



# Inclusiveness and Flexibility of Work-Life Balance Policies

rEUsilience Working Paper Series: 5

**Authors:**

Ivana Dobrotić

Anja Iveković Martinis

December 2023



Innovate  
UK

This project has received funding from the European Union's Horizon Europe research and innovation programme under Grant Agreement No Project 101060410 and Innovate UK, the UK's Innovation Agency.



**rEUsilience**



## Risks, Resources and Inequalities: Increasing Resilience in European Families

**Title:** Inclusiveness and Flexibility of Work-Life Balance Policies

**Date:** December 2023

**Responsible organisation:** University of Zagreb

**Author(s):** Ivana Dobrotić & Anja Iveković Martinis

**Citation:** Dobrotić, I., Iveković Martinis, A. (2023) Inclusiveness and Flexibility of Work Life Balance Policies. *rEUsilience Working Paper Series*, 2023:5. <https://doi.org/10.31235/osf.io/da463>

### Acknowledgements:



This project has received funding from the European Union's Horizon Europe research and innovation programme under Grant Agreement No Project 101060410 and Innovate UK, the UK's Innovation Agency.



## Table of Contents

<b>Introduction .....</b>	<b>5</b>
Comparative overview .....	7
Parenting leaves and inequalities: how inclusive are leave policies? .....	8
Parenting leaves and flexibility: how flexible are leave policies? .....	23
Carers' leave inclusiveness and flexibility .....	29
Flexible working arrangements for care needs.....	35
<b>Care leaves and flexible working arrangements: country cases .....</b>	<b>39</b>
Belgium.....	39
Croatia.....	44
Poland.....	49
Spain.....	53
Sweden.....	58
United Kingdom .....	61
<b>Conclusion.....</b>	<b>65</b>
<b>Literature .....</b>	<b>68</b>

Table 1: Parenting leaves “conceptualisation” in national policy designs.....	7
Table 2: Access to <i>paid</i> parenting leaves by status groups (2023) .....	10
Table 3: Inclusiveness of <i>paid</i> parenting leaves: eligibility index (2023) .....	10
Table 4: Social insurance criteria and leave eligibility (2023) .....	13
Table 5: Employment-based post-natal entitlements (1 <sup>st</sup> child; dual earners; average earners; full-time leave; 2023) .....	14
Table 6: Citizenship-based post-natal leave entitlements (1 <sup>st</sup> child; dual-earners; full-time earners; full-time leave; 2023).....	15
Table 7: Families receiving additional support through paid parenting leaves and related entitlements (2023).....	20
Table 8: Parenting leaves and time flexibility (2023) .....	27
Table 9: Statutory carers’ leaves and allowances (2023).....	32
Table 10: Statutory flexible working arrangements for care needs (2023) .....	38
Appendix table 1: Eligibility index: eligibility dimensions and allocation of points.....	74



## Introduction

This policy report is part of the Work Package (WP) 5, which emphasizes the importance of the structure, and above all the content and design of social policy, which is considered essential for familial functioning and resilience. The aim of this policy report is to critically examine policies on work-life balance in six countries: Belgium, Croatia, Poland, Spain, Sweden, and the United Kingdom, highlighting how these policies envision, shape and affect decisions and behaviours regarding labour market and care engagement in families. The work-life balance policies covered in this report are care leaves and flexible working arrangements. While this may indicate a narrow understanding of these policies, this report is part of a wider policy analysis conducted within the WP5 of the rEUsilience project also covering family benefits and care services (see Daly, 2023; León and Cerrillo, 2023). Besides, care leaves (including parenting leaves and carers' leaves) and flexible working arrangements are policy areas affected by the latest EU Work-Life Balance Directive (Directive (EU) 2019/1158..., 2019; hereafter: Directive), additionally asking to discuss them jointly. The latter is particularly the case as, due to the need to align with the Directive by August 2022, EU countries have reformed these systems and implemented many changes in the last year. Therefore, this report is written with the situation as of April 2023; however, with a clear indication of the changes that have taken place compared to the situation in July 2022 – the time point defined for policy reports on family benefits and care services.

Both care leaves and flexible working arrangements are complex policies, marked by a multi-layered and ambiguous character (cf. Chung, 2022; Dobrotić, 2023). Their introduction has been motivated by different and often conflicting considerations (e.g., free choice, gender equality), which led to the diversification of leaves and flexible working arrangements, increasing the complexity of their design. Besides parenting leaves (first maternity and then parental/childcare and paternity/co-parent leave; cf. Daly and Ferragina, 2018; Dobrotić and Stropnik, 2020), carers' leaves covering various events through the life course are increasingly introduced (e.g. reproductive leave, grandparent leave, palliative or end-of-life care leave; Baird et al., 2022).

These policy instruments vary in many dimensions, including duration, payment (inclusive of floors and ceilings), transferability, flexibility and eligibility, which are often not in “dialogue” with each other. This makes them prone to produce contradictory outcomes, and they are, therefore, a complex subject for research, particularly from an inequalities perspective (see Dobrotić et al., 2022).

There is a quite comprehensive scholarship on the scope of rights (i.e. their duration and related payments), especially of parenting leaves; however, a deeper understanding of the conditions behind these rights is still needed. In other words, while the stream of literature on the *inclusiveness* of rights is indeed growing, we still do not know enough about who has access to certain rights and under what conditions, and what is the actual extent and character of inclusions and exclusions in this regard (cf. McKay et al., 2016; Dobrotić and Blum, 2019, 2020; O’Brien et al., 2020; Dobrotić et al., 2022). We know even less if inclusiveness is conceived in a broader sense, that is, if we try to understand better not only who has access to rights, but also whether these rights respond to the specific needs of different groups of parents (e.g. single parents, parents of children with disabilities). The knowledge gap increases further when we consider the *flexibility* of rights related to care, that is, their ability to enable people to make a change (e.g., increase or lower hours of work; see Daly, 2023), and the *complementarity* across various policy areas and instruments. Regarding the latter, deeper knowledge is needed about, for example, statutory parenting leaves relation to broader work-care policies (e.g. care services, flexible working arrangements) and (family) benefits. A comprehensive assessment of policy design across all these aspects is crucial for a better understanding of the “complexity and multiplicity of social locations in the distribution of policy resources, and therefore of disparities in opportunities of various groups [...] to engage in care and work” (Dobrotić, 2022, 283). In other words, policies, by their design, may affect the decisions and behaviours of carers, and thus the resilience of families and their members.

The three policy-review criteria – *inclusiveness, flexibility and complementarity* – thus form the basis on which the policies are assessed within the WP5. This report gives particular attention to inclusiveness and to some extent flexibility of leave rights and flexible working arrangements in the six countries, while the complementarity will be tackled in more depth through a synthesis report (Deliverable 5.5, forthcoming), which aims to discuss all the policies together – family benefits, care services and work-care policies. The analysis is focused on policy design (i.e. rules and regulations), and thus relies on existing datasets, primarily country reports produced by the *International Network on Leave Policies & Research* and, to a lesser extent, the EU Mutual Information System on Social Protections (MISSOC) data. Where the data from these two sources did not match, or there was a data gap (e.g. in relation to carers’ leaves and flexible working arrangements in particular), national governments, ministries, and agencies’ websites were consulted. The focus is on statutory provision. We are fully aware that this can obscure the comparative picture, as some countries also rely on regional (e.g. Belgium, Spain, Sweden) and employers’ entitlements (e.g. through collective agreements in Sweden or individual practices in the UK); however, policy data at this level are not available.



Besides, as this report will show, the extreme complexity of work-care policies – especially if they are viewed from the perspective of inequalities – already makes navigation and a clear comparative presentation of statutory provisions difficult.

The report is divided into two parts – a comparative overview and detailed country cases; both guided by two central questions: 1) how inclusive are policies, and 2) how much flexibility do policies allow families? A social policy promoting family resilience is seen as one which is inclusive and allows for flexibility.

## Comparative overview

Among the policy instruments analysed – care leaves and flexible working arrangements – parenting leaves are the most firmly established policy within the welfare state’s architecture, and the policy with the longest tradition. It is, therefore, also the policy characterised by the most comprehensive transformations, particularly in relation to the gender dimension of policy design. On the one hand, there is a clear broadening of the portfolio of parenting leaves, whereby paternity/co-parents and parental leaves are increasingly added on top of maternity leave (cf. Daly and Ferragina, 2018; Dobrotić and Stropnik, 2020), at least in more developed countries. On the other hand, while most of the countries still – more or less – align their leave policy architecture with the three main leave types typically present in the literature (maternity, paternity/co-parents and parental leave), gender-neutral terminology is increasingly being introduced as reflected in the case of Sweden and Spain, and to some extent Belgium (in the group of countries analysed here). Namely, to avoid discrimination based on gender or sexual orientation, these countries use gender-neutral terms for leave entitlements around birth (see Table 1).

**TABLE 1: PARENTING LEAVES “CONCEPTUALISATION” IN NATIONAL POLICY DESIGNS**

	Belgium	Croatia	Poland	Spain	Sweden	UK
<b>Maternity leave</b>	+	+	+	+ (birth and childcare leave)	+	+
<b>Paternity/co-parent leave</b>	+ (birth leave)	+	+	+ (birth and childcare leave)	+ (temporary leave in connection with a child’s birth or adoption)	+
<b>Parental leave</b>	+	+	+	+	+	+
<b>Other “leaves”</b>	+ (time credits)	+ (career break)	+ (childcare leave)	+ (nursing care; career breaks)	-	-

**Sources:** Dobrotić (2023a); Duvander and Löfgren (2023); Fusulier and Mortelmans (2023); Kurowska et al. (2023); Meil et al. (2023); O’Brien et al. (2023).



In four cases – Belgium, Croatia, Poland, and Spain – additional “leave” options are available that do not fully fit into the prevailing conceptualisation of parenting leaves, but complement them, and these leaves are not typically reflected in comparative leave policy indicators. Belgium is quite a unique example in this respect as the *time credit scheme*, available to employees, provides up to 51 months for specific types of career breaks (e.g., to participate in training, care for children below the age of eight, palliative care, care for ill/frail family members, care for children with disabilities until the age of 21 years, care for sick children). This scheme is independent of parenting leaves; however, it is often used to prolong the period of parental leave (Yerkes et al., 2022), although with low benefits. All “other” leaves in Table 1 can serve the same function; however, the only well-paid “leave” is nursing care in Spain. Via nursing care, that is, the right of an employee to one hour of absence during the working day until the child turns nine months (12 months in the public sector), both parents can – if the entitlement is consolidated – extend the birth and childcare leave by two to four weeks (depending on the collective or company agreement; in some cases until the child turns one if both parents use their right). Career break in Croatia (unpaid) and means-tested, flat-rate childcare leave benefit in Poland can both be used until the child turns three.

These differences in the terminology used and in the policy designs of these policies raise the question of “proper” conceptualisation of leave policies in comparative research, and implications this may have for our understanding of leave policy designs and their outcomes. The picture is further blurred when other entitlements are added to the policy package, such as carers’ leave or flexible working arrangements, which are even more diverse and extremely difficult to capture, especially since they usually do not belong to one coherent system, while some countries struggle to even find a proper term in their national language for carers and carers’ leave (e.g. Croatia).

## Parenting leaves and inequalities: how inclusive are leave policies?

Paid parenting leaves are one of the main policy instruments aimed at supporting families with children, significantly shaping the conditions of children and parents in the early childhood and parenting phase. Yet they are not equally available to all families, and welfare states tend to vary in the way they recognize and resource care arrangements of parents, creating inequalities in opportunities for different groups of mothers and fathers to engage in care and work (Dobrotić, 2023). In recent years, there is growing interest in the inequalities associated with leave policy design, with a long-standing focus on gender inequalities being complemented by insights into wider social inequalities incorporated in leave policy (cf. McKay et al., 2016; Dobrotić and Blum, 2019, 2020; O’Brien et al., 2020; Dobrotić et al., 2022). Gender as one of the most common “criteria” used in analyses of cross-national differences in leave policy architecture is increasingly complemented by other elements used by welfare states in the redistribution of public resources such as the employment status and history, citizenship or family situation and/or structure.





It is emphasised that leave policy should be conceived from a wider perspective, not only as “employment policy – as job-protected entitlements to leaves from paid work for care work” (Doucet, 2021, 228), but as a right to care, providing time to care to all parents regardless of their position on, for example, the labour market or in the family. This assumes *inclusive* leave policies across countries, where leave policy inclusiveness is seen as “the degree to which rights are available to all parents irrespective of (forms or previous length of) their employment, citizenship, or other criteria based on family, gender, or further personal characteristics” (Blum and Dobrotić, 2021, 223). The central question that arises in this regard is, therefore, *who* has access to social rights and *when* (i.e. under which conditions).

While all six compared countries have parenting leave schemes, the leaves may be available universally to all parents (albeit of different scope as discussed below), or eligibility may be limited to certain groups (e.g., only employees). Three countries (Belgium, Spain the UK) rely on employment-based leave systems, meaning that leave rights are not inclusive for all citizens but are only available to (some groups of) workers (cf. Table 2 and 3). Although, in principle, these three countries rely on the same “model”, there are differences between them (and between different types of leaves), as reflected in the eligibility index (Table 3) which measures the inclusiveness of paid parenting leaves, that is, the extent to which leave benefits are available to all parents (Dobrotić and Blum, 2020).<sup>1</sup> The UK and Belgium have lower eligibility index values for maternity leave, reflecting that these two countries have stricter eligibility criteria than Spain and do not allow all the parents active in the labour market to access paid leave.

<sup>1</sup> It is operationalised through policy design dimensions such as employment history, different employment forms and sectors, and citizenship (Dobrotić and Blum, 2020; see Appendix 1).



**TABLE 2: ACCESS TO PAID PARENTING LEAVES BY STATUS GROUPS (2023)**

	Belgium			Croatia			Poland			Spain			Sweden			UK			
	ML	PtL	PL	ML	PtL	PL	ML	PtL	PL	ML	PtL	PL	ML	PtL	PL	ML	PtL	PL	
<b>Employee</b>	++	++	++	++	++	++	++	++	++	++	++	-*	[++]	++	++	++	++	++	-*
<b>Self-employed</b>	+	+	-	++	++	++	++	++	++	++	++	-	[++]	++	++	-	-	-	-
<b>“Short” contracts</b>	+/-	-	-	+/-	-	+/-	n/a	-	+	++	++	-*	[+/-]	+/-	+/-	-	-	-	-
<b>Unemployed</b>	+	-	-	+/-	-	+/-	n/a	-	+	++	++	-	n/a	-	+	+/-	-	-	-
<b>Inactive</b>	-	-	-	+/-	-	+/-	n/a	-	+	-	-	-	n/a	-	+	-	-	-	-
<b>Students</b>	-	-	-	+/-	-	+/-	n/a	-	+	-	-	-	n/a	-	+	-	-	-	-
<b>Same-sex parents</b>	++	++	++	+/-	+/-	+/-	-	-	-	++	++	-*	[++]	++	++	++	++	++	-*

**Notes:** ML= maternity leave; PtL=paternity/co-parent leave; PL=parental leave; ++ Eligible; + Eligible, but right to less generous scheme (e.g. shorter leave period and/or lower benefit); +/- Eligible, but with additional conditions (e.g. activity “test”, longer residency period in a country, formal right of parental care); – Not eligible; n/a Not applicable (maternity leave is subsumed under parental leave scheme); [ ] The benefit can be exercised through parental benefit days; \* Only unpaid leave is available.

