



Technical note

Maternity, paternity and parental leaves in Europe: Comparison of family-related leave policies and key legal provisions with Implications for Kosovo¹

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Objective, definitions and data sources

Maternity, paternity and parental leave policies and associated benefits play a significant role in ensuring financial protection at the time of pregnancy, child birth and child raising, and in shaping women's ability to participate in employment, specifically to get a job and to remain in the labor market after starting a family. This note summarizes the main principles of extending maternity, paternity and parental leave and benefit policies globally and in Europe², highlights new policies and measures, and compares key characteristics such as leave duration and financing in the European countries (European Union (EU) and European Free Trade Association (EFTA) Member States and Western Balkan countries). This could inform policy making and help assess existing policies and proposed reforms, including in Kosovo³.

The note is the result of desk research. For presenting the global picture, the note draws upon data from the database “Women, Business and the Law” (2018). The state of affairs in the European countries is assessed based on data from the following three databases: Mutual Information System on Social Protection of the European Union (MISSOC)⁴, Mutual Information System on Social Protection of the Council of Europe (MISSCEO)⁵ and maternity and paternity leave database of the European Parliament⁶. Annex 1 summarizes the diverse regulations of maternity, paternity and parental leave as presented in these databases, and fills gaps with additional information and cross-checks with the relevant national legislation. Part of the information draws on the European Commission's assessment of the current provisions on paternity and parental leave policies⁷, and other documents and publications of the Commission's Employment, Social Affairs and Inclusion division. Important source of information are also the international conventions, directives and other legal documents, especially the directives of the European Council and the European Parliament which establish the *acquis Communautaire* in the field of maternity, paternity and parental leave policies.

The definitions used in this note are as follows⁸:

² The comparisons cover mostly the 28 EU and EFTA Member States (Iceland, Liechtenstein, Norway, and Switzerland) and the Western Balkan countries.

³ Kosovo is considering a reform of maternity, paternity and parental leave policies (Draft Law on Maternity and Parental Leave of 2018) with the following parameters: (i) preserving the current maternity leave with duration of 52 weeks (which is generous compared to other countries in Europe) and legislating three sources of its financing as follows: first 3 months - by the employer at 70 percent of the basic salary; next 6 months - by the state budget at 50 percent of the average wage in Kosovo; last 3 months to be unpaid; (ii) introducing paid paternity leave of 10 days at the birth of a child, and additional two weeks of unpaid leave to be used before the child turns 3 years of age; (iii) introducing of parental leave of 16 weeks per parent (individual right) to be used consequentially or simultaneously. The leave provisions in the draft legislation are in accordance with the provisions of the following EU directives: Council Directive 2010/18/EC of 8 March 2010 implementing the revised Framework Agreement on parental leave, COUNCIL DIRECTIVE 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

⁴ See comparative tables at: <https://www.missoc.org/missoc-database/comparative-tables/>. Update at Jan. 1, 2019 (latest).

⁵ See comparative tables with data for 2018 (latest update at Feb. 15, 2019) at: <https://www.coe.int/en/web/european-social-charter/missceo-comparative-tables>.

⁶ European Parliament Members' Research Service. *Maternity and Paternity Leave in the European Union. At a glance*. December 2016 Infographic.

⁷ European Commission (2018). *Paternity and Parental Leave Policies across the European Union. Assessment of current provision*. Publications Office of the European Union, 2018.

⁸ European Commission (2018). *Paternity and Parental Leave Policies across the European Union. Assessment of current situation*. Produced for the European Platform for Investing in Children (EPIC). Publications Office of the European Union, 2018; and Janna van Belle. *Paternity and Parental Leave Policies across the European Union*. RAND Corporation Research Reports, 2016, <https://doi.org/10.7249/RR1666>.

Maternity leave is defined as a job-protected period of leave from work which employed women take in the period immediately preceding and following child birth or adoption (in some countries) with some type of public income support provided.

Paternity leave is a job-protected short period of leave from work available to employed men which is taken in the period usually immediately after the birth of a child or adoption (in some cases) with income support provided in some cases⁹. This is an individual right reserved for the father.

Parental leave is the job-protected period of leave for employed parents, which is often supplementary to, and taken after maternity and paternity leave. The leave can be taken by both parents consecutively or simultaneously, with some countries 'reserving' on-transferable quotas for fathers. This leave is usually longer and aimed at taking care for children in their first years of life. The level of income support varies across countries.

Home care leave is the job-protected leave which can follow parental leave. It is rare in the EU Member States and is generally unpaid.

Individual entitlement / non-transferability of leave – a period of leave time that is reserved for use of the mother or father only.

Family right to leave – when leave is a family right, it can be transferred between parents.

Family-related leave policies comprise a set of leave entitlements that give employment protection and in some cases income support, to parents who take time off to care for their children. They include four types of leaves as listed above (maternity, paternity, parental and family-related leave).

Maternity, paternity and parental leave policies globally and in Europe

Globally, there are minimum standards on maternity leave set with the International Labor Organization (ILO) 2000 Maternity Protection Convention, No. 183¹⁰ and applying to all employed women, including those in atypical forms of dependent work. The UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, 1979) calls in addition for paid maternity leave or comparable social benefits without loss of former employment, seniority or social allowances, as well as for provision of supporting social services to enable parents combine family obligations with work responsibilities and to participate in public life (CEDAW, Art. 11 (2)). The main rights and minimum standards of maternity leave provided with the ILO Maternity Protection Convention are summarized in Box 1.

Box 1. ILO 2000 Maternity Protection Convention No. 183

Right to paid maternity leave of not less than 14 weeks / 98 days (Art. 4 (1)), including a period of 6 weeks of compulsory leave after childbirth (Art. 4 (4));

Right to cash benefits during maternity leave in accordance with national legislation, at a level which ensures that the woman can maintain herself and her child in proper conditions of health and suitable standard of living (Art. 6 (2)). Where the cash benefits are based on previous earnings, their amounts shall not be less than two thirds of the woman's previous earnings / wage replacement at a minimum rate of 67 percent (2/3) of earnings (Art. 6 (3)). Where other methods are used to determine the cash benefits, their amounts shall be on average comparable with the amounts resulting from the calculation

⁹ There is a need for distinction between paternity leave and father-only parental leave. In a number of countries paternity leave includes a period of time that only fathers can take. Here paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers and is in addition to parental leave.

¹⁰ ILO NORMLEX. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183.

based on previous earnings (Art. 6 (4)). Where a woman does not meet employment and social insurance-related conditions for maternity benefit, she shall be entitled to benefits out of social assistance funds, subject to the means test required for such assistance (Art. 6 (6)).

Financing of maternity benefits. Cash benefits to be provided through compulsory social insurance or public funds, and an employer shall not be individually liable for the direct cost of any such monetary benefit without that employer's specific agreement, with some exceptions (Art. 6 (8)). When the social security system is insufficiently developed, cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations (Art. 7 (1)).

Employment protection and non-discrimination. This includes protection against termination of employment during pregnancy or in a period following the return to work (Art. 8 (1)) and right to return to the same or equivalent position paid at the rate at the end of maternity leave (Art. 8 (2)).

Source: ILO NORMLEX. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183

Worldwide, only the USA and six other countries have no paid leave available to mothers¹¹. The other countries have it, and the median length of paid maternity leave is 14 weeks which corresponds to the ILO standard. Wage replacement ranges from 25 percent to 100 percent of earnings. Governments pay 100 percent of leave benefits for mothers in 96 countries, and 50 percent or more in 27 countries. In 53 countries employers pay 100 percent of maternity leave benefits. *Paternity leave* is provided in 91 countries and the median length of paid paternity leave is only 5 days. *Paid parental leave* is provided in 42 countries, mostly high and upper-middle-income economies. In almost 90 percent of them the parental leave is provided in addition to the maternity leave, in few countries maternity and parental leave are 'integrated'. Though parental leave is normally available to both parents, women tend to use it more than men.

In Europe, the maternity leave regulations are largely compliant with the ILO Convention. In the EU Member States, these policies are governed by the 1992 Maternity Leave Directive (92/85/EEC), which introduces measures aimed at improving the health and safety of pregnant women and mothers who have recently given birth or who are breastfeeding. Directive (92/85/EEC) stipulates a minimum period of maternity leave of 14 weeks, with 2 weeks of compulsory leave before and/or after delivery and an adequate allowance which is subject to national legislation. In 2008, the European Commission tried to amend this directive with a new framework proposal¹² to extend the duration of maternity leave to 18 weeks and in accordance with the ILO guidelines where at least 6 weeks of leave would be compulsory after confinement and paid at full salary. It also included a prohibition of dismissal during maternity leave and the right of the woman to return to the employment position with identical conditions she held before the leave. The proposal was accepted in 2010 by the European Parliament which proposed extending the maternity leave to 20 weeks, adding 2 weeks of non-transferable paternity leave, and a minimum of 16 weeks of maternity leave to be compensated at full salary. The proposal however was deadlocked in the European Council thereafter, and eventually withdrawn in July 2015.

The regulation of paternity leave is at national level, but the creation of common European legislation in that area has started, building on existing regulation of parental leave. A new Directive on work-life

¹¹ These six countries are the Marshall Islands, the Federated States of Micronesia, Palau, Papua New Guinea, Suriname and Tonga.

