SANS FRONTIERS, CARE International or UN Women, variations on these programmes, with a view to incentivising caretaking by fathers of infants and young children. Other studies could explore ways to promote fathers' involvement in existing CCT, microcredit and other poverty alleviation strategies, looking at ways to increase their opportunities for caregiving of babies and young children, and paying attention to maternal, paternal and child health, couple-functioning, and maternal and paternal employment in outcome measures.

It may also be useful to promote Paternity Leave and Flexible Parental Leave as well as paternal caretaking in countries where Maternity Leave is being introduced, including in the poorest countries.

12. 'NORM' CHANGE WORK IN RELATION TO GENDER ROLES

Women's take up of substantial periods of leave is virtually 100% when it is offered in middle and high income countries; men's take up as the IMAGES data and all other reviews show, is often much lower. Promundo/MenCare believe that most Global South countries (with huge variation of course) also require 'norm change work' to promote men's involvement in general in care, and in caregiving of children (and to take up leave in countries where it is offered).

What is the experience from the Global North? Some countries – for example, Sweden, when reserved Parental Leave was first introduced – have run public information campaigns with a view to effecting social norm change. In the Netherlands there was such a campaign relating to men and housework, although unfortunately the messaging was negative and unlikely to promote change. A useful piece of work may be to investigate these and assess effectiveness.