**Sources:** Dobrotić (2023a); Duvander and Löfgren (2023); Fusulier and Mortelmans (2023); Kurowska et al. (2023); Meil et al. (2023); O’Brien et al. (2023).

**TABLE 3: INCLUSIVENESS OF PAID PARENTING LEAVES: ELIGIBILITY INDEX (2023)**

	Maternity leave			Paternity/co-parent leave			Parental leave		
	Employment-based	Citizenship-based	Total eligibility index	Employment-based	Citizenship-based	Total eligibility index	Employment-based	Citizenship-based	Total eligibility index
<b>Belgium</b>	8	0	8	11	0	11	4	0	4
<b>Croatia</b>	10	5	15	10	0	10	10	5	15
<b>Poland</b>	12	8	20	12	0	12	12	8	20
<b>Spain</b>	10	0	10	10	0	10	-	-	-
<b>Sweden</b>	-	-	-	7	0	7	7	8	15
<b>UK</b>	5	0	5	4	0	5	-	-	-

**Notes:** See Appendix 1 for dimensions included in the eligibility index.

**Sources:** The eligibility index is calculated based on information available in country notes: Dobrotić (2023a); Duvander and Löfgren (2023); Fusulier and Mortelmans (2023); Kurowska et al. (2023); Meil et al. (2023); O’Brien et al. (2023).



Access to leave is hindered through several mechanisms. *Employment status* serves as the first mechanism of exclusion, and in the UK – the most selective system (cf. Table 2 and 3) – only employees are entitled to paid maternity and paternity/co-parent leave (i.e. self-employed or contractors are excluded). Three additional criteria that determine the access to paid leave are: *the length of the previous social insurance period*, *the activity test* (i.e. the required level of earnings/working hours accumulated in the social insurance period), and *employment sector*. Both the UK and Belgium are stricter on these dimensions than Spain. The UK requires a relatively long insurance period (9.5 months of continuous employment before the leave) as a condition for access to paid maternity leave, but also an activity test for all employees. Belgium requires six months of prior insurance, and the activity test applies only to some workers (temporary workers), while Spain has the least strict criteria (6 months of previous insurance within seven years). The latter criterion is softened for workers under 26 (Table 4). The similar applies to parental leave; however, only Belgium has paid parental leave (cf. Tables 2–4). There is also a difference between employees in the private and public sectors, as a quite long previous insurance period required to access paid parental leave in Belgium (12 months with the same employer within the 15 months before the leave) applies only to employees in the private sector, and parents in the public sector are eligible regardless of the length of previous employment (contractual workers in the public sector are excluded).

While the other three countries – Croatia, Poland and Sweden (cf. Table 2–4) – also rely on some of these mechanisms, they apply less strict eligibility criteria, as reflected in higher eligibility index values indicating more inclusive leave systems. The latter is particularly the case as these countries extend leave rights to parents outside the labour market, and rely on so-called *mixed leave systems* (i.e. systems that combine employment-based with citizenship-based entitlements and extend leave rights to all parents; Dobrotić and Blum, 2019). In this way, these countries are more inclusive in terms of leave provision for parents with weak or no connection to the labour market, providing them with at least basic, flat-rate citizenship leave benefits in an early parenting phase. For example, in Sweden, all parents who do not meet the eligibility criteria for employment-based, earnings-related parental leave benefits are entitled to a flat-rate benefit of €21 per day for 240 days.

While Croatia, Poland and Sweden, viewed through the lens of *who* is granted access to leave rights and *when*, offer more inclusive leave systems, it is important to highlight two things. First, although Poland has the highest value of the eligibility index and thus the most inclusive system since all workers have access to leave regardless of their previous insurance period or activity test, the benefit level depends on parents' earnings in the 12 months before the leave (see Table 4; cf. Croatia). This can lead to some parents, particularly those in precarious employment, receiving low benefits, raising the question of leave adequacy. In other words, in some countries (Croatia, Poland), *employment interruptions* before the leave can also affect the benefit level – the longer the gap in employment, the lower the benefit. *Upper ceilings on leave benefits*, present in all six countries except Poland (Table 5), can also play an important role in limiting the level of leave benefits received, especially for middle- and higher-income earners.

*Employment status/situations* can have implications for the scope of leave in a more direct way as well. For example, in Belgium, self-employed mothers are entitled to a shorter maternity leave (12 instead of 15 weeks as employees), which is also paid at a lower level – as a flat-rate benefit (for employees, as an earnings-related benefit). Similarly, employees with employment interruptions during the defined period before the leave (see Table 4), who do not pass the activity test (i.e. they have not worked 400 hours in 6 months before the leave), may be left without any maternity leave benefit (next to the fact that they are not entitled to parental leave). Although an activity test is also present in Sweden (i.e. a minimum insurance income of €21 per day is needed), the parents who do not qualify are at least eligible for the flat-rate benefits provided through a citizenship-based scheme (the latter does not exist in Belgium).

**TABLE 4: SOCIAL INSURANCE CRITERIA AND LEAVE ELIGIBILITY (2023)**

<b>Social insurance period determines:</b>		
	<b>(1) the right to employment-based benefit</b>	<b>(2) the benefit level</b>
<b>Belgium</b>	<b>Yes:</b> 6 months of continuous insurance before the leave (additional activity test applies for temporary workers: must have worked 400 hours in 6 months before the leave starts) [ <i>for maternity leave</i> ] or 12 months with the same employer within the 15 months before the leave [ <i>for parental leave</i> ]*	<b>No</b>
<b>Croatia</b>	<b>Yes:</b> 6 months of continuous insurance or 9 months within 24 months before applying for leave to be eligible for earnings-related leave benefit (if not: the right to a lower flat-rate benefit of €551,80 per month) [ <i>for all parenting leaves</i> ]	<b>Yes:</b> earnings-related benefit level is calculated based on the earnings in the 6 months before applying for leave
<b>Poland</b>	<b>No</b>	<b>Yes:</b> earnings-related benefit level is calculated based on the earnings in the last 12 months before the birth
<b>Spain</b>	<b>Yes:</b> have contributed to social security for at least 180 days in seven years before the leave start (or 360 days during their working life); however, this does not apply to parents under 21 years of age, while the minimum for those between 21 and 26 years of age is 90 days during the previous seven years or 180 days during their working life; if an employed mother does not meet this criteria, they have the right to flat-rate benefit of €600 for 42 calendar days after birth [ <i>for birth and childcare leave</i> ]; only employees are eligible [ <i>for unpaid parental leave</i> ]	<b>No</b>
<b>Sweden</b>	<b>Yes:</b> must have been insured with an income of over €21 (SEK250) per day for 240 consecutive days before the birth [ <i>for parental leave</i> ]; must have a sickness benefit qualifying income (SGI), that is, must work in Sweden and have an income from work for at least six consecutive months, or periods of work that recur each year, and earn at least €1,058.6 (SEK12,600) per year [ <i>for paternity/co-parent leave</i> ]	<b>No</b>
<b>UK</b>	<b>Yes:</b> must have worked for their employer continuously for 26 weeks, up to the 15 <sup>th</sup> week before the week of the expected delivery, and they must have a minimum income of €144.18 (£123) per week [ <i>for maternity leave</i> ]; employees who have completed one year's continuous employment with their present employer [ <i>for unpaid parental leave</i> ]	<b>No</b>

Notes: \*Applies to private sector employees; employees in the public sector are eligible regardless of previous employment period.



**TABLE 5: EMPLOYMENT-BASED POST-NATAL ENTITLEMENTS (1<sup>ST</sup> CHILD; DUAL EARNERS; AVERAGE EARNERS; FULL-TIME LEAVE; 2023)**

	Mothers-only leave				Fathers-only leave				Transferable leave		Child's age (in months) at the end of	
	Maternity leave		Parental leave		Paternity leave		Parental leave		Parental leave		Total leave	Well-paid leave
	Weeks	RR	Weeks	ARR	Weeks	RR	Weeks	RR	Weeks	RR		
<b>Belgium</b>	14	75-82* <sup>1</sup>	17.2	[25.5] <sup>F;T</sup>	4	82-100* <sup>2</sup>	17.2	[25.5] <sup>F;T</sup>	-	-	12	4
<b>Croatia</b>	25.8	100	8.6	100*	2	100	8.6	100*	17.2	100*	14	14
<b>Poland</b>	20	81.5 <sup>T;3</sup>	9	81.5 <sup>T;3</sup>	2	100 <sup>T</sup>	9	70 <sup>T</sup>	23	70-81.5 <sup>T;4</sup>	50.2 <sup>5</sup>	14.2
<b>Spain</b>	16	100*	{140}	{0}	16	100*	{140}	{0}	-	-	36	6.1
<b>Sweden</b>	{2} <sup>6</sup>	{0}	12.9 {43}	77.6* <sup>T</sup>	2	77.6*	12.9 {43}	77.6* <sup>T</sup>	43	[14]-77.6* <sup>F;T;7</sup>	18 <sup>8</sup>	13
<b>UK</b>	39 {13}	[26.1]-90 <sup>T;9</sup>	18	0	2	26.1* <sup>T;9</sup>	18	0	-	-	13.9 <sup>10</sup>	1.4

**Notes:** Month=4.3 weeks; RR=average legal replacement rate (as % of previous earnings); F=flat-rate benefit (indicated in [ ] as % of average wage); T=payments are taxed; \*=ceiling; {} unpaid leave. 1=Statutory civil servants are paid at 100% of previous earnings (this excludes contractual civil servants); self-employed mothers receive a flat-rate benefit for 11 weeks. 2=Self-employed receive a flat-rate benefit. 3=Mother can opt for: 1) maternity benefit of 100% of previous earnings, followed by parental leave benefit paid at 70% of previous earnings OR 2) maternity benefit of 81.5%, followed by parental leave benefit paid at the same level. 4=Father's parental leave benefit is 70% of previous earnings. 5=On top of maternity and parental leave, a childcare-leave of 36 months can be used (there is a low, means-tested, flat-rate benefit paid for 24 months for the first child and 36 months for the second or any subsequent child or single parents). 6=Unpaid maternity leave is not counted towards the total leave; parental leave benefit days may be withdrawn to cover this period. 7=12.9 weeks are paid at a flat rate of €15.1 per day (around 14% of average wage). 8=Each parent is entitled to parental leave until the child turns 18 months of age; however, each parent is entitled to 240 days of parental benefit (77.6% of previous earnings for 195 days, and 45 days paid at a flat-rate level of €15.1 per day). 9=Benefits are taxed if income exceeds the personal allowance threshold (€14,734.50); there is a low ceiling of €202.18 per week on 33 weeks of maternity leave benefit and paternity benefit (around 26.1 of the average wage). 10=Parental leave cannot be used as one continuous period, but in blocks of a maximum of 4 months per child per year.

**Sources:** Dobrotić (2023a); Duvander and Löfgren (2023); Fusulier and Mortelmans (2023); Kurowska et al. (2023); Meil et al. (2023); O'Brien et al. (2023).



**TABLE 6: CITIZENSHIP-BASED POST-NATAL LEAVE ENTITLEMENTS (1<sup>ST</sup> CHILD; DUAL-EARNERS; FULL-TIME EARNERS; FULL-TIME LEAVE; 2023)**

	Mothers-only allowance				Fathers-only allowance				Transferable allowance		Child's age (in months) at the end of	
	Maternity allowance		Parental allowance		Paternity allowance		Parental allowance		Parental allowance			
	Weeks	Monthly benefit (€)	Weeks	Monthly benefit (€)	Weeks	Monthly benefit (€)	Weeks	Monthly benefit (€)	Weeks	Monthly benefit (€)	Total leave	Well-paid leave
<b>Belgium</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Croatia</b>	25.8	309.01	-	-	-	-	-	-	25.8	309.01	12	0
<b>Poland</b>	52	223.45	-	-	-	-	-	-	-	-	12	0
<b>Spain</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Sweden</b>	-	-	12.9	630.00	-	-	12.9	630.00	42.9	630.00	16	0
<b>UK</b>	-	-	-	-	-	-	-	-	-	-	-	-

Sources: Dobrotić (2023a); Duvander and Löfgren (2023); Fusulier and Mortelmans (2023); Kurowska et al. (2023); Meil et al. (2023); O'Brien et al. (2023).



Second, while Croatia has a relatively inclusive system, it is primarily inclusive for "their" citizens, as the unemployed, farmers and those employed on non-traditional employment contracts must have three years' permanent residency in the country to be eligible for leave benefits, while for parents inactive in the labour market (including students) the requirement is extended to five years. Besides, all these groups – including parents employed on non-traditional employment contracts – are only entitled to low, flat-rate citizenship-based leave benefits. This within leave systems (e.g. compared to Croatia, where they are only entitled to a low citizenship-based allowance, in Spain and Belgium they are covered, at least to some extent, through a more generous employment-based system), and brings us to the criteria of *citizenship or residency* and the implications it may have for (recent) migrants and their access to leave rights.

*Migrants* are often in a specific situation of transition between different systems, and at the same time a very heterogeneous group (e.g. cross-border workers, refugees, return migrants, economic migrants, family migrants), which indicates the complexity of statuses and life situations that receive little attention in leave policy design (see Duvander and Koslowski, 2023). They are also difficult to capture systematically in comparative research. For example, in Croatia, parenting leaves are available to socially insured non-EU foreign citizens with approved permanent or long-term residence; however, non-EU foreign citizens must meet additional requirements to be able to apply for permanent or long-term residence at all (e.g. before they can apply, they must have an approved temporary residence in Croatia for a continuous period of five or four years, respectively). Similarly, in the UK, different types of visas have different employment benefit rules, with some of them barring parents from claiming maternity rights. Also, asylum seekers may only apply for permission to work, and thus be eligible for employment benefits, if they do not receive an initial decision on their claim within 12 months, but only if the delay was through no fault of the claimant. The exclusion of (non-EU) migrant families from claiming parenting leaves is thus a very likely form of familial exclusion, which is often difficult to fully capture as "exclusion mechanisms" operate through complex and often obscure migration legislation. Migrants are also more likely to receive lower benefits, which are predominantly directed towards mothers (see, for Sweden, Sainsbury, 2019).

Finally, leave entitlements are also intertwined with conditions such as *family structure* (Wong et al., 2019; Kaufman et al., 2022). All but two countries – Croatia and Poland – fully recognise same-sex parenting, providing same-sex parents with access to paid parenting leaves (Table 2). While Poland's legislation does not recognise same-sex parenting, making it, for example, impossible for same-sex parents to share parental leave; access to parenting leaves in Croatia is only available to same-sex parents who are granted formal right of parental care.<sup>2</sup>

<sup>2</sup> This is regulated through two instruments – "parental responsibility" and "partner-guardianship". Through the institute of "parental responsibility", joint parental care is regulated for a child whose other parent is unknown, deprived of parental care or has died, and through the institute of "parental guardianship" joint parental care in cases when the child has both legally recognised parents, whereby the life partner can – with the consent of both parents – exercise some aspects of parental care.