¹² (2008/0193/COD).

balance was proposed by the European Commission in 2017¹³ which is linked with the European Pillar on Social Rights and is part of a package of measures aimed at: (i) addressing in a comprehensive manner women's under-representation in employment, and (ii) supporting their career progression through improved conditions to reconcile professional and family responsibilities. The proposed directive complements existing rights, in particular the Parental Leave Directive 2010/18/EU¹⁴, and does not diminish the level of protection already offered by the EU acquis. It additionally improves existing rights and introduces new ones for both women and men, thereby promoting equal treatment and opportunities in the labor market, non-discrimination and gender equality. On January 24, 2019 a provisional agreement was reached between the Presidency of the Council of the EU and the European Parliament in the negotiations around the Directive on work-life balance. When formally adopted by the Council of the European Union and the European Parliament, the Member States will transpose this Directive into their national legislation, and will fill the scope left for setting own standards¹⁵.

The key elements of the 2019 provisional agreement in the negotiations on the Directive on work-life balance¹⁶ are summarized in Box 2.

Box 2. Key elements of the 2019 provisional agreement in the negotiations around the Directive on work-life balance

Fathers and second parents will be able to take at least 10 working days of *paternity leave* around the time of birth of a child paid at a level equal to the currently set at EU level pay for maternity leave. The right to leave will not be subject to a prior service requirement. However, the payment of the paternity leave can be subject to a 6-month prior service requirement. Member States with more generous leave systems will be able to keep their current national arrangements;

Individual right to 4 months of *parental leave* for each parent, from which 2 months are non-transferable between the parents and are "adequately" paid while the other 2 months per parent can continue to be transferred from one parent to another;

A new concept at EU level – *carers' leave* of 5 working days per year¹⁷ for workers taking care for relatives in need of care or support due to serious medical reasons. Member States may use a different reference period, allocate leave on case-by-case basis, and may introduce additional conditions for the exercise of this right;

Extension of the right to request *flexible working arrangements* to working carers in addition to this right for all parents.

¹³ Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. Brussels, 26.4.2017 COM (2017) 253 final 2017/0085 (COD)

¹⁴ COUNCIL DIRECTIVE 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.

¹⁵ For example, the leave durations and payment levels are minimal standards, Member States can set higher ones. Also, the Member States have to determine the level of payment of the parental leave.

¹⁶ The 2019 provisional agreement is somewhat more restrictive than the initial proposal of the Commission of 2017, which went further by making all 4 months of parental leave non-transferable; specifying reference pay for paternity, parental and carer's leaves (at least at the level of sick leave pay); and allowing for flexible (piecemeal and part-time) uptake of the parental leave until the child becomes 12 years old.

¹⁷ The carer's leave is not included in the scope of this note. It is worth noting though that, for the first time, with this agreement informal care givers are recognized and given the right to take leave. Although modest, this right means that the Member States will have to recognize care givers in their national employment laws.

Source: Better work-life balance for EU citizens: Presidency reaches provisional agreement with the European Parliament, January 24, 2019. Romania2019.eu. <https://www.romania2019.eu/2019/01/24/better-work-life-balance-for-eu-citizens-presidency-reaches-provisional-agreement-with-the-europe>.

Maternity and paternity leave policies in the EU, EFTA and Western Balkan countries, despite their diversity, have a number of common features. They include *inter alia* the following:

All reference countries have quite elaborated national legal framework which regulates different aspects of maternity and paternity benefits and leave. The statutory basis involves (at least) social insurance codes and laws, laws on social security contributions and benefits, laws on health insurance and/or insurance in case of sickness and maternity, labor codes and other labor legislation. In some countries the statutory framework also includes laws on family compensations, social welfare laws, legislation on equal opportunities and equal treatment of men and women on the labor market, laws on protection of women's employment. A number of countries have adopted special primary or secondary legislation on maternity and paternity leave¹⁸.

The protection in case of maternity is a combination of cash and in-kind benefits. Along with paid and unpaid leave, most of the countries provide ***in-kind benefits*** for pregnant women and young mothers in the form of free medical care, midwife care and midwife consultation during pregnancy and after birth, free hospital stay and/or delivery, exemptions from co-payments, childcare provided by certified children's or baby nurses.

The right to maternity and paternity leave applies mainly to persons who are active in the labor market, in certain cases unemployed women who receive statutory unemployment benefits and/or women-students are eligible as well. Much less common are the cases of paid maternity / cash support for inactive and other categories of women without social insurance. Where existent such scheme is in addition to the scheme(s) for active and insured mothers and fathers, could be means-tested and part of the social assistance system. Some examples of such schemes are given in Box 3.

Box 3. Examples of European non-contributory maternity leave schemes and financing models

Italy provides insurance-based paid maternity leave for employed and self-employed women, but also state-financed maternity allowance for working mothers with low income and for temporary unemployed mothers. Italy also provides an allowance financed by the municipality of residence to non-working mothers with low income.

Croatia operates a contribution-financed scheme covering the employed population and providing earning-related cash benefits and also a tax-financed scheme for inactive population providing flat-rate benefits.

Germany operates a compulsory social insurance scheme for female employees providing benefits in kind and earnings-related cash benefits. At the same time, co-insured spouses and daughters of insured persons in minor employment and female employees who are not affiliated to a statutory sickness fund may receive Maternity benefit by the Federal State.

¹⁸ For example, the Act on Maternity and Parental Aids in Croatia, the Consolidated Act No 827 of 23 June 2017 on right to leave and cash benefits in the event of birth in Denmark, the Maternity Grant Act in Finland, the Act on the protection of mothers who are working, or following a study or training in Germany, the Maternity/Paternity Leave and Parental Leave Act in Iceland, the Paternity Leave and Benefit Act (2016) in Ireland, Law No. 53 of 8 March 2000 on provisions for maternity and paternity support in Italy, the Law on Parental leave in Sweden, the Federal Law on Income Compensation Allowances in case of Service and in case of Maternity in Switzerland, the Statutory Decree 91/2009 on the Protection System in case of Maternity, Paternity and Adoption in Portugal, or the Emergency Ordinance No. 158/2005 in Romania.

Bulgaria provides insurance-based paid maternity leave for women who work and have insurance for general sickness and maternity, but also ‘social maternity leave’ for non-eligible for the insurance-based scheme. The ‘social maternity leave’ lasts till the child becomes 1 year old. It is means-tested and paid in cash (at a flat rate which is lower than the insurance-based compensation) or in-kind (‘social investment’ in the child and child’s family).

Source: MISSOC database and national legislation.

The eligibility for maternity and paternity leave is linked to making social insurance contributions prior to confinement. Most often, the rights to maternity and paternity leave require participation in compulsory social insurance with no options for voluntary contributions¹⁹. Paid leave is fully or partially financed by social insurance funds. Social insurance-based is the maternity and paternity leave in all EU and EFTA Member States.

The compensations at the time of maternity and paternity leave are largely earning-related. Earning-related are the compensations for maternity leave in most of the EU and EFTA Member States, few of them operate flat-rate benefits which are not linked to earnings.

In most of the cases these leaves are counted as employment and/or contribution record for pensions, and are factored in the calculation of the amount payable.

Duration of the maternity leave

All EU, and also EFTA and Western Balkan countries have paid maternity leave. This leave is understood as a health and welfare measure taken just before, during and immediately after childbirth. Policies mainly target the leave after childbirth, and the public income support associated with it²⁰. Policymakers are cognizant of the possible negative effect of long periods of leave on women’s labor market attachment and career advancement, and over recent years many European countries have made changes to the design of their maternity leave provision.