Yet it is important to note here that even when same-sex parents are granted leave, they do not necessarily have the same rights as different-sex couples. For example, the Croatian legal framework does not differentiate between male and female same-sex life partners; however, differences arise due to their different routes to parenthood (e.g., same-sex female couples can circumvent the lack of access to assisted reproductive technology; Kaufmann et al., 2022), gendered terminology used in legislation governing parenting leaves, and mother-centeredness of leaves (including the fact that the biological, heterosexual, dual-earner family has served as the basis around which leaves developed). As a result, same-sex female couples in Croatia can access maternity leave, and utilise parental leave more easily than same-sex male couples. It is not uncommon for same-sex couples to be generally entitled to shorter leaves than different-sex couples, particularly male same-sex couples, as also highlighted in Wong et al.'s (2019) study on OECD countries. For example, they show that in Belgium, a same-sex male couple is entitled to 36, and a same-sex female or different-sex couple 51.4 weeks of paid parental leave, while such a difference does not exist in Sweden. A similar applies to single parents, who are entitled to leave rights; however, they often cannot transfer their leave rights to a third person or are not entitled to quotas/bonus leave months (see Jou et al., 2018). All this brings us back to the question of leave policy adequacy but also calls for a broader conceptualisation of leave policy inclusiveness.

When conceptualised in terms of inclusion and exclusion, leave policy inclusiveness allows us to focus only on one aspect of inequalities in leave policy design (i.e. on the “obligations” side of the welfare state – *who* is granted access to rights and *when*; Dobrotić and Blum, 2019, cf. Clasen and Clegg, 2007). Yet leave policy inclusiveness can be conceptualised in a broader way<sup>3</sup> – leaves are inclusive not only if they aim to cover the entire population of parents, but also if they respond to the specific needs of different groups of parents. If we analyse the leave policy from the latter perspective, it is necessary to discuss the inclusion/ exclusion aspects of the leave policy design together with leave policy adequacy, that is, in a closer connection with the scope of leave rights (e.g. leave duration, the benefit level) and leave policy flexibility (see: parenting leaves and flexibility), which is more telling about what people are entitled to and about the extent to which different systems respond to the needs of various groups of parents (without harming them at the same time). This further complicates the comparative picture as it is hard to assess leave policy adequacy, especially if thinking through an inequalities perspective. The needs of different groups of parents vary, while there is a lack of (clear) evidence on various aspects of leave policy design and their outcomes, particularly with different needs in mind.

<sup>3</sup> As stressed by Dobrotić and Blum (2019), only a more systematic connection between leave eligibility and leave scope can provide insight into the complete picture of inequalities in leave rights between various groups of parents (e.g. shorter benefit duration for the self-employed or single parents, higher benefits or longer leave in the public sector).



Building on previous comparative literature on gender and parenting leaves, it is clear that the (1) *gender dimension of leave policy design* calls for additional discussion here, while a deeper look at leave policy design in six countries also indicates some family situations recognised as deserving of special support – (2) *the number of children* (per birth or in the family), (3) *lone parenthood*, (4) *illness or disability*.

To take *gender* first, the initial development of leave policy focused on mothers' rights and, maternity leave, protecting the health and well-being of the mother and child, and, since the 1970s, first parental leaves and then (from the 1990s) exclusive fathers' entitlements (e.g. paternity leaves, quotas) were gradually introduced "through a process of layering" (Daly and Ferragina, 2018, 267) and with the aim of strengthening the gender dimension of leave policies. Since then, the central question has shifted from whether mothers or fathers have the right to leave, to whether they have the right to sufficient leave, and especially whether there are well-paid leaves earmarked for fathers (including those of longer duration), which could potentially transform gender norms and practices in employment and care (cf. Kvande and Brandth, 2017; O'Brien and Wall, 2017; Doucet and McKay, 2020). All six countries except the UK have well-paid paternity/co-parent leave – mostly of a shorter duration of two weeks, except in Belgium (4 weeks) and Spain (16 weeks). However, fathers-only entitlements within the parental leave scheme (i.e. quotas), which are of longer duration (from 9 weeks in Croatia and Poland and up to 140 weeks in Spain), are poorly paid in Belgium and unpaid in Spain and the UK. For example, unpaid parental leave in Spain – the only country that fully equalises the length of mothers' and fathers' entitlements – can be used until the child is three by both parents. However, this leave "qualifies" under the definition of long leave with genderising effect (especially as it is unpaid), that is, the leave that may be detrimental to women's outcomes in the labour market (e.g. employment rates, wages and career opportunities; Ferragina, 2020) and may reinforce the traditional division of care work (Morgan and Zippel, 2003). The same three countries – Belgium, Spain, and the UK – also do not offer transferable parental leave entitlements (discussed further below) and tend to have shorter well-paid total leave (see Table 5).

All the countries – except Spain – provide mothers with longer, well-paid exclusive leave entitlements around childbirth than fathers, acknowledging biological differences and the mother's right to additional time to recover from childbearing (cf. Ciccia and Verloo, 2012). Yet in some countries, there is a stronger mother-centredness of leaves, with the gender gap in well-paid entitlements reaching up to 4.2 months in Poland and 5.5 months in Croatia, or 9.5 months in both countries if transferable leave entitlements which are typically used by mothers are counted towards "mother's leave". While Sweden grants both parents the same length of exclusive leave entitlements (although 2 weeks of maternity leave can only be paid through the parental leave scheme), up to 10 months of the leave are transferable. Yet Sweden is the only country that brought the quota system in a citizenship-based scheme, which tends to be more gendered and allocates all the leave to mothers (Table 6). Namely, since August 2022, the three "reserved" months also apply to parents using flat-rate citizenship-based leave benefits (Duvander and Löfgren, 2023).



The UK is the only country whose leave policy relies heavily on a long period of mostly poorly paid maternity leave (Table 5), and further “implicitly expresses a maternalist view about the care of young children, a gendered assumption that young children are the primary responsibility of mothers” (Moss and Deven, 2020, 434).

When it comes to family circumstances and the *number of children*, all the countries recognise – although to various extent – multiple births and “larger” families (2+ children) as a situation needing extra resources (see Table 7). In the cases of multiple births, paid leaves are typically extended from one week per parent in Spain up to 11 months per parent in Croatia. In the latter case, the maximum post-natal leave can reach 36 months (34 months if only one parent takes the leave); however, 22 additional months are paid at a flat-rate of around 48.7% of the average monthly net salary.<sup>4</sup> In Croatia, the same support is offered to families with three or more children. Of the remaining five countries, Spain and Poland resource “larger” families with additional leave rights, however, in a more targeted manner. In Spain, additional support is directed only to employed mothers who are not eligible for employment-based leave benefits and are provided with a flat-rate of €600 per month for 56 days (i.e. 14 days more than mothers with less than 3 children), while Poland resources low-income families with 2+ children, providing them with a means-tested flat-rate childcare allowance for an additional 12 months (around 8% of the average net salary).<sup>5</sup> Both Spain and Poland additionally support *single parents* in the same way (Table 7), while Belgium provides them with a significant increase in parental benefits (68%) and Sweden with an option to use all paid parental leave days. Parents are supported to a slightly greater extent in case of *illness or disability* of their children. If we limit ourselves only to the rights that are regulated within parental leave systems or are closely attached to them, Croatia and Spain stand out, providing parents with long-term well-paid leave or part-time work followed by compensation for hours not working (Table 7).

All this speaks of the high complexity of parenting leave schemes, with large differences between and within countries, making it difficult to assess the implications of leaves on gender and social inequalities in employment and care. The picture becomes even more blurred if one wants to look deeper into the leave flexibility discussed in the next section.

<sup>4</sup> In May 2023, the average net salary was €1,133 per month (Croatian Bureau of Statistics, 2023).

<sup>5</sup> In the first quarter 2023, the average net salary was €1,100 per month (‘Ile wynosi średnia...’, 2023; Income tax calculator Polska, 2023).



TABLE 7: FAMILIES RECEIVING ADDITIONAL SUPPORT THROUGH PAID PARENTING LEAVES AND RELATED ENTITLEMENTS (2023)

Additional provisions within the parenting leaves scheme for:	
<b>Multiple births</b>	
Belgium	<b>Yes:</b> + 2 weeks of <i>maternity leave</i> ; <i>parental leave</i> is granted per child (for twins, 34.4 weeks, etc.)
Croatia	<b>Yes:</b> + 5 days of <i>paternity leave</i> ; + 11 months of <i>parental leave</i> per parent for multiple births (maximum postnatal leave = 36 months, if both parents use the leave; otherwise, 34 months)
Poland	<b>Yes:</b> + 11 weeks of <i>maternity leave</i> for twins, and then another 2 weeks for each additional child; + 2 weeks of <i>parental leave</i> *
Spain	<b>Yes:</b> + 1 week of additional paid <i>maternity/paternity leave</i> for each additional child per parent; a flat-rate <i>maternity allowance</i> is extended to 56 days (i.e., an additional 14 days)
Sweden	<b>Yes:</b> <i>paternity leave</i> is granted per child (for twins 20 days, etc.); paid <i>parental leave</i> days are increased: + 90 earnings-related and 90 flat-rate days for twins; for each additional child in a multiple birth by an additional 180 earnings-related days
UK	<b>Yes:</b> unpaid <i>parental leave</i> is granted per child (for twins 36 weeks, etc.)
<b>Larger families (2+ children)</b>	
Belgium	<b>No</b>
Croatia	<b>Yes:</b> + 11 months of <i>parental leave</i> per parent for 3+ children (maximum postnatal leave = 36 months, if both parents use the leave; otherwise, 34 months)
Poland	<b>Yes:</b> a flat-rate allowance attached to <i>childcare leave</i> is paid for an additional 12 months for the second or each subsequent child
Spain	<b>Yes:</b> a flat-rate <i>maternity allowance</i> is extended to 56 days for families with 3+ children (i.e., an additional 14 days)
Sweden	<b>No</b>
UK	<b>No</b>



---

**Lone parenthood**

Belgium **Yes:** the flat-rate *parental benefit* is 68% higher for single parents

Croatia **No**

Poland **Yes:** a flat-rate allowance attached to *childcare leave* is paid for an additional 12 months to single parents

Spain **Yes:** a flat-rate *maternity allowance* is extended to 56 days for single mothers (i.e., an additional 14 days)

Sweden **Yes:** One of the parents may use all *parental leave* benefit days in cases of one custodian

UK **No**

---



---

**Child illness/disability\***

Belgium	<b>Yes:</b> parents of disabled children can use <i>parental leave</i> through the longer time span (until their child's 21 <sup>st</sup> birthday)
Croatia	<b>Yes:</b> if both parents are in employment, one of the (self-)employed parents of a child who needs additional care due to their health and development has a right to <i>part-time until the child is three</i> ; or to <i>paid leave</i> until the child is eight if a child has a disability (in both cases parents will receive a flat-rate benefit of €551.80 per month); parent of a child with disability can then <i>work shorter hours</i> until the child finishes regular education (the parent will receive the difference in salary for the hours not working or a flat-rate benefit of €551.80 per month)
Poland	<b>Yes:</b> 65 weeks (67 for multiple births) of parental leave for parents of a child with chronic illness; an additional 36 months of means-tested childcare leave (until the child turns 18 at the latest; a flat-rate benefit of €89.38 per month)
Spain	<b>Yes:</b> + 1 week of additional <i>maternity/paternity leave</i> per parent if a child has a disability (paid at regular rate); a flat-rate <i>maternity allowance</i> is extended to 56 days if a child has disabilities (i.e., an additional 14 days); (self-)employment parents are entitled to <i>paid leave</i> aimed to provide care to a child under 23 with serious illness (100% of previous earnings, up to a ceiling; can be taken full-time or part-time)
Sweden	<b>Yes:</b> a family entitlement to <i>temporary parental leave</i> of 120 days per child per year, in the case of the child's illness (until the child turns 12, may be extended until the child turns 15; 77.6% of previous earnings, up to a ceiling)
UK	<b>No</b>

---

**Notes:** Here, only the rights that are regulated within the parental leave system or are closely related to it are shown; although there is no clear line between the rights provided as part of the parental leave system and carers' leaves typically provided through health-care or social assistance system. Therefore, this part of the table should be read in conjunction with Table 8. For example, in Croatia, there are two additional rights targeting parents: *paid status of a parent-carer* (part of the social assistance system) and *sickness leave* for short illness episodes (part of the healthcare system; see Table 8).

**Sources:** Dobrotić (2023); Duvander and Löfgren (2023); Fusulier and Mortelmans (2023); Kurowska et al. (2023); Meil et al. (2023); O'Brien et al. (2023).



## Parenting leaves and flexibility: how flexible are leave policies?

How much flexibility do policies allow families is the second central question in this report. Yet flexibility is much harder to grasp and measure than inclusiveness. In the context of policy reports within the WP5, the degree of choice that policies provide to parents in their role is highlighted in this regard, and flexibility is conceived as the “extent to which policy either encourages or enables people to make a change (such as to take up training or education or to increase or lower hours of work or to have another child)” (Daly, 2023, 6). Flexibility is thus closely related to family transitions in the labour market or with a change in the number of children. If we look at leave policies from this perspective, two elements of the policy design are crucial for parents’, and especially mothers’, easier transition to the labour market – leave transferability and time flexibility.

*Leave transferability*, that is, whether the leave is an individual or family right (including whether there is a quota system within the leave scheme) and to what extent leave can be transferred from one parent to another, can largely condition the ability of parents (typically mothers) to join the labour market, but also the ability of parents (typically fathers) to become more actively involved in care. Here it can be assumed that, for example, a father is less likely to make the transition from employment to care if the leave policy design does not contain exclusive fathers’ entitlements. It is also important whether this leave is well-paid or not – again indicating the importance of understanding the interaction effect of different elements of policy design – since such a transition is less likely to occur in the cases where the leaves are poorly paid (cf. Kvande and Brandth, 2017; O’Brien and Wall, 2017; Doucet and McKay, 2020). In other words, in the context of policy design that mainly concentrates on low-paid leave or leaves predominantly targeted towards mothers, such transitions are less likely to happen and the probability that women will remain outside the labour market increases, which greatly weakens their agency. In this respect, these elements of leave policy design strongly intersect with the gender dimension of leave policy design, already discussed earlier, and the implications leave policies may have for gendered parental and employment practices.

In the “sample” of six countries, one country stands out in this regard. In the UK, leave policy relies heavily on a long period (52 weeks) of mostly poorly paid maternity leave, individual entitlement to paid paternity leave is minimal (short in duration, poorly paid), and parental leave is unpaid (Table 5). While the UK has the longest maternity leave period, 50 of the 52 weeks of maternity leave can be transferred to the father/co-parent if the mother is employed, and this period is called “shared parental leave” (SPL). Yet the father’s/co-parent’s leave is not an individual entitlement as it is (1) mediated at their partner’s discretion (i.e. the mother has the right to transfer maternity leave to the father) but also (2) on the mother’s formal eligibility (both parents need to pass an economic activity test to be eligible).



Such conditionality limits leave flexibility, that is, transitions in employment or care, but also excludes the growing number of parents working in precarious employment such as ‘zero-hour’ and temporary contracts (see O’Brien and Twamley, 2017). Yet this type of conditionality is not an exception, and can also be observed in the other two countries with somewhat longer maternity leave (Croatia, Poland), allowing part of the leave (i.e. optional leave) to be transferred to the father or, in Poland, also to other members of their family. In Poland, it is additionally conditioned by the level of maternity benefit the mother opts for, that is, the transfer to the father is possible only if the mother opts for a lower maternity benefit (i.e. 81.5 per cent option; see Table 5).

All six countries offer an individual entitlement to parental leave, and there are thus the periods of fathers-only parental leave; however, this is unpaid leave in two countries (Spain, the UK), and poorly paid leave in Belgium, making it also less likely that fathers will engage in care. Poland again highlights a slightly different practice – the fathers’ replacement rate is lower than the mothers’ (Table 5), while in Croatia, the father’s entitlement to parental leave is also conditional on the mother’s labour market participation (i.e. if the mother is not in employment, the employed father is not eligible for their right to parental leave, which is working against the EU Work-Life Balance provisions). Finally, in all countries, parental leave can be used at the same time by both parents (yet in Sweden, there are only 30 “double days”).

*Time flexibility* is one of the main dimensions of leave policy design, especially of parental leave (Table 7); however, little is known about this aspect. There are only a few studies that aimed to assess the implications of flexible leave use (e.g., as one day in a week, part-time, in several blocks), indicating that flexible practices may not contribute to a better work-care balance and tend to primarily benefit the work environment (e.g., parents work more than agreed). It also seems that fathers’ use of parental leave part-time or as one day a week does not necessarily contribute to a more gender-equal redistribution of care (see Brandth and Kvande, 2019). There is a gap in understanding of time flexibility associated with parental leave and the implications this may have for transitions between employment and care.

In the group of countries analysed here, three aspects of flexibility come to the fore: 1) differences in the child’s age up to which it is possible to use leave, 2) the possibility of using leave in one piece or in several blocks, and 3) the possibility of using leave on a full-time or part-time basis (Table 7). Unlike maternity leave, which must be taken immediately after the birth and there are mandatory periods of leave, paternity/co-parent and parental leaves can be used in a more flexible way (although there is some choice about when the mother can start to take the maternity leave and how much of the maternity leave they can take before and after the leave). With paternity/co-parent leave, time flexibility is still more limited, and the main aspect of flexibility relates to the possibility of fathers/partners to use the leave for a longer period after the birth – this ranges from 1.8 months after the birth in the UK and up to 12 months in Poland. Spain is the only country in our “sample” that has equal mandatory paternity/co-parent leave (6 weeks after the birth) and allows the use of this leave on a part-time basis.





Parental leave can also be used within a longer time period after the birth, and this period varies from the possibility of using the parental leave until the child turns six in Poland and up to the child's 18th birthday in the UK. These periods can be further extended in the case of parents with disabled children (e.g. until their child's 21<sup>st</sup> birthday in Belgium; cf. Table 6 and Table 7). This brings us to the second aspect of time flexibility – the possibility of using leave in one piece or in several blocks – which is closely interwoven with the previous one as it facilitates the use of parental leave over a longer period of time. Yet it also puts some limits on how the leave can be used by defining the minimum duration of each parental leave block (Belgium, Croatia) or limiting the number of parental leave blocks that can be used per year (Croatia) or in total (Poland). The UK exhibits another form of “uniqueness”, as the only country where parental leave cannot be used in one piece, that is, it is only allowed to use a maximum of four weeks of parental leave per child per parent in one calendar year.

Finally, four countries – Belgium, Croatia, Poland and Sweden – provide parents with the option to use parental leave on a part-time basis, which is facilitated in a more limited (e.g., in Croatia, it is only possible to use 50% of full working hours) or a more flexible way (e.g. starting from some 10% of working hours in Belgium and Sweden; Table 7). It is important to note here that all these aspects of flexibility are closely interrelated, with some countries offering a greater parental “freedom” to combine them, while others prescribe much clearer rules in this regard. For example, in Belgium, three part-time options are available: 1) 50% over eight months (can be split into blocks of a minimum duration of two months), 2) one day per week (20%) over 20 months (can be split into blocks of a minimum duration of five months), or 3) a half day a week (10%) over 40 months (this option possible only with the agreement of the employer). It is also possible to combine full-time and part-time leave (e.g., one month of full-time leave with two months of 50% and five months of 10% leave).

Time flexibility may facilitate parents' transition from employment to care and vice versa, both in an early parenting phase and later on (when children start school, for example); however, we lack knowledge about the implications of such practices on both gender and social inequalities in employment and care and familial resilience. While in the latter case, we may assume that leave policy flexibility can increase the ability of families to overcome sudden (e.g. financial stress, illness) or expected changes in family circumstances (e.g., the birth of another child, the primary school start), the (comparative) picture becomes additionally blurred when we think in terms of a wider policy package – firstly about the complex interrelationship of different elements of leave policy design itself, and secondly, about the relation between parenting leaves and broader work-care policies (e.g., ECEC services, flexible working arrangements, occupational welfare). For example, leave time flexibility may be particularly important in countries with less developed ECEC services or shorter school hours combined with a lack of afterschool programs. The latter can be clearly illustrated by the Croatian case, where the number of teaching hours in primary education is twice as low as the European average (1,890 teaching hours in Croatia compared to the European average of 4,062 hours; Ministry of Science and Education, 2020), while access to



afterschool programs is insufficient and regionally uneven (in 2023, 60% of cities and 25% of municipalities organised and subsidised these programs, typically until the child turns 8/9; Central State Office of Demography and Youth, 2023). In addition, parents need to co-finance the service (typically between €20-100 per month), which can be an additional barrier to participation for children of lower socioeconomic status. All this “opens” many questions about “optimal” policy design and also highlights the importance of “policy contextualisation” – both within broader policy packages and within different societies. To highlight just one, for example, does leave flexibility necessarily facilitate the resilience of (all) parents, or does it just put (some) families in more adverse situations, especially in contexts where they lack the options (e.g., at risk of financial hardship if leave is poorly paid or unpaid, and services are not developed).

**TABLE 8: PARENTING LEAVES AND TIME FLEXIBILITY (2023)**

	<b>Maternity leave</b>	<b>Paternity leave</b>	<b>Parental leave</b>
<b>Belgium</b>			
- <b>Child's age</b>	Mandatory leave: <b>10 weeks</b> (1 week before and 9 weeks after the birth); part of the optional leave (6 weeks) can be taken before the birth	Within <b>4 months</b> after the childbirth	Until the child turns <b>12</b> (21 if the child has a disability)
- <b>Part-time</b>	No*	No*	Yes: <b>10, 20 or 50%</b> of full working hours of leave time per day
- <b>In blocks</b>	Yes: up to 2 weeks of post-natal leave can be taken as "days-off"	No	Yes: if used on a part-time basis: the minimum duration of each block is 2 to 5 months, depending on the part-time leave option chosen
<b>Croatia</b>			
- <b>Child's age</b>	Mandatory leave: <b>14 weeks</b> (4 weeks before and 10 weeks after the birth)	Within <b>6 months</b> after the childbirth	Until the child turns <b>8</b>
- <b>Part-time</b>	Yes: if used on a part-time basis, optional leave can be used until the child turns 9 months (otherwise: 6 months)	No	Yes: <b>50%</b> of full working hours of leave time per day
- <b>In blocks</b>	No	No	Yes: no more than 2 times per year, each time for no less than 30 days
<b>Poland</b>			
- <b>Child's age</b>	Mandatory leave: <b>14 weeks</b> after the birth; part of the optional leave (6 weeks) can be taken before the birth	Within <b>12 months</b> after the childbirth	Until the child turns <b>6</b>
- <b>Part-time</b>	No	No	Yes: <b>up to 50%</b> of full working hours of leave time per day
- <b>In blocks</b>	No	Yes: two separate blocks (1 week each)	Yes: up to 5 blocks



<b>Spain</b>			
- <b>Child's age</b>	Mandatory leave: <b>6 weeks</b> after the birth; part of the optional leave (4 weeks) can be taken before the birth	Obligatory leave: <b>6 weeks</b> after the birth	No**
- <b>Part-time</b>	Yes: 10 optional weeks, in agreement with the employer	Yes: 10 optional weeks, in agreement with the employer	No
- <b>In blocks</b>	No	No	Yes
<b>Sweden</b>			
- <b>Child's age</b>	Mandatory leave: <b>2 weeks</b> (before or after the birth)	Within <b>2 months</b> after the childbirth	Until the child turns <b>12</b> ; however, only 3.2 months (96 days) after the child turns 4
- <b>Part-time</b>	No	No	Yes: <b>12.5, 25 or 50%</b> of full working hours of leave time per day
- <b>In blocks</b>	No	No	Yes: up to 3 separate periods each year
<b>UK</b>			
- <b>Child's age</b>	Mandatory leave: <b>2 weeks</b> after the birth (4 if the mother works in the factory); part of the optional leave (11 weeks) can be taken before the birth	Within <b>1.8 months</b> (56 days) after the childbirth (or due date if the baby is early)	Until the child turns <b>18</b>
- <b>Part-time</b>	No	No	No
- <b>In blocks</b>	Yes	No	Yes: maximum of four weeks per child per parent in one calendar year

**Notes:** \*Self-employed parents have more options: 1) an optional nine weeks of maternity leave can be taken in blocks of seven days during the 36 weeks after the birth or can be converted into a part-time leave of up to 18 weeks; 2) birth leave can be taken part-time (up to 40 days, instead of 20 full-time days); \*\* Both parents have the right to leave until the child turns 3 years old.

**Sources:** Dobrotić (2023a); Duvander and Löfgren (2023); Fusulier and Mortelmans (2023); Kurowska et al. (2023); Meil et al. (2023); O'Brien et al. (2023).



## Carers' leave inclusiveness and flexibility

In this section, we discuss any carers' leave that could come under the definition of the EU Work-Life Balance Directive (Directive (EU) 2019/1158..., 2019), apart from the special entitlements provided exclusively to parents of children with severe illness or disability, which have a stronger link with parenting leave systems and are typically also regulated within those systems (discussed in the section on parenting leaves; Table 7). Here, the primary focus is thus on leave entitlements that extend to adult life, and cover also the need to provide care to adult children, parents or other relatives, and/or close persons. Although, it must be noted here, that the boundaries between these two groups of entitlements are often blurred and hard to distinguish.

The Directive defines carers' leave as "leave from work for workers in order to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason, as defined by each Member State". The relative can be the worker's "son, daughter, mother, father, spouse or, where such partnerships are recognised by national law, a partner in a civil partnership", although member states are encouraged to extend leave rights to workers caring for other family members, such as grandparents and siblings. Only the minimal duration of carers' leave is stipulated by the Directive – five days per year, leaving the decision regarding any additional details, such as the associated benefits, up to the member states; while the countries in our "sample" already have somewhat more comprehensively regulated rights.

There are significant differences between the six countries analysed regarding different aspects of carers' leaves. At a very general level, this policy is much less developed and less complex than parenting leaves policy, and none of the six countries included has a separate system regulating carers' leaves and benefits. Rather, these provisions are incorporated into various policy systems, such as health care, social assistance or employment, with different terms applied to the leaves, which makes comparative assessments more difficult. Comparative policy databases are thus also less reliable with regard to carers' leaves. In addition, in some countries, such as Belgium, Spain and Sweden, carers' leaves and benefits are supplemented or primarily provided on the regional or municipal level, resulting in differences in provision within a country; however, this report takes into account only state-level provisions.

All six countries have leave provisions for carers that go beyond the minimal five days required by the Directive. The risks covered are serious illness and dependence due to disability and/or old age (although old age is explicitly mentioned only in Belgium and Spain). There are differences between the countries in terms of how elaborated the carers' leave system is. For example, while Belgium provides three types of leave (for serious illness, palliative care or dependence due to old age, disability or health reasons), other states, such as Croatia or Poland, have only just started introducing carers' leaves: the minimal unpaid five days' carers' leave was introduced in both countries in 2023 in order to comply with the Directive, while other available provisions are part of the social assistance system and have a marginal application



(only in cases of a high degree of disability and full dependence) and/or are very limited in terms of the amount of cash benefits. However, Croatia and Poland provide the possibility of using sickness leave in order to care for an ill family member (i.e. they extend this right beyond taking care of children; although, in Croatia, this is limited only to a co-habiting partner, that is, it cannot be used to take care of an ill parent).

With regard to the *inclusiveness* of carers' leaves and the associated benefits, they are primarily intended for employees and are usually allocated on the basis of an assessment of the needs of the person receiving care. In Croatia and Poland, sickness leave for care purposes is also available to self-employed carers (although in Poland, where a minimum previous insurance period is generally required for eligibility, the period is longer for the self-employed). The status of parent-caregiver or caregiver in Croatia and the three types of carers' allowance in Poland are universally available and based on need (for cases of severe disability); special care allowance in Poland is means-tested. In Sweden, both the carer and the dependent need to be insured in order to be eligible for the carers' leave and benefit. Some leaves have certain eligibility conditions which are not defined precisely enough, such as what is considered a "serious illness" (e.g. in the case of leave to care for a seriously ill child or for other family reasons in Spain). In other cases, particular conditions are formulated in such a way that it might be difficult to objectively ascertain whether they are satisfied or not (for example, in Belgium, the requirement that one must have a trusting and geographically or affectively close relationship with the person needing care in order to become their official informal carer and receive the benefit). In such cases, the decision on the allocation of leaves and benefits is usually left to the discretion of administrative personnel.

In terms of the duration of carers' leaves, this also varies significantly across the countries, and different reference units are used for allocation of leave, i.e. per time period, per person or per case, making cross-country comparisons difficult. Only Croatia and Poland provide carers' leaves of unlimited duration in cases of high dependency (as long as there is a need for care), while sickness leaves for care purposes are intended for shorter periods of illness. The maximum duration of sickness leave is defined based on the dependent: longer leave per case is available for younger children and shorter leave for older children and other family members, resourcing care provision at an earlier age to a greater extent. Certain categories of carers are entitled to longer leaves in some countries (single parents on medical leave in Belgium and public sector employees on both types of carers' leave in Spain). Leave to care for a seriously ill child or for other family reasons in Spain is extended by two days if travelling is required for work.

Several of the leaves are unpaid, mainly those of shorter duration, but also the leave to care for a relative in Spain, which can be up to two years for private sector employees and three years for those in the public sector (contributions for the latter are covered for the whole period, while for private sector employees only in the first year).



Sweden and Spain provide leaves with earnings-related benefits, as is the case for the sickness leave benefit in Croatia and Poland, while the other carers' leaves in the countries covered by this report provide flat-rate benefits (a previous insurance period is required in order to receive earnings-related sickness benefit in Croatia; otherwise, a flat-rate benefit is paid). In some cases, carers are entitled to a higher benefit if they are caring for two or more dependents (Croatia) or if the dependent belongs to certain categories: in Croatia, dependents unable to participate in community programmes and services and, in the case of sickness leave, children under three years of age; in Poland, persons who have had a disability since childhood, as opposed to those who acquired it after 18 or 25 years of age (Ministry of Family and Social Policy, 2023b). In the Polish case, the carers not eligible for this higher benefit receive a very low benefit of €132 per month (with contributions covered). In Belgium, single parents are entitled to higher benefits.

Most of the carers' leaves in the countries analysed do not offer any flexibility options which would allow carers in different family- and work-related situations to adapt the leave to their specific needs. A notable exception is Belgium, where all three carers' leaves can be used either full-time, part-time or at 1/5 of working time (the latter only if the worker regularly works full-time hours). Leave to care for a relative in Spain (with a maximum duration of two or three years) also allows the option of part-time use (1/2 or 1/8 of working time). As opposed to Poland, sickness leave for care purposes in Croatia can be used part-time. A lack of part-time leave options means that carers are less likely to be able to engage in employment alongside care duties, which can potentially have an adverse effect on their connection to the labour market, especially in the long term (i.e. after a longer period of engaging solely in care duties is over). This is particularly the case for those leaves that explicitly cannot be combined with earnings from work (e.g. the parent-caregiver or caregiver status in Croatia).