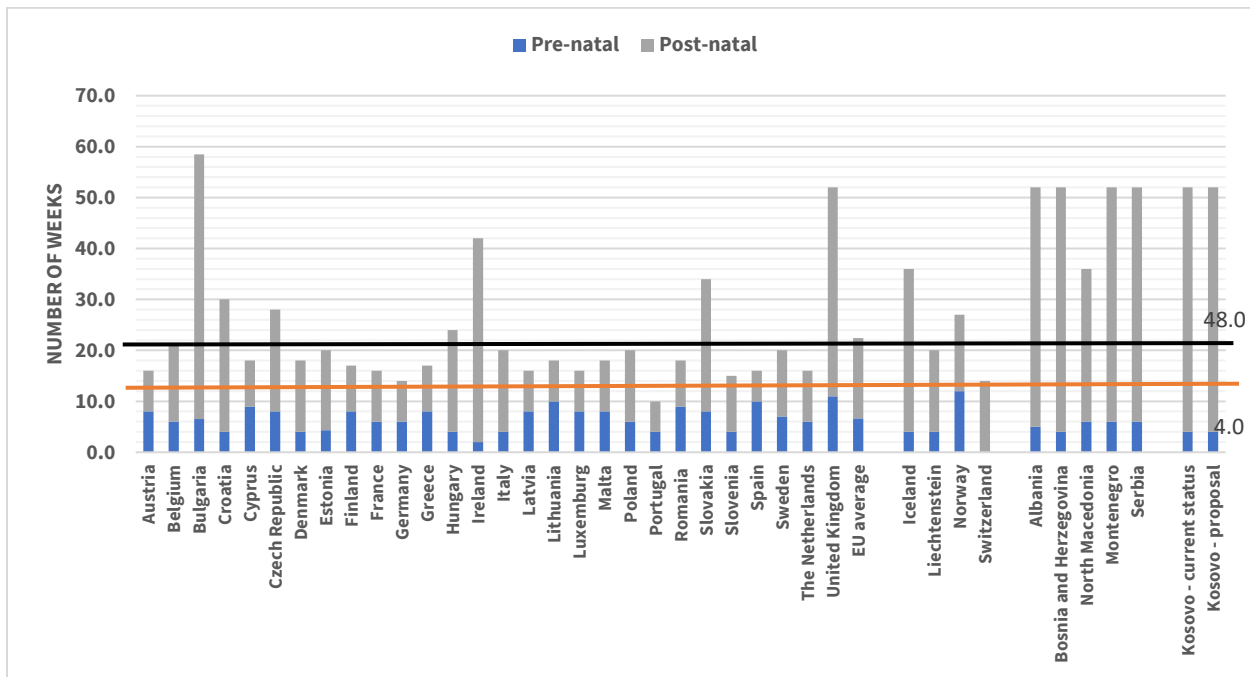
Maternity leave duration is equal or higher than the ILO minimum standard, except for one country. As said, the current EU acquis (Maternity Leave Directive (92/85/EEC) mandates at least 14 weeks / 98 days (same as the ILO 2000 Maternity Protection Convention), of which 2 mandatory weeks. The national laws are largely compliant with that, the only exception is Portugal where the cumulative (pre- and post-natal) maternity leave is shorter - 10 weeks. The longest maternity leave is to be found in Bulgaria (58.5 weeks), also in the UK and the Western Balkan countries except for North Macedonia (52 weeks). The pre-natal leave duration varies between 2 weeks (Ireland) and 12 weeks (Norway). It can be all mandatory, all optional or a combination of mandatory and optional periods. The longest *mandatory* pre-natal leave is 8 weeks and is to be found in Greece, the Czech Republic, Slovakia, Austria and Luxemburg. The post-natal leave duration varies between 6 weeks (Spain and Portugal) and 52 weeks (Bulgaria). The longest *mandatory* post-natal leave of 16 weeks is to be found in Italy, while the longest optional one (of 50.5 weeks) is in Bulgaria. Currently, in the EU Member States the statutory average duration of maternity leave is close to 22.5 weeks; the average for pre-natal leave it is 6.7 weeks and the average for post-natal leave is 15.8 weeks. A comparison of maternity leave duration across Europe is presented in Figure 1²¹.

¹⁹ There are few exceptions. For example, Austria requires compulsory social insurance for all employed with income above the marginal earning thresholds, but also allows voluntary insurance in case of minor employment.

²⁰ European Commission (2018). Changes in child and family policies in the EU28 in 2017.

²¹ Such comparisons could end up with different results / rankings as a result of different ways of interpretation of national legislation which could be complicated and difficult to put under common denominator. In this case comparison across countries takes into account the ‘most common’ or ‘base case’ under which maternity leave duration is determined. Most countries allow

Figure 1. Duration of maternity leave in the EU and EFTA Member States and Western Balkan countries



Source: National legislation as summarized in MISSOC, update at Jan. 1, 2019, and MISSCEO, update at Feb. 15, 2019.

Notes: The orange line represents the minimum number of weeks as mandated by the Maternity Leave Directive; the black line is the actual EU average. Maternity leave is defined as both paid and unpaid in this graph.

New trends are observed in maternity leave policies towards, *inter alia*, increasing the importance of the parental leave, allowing more flexibility in how to use the maternity leave and more options for transferability of maternity leave.

There is a shift away from 'traditional' maternity and paternity leave in favor of 'integrated' parental leave. This trend is new and witnessed mostly in some 'old' EU Member States. One example is the United Kingdom where in 2015 leave policies were reformed so that 37 weeks of paid maternity leave may be taken as shared, paid parental leave. Other examples are Sweden, Denmark and Portugal (also EFTA Member State Norway) where there is no strict division between maternity and paternity leave. Instead, there is a combined leave entitlement where certain numbers of leave days are 'reserved' as the mother's and the father's mandatory quotas, and the rest of the leave days are transferable.

The arrangements for taking the maternity leave are becoming more flexible. Though the majority of EU Member States does not allow taking the maternity leave on a part-time basis, overall this possibility is expanding over time to facilitate a quicker and at the same time gradual return of the mothers of young

longer than the 'base case' maternity leave in specific cases such as birth of twins or multiple births, birth of a child with special needs, complications during pregnancy and birth. They also allow taking fully or partially the pre-natal part of the maternity leave after giving birth. Although the information from national legislation is organized in the MISSOC database in accordance with a common template, the individual countries have certain flexibility of reporting information, thus there are variations in content, length and breadth of available descriptions of national systems. Finally, additional complications are associated with the possibility for different assumptions with regard to availability or, on the contrary, absence of maternity leave in the countries (namely, Denmark, Norway, Portugal and Sweden) where the leave entitlement is combined - parental leave instead of distinct maternity and paternity leaves. For the current comparison, it is assumed that the part of the parental leave which is reserved mandatory and exclusively for the mother and is not transferable (mother's mandatory leave quota) has the characteristics of maternity leave.

children in employment. For example, in Belgium the last two weeks of maternity leave can be converted into part-time leave that can be used in combination with part-time work. In Spain, maternity leave can be taken on a part-time basis, except for the six-week period after birth. During periods of leave on a part-time basis, the calculation basis of the allowance will be reduced in inverse proportion to the reduction of working hours. In the Netherlands, maternity leave can be taken part-time from the 7th week onwards.

There is more flexibility in transferring parts of the maternity leave to fathers, other family members or other persons who take care of the newborn or young child. In the past, the father was entitled to maternity leave only in special cases (such as death of the mother, hospitalization or other reasons for her inability to take care of the child, abandonment of the child by the mother and similar). For example, in Croatia after the compulsory maternity leave period the mother can resume work and the father can use the remaining leave period. Also, if one of the parents uses the remaining leave on a part-time basis, its duration is doubled. Similarly, in Bulgaria with the mother's consent, the father can use her paid maternity leave from the 6th month of the child until the child reaches 1 year of age. Similarly, in Slovakia the benefit is payable to the father upon agreement of the mother and provided that the mother does not receive maternity or parental benefit after a period of at least 6 weeks after birth until the child is 3 years old. Possibility for transferability of child raising leave was recently introduced in Serbia, Montenegro and Bosnia and Herzegovina's entity Republika Srpska.

Paternity leave duration

Paternal leave policies are determined at national level and this entails large variations in terms of leave length, compensation levels and whether the paternity leave is a family or individual right. The most common definition of paternity leave is a job-protected short period of leave from work which is taken by employed men / fathers in the period immediately after the birth of a child, and is well paid. This leave is different from the parental leave quota (number of days of parental leave) which is reserved for the father. According to the latest available data²², 24 of the EU28 Member States offer some form of paternity leave after the birth of a child, and in 16 of them the leave is 10 working days²³ or longer. In 17 EU Member States the compensation rate is at 100 percent of previous earning of the father, paid from contributory insurance funds, and sometimes from general taxation²⁴. Finland has the most generous paternity leave of 9 weeks, where all of them are well-paid²⁵.

The average duration of paternity leave in Europe (paid and unpaid combined) is currently 11.2 days²⁶ (Figure 2). Paternity leave duration varies from 2 working days in Greece, Malta and Luxemburg to 54 consecutive days (without Sundays thus making 9 weeks in total) in Finland. 4 EU Member States – Croatia, Germany, Slovakia and Sweden – are without statutory entitlement to paternity leave. However, in Slovakia, fathers can take a part of the parental leave. In the case of Sweden, the absence of separate provision for paternity leave is offset by provision for a generous parental leave with a leave quota of 90

²² MISSOC Tables, update at Jan. 1, 2019 (latest).

²³ In line with the provisional agreement stating that fathers and second parents will be able to take at least 10 working days of leave around the time of birth of a child; it also requires such leave to be paid at a level equal to the currently set at EU level pay for maternity leave, and the right to the leave not to be subject to a prior service requirement.

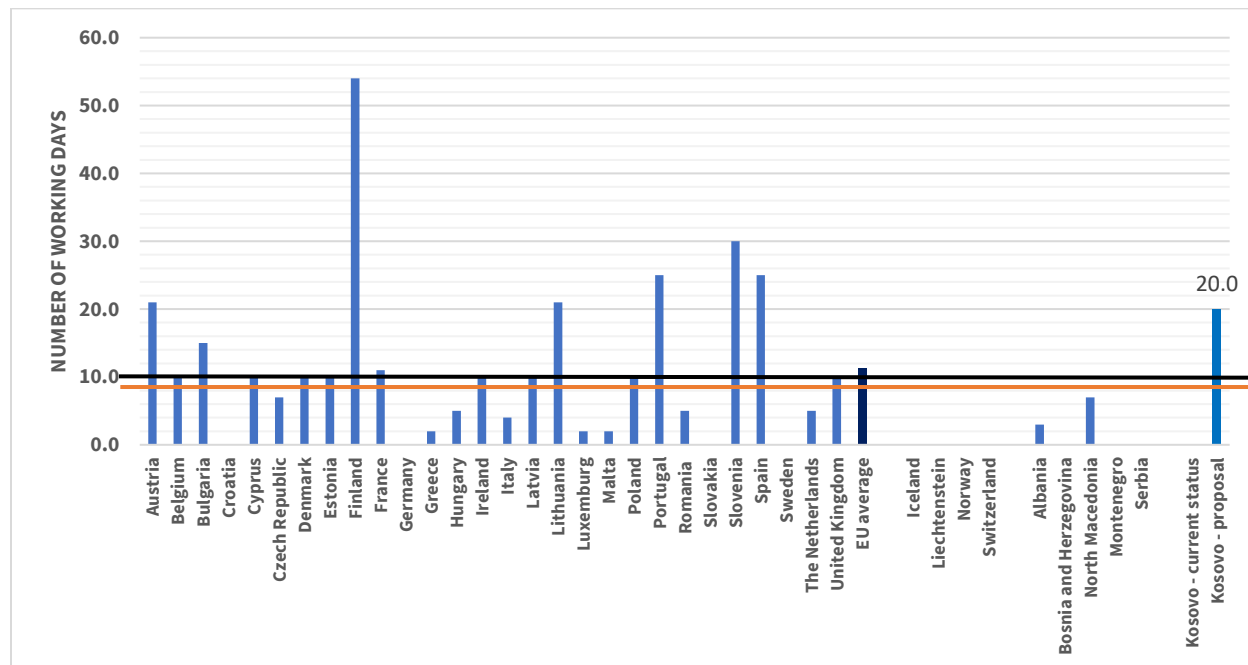
²⁴ European Commission (2018). *Paternal and Parental Leave Policies across the European Union. Assessment of current provision*. Publications Office of the European Union, 2018.