TABLE 9: STATUTORY CARERS' LEAVES AND ALLOWANCES (2023)

	Duration	Benefit	Eligibility	Flexibility
<b>Belgium</b>				
- <b>Medical care leave</b>	<b>1-12 months</b> (if part-time 24); can be used only in blocks of 3 months <sup>1</sup>	Flat-rate: €879.15 after taxes <sup>2</sup>	Employees; needs-based (care of a <i>seriously ill</i> household/family member)	Full-time, part-time or 1/5 of working time (the latter only if working full-time)
- <b>Informal care leave</b>	<b>6 months</b> (if part-time 12) over the entire career	Flat-rate: €879.15 after taxes <sup>2</sup>	Employees; needs-based (care of a <i>dependent person</i> due to old age, health condition or disability); trusting and (affectively or geographically) close relationship with the beneficiary	Full-time, part-time or 1/5 of working time (the latter only if working full-time)
- <b>Palliative care leave</b>	<b>1-3 months</b> ; can be used in blocks of 1 month (max 2 one-month extensions)	Flat-rate: €879.15 after taxes <sup>2</sup>	Employees; needs-based (provision of end-of-life care)	Full-time, part-time or 1/5 of working time (the latter only if working full-time)
<b>Croatia</b>				
- <b>Carers' leave</b>	<b>5 days per year</b>	Unpaid	Employees; needs-based (care of a <i>seriously ill</i> household/family member)	None defined
- <b>Paid status of a parent-carer, or carer</b>	<b>As long as there is a need</b>	Flat-rate: <sup>3; 4</sup> €663.61 (€995.42 if care provided to 2+ persons)	A person who is not participating in the labour market (or who has left the labour market) to care for a child or a disabled person; needs-based (care of a person with severe disability and full dependence on others for assistance and care)	None defined
- <b>Sickness leave</b>	<b>20-60 days per illness episode</b>	70-100% of earnings in the six months before the leave*	(Self-)employed; needs-based (care of a child or co-resident partner in case of shorter illness episode; in the case of a partner, only for serious illness); social insurance period: 9 months of continuous insurance (or 12 within 24 months), if not fulfilled – flat-rate benefit	Full-time or part-time



<b>Poland</b>				
- Carers' leave	5 days per year	Unpaid	Employees; needs-based (care of a <i>seriously ill</i> household/family member)	None defined
- Informal carers' allowance: nursing benefit/care allowance	As long as there is a need	Flat-rate: <sup>4</sup> €452 (nursing benefit); €132 (care allowance)	Universal; needs-based (care of a child with disability; nursing benefit if disability has existed since childhood, otherwise, lower care allowance)	None defined
- Informal carers' allowance: special care allowance	As long as there is a need	Flat-rate: <sup>4</sup> €132	Means-tested; needs-based (care of disabled adults in need of all-day care)	None defined
- Sickness leave	14-60 days per year	80% of earnings in the 12 months before the leave	(Self-)employed; needs-based (care of a child or a family member in the case of a shorter illness episode); social insurance: 30 days of uninterrupted social insurance before the leave (90 days in the case of voluntary insurance, e.g., self-employed) <sup>5</sup>	None defined
<b>Spain<sup>6</sup></b>				
- Leave to care for a relative	Up to two years <sup>7</sup>	Unpaid <sup>4</sup>	Employee; needs-based (severe illness, disability, accidents, or old age of a relative up to the second degree of consanguinity or affinity)	Full-time or part-time (1/8 or 1/2 of working time)
- Leave to care for a seriously ill child or for other family reasons	2 days per event <sup>8</sup>	100% of earnings	Employee; needs-based (serious illness, hospitalisation, or death of a relative up to the second degree of consanguinity or affinity)	None defined



<b>Sweden<sup>6</sup></b>				
- Leave to care for a closely related person	100 days per person	80% of earnings	A person who refrains from gainful employment to care for a seriously ill relative; both the carer and the dependant must be socially insured in Sweden	None defined
<b>UK</b>				
- Time off for family and dependants	A reasonable amount of time off to deal with the emergency	Unpaid	Needs-based: employee dealing with an <i>emergency involving a dependent</i> (a spouse, partner, child, grandchild, parent, or anyone who depends on the individual for care)	None defined
- Carers' Allowance	As long as there is a need	Flat-rate: €685.22 <sup>4</sup>	Means-tested; needs-based (providing care for at least 35h/week); residency (carer must be resident or have lived in the UK for 2 of last 3 years); dependent must be the recipient of one of several welfare benefits	None defined

**Notes:** \*There is an upper ceiling; 1= in the case of single parents leave can be extended up to 24 months (48 if part-time); 2=70% higher benefit for single parents; 3=Carers have a right to four weeks of paid annual leave; 4= Paid social insurance contributions to carers; 5=There are a few exceptions which do not require this qualifying period, such as a person who is insured and has paid contributions for 10 years or a graduate who has paid at least 90 days of contributions after obtaining their degree; 6=There are regional care allowances for carers, however, not all communities provide them; 7=Public sector employees can extend their leave for up to three years, and they are credited with social insurance contributions and related benefits during the whole period; 8=This is extended to four days if travelling is required for work; public sector employees are entitled to three days' leave (five days if travelling is required).

**Sources:** European Commission (2022; 2023a); The Government of the UK (2023a)



## Flexible working arrangements for care needs

The EU Work-Life Balance Directive (Directive (EU) 2019/1158..., 2019), whose adoption and the period of transfer into national legislation coincided with the pandemic, led to the accelerated development of flexible working arrangements for workers who are parents, or carers. By their very definition, flexible working provisions are closely linked to family transitions in the labour market, enabling people to, for example, reduce or increase hours of work in relation to increased or decreased care demands, respectively. They should thus facilitate the transition between the labour market and care for families. Within the context of the Directive, “flexible working arrangements” are understood as the “possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or reduced working hours”, and only basic aspects of their provision are defined. Flexible working arrangements can thus have different forms, and the comparative literature indicates that they typically reflect the flexibility in (1) working time (e.g., shorter working week, time accounts, sliding working hours), (2) the “quantity” of work (e.g. part-time work, reduced-load work, job sharing), (3) the place of work (e.g. telework, remote work) and (4) the continuity of work (e.g. time credits, sabbatical) (Kossek et al., 2014.; Austin-Egole et al., 2022.). Within the context of the Directive, it is stipulated that workers with children up to a specified age (at least eight years) and carers should have the right to request flexible working arrangements for caring purposes; employers shall consider and respond to employee’s requests within a reasonable period of time and provide reasons for any refusal of such a request or for any postponement of such arrangements; and the worker shall have the right to return to the original working pattern at the end of the agreed period (the employer should at least reconsider earlier requests). It is important, especially if we think through the inclusiveness lens, to point out that the right to request flexible working arrangements can be conditioned by the period of work qualification or a length of service qualification, which shall not exceed six months. Besides, the Directive also asks to introduce the right to time off from work on grounds of *force majeure* (the number of days is not specified).

Within the context of the six countries analysed here, flexible working arrangements were not a widespread practice until 2022/2023, especially not in the form of explicitly prescribed flexible working arrangements for caring purposes. While flexible working arrangements for care needs in a broader sense (especially in the context of childcare) were possible in some countries (e.g. Sweden), in others they were restricted to very limited groups of parents, typically parents of children with a serious illness or disability, and they primarily served as an “extension” of parental leave due the increased need for care in these situations. In the latter cases, the flexible working arrangements (typically part-time) would be compensated, that is, they typically come with the right to financial compensation for the time the carer (i.e. parent) is not working (see the section on parenting leaves). The Directive, therefore, boosted either additional and more precise regulation of flexible working arrangements for care needs (e.g. in Sweden) or their general introduction (e.g. Croatia, Poland).



Of the six countries analysed, all but the UK (non-EU member), have provisions regulating the right to request flexible working arrangements or remote work specifically for care purposes (see Table 9). This is not to say that such a practice is not possible in the UK, but it is – as there is a general right to request flexible working for employees with more stable careers – to a greater extent left to the individual employer/company practices. It is important to note here, that in all the EU countries in our analysis that have transposed the Directive, the need to provide care through the life course becomes more acknowledged and therewith more explicit in the state-regulated care provisions not only through the newly introduced rights to carers' leave, but also through the introduction of force majeure leave (this was also a practice only in some countries, e.g. Belgium, Sweden) and expansion of the possibility to request and use flexible working arrangements to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason (Table 9). Yet it is important to point out here that the regulation of flexible working arrangements in the countries did not go beyond the Directive requirements. In other words, while the employee has the right to request flexible working arrangements, the employer only has the obligation to consider the request, but not the obligation to approve it. This may clearly have implications for inequalities in employment and care and, therewith, family resilience, as it may be much easier to negotiate flexible working arrangements for, for example, highly skilled workers, who usually already have better working conditions, and employers are more willing to provide them with such flexibility (see Chung, 2022).

Regarding *inclusiveness*, the flexible working arrangements primarily target employees, where only two countries – Belgium and Croatia – condition the right to request flexible working arrangements by the period of previous employment. In both countries, the employee must have worked with the same employer for at least six months to be eligible. If we try to think about inclusiveness in a broader sense, that is, to what extent flexible working conditions meet the specific needs of different families, it is difficult to assess this by relying only on policy design data. Yet we can notice some aspects. For example, in Flanders in Belgium, there is a certain recognition of specific family situations (beyond severe illness or disability) and their diverse needs. Namely, in Flanders, some companies are experimenting with *flexible contracts* adapted to the living conditions of parents with joint physical custody: parents have one week with more working hours and one week with fewer working hours, depending on whether the children are with them or not. Besides, as a general right (and not only a care-related right), Belgium introduced a *four-day working week*.

In all the countries, we can note that some aspects, such as the gender dimension of flexible working arrangements, do not appear explicitly in the design of flexible working arrangements as they do in, for example, leave policy design. At the same time, there is some evidence suggesting the adverse implications of some flexible working arrangements for women's position in the labour market (see Chung, 2022). We can also assume that some forms of flexibility will serve only some families.



For example, the possibility of a worker to reduce working hours typically does not come with the right to compensation for hours not working, and low-income families may restrain from such a practice (there are exceptions for families with disabilities as discussed earlier, although, these are also not well-paid entitlements in most of the cases as discussed earlier). The latter may be overcome to some extent, at least in the early parenting phase, through paid breastfeeding breaks (see Table 9). Namely, these can typically combine and be granted at the beginning or end of the working day, allowing to shorten working day with compensation for the hours not working.



**TABLE 10: STATUTORY FLEXIBLE WORKING ARRANGEMENTS FOR CARE NEEDS (2023)**

	<b>Belgium</b>	<b>Croatia</b>	<b>Poland</b>	<b>Spain</b>	<b>Sweden</b>	<b>UK</b>
<b>Right to request flexible working arrangements for care needs</b>	Yes: child (12 years); a household/ family member <sup>1</sup>	Yes: child (8 years); a household/ family member <sup>1</sup>	Yes: child (8 years); a household/ family member	Yes: child (12 years)	Yes: child (8 years); a household/ family member	No <sup>2</sup>
<b>Right to request remote work for care needs</b>	Yes: child (12 years); a household/ family member <sup>1</sup>	Yes: child (8 years); a household/ family member <sup>1</sup>	Yes: child (4 years); pregnant employee; a household/ family member with a certificate of disability	Yes: child (12 years)	Yes: child (8 years); a household/ family member	No <sup>2</sup>
<b>Force majeure leave</b>	Yes: 10 days per year, unpaid	Yes: 1 day per year (100% of earnings) <sup>3</sup>	Yes: 16 hours per year (50% of earnings)	No	Yes: number of paid days typically specified by collective agreements	No
<b>Breastfeeding break</b>	Yes: 7 months, 60 minutes per day (82% of earnings)	Yes: 12 months, 120 minutes per day (flat-rate)	Yes: as long as there is a need, 60 minutes per day (100% of earnings)	Yes: 9 months, 60 minutes per day (100% of earnings)	Yes: scope not defined	No

**Notes:** 1=Additional eligibility conditions apply: the employee must have worked with the same employer for at least 6 months to be eligible; 2=There is no explicit right to request flexible working arrangements based on care needs; however, all employees who have worked for their employer continuously for 26 weeks have a right to request flexible working (e.g. to reduce working hours or modify their working schedule); 3=Additional seven days per year are available for important personal reasons, but their use is additionally regulated by collective agreements and they can be used for purposes other than care (and a smaller number of days can be defined through a collective agreement).

**Sources:** Dobrotić (2023a); Duvander and Löfgren (2023); Fusulier and Mortelmans (2023); Kurowska et al. (2023); Meil et al. (2023); O’Brien et al. (2023); Oste (2001); ‘Belgium: Social partners concluded Collective bargaining agreement No. 162’ (2022); Federal Public Service: Employment, Labour and Social Dialogue (2023); L&E Global (2023); Federal Public Service: Employment, Labour and Social Dialogue (2022); Ministry of Family and Social Policy (2023a); The Government of Poland (2023); The Parliament of Sweden (2022); Replicon (2023); Delphi (2022).



# Care leaves and flexible working arrangements: country cases

## Belgium<sup>6</sup>

### Parenting leaves

Parenting leaves in Belgium are divided into *maternity leave*, *birth leave* and *parental leave*. There is only an employment-based system in place.

#### *The scope of parenting leaves*

**Employment-based system:** *Maternity leave* (*Moederschapsverlof/Congé de maternité*) of 15 weeks can start 6 weeks before the birth; one week before and nine weeks after the birth are obligatory. Women on unemployment benefits have the same rights, while the leave is slightly shorter for the self-employed (12 weeks; one week before and two weeks after the birth are obligatory). In the case of multiple births, the leave is extended by two weeks. *Birth leave* (*Geboorteverlof/Congé de naissance*) of 20 working days must be used within four months after childbirth.<sup>7</sup> *Parental leave* (*Ouderschapsverlof/Congé parental*) is four months per parent. It is granted per child and is thus longer in case of multiple births (e.g. each parent of twins gets eight months of leave). The maximum period of paid post-natal parenting leave is 12 months (if time credit is included, it can be extended up to 51 months); however, most of this period is poorly paid and well-paid leave ends at around four months after birth.

*Maternity and birth benefits* are earnings-related, with the replacement rate being higher at the beginning of the leave: 1) maternity benefit is 82% of previous earnings during the first month of leave and 75% for the remaining weeks; 2) birth benefit is 100% of the previous earnings for the first three days and 82% for remaining days. There is a ceiling of €170.69 per day (for a 6-day work week)<sup>8</sup> for the second part of the benefit paid at the lower replacement rate for both maternity and birth benefit. Employees in the public sector are entitled to a more generous maternity benefit than those in the private sector (including contractual civil servants) – 100% of previous earnings during the entire leave, without a ceiling. Self-employed parents are entitled to flat-rate benefits: 1) maternity benefit of €830.67 per week for the first four weeks (€415.33 if leave is used on a half-time basis) and €759.76 per week for the remaining period (€379.88 for half-time leave);<sup>9</sup> 2) birth benefit of €96.60 per leave day (€48.30 for a half day). The unemployed on maternity leave receive an unemployment benefit increased by 19.5% of their previous gross earnings in the first month of maternity leave, and 15% thereafter, with an upper limit applied in

<sup>6</sup> Unless otherwise noted, the description is developed based on the *International Network on Leave Policies & Research* country note for Belgium (Mortelmans & Fusulier, 2022; Fusulier & Mortelmans, 2023).