²⁵ Well paid is defined as at least 66 percent of previous earnings. This threshold is set by the European Commission (2010) and indicates that earnings below 66 percent create a risk of a low wage trap. See: European Commission (2018). *Paternal and Parental Leave Policies across the European Union. Assessment of current provision*. Publications Office of the European Union, 2018.

²⁶ National legislation determines paternity leave duration in different ways. For the purpose of this comparison paternity leave duration defined in months, weeks, calendar days and consecutive days is converted into duration in working days.

days exclusively reserved for the father. Two of the Western Balkan countries – Albania and North Macedonia – have statutory paternity leave.

Figure 2. Duration of paternity leave in the EU and EFTA Member States and Western Balkan countries



Source: National legislation as summarized in MISSOC, update at Jan. 1, 2019 and MISSCEO, update at Feb. 15, 2019.

Notes: The orange line represents the minimum number of days as proposed by the 2019 provisional agreement around the negotiation of the Directive on work-life balance. The black line is the actual average duration of the paternity leave in the EU Member States. Paternity leave is defined as paid and unpaid in this graph.

Parental leave duration

EU Directive 2010/18/EU formulates the minimum requirements on parental leave and time off from work. The directive states that both parents are entitled to at least 4 months of leave each. It lays down minimum requirements designed to facilitate the reconciliation of parental and professional responsibilities for working parents, taking into account the increasing diversity of family structures while respecting national law, collective agreements and/or practice. Key provisions of the Directive are summarized in Box 4.

Box 4. EU Directive 2010/18/EU on parental leave – key points

Employment related contributory scheme. Directive 2010/18/EU applies to all workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements and/or practice in force in each Member State, including part-time workers, fixed-term contract workers or persons with a contract of employment or employment relationship with a temporary agency. Member States may apply more favorable provisions than those set out in the Directive. It is often supplementary and taken after maternity and paternity leave. Employees (male and female) are entitled to it irrespective of the type of contract as long as contributions are paid.

Individual right entitlement. The Directive entitles men and women workers to an individual right to parental leave on the grounds of the birth or adoption of a child to take care of that child until a given age up to 8 years to be defined by Member States and/or social partners.

Duration and transferability. The leave shall be granted for at least 4 months and, to promote equal opportunities and equal treatment between men and women, should, in principle, be provided as non-transferable. To encourage a more equal take-up of leave by both parents, at least 1 of the 4 months shall be provided on a nontransferable basis. The modalities of application of the non-transferable period shall be set down at national level.

National level responsibilities. As long as the minimum requirements of the Directive are respected, the Member States may decide on whether parental leave is granted on a full-time or part-time basis, in a piecemeal way or in the form of a time-credit system, taking into account the needs of both employers and workers; make entitlement to parental leave subject to a period of work qualification and/or a length of service qualification which shall not exceed one year; and define the circumstances in which an employer is allowed to postpone the granting of parental leave for justifiable reasons.

Rights to return to the same job and non-discrimination. At the end of parental leave, workers shall have the right to return to the same job or, if that is not possible, to an equivalent or similar job consistent with their employment contract or employment relationship. In order to ensure that workers can exercise their right to parental leave, Member States shall take the necessary measures to protect them against less favorable treatment or dismissal on the grounds of an application for, or the taking of, parental leave.

Better work-life balance. National law and collective agreements should regulate the right of workers (both parents) to request changes in working hours after their return from parental leave.

Source: Directive 2010/18/EU, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:068:0013:0020:en:PDF>.

All EU and EFTA Member States, except for Switzerland, have statutory parental leave. In more than half of the EU Member States (16) (Belgium, Croatia, Czech Republic, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Portugal, Slovenia, Spain, The Netherlands, UK) the parental leave is an individual right / entitlement of the parent. It is a combination of individual and family rights in 2 EU Member States (Romania and Sweden), and a family right in 10 Member States (Austria, Bulgaria, Cyprus, Estonia, Finland, Hungary, Latvia, Lithuania, Poland and Slovakia). Only 10 EU countries in which the parental leave is an individual entitlement, have a period of parental leave which is exclusively reserved for the fathers (Belgium, Croatia, Greece, Ireland, Italy, Luxembourg, Malta, Poland, The Netherlands, UK), but, even in these countries, this entitlement can often be transferred to the mothers²⁷. Among the Western Balkan countries, North Macedonia and Albania have legislated explicitly provision of parental leave. Montenegro and Serbia provide childcare leave (after the end of pregnancy leave) which is considered part of the maternity leave²⁸ but, with the consent of the mother, can be transferred to the father. The paternity leave is compensated at different rates ranging from well-paid to unpaid. In Hungary, Estonia and the Czech Republic parental leaves are well-paid and are also among the most generous in terms of duration²⁹.

The variations in parental leave duration across countries are significant, ranging from 26 weeks in Finland to 156 weeks in Germany and Spain (Figure 3). The average duration is 73.4 weeks, and in only one EU Member State (Finland) the parental leave is shorter than the stated minimum of 4 months per

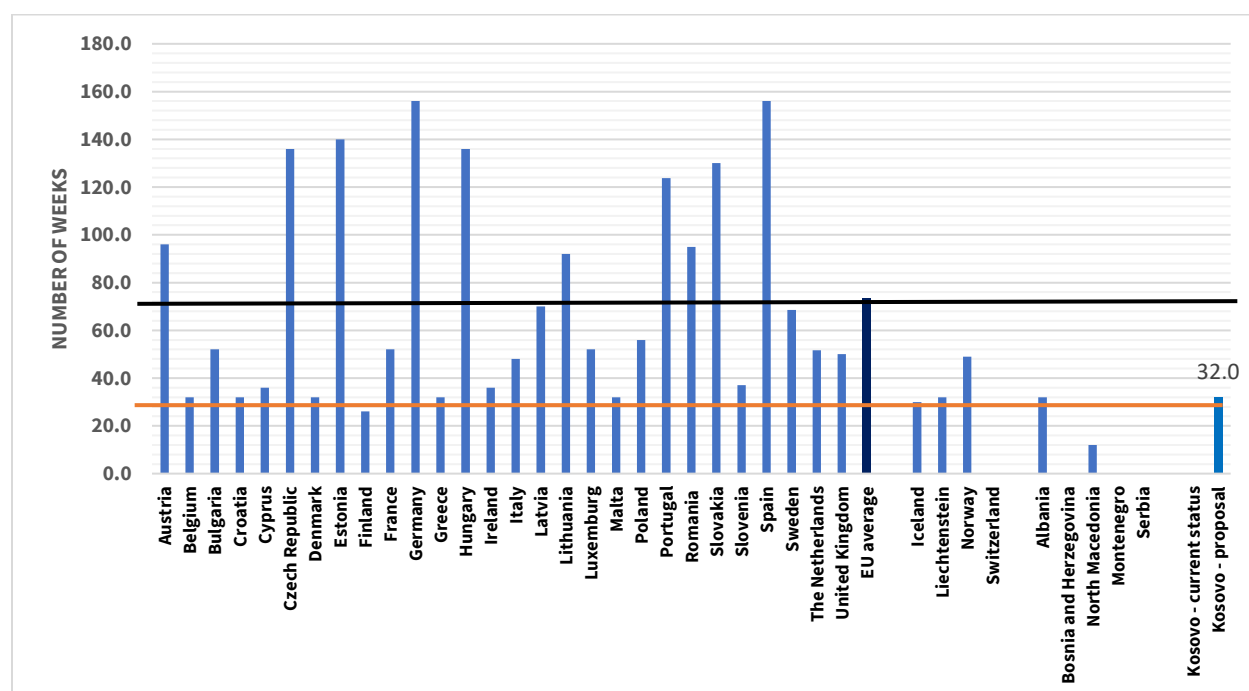
²⁷ European Commission (2018). *Paternity and Parental Leave Policies across the European Union. Assessment of current provision*. Publications Office of the European Union, 2018.

²⁸ MISSCEO database, Maternity/Paternity benefit section.

²⁹ European Commission (2018). *Paternity and Parental Leave Policies across the European Union. Assessment of current provision*. Publications Office of the European Union, 2018.

parent³⁰ in Directive 2010/18/EU. Also, in one of the EFTA Member States, Iceland, where the maximum duration of parental leave is 30 weeks. Variations very much depend on the proportion between the paid and unpaid segments of the leave, also on the leave compensation schedule - usually shorter parental leave is compensated more generously compared to longer leave. In certain cases, the leave duration is flexible, can vary depending on other factors like how the leave is used (sequentially or jointly), whether the leave is shared, whether the leave is taken full-time or part-time. In some countries the parents have the option to take a longer parental leave at a lower compensation rate or a shorter parental leave at a higher compensation rate. The parental leave can be longer if the child has special needs, if child(ren) is/are raised by a single parent and similar. Finally, in some countries there is flexibility with respect to the child's age limit for taking the parental leave. For example, in Germany, parental leave is granted in principle until the child becomes 3 years old, however, 24 months of the leave may be also claimed after the child turns 3 years.

Figure 3. Duration of parental leave in EU and EFTA Member States and Western Balkan countries



Source: National legislation as summarized in MISSOC, update at Jan. 1, 2019 and MISSCEO, update at Feb.15, 2019; For Malta: L.N. 225 of 2003 - Parental Leave Entitlement Regulations. <https://dier.gov.mt/en/Employment-Conditions/Leave/Pages/Parental-Leave.aspx>. For The Netherlands additional information from: <https://www.angloinfo.com/how-to/netherlands/healthcare/pregnancy-birth/parental-leave>. Notes: The orange line represents the minimum number of weeks as mandated by the EU Directive 2010/18/EU on parental leave; the black line is the actual EU average. Parental leave is defined as paid and unpaid in this graph.

Actual take up of parental leave is low among fathers, and this is a common trend. In recent years, the EU and EFTA countries are undertaking different policy measures to promote the father's uptake. Some examples of such policies are listed in Table 1.

³⁰ For the purposes of this comparison 4 months per parent are converted into 32 weeks (8 months x 4 weeks); other way of conversion (2/3rd of 12 months / 52 weeks) renders 34.7 weeks. The comparison is trying to comply as much as possible to the leave durations in weeks, months and years as specified in the legislation of the respective country.

Table 1. Policies to promote father’s uptake of the parental leave in EU and EFTA Member States

| Country | Description of policy |
|----------|---|
| Austria | Parents each receive an additional bonus cash payment if they share parental leave equally or at least 60:40 |
| France | Parents receive higher leave compensation if they both take some leave |
| Italy | Parents receive an additional month of leave if the father takes at least 3 of the initial 10 months |
| Germany | Parents receive pay for additional 2 months of leave if they each take at least 2 of the initial 12 months |
| Norway | 70 days of the total post-natal parental leave are reserved for each parent |
| Portugal | The initial parental leave is prolonged by 30 days in case of shared leave, provided each parent takes a leave of 30 consecutive days, or two periods of 15 consecutive days. |
| Sweden | 90 of the 480 days of paid parental leave are reserved for the mother, and the same amount is reserved for the father |

Source: National legislation; MISSOC, extraction as of Jan. 1, 2019; and “World Bank Group. 2018. *Women, Business and the Law 2018*. Washington, DC: World Bank. © World Bank. <https://openknowledge.worldbank.org/handle/10986/29498>.

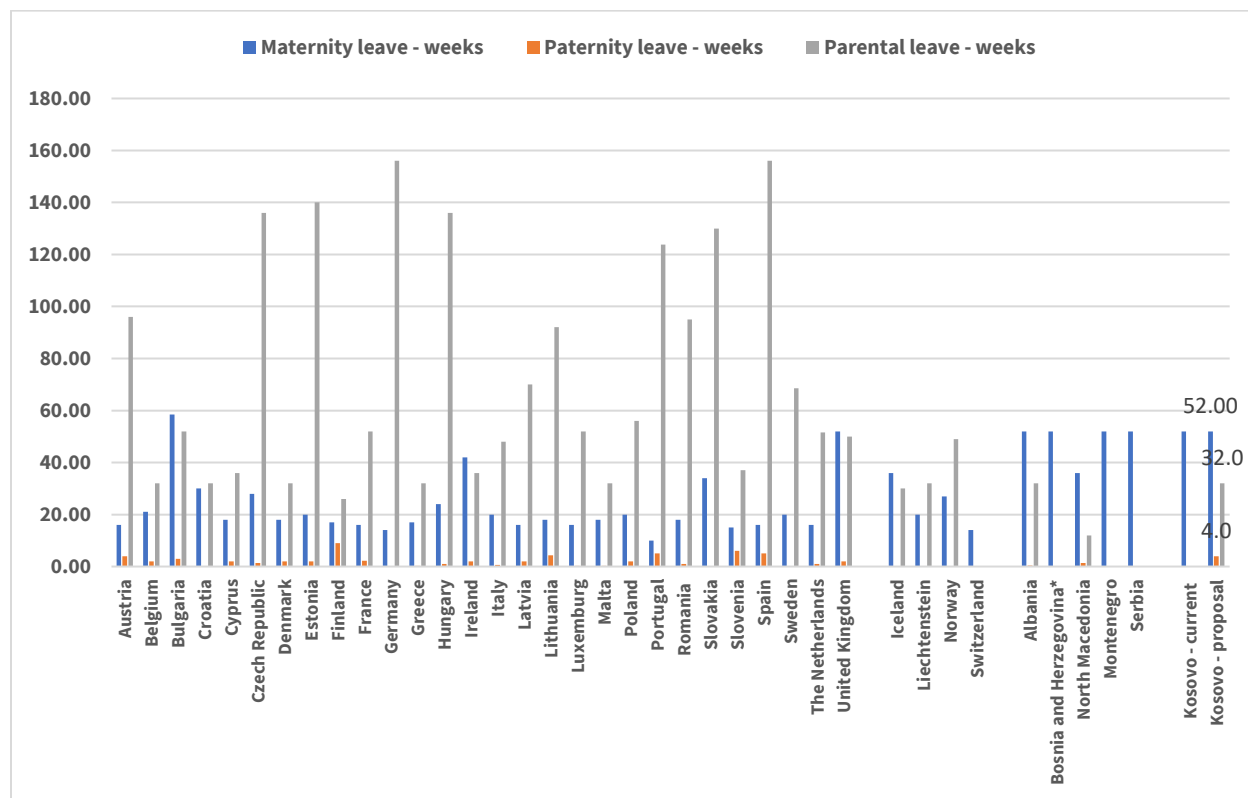
To encourage the take up of parental leave, the proposal for the new Directive on work-life balance recommends individual right to 4 months of parental leave for each parent, from which 2 months are non-transferable between the parents and are ‘adequately’/well paid, at least at the level of sick pay. However, sick pay compensations vary considerably across EU28, and only 14 Member States offered in 2017 paid sick leave which could be considered as well-paid³¹ (at least 66 percent of the previous earnings).

Combined duration of maternity, paternity and parental leave

The combination of the duration of maternity, paternity and parental leaves and other characteristics of these leaves, especially flexibility, transferability and compensation levels, is an important instrument of family policies. The combined duration of leaves by country is presented in Figure 4. The joint presentation of these types of leaves reveals that different countries use them in different ways for support of child birth and child raising and for promotion of work-family life balance. Certain countries emphasize on long maternity leave while others emphasize on parental leave which can be used more interchangeably and flexibly by both parents. There is no clear pattern in how these leaves are combined. The impacts of these policies are yet to be assessed.

³¹ European Commission (2018). *Paternity and Parental Leave Policies across the European Union. Assessment of current provision*. Publications Office of the European Union, 2018.

Figure 4. Duration of maternity, paternity and parental leave in the EU and EFTA Member States and the Western Balkan countries



Source: National legislation as summarized in MISSOC, update at Jan. 1, 2019 and MISSCEO, update at Feb. 15, 2019.

Maternity, paternity and parental leave reform in Kosovo in the European policy context

The Government of Kosovo is reforming maternity, paternity and parental benefits and has drafted in 2018 a new Labor Code and a Law on Maternity and Parental Leave. The Law on Maternity and Parental Leave specifically aims to regulate the rights to maternity, paternity and parental leaves and the obligations of different parties; to establish a framework for reconciliation of family and work life; and to set the terms and conditions for financing such rights. Policymakers in Kosovo are proposing with the draft Law on Maternity and Parental Leave regulations that are compliant with the EU directives in respective areas. This is made on a unilateral and voluntary basis. At this point there is no requirement for adoption of the EU acquis in terms of the types of family leaves and their characteristics. The key elements of the proposed with the draft law leaves are summarized in Box 5.

Box 5. Maternity, paternity and parental leaves in Kosovo as proposed with the draft Law on Maternity and Parental Leave (2018)

The draft law is supposed to apply to employers and employees in the public and the private sector, including unemployed and self-employed women (Art. 2).

The draft law proposes **maternity leave** of 12 months, of which 2 months of mandatory leave to be taken by the mother before or after giving birth. Paid are 9 months of this leave – the first 3 months are paid by the employer at the rate of 70 percent of the basic salary of the mother. The next 6 months are paid by the state at 50 percent of the average wage in Kosovo. The last 3 months of the leave are

unpaid. The 6 months of paid by the state maternity leave are transferable to the father with the consent of the mother (Art.7).

The draft law proposes **paternity leave** of 10 days to be taken at the time of the birth of the child. This leave should be compensated at the full salary of the father. In addition, the law provides for 2 weeks of unpaid paternity leave which can be taken at any time before the child becomes 3 years old (Art.16).