<sup>7</sup> In July 2022, the duration of birth leave was 15 days for employees and 10 days for self-employed.

<sup>8</sup> In July 2022, the ceiling was €146.98 per day.

<sup>9</sup> In July 2022 benefits were: €752.34 per week (full-time) or €376.17 per week (part-time) for the first four weeks and €688.12 or €344.06 per week during the remaining weeks, respectively.



the unemployment system. These benefits are not taxed. Only employees are entitled to flat-rate parental benefit (see: inclusiveness of parenting leaves), which is a subject of taxation. Parental benefit is €978.24 per month (€879.15 after taxation),<sup>10</sup> and it is higher for single parents (€1,646.81 per month; €1,479.99 after taxation).<sup>11</sup>

### Inclusiveness of parenting leaves

Maternity leave and birth leave are more widely available in Belgium, covering more status groups than parental leave. Only employees (including non-citizens/migrants) have access to all three types of leave. Yet access to parental leave in the private sector is quite strict – in the period of 15 months before the leave employees in the private sector need to have one-year employment with their present employer. In agreement with the employee, the employer can approve the use of the right regardless of whether this criterion is met. All employees in the public sector are eligible, regardless of the length of their service. To qualify for paid maternity leave, the mother must work as employee (and pay social contributions) for at least 120 days during the six months before the leave (European Commission, 2023b; ‘Birth of a Child’, 2023). Self-employed parents are eligible only for maternity and birth leave, however, within a separate and less generous system (see: scope of parenting leaves). Women on unemployment benefits are only entitled to maternity leave. Temporary workers are also entitled only to maternity leave, but only if they have worked at least 400 hours during the six months before the leave start.

Same-sex couples are eligible if their labour market status determines so and if they have parental responsibility for the child (e.g. the child's biological mother and/or biological father; the person with whom the child has paternal filiation; the wife or partner of the biological mother of the child).

**Additional rights due to health reasons and disability:** When the mother activates a full six weeks of prenatal leave for health reasons, the maternity leave can be extended by one week. If the mother is hospitalised for longer than a week after childbirth, a “social parental leave” is provided to the father/co-parent: they can take the remaining weeks of maternity leave with an additional benefit of 60% of their earnings, on top of the maternity benefit.

### Flexibility of parenting leaves

**Leave transferability:** *Parental leave* is an individual right of both parents, which cannot be transferred from one parent to the other (see: scope of parenting leaves).

**Leave time flexibility:** There are various forms of time flexibility, aiming to facilitate gradual entry into the labour market and thus part-time maternity and parental leave. Up to two weeks of post-natal *maternity leave* can be taken as “days off”, allowing the leave to be extended over a longer period, while *parental*

<sup>10</sup> In July 2022, the benefit was €886.00 per month (€796.25 after taxation).

<sup>11</sup> In July 2022, the benefit was €1,491.53 per month (€1,340.44 after taxation).





*leave* can be taken on a full-time or part-time basis. Three part-time options are available: 1) 50% over eight months (can be split into blocks of a minimum duration of two months), 2) one day per week (20%) over 20 months (can be split into blocks of a minimum duration of five months), or 3) a half day a week (10%) over 40 months. Parents can opt for the latter option only with the agreement of the employer. It is also possible to combine full-time and part-time leave (e.g., one month of full-time leave with two months of 50% and five months of 10% leave). Parental leave can be used up until the child's 12<sup>th</sup> birthday (or 21<sup>st</sup> birthday if the child has a disability), and both parents can take leave at the same time. *Birth leave* can be used within four months after childbirth. Self-employed parents, who are only entitled to maternity and birth leave, have greater flexibility in using these entitlements: 1) an optional nine weeks of maternity leave can be taken in blocks of seven days during the 36 weeks after the birth or can be converted into a part-time leave of up to 18 weeks; 2) birth leave can be taken part-time (up to 40 days, instead of 20 full-time days).

### Carers' leave

An employee is entitled to two types of carers' leave: 1) *medical care leave* of one to 12 months (up to 24 months if used part-time; in the case of single parents 24 and 48 months, respectively), which must be taken in blocks of one to three months, in order to provide care for a household member or family member up to the second degree, who has a serious illness, and 2) *palliative care leave* of up to three months, which must be taken in blocks of one month, in order to provide care for a person at the end of their life (i.e. suffering from an incurable terminal illness). *Informal care leave* of 6 months (12 months if taken part-time) over the entire career is also available to employees caring for a person who is dependent (i.e. not necessarily a family or household member) due to old age, health condition or disability. In order to be officially recognised as an informal carer, the person must have a trusting and (affectively or geographically) close relationship with the beneficiary. The care must be provided in a non-professional capacity, free of charge and in conjunction with at least one professional agent (National Employment Office, 2023).

These leaves are paid at a flat-rate of €978.24 per month (€879.15 after taxation);<sup>12</sup> €1,666.57 (€1,497.75 after taxation) for single parents (National Employment Office, 2023). They can be used full-time or part-time; in the latter case as part-time or 1/5 leave.

### Time credits/career breaks

Within the *time credit/career breaks* system (*Tijdskrediet met motief/Crédit temps avec motif*), employees are entitled to one year of paid leave over their working life (24 months if taken part-time; 60 months if one-fifth of time is taken). The benefit level depends on age, civil status and previous employment period

<sup>12</sup> In July 2022, the benefit was €886.00 per month (€796.25 after taxation).



(e.g. those in employment for five years are entitled to a higher benefit), up to a maximum of €627.08 per month after taxation.<sup>13</sup> The leave period can be extended through collective agreements for care needs, up to a maximum of 51 months. Time credit/career breaks can be used to care for a child under the age of eight (21 in the case of a child with a disability), to provide palliative care and/or to care for a severely ill relative. Employees need two years of previous employment with the same employer to be eligible for time credit/career breaks.

### Flexible working arrangements

Employees are entitled to unpaid *force majeure leave* of up to ten days per year. Employees who are breastfeeding have the right to paid *breastfeeding breaks* up to seven months after the birth of the child (paid at 82% of the previous salary). The employer must provide a suitable area for the use of this right. The duration of the break is 30 minutes; a working day of at least four hours entitles the employee to one break and a working time of 7 hours and 30 minutes to two breaks. The employee must inform the employer at least two months in advance of the intention to use breastfeeding breaks (Oste, 2001).

Until October 2022, there was no statutory regulation on the right to request flexible work for care needs, and these forms of work were usually left to the company's practices. If it was defined so by sectoral collective agreements, there was the option of a *career savings account*, allowing employees to voluntarily save "time rights" that they can then use later in their career (i.e. the time-for-time principle). The "time rights" that they can save are: 1) voluntary overtime (up to 100 hours) and 2) conventional days off (not official days off). In Flanders, some companies were experimenting with *flexible contracts* adapted to the living conditions of parents with joint physical custody: parents have one week with more working hours and one week with fewer working hours, depending on whether the children are with them or not.

Starting from September/October 2022, employees have the right to request *flexible working arrangements for care purposes*. This can include remote working, an adjustment of the working schedule, a reduction in working hours etc. The reason for the request can be: 1) caring for a child up to 12 years of age (or 21, if it has a disability) or 2) caring for a family member, relative or household member with a serious health condition. The employee must have worked with the same employer for at least 6 months to be eligible. The flexible working arrangement must be requested in writing three months in advance, and the employer must respond within one month; a denial has to be justified in writing. The duration of the flexible working arrangement can be up to 12 months, with the possibility to request an extension ('Belgium: Social partners concluded Collective bargaining agreement No. 162', 2022; Federal Public Service: Employment, Labour and Social Dialogue, 2023).

<sup>13</sup> In July 2022, it was €570 per month after taxation.

In November 2022, an option for full-time employees to negotiate a *four-day working week* with their employer was introduced as a general right (i.e. not necessarily for care purposes). Within this option, full-time hours are compressed into fewer days (i.e., the employee can work more than 8, but not more than 10 hours per day). The employee must request a four-day working week via a written request, the employer can refuse, and in this case, this must be justified in writing. Also, full-time employees can negotiate an *adjustment to their working schedule*, allowing them to work fewer hours one week and more hours the other week in alternating two-week cycles (where the average weekly working time of the cycle as a whole is equal to full-time weekly hours). Working hours cannot exceed nine hours per day and 45 hours per week. The maximum duration of this alternating work schedule is six months, with the option of extension. During the summer holidays or in case of unforeseen circumstances affecting the employee, the cycle can be extended to four weeks (meaning that the average weekly working hours during the 4-week cycle as a whole must be equal to full-time weekly hours). The employer has the right to refuse the request, but this must be justified in writing. The employee has the right to return to their regular working schedule before the date set as the end of the period of the adjusted working schedule and they must notify the employer of this intention two weeks in advance (L&E Global, 2023; Federal Public Service: Employment, Labour and Social Dialogue, 2022).

## Croatia<sup>14</sup>

### Parenting leaves

Parenting leaves in Croatia are divided into **maternity, paternity** (introduced in August 2022) and **parental leave**, and there are both an *employment-based* and a *citizenship-based* system in place.

### The scope of parenting leaves

**Employment-based system:** *Maternity leave (Rodiljni dopust)* starts 28 days before the expected date of birth and lasts until the child turns six months of age. Mothers must take 98 days (“compulsory maternity leave” = 28 days before birth and 70 days after birth) without interruption. *Paternity leave (Očinski dopust)* of 10 working days (15 days for multiple births) can be used uninterrupted until the child is six months old. The duration of *parental leave (Roditeljski dopust)* is four months (120 calendar days) per parent for the first- and second-born child and 15 months (450 calendar days) per parent for multiple births and the third and every subsequent child. Two months of parental leave are nontransferable (the so-called quota months);<sup>15</sup> however, the fathers’ entitlement to parental leave is conditional on the mothers’ employment status. In other words, if the mother is unemployed/inactive, the father cannot use their entitlement to parental leave. The maximum period of paid post-natal leave is 12 or 14 months (the latter if both parents use leave entitlements) for the first and second born child (34 months for twins, other multiple births and the third and every subsequent child).

For those fully socially insured, all parenting leave benefits are paid at 100% of the previous earnings, that is, the average earnings on which healthcare contributions were paid during the six months before the leave. However, there is a ceiling on parental leave benefit of €993.24<sup>16</sup> per month until the child turns 12 months (14 if both parents use the parental leave) and a flat-rate benefit of €551.80 is paid after that. If the parents do not meet the social insurance criteria – at least six months of continual insurance (or nine months of insurance with interruptions over the last two years) before the leave starts<sup>17</sup> – they are entitled to a flat-rate benefit of €551.80 per month. Leave benefits are not taxed.

**Citizenship-based system:** Unemployed or inactive parents (i.e. mothers) have the right to so-called maternal exemption from work/maternal care for the child for the period of six months after the birth, and after that parental exemption from work/parental care for the child until the child’s first (for the first-

<sup>14</sup> Unless otherwise noted, the description is developed based on the *International Network on Leave Policies & Research* country note for Croatia (Dobrotić, 2022b, 2023a).

<sup>15</sup> In July 2022, the non-transferability principle applied only in the case of the first- and second-born child; however, this changed in August 2022.

<sup>16</sup> This ceiling was raised since July 2022, when it was €750.45 per month.

<sup>17</sup> Eligibility criteria were relaxed since July 2022, when they were 9 months of continual insurance or 12 months of insurance with interruptions over the last two years before the leave starts.



and second-born child in a family) or third birthday (for twins, other multiple births, and the third and every subsequent child in a family). This is paid as a flat-rate benefit of €309.01 per month.

### Inclusiveness of parenting leaves

Croatia has a mixed system, that is, employment-based and citizenship-based leave entitlements. The employment-based system covers employed and self-employed parents and the citizenship-based system unemployed and inactive parents. Yet it is important to note that some working parents – farmers and those employed on non-traditional employment contracts (e.g. parents employed on service contracts) – fall out of the employment-based system and are only entitled to low, flat-rate citizenship-based leave benefits.

A person must pay healthcare contributions to be covered by the employment-based system. The period of contributions paid determines the leave benefits level but not the right to leave (see: scope of parenting leaves). Citizenship-based rights are also conditional on health insurance (in Croatia, health insurance does not necessarily have to be realised through employment), as well as on residency duration. The unemployed, farmers and those employed on non-traditional employment contracts must have three years' and parents outside the labour market (e.g. inactive, not registered with the unemployment office due to retirement, incapacity or education) five years' permanent residency in the country. Same-sex couples have the same right to parental leave in cases where they have the right to parental care over the child in accordance with the Same-sex Life Partnership Act.<sup>18</sup>

**Additional rights due to health reasons and disability:** In exceptional circumstances, based on a medical assessment, maternity leave can start 45 days (instead of 28) before the expected date of delivery. In the case of premature births, maternity leave is extended by the number of days between the birth and the expected due date. Before maternity leave, in the case of health risks for the mother and child, the pregnant mother is entitled to sick leave before birth for the duration of the risk (referred to as “sick leave due to illness and complications related to pregnancy”). In the latter case, the mother is paid 100% of previous earnings (the reference period for the benefit level calculation are earnings in six months before the leave starts), with an upper ceiling of €566.04 per month. She must fulfil the eligibility criteria for the full sickness benefit (9 months of continuous insurance or 12 months with interruptions within a period of two years before the leave starts). If eligibility criteria are not met, she has a right to the minimum benefit of €110.36 per month. The use of this right affects the maternity/parental benefits amount.

If a child requires increased care due to their health and development, and only if parental leave was fully used, one of the (self-)employed parents has the right to *work shorter hours until a child turns three years of age*, and if the child has serious developmental issues, including physical disability, one of the (self-)

<sup>18</sup> 'Zakon o životnom partnerstvu osoba istog spola', 2020.

employed parents has the *right to take leave to care for the child until the child is eight years old*; both paid at a flat-rate of €551.80 per month.<sup>19</sup> Parents can then *work shorter hours* until the child finishes regular education. These parents are entitled to the difference in salary if they have six months of continual insurance period or nine months of insurance with interruptions in the last two years, otherwise €551.80 per month.<sup>20</sup>

## Flexibility of parenting leaves

**Leave transferability:** After the compulsory *maternity leave* period, the father of the child has the right to use the remaining period of maternity leave, if the mother agrees. Employment-based *parental leave* is an individual right of both parents, which they can use in equal parts (two months cannot be transferred from one parent to the other; see scope of leave rights). Within the citizenship-based system, the quota system does not apply. The only form of transferability relates to the fact that from day 71 after the birth, if the unemployed/inactive mother enters the labour market, she can transfer unused leave days to the father. If the parent taking maternity or parental leave dies or is, for any other justified reason, unable to exercise the right, leave can be transferred to the other parent. Parents can use the parental leave at the same time or consecutively.

**Leave time flexibility:** After the compulsory *maternity leave*, a parent can use the remaining period of maternity leave on a part-time basis, in which case the duration is doubled with compensation at half the level of full-time leave. The period of part-time maternity leave taken after a child reaches six months of age cannot exceed the period of part-time maternity leave taken before the child reaches this age, and the maximum period of part-time leave is until nine months after birth. *Paternity leave* can be used until the child is six months old. *Parental leave* can be taken in the following ways: a) fully (i.e. in one period); b) in blocks (no more than two times per year, each time for no less than 30 days); c) part-time (duration is doubled, and compensation is €485.56 per month<sup>21</sup>). Leave can be taken until the child turns eight years of age.