The draft law proposes **parental leave** of 4 months per parent as an individual right. Eligible are employees with more than 6 months of uninterrupted work with the respective employer. The parental leave can be taken in full or partially, separately or simultaneously by the two parents (Art.11). Conditions related to incomes during parental leave and social security payments should be governed with a special law (Art.14).

Source: Draft Law on Maternity and Parental Leave, 2018, Ministry of Labor and Social Welfare.

With respect to maternity leave, the draft law proposal does not change the current maternity leave duration of 12 months which is well above the minimum standard of the ILO and the EU acquis (14 weeks / 98 days). Thus, Kosovo will continue to be among the European countries with one of the longest maternity leaves, far longer not only than the minimum duration set in the EU acquis, but also significantly longer than the average length of this leave in the EU Member States (currently close to 22.5 weeks). In the proposal of Kosovo there is no legally defined duration of the mandatory pre-natal maternity leave, only the total duration of mandatory maternity leave (2 months prior and post confinement) is stated, and that the maternity leave can commence up to 45 days before the expected date of birth. The employer has a role in the use of leave before confinement. He/she has the right to ask for using 4 weeks of maternity leave before childbirth, especially when the job is no longer suitable for the pregnant woman. Kosovo's proposal for a post-natal maternity leave duration of 48 weeks (assuming that 4 weeks are taken before confinement upon the request of the employer or upon the own decision of the pregnant woman) will keep the duration of this leave also among the longest in Europe (the average in EU28, as mentioned, is 15.8 weeks).

The maternity leave financing arrangements and levels of compensation depart in certain cases from the ILO Maternity Protection Convention No. 183, and the EU acquis. Specifically:

- With respect to financing, in the case of Kosovo *employers are individually liable for part of the direct costs of the monetary benefit*, they pay for 6 months now and will be paying for 3 months of leave according to the proposal. The ILO Convention is open for such a possibility *if the employer specifically agrees to that* however it is not applied in practice in the European comparator countries. In them, cash compensations in case of maternity leave are provided to employed women (or unemployed women when they receive the unemployment benefit) because of their affiliation to mandatory social insurance, and are financed from social insurance funds³².
- With respect to the level of pay, in the case of Kosovo, during the first 3 months after delivery it is supposed to be 70 percent of the base salary which might be less than the minimum standard set by the Convention at 66 percent of the woman's previous (gross) earnings. This threshold is set by the European Commission³³ and indicates that earnings below 66 percent create a risk of a low wage trap. Also, it is not clear whether the compensation at the level of 50 percent of the

³² Funding could come from general contribution for social insurance, or from earmarked contribution, e.g. for unemployment insurance, or for insurance in case of sickness and disability or for maternity.

³³ European Commission, Indicators for Monitoring the Employment Guidelines including Indicators for Additional Employment Analysis: 2009 compendium, 2010.

average wage, which the state budget will pay for 6 months (from the 4th till the 9th month of maternity leave including) will always be above the minimum standard for income replacement. Certainly, there will be mothers with well-paid jobs, for whom this compensation rate will be less than 66 percent of the earning before maternity leave.

Paternity leave is a new entitlement which is set as generous at its outset. The Kosovo's draft law proposes introduction of paternity leave comprised of two components. The first is for 10 days of paid leave to be taken at the time of the birth of the child, and to be compensated at the full salary of the father. This is consistent with the provisional agreement on the EU Directive on work-life balance. The second is for 2 weeks of unpaid leave which can be taken by the father any time before the child becomes 3 years old. In that way, the total duration of the proposed paternity leave would be longer than the average for the EU Member States (11.2 days).

Parental leave is a new entitlement which meets the minimum requirements for duration and for being an individual right. The proposal for 4 months per parent is consistent with the EU Directive 2010/18/EU on parental leave and with the provisional agreement on the EU Directive on work-life balance. The proposed duration is equal to the minimum requirements of the stated documents and shorter than the average current parental leave duration in the EU Member States (73.4 weeks). **However, the combined duration of the three leaves (maternity, paternity and parental) ends up being generous compared to a number of 'old' and 'new' EU Member States with established sickness and maternity insurance systems, and to other Western Balkan countries as well.**

Open issues exist which require further consideration and *ex ante* regulatory impact assessments, among them:

Timing of the proposed law. One open question is about the right timing of the proposed law and its coordination with other legislation related to labor market policy reforms. Given that the policies which the new law is supposed to regulate closely interact with employment and social insurance policies and legislation, there is an argument for adopting the new Labor Law first, and then align other laws, including the new Law on Maternity and Parental Leave, to its provisions. This would allow coordinating the approaches to maternity, paternity and parental leave policies in different legislative acts, and would avoid possible overlap of regulations³⁴. Open is also the question about timing with respect to readiness of the European legislation. Paternity and parental leaves in Kosovo can be introduced *after* the EU institutions and Member States approve the new Directive on work-life balance, to fully respond to its final provisions.

Direct and indirect costs of employers. As already mentioned, employers will bear higher direct costs of maternity leave compared to countries with social insurance schemes. These costs will decline compared to the current situation where an employed woman is entitled to 9 months of paid and 3 months of unpaid maternity leave, where the employer pays 6 months at 70 percent of the base salary. The new legislation proposes reducing the period of paid by the employer maternity leave to 3 months while preserving the compensation rate, and the ensuing direct costs for him/her. At the same time, with the new legislation employers' direct costs would increase due to introducing 10 days of paid by the employer paternity leave, to be compensated at the full salary of the father. One might expect that the net effect would still be in favor of reduction in overall direct costs. There will be additional indirect costs of employers, including for

³⁴ One example of a possible overlap is to be found in Art. 76 of the proposed Labor Law which regulates a new family leave entitlement – paid absence from work with full compensation of salary, up to 5 calendar days per year to care for sick child. It is not clear of how this leave relate to other child and family protection policies, whether it is part of the proposed parental leave scheme, and whether it applies to all children up to certain age of is specifically targeted to children with medical certification of health conditions and/or disability.

hiring temporary replacements of absent workers, especially when leaves are taken in one or two longer-time periods. This could lead to temporary loss of productivity along with additional administrative costs. The administrative costs would also increase due to the need for making flexible work arrangements in case of piecemeal take of paternity and parental leaves.

Impact on public spending. Public spending would increase with the proposed leaves. A number of the proposed policy changes could put additional pressure on public finances, for example:

- Currently the government pays for 3 months of maternity leave at 50 percent of the average salary which will be increased to 6 months at the same rate of compensation.
- Public spending would increase with introducing paid maternity leave for unemployed women, women who are full-time students, or even for working women when they are not able to meet certain additional qualifying conditions, e.g. to have worked for a certain minimum period of time for the last employers before becoming eligible for employer-financed maternity leave. Similar requirements can exist in the case of paternity leave, and would also require the state budget to allocate additional resources for compensating in one way or another working fathers who do not qualify.
- Additional pressure on public finances would emerge if the paid maternity leave is extended to non-working women (not engaged in any kind of employment). This possibility follows from the ILO Convention's provision that where a woman does not meet employment and social insurance related conditions for maternity benefit, she shall be entitled to benefits out of social assistance funds, subject to the means test for social assistance.

Impact on female participation in employment. The employment rate for women in Kosovo is very low - almost nine out of ten women are not working. If generous, family leave policies could further exacerbate the trend by increasing the costs of labor of the employers, especially of female labor. Generous leaves could also disincentivize women to return to employment after childbirth. In an environment of high unemployment and limited job creation, generous maternity and parental leaves could disincentivize employers' hiring of women and reinforce further the already low participation rate of women in employment.

Impact on work-life balance. According to international experience, there is no robust empirical evidence that family leave policies alone improve the balance between work and family responsibilities of employed women and men, and promote the participation of fathers in child raising. As mentioned already, the take up of parental leave is low even in countries with 'history' of its implementation, and with policies that promote take up. The introduction of paternity leave and individual rights to parental leave is just one prerequisite for fathers' wider participation in child raising. Policies and measures in that area are expected to be more effective if combined with specific measures aimed at incentivizing the use / take up of the leave, for example with more possibilities for flexible work hours and other flexible work arrangements as part-time work, work from home, or job sharing. Important is also the legal treatment of such leave periods in social insurance / pension policies. Finally, important is to have a supporting work environment and guarantees for no discrimination in treatment of leave beneficiaries at the work place.

ANNEX 1. Main characteristics of the design and duration of maternity, paternity and parental leave in the EU and EFTA Member States and the Western Balkan countries

| | Maternity leave | | Paternity leave | | Parental / Childcare / Child raising leave | |
|-------------------------------|---|---|--|---------------------------------|--|--|
| | Provisions/Description | Duration (each child, before and after confinement) | Provisions/Description | Duration | Provisions/Description | Duration |
| Kosovo current state | | 12 months / 52 weeks | | | | |
| Kosovo proposal | Scheme for employed, unemployed and self-employed women. Financed by employers (1/3) and taxes (2/3) | 12 months / 52 weeks | 1.Paid leave at birth of a child 2.Unpaid leave to be used before the child turns 3 years | 1.10 days /2 weeks 2.2 weeks | 32 weeks | 16 weeks per parent |
| Albania | Social insurance-based scheme for employees and self-employed. Financed by employers' and employees' contributions and benefit amount linked to the paid contributions | 365 days, at least 35 days prior to and 63 days after child-birth | Paid paternity leave, social insurance-based scheme | 3 days | Unpaid parental leave for an employee with more than one 1 year of employment with same employer. Individual right, for each parent and not transferable, except when one parent dies. | 4 months (no less than) for each parent till the child becomes 6 years old |
| Bosnia and Herzegovina | Federation BiH (FBiH) and Republika Srpska (RS) - social insurance-based schemes providing earnings-related benefit. Financed by taxes, contributions, RS state budget and cantonal budgets in FBiH | FBiH: employed women - at least 28 days before and 337 days after birth; canton-level schemes for unemployed women. RS: one year counted from the day of birth | No special provisions | | FBiH: No special provisions RS: parents may agree that the employed father uses the leave after the expiration of 60 days from the child's birth | |
| North Macedonia | Social insurance scheme with earnings related benefits for employed and self-employed women | 9 months in case of 1 child, 12 months for 2 and more children with minimum 28 and maximum 45 days before delivery. 45 days after delivery are mandatory | Fathers may take up to 7 days of paid paternity leave | 7 days | Unpaid leave of up to 3 months may be additionally used until the child is 3 years old. Individual right of the mother, transferable to the father | 3 months until the child is 3 years old |
| Montenegro | Social insurance scheme for employed and self-employed, unemployed who are registered with the Employment Agency and regular students. Financed from contributions of employers and | 365 days of cumulative pregnancy and childcare leave, which starts up to 45 days and not later than 28 days before the birth. Mandatory and reserved for | No special provisions | | After 45 days from the birth of child (the pregnancy leave), the father can use the childcare leave instead of the mother | |

| | | | | | | |
|-----------------|---|---|--|---|--|--|
| | employees. Provide earning-related benefits | the mother are 45 days since the day of birth | | | | |
| Serbia | Social insurance scheme, for employed and self-employed mothers. Financed from contributions of employers and employees and provides earnings-related benefits | 365 days of cumulative pregnancy and childcare leave. Pregnancy leave starts 28-45 days before birth. 365 days is the leave for the 1 st and 2 nd child. It is 2 years for the 3 rd and next child | No specific provisions | | The childcare leave can be transferred fully or partially to the father under no special conditions | |
| Austria | Compulsory social insurance scheme for employees, for voluntary insured in case of minor employment and for unemployed women receiving unemployment insurance benefits | 16 weeks - 8 weeks before and 8 weeks after child birth ("maternity protection period") | Parental paid leave (flat-rate bonus) granted to working fathers, who dedicate themselves directly after the birth of the child intensively and exclusively to their family and have interrupted their professional career | 4 weeks during the first 91 days following birth | <u>Parental benefit</u> - financed by <i>Families' Compensation Fund</i> . Flat-rate or income-related. All parents are entitled, not only those taking parental leave. Means tested. <u>Parental leave</u> for employed parents | 96 weeks - up to the child's 2nd birthday; both parents can defer 3 months of leave until the child's 7th birthday 4 weeks |
| Belgium | Social insurance scheme for employed mothers based on payment of contributions | 21 weeks (6 weeks pre-natal and 15 weeks mandatory post-natal) | Social insurance scheme for employed fathers. Requires employment contract | 10 days to be taken within 4 months after the birth | Parental leave - insurance scheme mainly financed by contributions covering employees of the private and public sector. Flat rate payment for each parent working full-time or part-time in the private or public sector who interrupts his/her career to take care of his/her child under 12 | 32 weeks; 4 months for full- and part-time workers, individual right. Option for full-time workers to take the leave part-time |
| Bulgaria | 1. <u>Pregnancy and childbirth leave and benefit</u> - social insurance contributory scheme with earnings-related benefits for economically active persons 2. Paid maternity leave for non-insured mothers - means-tested ' <u>social maternity</u> ', flat rate | 1.410 days, of which up to 45 days (6.5 weeks) before and 90 days mandatory after delivery 2. Till the child becomes 1 year old | Paid leave, contributory scheme | 15 days | <u>Childcare leave and allowance</u> – contributory scheme with flat-rate benefit for raising of a young child. <u>Leave and allowance for raising a child under the age of 1</u> - means-tested, flat rate, for mothers who are not insured or have no sufficient insurance record for pregnancy and childbirth benefit | Childcare leave - 52 weeks, up to 2 years of age of the child Child raising allowance - up to 1 years of age of the child |
| Croatia | <u>Contribution financed scheme</u> covering the employed population and providing earnings-related cash benefits | 30 weeks, incl. 4 weeks of compulsory prenatal leave, and postnatal | No paternity leave | | Paid parental leave - tax-financed scheme providing earnings-related benefits to employees and self- | 32 weeks; 4 months per parent per child until the child is 8 |

| | | | | | | |
|-----------------------|--|--|--|---|---|---|
| | <u>Tax-financed scheme for inactive</u> providing flat-rate benefits | leave until the child is 6 months old (26 weeks, of which 10 weeks compulsory) | | | employed, or flat-rate benefits to other categories | years old for 1 st and 2 nd child |
| Cyprus | Compulsory social insurance scheme financed by contributions by employees and self-employed with earning-related benefits | 18 weeks, including up to 9 weeks before confinement | Compulsory social insurance scheme financed by contributions by employees and self-employed with earning-related benefits | 2 weeks | Parental leave – insurance-based, unpaid, to be claimed from the end of maternity leave by the mother and from the birth of the child by the father until the child turns 8 years old | 36 weeks – 18 weeks per parent |
| Czech Republic | Compulsory social insurance scheme for employees and voluntary insurance system for self-employed with earnings-related benefits | 28 weeks, of which up to 8 before delivery | Paternity benefit (since 1 st February 2018) - paid to an insured father who provides care for a child during the 6 weeks following birth | Up to 7 days to be taken in the 6 weeks after the child is born | <u>Parental leave</u> - unpaid <u>Parental allowance</u> - tax-financed universal flat rate benefit to parents who personally provide full-time care for a small child | Up to 136 weeks, until the child turns 3 years |
| Denmark | Combined entitlement to maternity/paternity/parental leave and benefit for employees and self-employed, including helping spouse | 18 weeks, of which 4 weeks before and 14 weeks after confinement are reserved for the mother | Combined entitlement to maternity/paternity/parental leave and benefit for employees and self-employed, including helping spouse | 2 weeks after birth are reserved for the father | Combined entitlement to maternity/paternity/parental benefits Employees and self-employed, including helping spouse | 32 weeks after the 14 th week can shared between mother and father |
| Estonia | Compulsory social insurance scheme for employees and self-employed with earnings-related benefits | 20 weeks / 140 calendar days of which 30 days (4.3 weeks) before delivery | Insurance-based paternity benefit for employees | 10 working days within 2 months before delivery or 2 months after birth | Paid Parental leave followed by paid Childcare leave. Tax financed universal scheme for all residents, incl. non-working parents | Up to 140 weeks - until the child reaches the age of 3 years |
| Finland | Compulsory sickness insurance scheme | 17 weeks 105 consecutive calendar days except Sundays, 30-50 of which before delivery | Compulsory sickness insurance | 54 days (excluding Sundays) | Parental leave - after the maternity or the paternity leave; extended to either the mother or father, or to both (can take turns) | 158 days (excluding Sundays) / 26 weeks (family right) |
| France | Compulsory social insurance scheme with wage or earnings-related maternity benefit, financed by social security contributions | 16 weeks, incl. 6 weeks before and 10 weeks after delivery | Compulsory social insurance scheme with wage or earnings-related paternity benefit, financed by social security contributions | 11 days | Parental leave – full or reduced work hours in order to raise a child. Parental benefit: Benefit for shared provision of child education - flat rate paid during parental leave | 1 year / 52 weeks |
| Germany | Compulsory social insurance scheme for female employees providing benefits in kind and earnings-related cash benefits | 14 weeks - 6 weeks before and 8 weeks after delivery | No special provisions for paternity leave | | Unpaid parental leave of 36 months per child in total for both parents (family right) | 36 months / 156 weeks per child for both parents |