## Carers' leave

Unpaid *carers' leave* of five days per year to provide care for an immediate family member or a person living in the same household (due to serious health issues) was introduced in January 2023.

The *status of parent-caregiver or caregiver (status roditelja njegovatelja ili njegovateljja)* can be granted to a person caring for a child or a disabled person, both with severe disability and fully dependent on others for assistance and care.

<sup>19</sup> In July 2022, this benefit was €309 per month.

<sup>20</sup> In July 2022, this benefit was €309 per month. Also, the eligibility criteria for the earnings-based benefit have been relaxed since July 2022, when they were 9 months of continual insurance or 12 months of insurance with interruptions over the last two years before the leave starts.

<sup>21</sup> In July 2022, the part-time parental leave benefit was €309 per month.

Carers are family members or relatives, and they must receive training in providing the necessary medical-technical assistance. They cannot work while they are in the carer status, and are entitled to a monthly allowance of €663.61 (€796.34 if the dependant person cannot participate in community programmes and services; €995,42 if a carer cares for two or more persons).<sup>22</sup> The duration of the status and related allowance is unlimited and depends on the person's needs. Carers have a right to four weeks of annual leave. Social insurance contributions (pension, health and rights during unemployment) are also covered for the caregiver ('Zakon o socialnoj skrbi', 2023).

Within the health insurance, there is an entitlement to *sickness leave* covering shorter episodes of illness of a child or a co-resident partner: 1) for a child under seven (up to 60 working days per family for each illness, 100% of previous earnings for a child under three, and 70% of previous earnings for a child aged 3-7); 2) for a child aged 7-18 (up to 40 working days per family for each illness, 70% of previous earnings); 3) for a co-resident partner (up to 20 working days for each illness and only for serious medical conditions; 70% of previous earnings). Based on a medical committee assessment, leave for children under 18 years of age can be extended; however, it can be used only if the other co-resident parent is in employment or if a parent lives alone with a child (e.g. single parents and divorced parents). The minimum benefit is €110 per month, and there is a ceiling of €565.04 per month. Leave can be used part-time. Employees and self-employed are eligible, and in order to qualify for full sickness benefit, nine months of continuous insurance is required (or 12 months with interruptions during the last 2 years); otherwise, only the minimum sickness benefit is provided. The benefit level is calculated based on the average net earnings over the six months before the month when the leave starts.

### Flexible working arrangements for care needs

Pregnant workers have a right to use the equivalent of one paid working day off per month to attend *pre-natal examinations (Slobodan radni dan za prenatalni pregled)*. There is a specific *provision for (breast)feeding*, according to which, during the first 12 months after the child's birth, mothers employed full-time and who are breastfeeding are entitled to two hours' absence from work (once a day for two hours or two times a day for one hour), paid at a low flat-rate of cca €2.63 per hour. If an employed pregnant woman or breastfeeding mother works on a job that is harmful and if the employer has not provided another position for her within the company, she has the *right to leave at full earnings paid by the employer*. If the parents have fully used maternity and parental leave, one of the employed parents has the right to an unpaid *career break* until the child turns three years of age. During that time, the parent's rights and obligations regarding their employment are suspended. The contributions for pensions and healthcare are also not paid during that period.

<sup>22</sup> In July 2022, the monthly allowance was €530.89, €597.25 and €796.34, respectively.

*The right to request flexible working arrangements and telework* for care needs was introduced in January 2023. An employee with a child under eight years of age or an employee providing personal care for a family member or a household member (due to serious health reasons) has a right to request (in written form) part-time employment, or a change or adjustment of the working time schedule (i.e. flexible working arrangement). An employee can request this change only if they have been previously working for an employer for six months (before the request). On the same basis, employees may also request teleworking. The employer must consider the employee's request, but they do not have to approve it. In addition, *force majeure leave* was also introduced, i.e. one day of paid leave per calendar year for a particularly important and urgent family reason caused by illness or an accident.

Finally, a worker has the right to *seven days' fully paid leave per year* for important personal needs, including those related to marriage, childbirth, or the serious illness of a member of the immediate family. However, this is differently arranged in different sectors and depends on collective agreements.



## Poland<sup>23</sup>

### Parenting leaves

Parenting leaves in Poland are divided into **maternity, paternity, parental** and **childcare leave**, and there are both an *employment-based* and a *citizenship-based system* in place.

### The scope of parenting leaves

**Employment-based system:** *Maternity leave (Urlop macierzyński)* is 20 weeks, and it is obligatory to take 14 weeks after the birth. In the case of multiple births, maternity leave is extended to 31 weeks for twins, 33 weeks for triplets, 35 weeks for quadruplets, and 37 weeks for quintuplets or more children born at the same time. *Paternity leave (Urlop ojcowski)* of two weeks can be taken within the period of 12 months after childbirth. *Parental leave (Urlop rodzicielski)* is 41 weeks, of which 9 weeks are an individual, non-transferable<sup>24</sup> entitlement of each parent (18 weeks in total; see: flexibility of parenting leaves). In the case of multiple births, parental leave is extended by two weeks, regardless of the number of children born. *Childcare leave (Urlop wychowawczy)* of up to 36 months can be used on top of maternity and parental leave, and 1 month is an individual, non-transferable entitlement of each parent. The maximum period of post-natal leave is thus 50.2 months; however, leave paid at a higher rate is 14.2 months (in the case of a single child; if both parents use their entitlement), followed by 24 months of low-paid, means-tested leave and 12 months of unpaid leave.

Socially insured mothers can choose a *maternity benefit* of 100 or 81.5%<sup>25</sup> of the average earnings in the 12 months before the birth, with no ceiling on payments. The selected option determines the subsequent amount of *parental benefit*: 1) if the 100% option is chosen, the parental benefit is paid at 70% of average earnings<sup>26</sup>; 2) if the 81.5% option is taken, the parental benefit is 81.5% (the option chosen must be declared no later than 21 days after the birth). The father's parental benefit is 70% of average earnings. If the maternity/parental benefit is lower than €223.45 (PLN1,000), the difference up to this minimum will be paid by social insurance, which is important for low-income parents. *Paternity benefit* is 100% of average earnings, with no ceiling on payments. All leave benefits are taxed. A means-tested benefit (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego*) of €89.38 (PLN400) is paid for 24 months of *childcare leave* as a supplement to family benefit if monthly household income per capita does not exceed €150.60 (PLN674) or €170.71 (PLN764) for a child with a disability. This benefit can be extended to 36 months for the second and each subsequent child or for single parents.

<sup>23</sup> Unless otherwise noted, the description is developed based on the *International Network on Leave Policies & Research* country note for Poland (Kurowska et al., 2022, 2023).

<sup>24</sup> Quota months were introduced after July 2022. Previously, parental leave was a family entitlement of 32 weeks.

<sup>25</sup> The lower benefit option slightly increased; it was 80% of average earnings in July 2022.

<sup>26</sup> In July 2022, the mother could choose between a maternity benefit of 100 or 80% of average earnings, with the subsequent parental benefit of 1) 100% for the first six weeks of parental leave and 60% for the remaining weeks or 2) 80%, respectively.

**Citizenship-based system:** Unemployed, students, parents working on some types of civil-law contracts (i.e. specific-task contracts), and economically inactive are eligible for parental allowance (*Świadczenie rodzicielskie*) of €223.45 (PLN1,000) per month. The benefit is paid for 52 weeks for one child, 65 weeks for twins, 67 weeks for triplets, 69 weeks for quadruplets and 71 weeks if five or more children were born.

### Inclusiveness of parenting leaves

Poland has a mixed system, that is, employment-based and citizenship-based leave entitlements. The employment-based system covers parents who are employed or self-employed with social insurance at the start of the leave, while the citizenship-based system covers unemployed and inactive parents, students and people working on civil-law contracts. For self-employed, social insurance is voluntary. While it is sufficient that a parent is socially insured to be eligible for maternity/paternity/parental leave, the benefit level depends on the contributions paid in a year before the leave (see: scope of parenting leaves). Access to childcare leave is stricter and limited to employees with a work record of at least six months. If the parent's employment contract expires during parental leave, they will continue to receive the benefit until the end of the planned parental leave period. Same-sex parenthood is not recognised in Polish law, making it impossible for same-sex parents to share parental leave.

**Additional rights due to health reasons and disability:** Parents of a child with a chronic or life-threatening illness are entitled to parental leave of 65 weeks (67 weeks for multiple births).<sup>27</sup> An additional 36 months of means-tested childcare leave can be taken for a child with a disability or chronic illness, until the child turns 18 years at the latest. In the latter case, childcare benefit of €89.38 (PLN400) per month can be extended up to 72 months.

### Flexibility of parenting leaves

**Leave transferability:** In regular circumstances, if (self-)employed mother chooses the option with lower maternity benefit (81.5%), she can transfer non-obligatory period of maternity leave (up to six weeks) to the father. If the mother is not able to take care of the child, maternity leave can be transfer to the father or other (self-)employed family member. Nine weeks of parental leave and one month of childcare leave are non-transferable. A non-transferable month of childcare leave is transferable on an exceptional basis (e.g. father is unknown, one of the parents died). Father's or other family member's (i.e. grandmother, uncle, brother, child etc.) eligibility is not dependant on mother's labour market status. The quota system is not in place under the citizenship-based scheme. The first 14 weeks of parental allowance are exclusive mother's right but can be transferred to the father if she is not able to take care over a child.

**Leave time flexibility:** Fourteen post-natal weeks of *maternity leave* are obligatory, while the remaining six weeks are optional and can be taken before or after the birth.

<sup>27</sup> This provision was introduced after July 2022.



*Paternity leave* can be used at any time within 12 months<sup>28</sup> after the birth of the child and can be used in two separate parts (one week each). *Parental leave* and *childcare leave* can be taken as one continuous period or in blocks (up to five separate periods).<sup>29</sup> Both parents can take parental leave and childcare leave at the same time (without exceeding the overall length of 41 weeks and 36 months for a single birth, respectively), until the end of the calendar year in which the child turns six years.<sup>30</sup> Parental leave can be combined with part-time work, up to half-time hours at most. In this case, payment is proportional to the working time, and leave is also extended proportionately, up to 82 weeks. A simultaneous gainful employment and the use of childcare allowance is allowed.

## Carers' leave

Employees are entitled to unpaid *carers' leave*<sup>31</sup> of five days per calendar year to provide personal care or support to a family member or a person living in the same household who requires care or support for serious health reasons.

There are several *care allowances* available to informal carers who do not participate in (or have left) the labour market: 1) nursing benefit (*Świadczenie pielęgnacyjne*) of €452 (PLN 2,119) per month aimed to support carers of a disabled child whose disability has existed since childhood; 2) means-tested special care allowance (*Specjalny zasiłek opiekuńczy*) of €132 (PLN 620) aimed to support carers of disabled adults in need of all-day care; 3) care allowance (*Zasiłek dla opiekuna*) of €132 (PLN 620) aimed to support carers of a disabled child who do not qualify under (1). Health insurance, old-age pension and disability pension insurance contributions are also paid for the carer (European Commission, 2022, 2023a; Eurocarers, 2021a). There is a right for *respite care* (*Opieka wytchnieniowa*) of 240 hours in the case of a daily stay and 14 days in the case of a 24-hour stay. In urgent and unforeseen circumstances (e.g. hospitalisation of the carer), an additional 14 days can be provided. Respite care also includes support for the carer, such as therapeutic and psychological counselling and training in care, dietetics or rehabilitation (European Commission, 2022, 2023a).

Within the healthcare system, employees (and the self-employed, if they have voluntary insurance) unable to work due to a need to care for an ill child or a child with disabilities are eligible for sickness benefit for up to: 1) 60 days per year for a child under 14; 2) 30 days per year for a child with disabilities under 18; 3) up to 14 days per year for a child over 14 or another family member (e.g. spouse, parents or parents-in-law, grandparents or grandchildren, siblings). The benefit level is set at 80% of previous earnings, calculated based on the earnings during the 12 months before the leave, with no ceiling.

<sup>28</sup> In July 2022, paternity leave could be taken within 24 months.

<sup>29</sup> In July 2022, parents could split parental leave into a maximum of four separate periods, with some limitations imposed (e.g. each period should be at least eight weeks, and two of them at least 14 weeks).

<sup>30</sup> In July 2022, at least one block of parental leave had to be taken immediately after maternity leave.

<sup>31</sup> In July 2022, this provision was not in place.



In order to qualify for this benefit, 30 days of uninterrupted insurance is required in case of compulsory and 90 days in case of voluntary insurance. There are a few exceptions which do not require a qualifying period, such as a person who is insured and has paid contributions for 10 years or a graduate who has paid at least 90 days of contributions after obtaining their degree (European Commission, 2022, 2023a).

### Flexible working arrangements

Until recent changes (in April 2023), the flexible working arrangements have been of protective character. An employee had the right to request a *flexible working arrangement or telework* only in the following situations: 1) a pregnant employee or a pregnant employee's spouse in the case of a high-risk pregnancy; 2) an employed parent of a child with a disability or a chronic illness (also if the child have turned 18). The employer had the right to refuse the request if a flexible working arrangement or telework was not possible due to the organisation of work or the type of work the employee performs, in which case the employer must inform the employee about the reasons for the refusal.

A more comprehensive *right to request flexible working arrangements* for care needs was introduced in April 2023. An employee with a child under eight years of age or an employee providing personal care for a family member or a household member (due to serious health reasons) has a right to request (in written form) part-time employment, or a change or adjustment of the working time schedule (i.e. flexible working arrangement such as shortened work system, weekend work system, individual schedule of working time, mobile working time). The employer must respond to such a request within seven days, and if the decision is negative, the employer is obliged to justify it in writing. All employees may also request *remote work*, and employers must consider the application submitted by a pregnant employee, an employee with a child up to the age of four, an employee providing personal care for a family member or a household member (who has a certificate of disability). The employer must consider the employee's request, which may be refused only if it is impossible to perform such work due to the type of work or work organisation (the employee must be informed of the reasons for the refusal). Employees are also entitled to two days or 16 hours<sup>32</sup> of *force majeure leave* per calendar year due to urgent family reasons caused by illness or accident, paid at 50% of their earnings (Ministry of Family and Social Policy, 2023a).

Pregnant workers have a right to paid time off to attend *pre-natal examinations* (The Government of Poland, 2023). Mothers who work at least four hours per day are entitled to *breastfeeding breaks*, which are included in their working time. A mother of one child working full-time would be allowed two breaks of 30 minutes per day and a mother who breastfeeds more than one child two breaks of 45 minutes per day. A mother working less than six hours a day is entitled to one breastfeeding break. Breaks could be combined and granted at the beginning or end of the working day.

<sup>32</sup> In July 2022, this provision was not in place.

The right can be granted as long as the mother is breastfeeding (cf. The Government of Poland, 2023). If an employed pregnant woman or breastfeeding mother works on a job that is harmful and if the employer has not provided another position for her within the company, she has the *right to leave at full earnings paid by the employer*. Instead of being on paid leave, this worker can be transferred to another job or to part-time work, and if this results in a reduction in salary, the employer must provide her with a *compensatory allowance* to cover the difference (The Government of Poland, 2023).