| | | | | | | |
|----------------------|--|--|--|--|---|---|
| Greece | Maternity benefit for compulsory insured women employees Maternity benefit for uninsured mothers - working mothers who are not entitled to the benefit for compulsory insured | 17 weeks 119 days, of which 56 before and 63 after confinement | Compulsory social insurance scheme for employees | 2 days | Unpaid parental leave. Employment-related, for all types of employees | 32 weeks; 4 months per parent, until the child becomes 6 years old |
| Hungary | Infant Care Allowance – paid maternity leave for employees and self-employed. Compulsory social insurance scheme with earnings-related cash benefit | 24 weeks, of which 4 before and 20 after confinement | Compulsory social insurance scheme for employees and self-employed | 5 working days | <u>Paid childcare leave</u> - compulsory social insurance scheme financed by employers and employees with earnings-related cash benefits to persons insured against all risks | 136 weeks until 3 years of the child |
| Iceland | <u>Mother's quota of the parental leave</u> - earnings-related parental benefit and leave for parents working in the domestic labor market, financed by the social security | 36 weeks / 9 months maximum of paid maternity/ paternity leave; 4 weeks before birth; 2 compulsory weeks after birth | No specified father's quota of the parental leave | | <u>Earnings-related parental benefits and leave</u> in case of birth/adoption for parents working in the domestic labor market, financed by the social security contribution. Both parents can take the leave full or part time, intermittently of during the same period | Up to 34 weeks until the child becomes 2 years (if the mother has used only the 2 compulsory weeks after birth) |
| Ireland | For insured women in employment and self-employment | 42 weeks, of which 26 weeks paid and 16 weeks unpaid; 2 weeks should be taken before confinement | For insured new parents (other than the mother of the child) in employment and self-employment | 2 weeks paid within 6 months of the birth or the child | Unpaid leave, for employees only | 36 weeks; 18 weeks per parent to be taken before the child's 8th birthday |
| Italy | <u>Paid maternity benefit / leave</u> for employed and self-employed women Nursing leave – for the mother or father | 20 weeks / 5 months of maternity leave: 1-2 months prior to confinement and 3-4 months after | Paternity benefit for employed and self-employed Nursing leave – for the mother or father | 4 days | Optional supplementary parental leave for employed mothers or fathers with reduced pay and after a means test, or unpaid | 48 weeks, of which 26 weeks paid until the child becomes 3; up to 22 weeks till the child is 12 |
| Latvia | Maternity leave and benefit for employed and self-employed women | 112 days / 16 weeks, of which 56 days (8 weeks) before and 56 days after confinement | Paternity leave and benefit for employed and self-employed | 10 days | Paid parental leave until the child becomes 1 or 1.5 years; granted to one of the parents if employed and socially insured. To be used until the child turns 8 | Maximum 70 weeks |
| Liechtenstein | Maternity benefit - compulsory social insurance scheme for all employed women with earning-related benefits | 20 weeks, incl. 4 weeks before and 16 weeks after delivery | No paternity leave and benefit | | Unpaid parental leave for employed – can be taken in consultation with the employer | 32 weeks; 4 months / 16 weeks per parent |
| Lithuania | Compulsory social insurance scheme for employees, certain | 18 weeks 126 days, incl. 70 days (10 weeks) | Compulsory social insurance scheme | 1 month | Childcare leave and benefit – for mandatory insured employees who | Around 92 weeks - until the child |

| | | | | | | |
|-------------------|--|---|---|---|--|--|
| | categories of self-employed and owners of individual enterprises, financed by contributions and providing earnings-related benefits | preceding delivery and 56 days (8 weeks) after delivery | | | remain away from work to take care of the child | becomes 2 years old, to be taken after the maternity and paternity leave |
| Luxembourg | Compulsory social insurance scheme. Financed by contributions from employees and self-employed. Provides full compensation for income loss during maternity leave | 16 weeks, incl. 8 weeks before and 8 weeks after delivery | Special leave granted to the working father in case of birth of his child, in accordance with the Labor Code | 2 days | Paid leave for all parents in employment or self-employment who raise child up to 6 years old and are paid child benefit | 52 weeks / maximum 6 months or 26 weeks per parent if taken full-time |
| Malta | <u>Maternity Leave</u> - a 14-week benefit paid by the employer, and also to self-employed <u>Maternity Leave Benefit</u> - a 4-week flat rate benefit payable to employees and self-occupied women following the expiry of the 14 weeks paid Maternity Leave | 18 weeks, incl. 8 weeks before and 10 weeks after delivery | Paid paternity leave for working fathers | 2 days | No paid parental leave and benefit; only unpaid leave as individual right | 32 weeks, 16 weeks per parent to be used until the child turns 8 years |
| Norway | Parental leave with reserved quota for the mother and the father. Compulsory social insurance scheme for employees and self-employed with earnings-related benefit. Unemployed are also eligible under certain conditions | 27 weeks; up to 12 weeks of pre-natal leave; 15 weeks of post-natal leave is reserved for the mother; mandatory 3 weeks before and 6 weeks after delivery | No statutory paternity leave | | 15 weeks of reserved quotas for the mother and for the father | 49 weeks if paid at full rate or 59 weeks if paid at 80 percent. The rest of the period is to be divided upon parents' discretion |
| Poland | Compulsory social insurance scheme providing earnings-related benefits to all employed women | 20 weeks, incl. 6 weeks before and 14 weeks after birth | The father is entitled to a paternity leave of two weeks, to be taken until the child is 24 months of age. Paternity leave is voluntary | 2 weeks | <u>Parental leave</u> – compulsory social insurance scheme, paid, earnings-related <u>Child Raising leave</u> – tax-financed scheme, paid, with flat-rate, after a means test. Taken after the end of Parental Leave | 56 weeks, of which: <u>Parental leave</u> – 32 weeks <u>Child Raising leave</u> – 24 weeks |
| Portugal | <u>Initial parental leave</u> - contributory social insurance scheme financed by contributions for employees and self-employed with earning-related benefits | 10 weeks out of maximum 150 consecutive days (21.4 weeks) of Initial parental leave. Reserved for the mother – 4 weeks prior to, and 6 weeks after childbirth | Part of the <u>Initial parental leave</u> which is reserved for the father | 25 days - 15 days mandatory, after that - voluntary 10 days | Part of the <u>Initial parental leave</u> which is shared between the mother and father- 7.8 weeks (21.4 weeks less 10 weeks for the mother, less 3.6 weeks for the father) <u>Extended parental leave</u> - paid <u>Childcare leave</u> taken once the extended | 123.8 weeks Part of <u>Initial parental leave</u> - 7.8 weeks (21.4 less the reserved for the mother and father) <u>Extended parental leave</u> – 3 months |

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| | | | | | parental leave has been used; could be used in a consecutive or alternative manner | <u>Childcare leave</u> – up to 2 years |
| Romania | Paid maternity leave - compulsory social insurance scheme financed by contributions. For employees and self-employed, unemployed women, also pregnant women and mothers with low income | 18 weeks / 126 days, of which 63 days prior to and 63 days after birth | Paid paternity leave for insured fathers | 5 working days (or 10 days if the father has completed training in childcare) | Child Raising leave – paid, social assistance scheme, universal, tax financed | 95 weeks, up to 2 years after child birth |
| Slovakia | Compulsory social insurance scheme for employees and the self-employed with earnings-related benefits | 34 weeks, incl. 8 weeks before and 26 weeks after delivery | No statutory entitlement to paternity leave. Fathers can take parental leave and share part of the maternity benefit | | Parental leave is an entitlement under the Labor Code. Parental allowance is a tax financed universal scheme providing a flat-rate benefit to all residents with child/ren, irrespective of whether they take or not parental leave | 130 weeks – up to the 3 years of age of the child and after post-natal maternity leave |
| Slovenia | Maternity leave - compulsory parental protection insurance scheme financed by contributions and taxes for employees and self-employed who must be covered by the Parental Leave Insurance with earnings-related benefits | 15 weeks (105 days), incl. 4 weeks before and 11 weeks after delivery | Paternity leave - compulsory insurance scheme financed by contributions and taxes for employees and self-employed who must be covered by the Parental Leave Insurance with earnings-related benefits | 30 days | <u>Paid parental leave</u> - compulsory insurance scheme financed by contributions and taxes. For employees and self-employed who must be covered by the Parental Leave Insurance. Earnings-related benefits | 37.1 weeks / 260 days of parental leave; 130 days per each parent |
| Spain | Contributory Maternity Allowance - compulsory social insurance scheme with contributions-related benefit Non-contributory Maternity Allowance for employed women who do not satisfy the qualifying conditions for Contributory Allowance | 16 weeks, of which 6 weeks compulsory after delivery | Contributory Paternity Allowance - compulsory social insurance scheme | 5 weeks | Unpaid parental leave to take care of a child governed by labor legislation, for all employees | Up to 3 years / 156 weeks for each child |
| Sweden | Compulsory system of Parental insurance. Pregnancy leave and benefit. Maternity leave and benefits - part of the parental leave and benefit - | 7 weeks of pregnancy leave 240 days of parental leave, of which 90 days / 13 weeks reserved as mother's quota | No statutory paternity leave | | <u>Parental leave</u> until the child is 18 months old; 240 days per parent, of which 90 days / 13 weeks reserved as mother's and father's quotas | 480 full days / 68.6 weeks |
| Switzerland | Compulsory insurance scheme. Financed by contributions of all women in paid | 14 weeks following birth | No statutory paternity leave. Paternity leave of several days may result from an individual | | No statutory parental leave. Paid or unpaid parental leave may result from an | |

| | employment (employees and self-employed). Earnings-related benefits | | employment contract or a collective labor agreement | | individual employment contract or a collective labor agreement | |
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| The Netherlands | Compulsory social insurance scheme for employees (Work and Care Act) and providing earnings-related benefits. Self-employed are entitled to earnings-related benefits under the scheme "Self-employed and pregnant" | 16 weeks, of which 6 before birth (4 weeks are compulsory) and 10 weeks after birth | Paid and unpaid paternity leave is optional | 2 days of paid leave and 3 days of unpaid leave | Unpaid parental leave. Employment-related. For child(ren) younger than 8. Each parent is entitled individually | 26 times the weekly working hours (6 months for full-time work) less the unpaid paternity leave |
| United Kingdom | Social insurance scheme. Ordinary maternity leave of 26 weeks and Additional maternity leave of 26 weeks | 52 weeks, can start 11 weeks before child birth; 2 weeks after birth are mandatory | Paid paternity leave for employees | 2 weeks | Statutory Shared Parental Pay for employees. Part of the maternity and paternity leave scheme | Maximum 50 weeks (52 weeks minus the used maternity leave which is at minimum 2 weeks) |

Source: National legislation as summarized in MISSOC, update at Jan. 1, 2019 and MISSCEO, update at Feb. 15, 2019.