## Spain<sup>33</sup>

### Parenting leaves

Parenting leaves in Spain are divided into **birth and childcare leave for the mother**, **birth and childcare leave for the co-parent** and **parental leave**. There is an *employment-based system* in place.

#### The scope of parenting leaves

**Employment-based system:** *Birth and childcare leave for the mother* (*Permiso y prestación por nacimiento y cuidado del menor*) and *birth and childcare leave for the parent other than the biological mother* (*Permiso y prestación por nacimiento y cuidado del menor del progenitor distinto de la madre biológica*) is 16 weeks each. Six weeks are obligatory and must be taken after the birth, while the mother can take up to four weeks before the birth. In the case of multiple births, the leave is extended by one week for each additional child. Several regional and local governments provide greater entitlements for mothers employed in the public sector. *Parental leave* (*Excedencia por cuidado de hijos*) is an individual entitlement and can be taken until the child turns three.

For those fully socially insured, *birth and childcare leave benefit* is 100% of previous earnings, up to a ceiling of €4,495.50 per month.<sup>34</sup> If an employed mother does not meet social insurance criteria (see: inclusiveness of parenting leaves), she is entitled to a flat-rate maternity allowance (*Subsidio por maternidad de naturaleza no contributiva*) of €600 per month<sup>35</sup> for 42 calendar days following the birth. This period is extended to 56 days for single mothers, large families (with three or more children), multiple births or if a child has disabilities. These payments are not taxed. *Parental leave* is unpaid. Yet there are regional variations and four out of 17 regional governments (*Comunidades Autónomas*) provide flat-rate parental benefits, with varying eligibility conditions and scope of rights (e.g., these benefits are usually means-tested, and the amount is often increased in the case of single parents, large families or disability).

<sup>33</sup> Unless otherwise noted, the description is developed based on the *International Network on Leave Policies & Research* country note for Spain (Meil et al., 2022, 2023).

<sup>34</sup> In July 2022, the ceiling was €4,139.40 per month.

<sup>35</sup> The benefit level is equal to the Public Income Rate of Multiple Effects (*Indicador Público de Renta de Efectos Múltiples - IPREM*); in 2022 it was €579.02 per month.

## Inclusiveness of parenting leaves

All (self-)employed mothers and fathers, as well as those receiving an unemployment benefit, are entitled to *birth and childcare leave*. However, the following conditions must be met in order to qualify for employment-based leave benefits: i) the parent must be paying social security contributions or receiving an unemployment benefit at the start of the leave, or be in the first year of parental leave for another child and ii) have contributed to social security for at least 180 days in seven years before the leave start (or 360 days during their working life). The latter requirement is more flexible for parents working part-time and does not apply to parents under 21 years of age, while the minimum for those between 21 and 26 years of age is 90 days during the previous seven years or 180 days during their working life. Only employees are eligible for (unpaid) *parental leave*, whereby the leave for employees on temporary contracts must be shorter than their contract period. Same-sex parents are eligible.

**Additional rights due to health reasons and disability:** If a child has a disability, *birth and childcare leave* is extended by one week per child with a disability. In the case of a premature birth or if the infant is hospitalised, leave is extended up to 13 weeks. Since June 2023, pregnant women are entitled to *sickness leave* from the first day of the 39<sup>th</sup> week up to the delivery,<sup>36</sup> paid at 60% of previous earnings (often topped up by the employer). (Self-)employed parents are entitled to *paid leave aimed to provide direct, continuous and permanent care to a child under 23 affected by serious illness*. The leave can be taken as long as the child is in hospital or in need of continuous treatment at home. It can be taken full-time or part-time (with a minimum reduction of 50% of working time); for parents working part-time, the leave must be equivalent to at least 25% of full-time hours. The benefit is equal to 100% of the parent's earnings, up to a ceiling of €4,495.50 per month.<sup>37</sup> The same social insurance conditions as for the birth and childcare leave benefit must be fulfilled to be eligible (see: inclusiveness of parenting leaves section). This is an individual entitlement, but both parents cannot take it at the same time; they can use it alternately on a monthly basis. If the parents are divorced and cannot reach an agreement, leave can be taken by the parent with legal custody; if they have joint custody, whoever makes the claim first can take the leave. If the person requiring care is of legal age and marries or enters a domestic partner relationship, the spouse or domestic partner is entitled to the benefit, if they satisfy the eligibility requirements and if the reduction in working hours started before the dependant reached the age of 18 (European Commission, 2022, 2023a; Ministry of Inclusion, Social Security and Migration, 2023).

<sup>36</sup> This provision is not framed as part of the birth and care leave regulation, but of the law regulating reproductive health and voluntary interruption of pregnancy, which implies that the benefit will be lower than for birth leave (or that the employer will have additional costs if supplementing the benefit) and that it will require additional administrative and follow-up work.

<sup>37</sup> In July 2022, the ceiling was €4,139.40 per month.

## Flexibility of parenting leaves

**Leave transferability:** All leaves are individual, non-transferable entitlements. The only exception is *birth and childcare leave for the mother* which is transferable if the mother dies, in which case the other parent can claim the leave, regardless of the mother's previous labour market position and entitlements.

**Leave time flexibility:** Six weeks of *birth and childcare leave* are obligatory for both parents and must be taken full-time following the birth. The mother can take four weeks of birth and childcare leave before the birth. If the employer agrees, the ten non-obligatory weeks of birth and childcare leave can be taken part-time and/or used on a weekly basis throughout the first child's year. Parental leave can be taken as one continuous period or in blocks. Both parents can take parental leave at the same time, however, if both parents work for the same company, the employer can put restrictions on both parents using leave at the same time, if this can be justified for production reasons.

## Carers' leave

Employees are entitled to up to two years of unpaid *leave to care for a relative* (*Excedencia por cuidado de un familiar*) or to *reduce working hours* by between 1/8 and 1/2 for the same purpose (*Reducción de jornada por cuidado de un familiar*). The relative must be up to the second degree of consanguinity or affinity, and the reasons for care can be severe illness, disability, accidents, or old age. Carers are credited with social security contributions during the first year of the leave. Public sector employees can extend their leave for up to three years, and they are credited with social security contributions and related social protection benefits during the whole period. They can also work part-time for up to one month without a loss in income in the case of a very serious illness of a first-degree relative (child, partner or parent, including in-laws) and more working time flexibility is available for them, as for parents of children under 12 years of age (see: flexible working arrangements for care needs).

Employees are entitled to leave (*Permiso por enfermedad grave de un familiar*) to *care for a seriously ill child or for other family reasons* (serious illness, hospitalisation, or death of a relative to the second degree of consanguinity or affinity). The leave is paid by the employer at 100% of earnings and it consists of two days per event (extended to four days if travelling is required for work). The definition of "serious illness" is not clear, however. Public sector employees are entitled to three days' leave (five days if travelling is required) for the care of first-degree relatives (e.g. partner, children or parents, including in-laws).

If a person is chronically dependent, it is possible for their relative or a person close to them to become their *informal carer*, and receive the payment if individuals are co-residents. Yet there is no legal definition of an informal carer, no conditions or training requirements to become a carer or support measures for carers except measures of temporary relief in residential care (holidays, weekends, convalescence, or other rest periods; European Commission, 2022, 2023a). The dependent relative claims the benefit, and the amount varies depending on the region of residence, the relative's level of dependency, and the household income (e.g. in Navarre, one of the regions with the most generous benefits, it is €60-542.85

per month). To be eligible for long-term care, including this benefit, the beneficiary (the person requiring care) must be a Spanish citizen or a foreigner with legal residence in Spain, who has been residing in Spain for at least 5 years (of which 2 years must be immediately preceding the application). The situation of returning Spanish emigrants is considered. There are special provisions regarding long-term care for children under three years of age. Informal carers are credited with minimum social security contributions, which affects pension accounts and healthcare insurance (European Commission, 2022, 2023a).

### Flexible working arrangements for care needs

Parents of children under the age of twelve can request an *adaptation of their working time*, including *teleworking*. The employer can reject the request, but the refusal must be justified objectively. It is also possible to *reduce the working day* by between an eighth and a half of its normal duration, *to care for a child* under the age of twelve or a child with a disability of any age (*Reducción de jornada por guarda legal*). The employee may determine for themselves the extent and period of the working time reduction. This is an individual entitlement, and it is unpaid, but full-time social security coverage is provided for up to two years. Public sector employees are entitled to additional working time flexibility to adapt to specific circumstances, such as school hours. Self-employed parents are not eligible. Several regional governments provide flat-rate payments to parents reducing their working hours.

Employees (both parents) are entitled to a *period of nursing care* (*Permiso de cuidado del lactante*), that is, one hour of absence during the working day, paid by the employer, during the first nine months after the birth (12 months in the public sector). This is an individual and non-transferable entitlement. The period can be divided into two half-hours or the normal working day can be shortened by a half-hour or by an equivalent period on full-time days. The public sector and many collective agreements provide the possibility of shortening the normal working day by a full hour. This entitlement can be consolidated to, in practice, extend the birth and childcare leave by two to four weeks (depending on the collective or company agreement). In the case of multiple births, the leave is recognised for each child, but the length depends on the collective or company agreement if it is used on a full-time basis. In the private sector, parents can extend their leave until the child turns one if they both use the period of nursing care equally and in the same way. In this case, the reduction of their earnings during this additional period is compensated by social security funds. Self-employed parents are not eligible for the period of nursing care. It is possible to take unpaid *career breaks* (*Excedencia voluntaria*), but the only protection offered is that of returning to an equivalent job, once there is a vacancy, which works much better in the public sector than the private.

Employed and self-employed pregnant women and mothers breastfeeding babies under nine months have the right to be offered a different job position, if the working conditions are not compatible with women in such circumstances or if there is a risk for the baby.



If this is not possible, they have the right to *leave with payment of 100% of earnings*. The leave ends with the start of birth and leave or when the baby reaches the age of nine months.



## Sweden<sup>38</sup>

### Parenting leaves

Parenting leaves in Sweden are divided into *maternity leave*, *temporary leave in connection with a child's birth or adoption* and *parental leave* and there is both an *employment-based* and a *citizenship-based* system in place.

### The scope of parenting leaves

**Employment-based system:** *Maternity leave* of two weeks before or after the birth is obligatory. *Temporary leave in connection with a child's birth or adoption* (*Tillfällig föräldrapenning i samband med barns födelse eller adoption*; formerly “daddy days”) is 10 days and is increased in the case of multiple births (e.g., doubled in the case of twins). Each parent is entitled to *parental leave* (*Föräldrapenning*) until the child turns 18 months of age.

Each parent is entitled to 240 days of *parental leave benefit*, paid at 77.6% of previous earnings for 195 days, followed by 45 days of a lower flat-rate benefit of €15.12 (SEK180) per day. In cases of multiple births, paid parental leave is extended: in the case of twins, by an additional 90 earnings-related days and 90 flat-rate days; for each additional child in a multiple birth by an additional 180 earnings-related days. *Temporary leave* is also paid at 77.6% of previous earnings; however, there is no separate maternity benefit and maternity leave can be paid only by relying on parental leave benefit days. There is an upper ceiling of €33,075.73 (SEK393,750) per year (€98.70 [SEK1,175] per day) on *temporary leave benefit* and €44,100.97 (SEK525,000; €93.75 [SEK1,116] per day) on *parental leave benefit*. Collective agreements often provide additional parental leave pay, with replacement rates typically reaching 90% of previous earnings. Parental leave benefits are taxed.

**Citizenship-based system:** All parents who do not meet the eligibility criteria for earnings-related parental leave benefit are entitled to a flat-rate benefit of €21 (SEK250) per day for 240 days.

### Inclusiveness of parenting leaves

All birth mothers are entitled to *maternity leave*, and all parents living in Sweden are entitled to (paid) *parental leave*; however, to be eligible for earnings-related parental leave benefit, parents must have been insured with an income of over €21 (SEK250) per day for 240 consecutive days before the birth. Parents are entitled to parental leave benefits regardless of their partner's employment status. If a parent migrates to Sweden with a child under the age of 12, they are entitled to 200 days of parental leave benefit for children over 12 months and 100 days for children over 24 months.

<sup>38</sup> The description is developed based on the *International Network on Leave Policies & Research* country note for Sweden (Duvander & Löfgren, 2022, 2023).



All employees with a sickness benefit qualifying income (SGI) are eligible for *temporary leave*. To have the SGI the person must work in Sweden and have an income from work for at least six consecutive months, or periods of work that recur each year, and earn at least €1,058.6 (SEK12,600) per year (Försäkringskassan, 2023). Same-sex parents are eligible.

**Additional rights due to health reasons and disability:** If there is a health risk for the child, the pregnant woman can take an indefinite leave. If a job is physically demanding, pregnant women are entitled to leave of up to 50 days during the last 60 days of pregnancy paid at 77.6% of previous earnings. If a woman is not granted the pregnancy benefit, they can start using the parental leave benefit, or they can use sickness leave. In the case of a child's illness, there is a family entitlement to *temporary parental leave (tillfällig föräldrapenning)* of the maximum length of 120 days per child, per year. This leave can be used until the child turns 12 (up to 15 if a physician's certificate is provided), and it is paid at 77.6% of previous earnings, up to a ceiling (in 2023, €33,075.73 [SEK393,750] per year). Sixty of the 120 days can also be used to care for children whose regular caregiver is ill, while for terminally or seriously ill children (in life-threatening circumstances) up to 18 years of age, there is no limit to the duration of leave, and both parents can take leave at the same time. A person outside the family can also take the leave if they are eligible in the social insurance system.

## Flexibility of parenting leaves

**Leave transferability:** 90 out of 240 days of *parental leave* benefit are reserved and cannot be transferred to the other parent (so-called "mother's quota" and "father's quota").<sup>39</sup> There is an exemption related to cases when the other parent is permanently ill and cannot take care of the child and cases of an sole custodian, when the parent can use all paid parental leave days (480 days). A parent can transfer parental leave to a cohabiting partner who is not custodian, and temporary leave to another close person.

**Leave time flexibility:** *Temporary leave* can be used until the child is 60 days old. *Parental leave* can be used until the child turns 12; however, only 96 days can be used after the child turns four. Parental leave can be taken full-time, part-time, quarter-time, or one-eighth time (one hour) with the length of leave extended accordingly (e.g. one day of full-time leave counts as two days of part-time leave or four days of quarter-time leave). Paid and unpaid leave days can be combined, and parents cannot work while being on leave. Parental leave can be taken as one continuous period or in blocks (up to three separate periods each year, however, employers would typically allow for more periods). Up to 30 days of paid leave can be taken by both parents at the same time ("double days" - *dubbeldagar*), before the child turns one year of age; however, the mother's quota and father's quota days cannot be used as double days.

<sup>39</sup> Before August 2<sup>nd</sup> 2022, parents receiving the flat-rate benefit did not have the 90 reserved days, meaning that one parent could use the whole leave.



## Carers' leave

The long-term care system is decentralised, with cash benefits for informal carers playing a marginal role. There are two kinds of municipal cash benefits for informal carers: *attendance allowance (hemvårdsbidrag/anhörigbidrag)* and *carers' allowance (anhöriganställning)*, which are thus defined locally (e.g. the amount, eligibility criteria) and are not provided in all the local communities (for more details, see Eurocarers, 2021b). Municipalities also offer support to people caring for a close relative who is elderly, long-term ill or has a disability in the form of information, support groups, relief on demand or scheduled relief and centres with activities for carers.

A person who refrains from gainful employment to care for a seriously ill relative (or other close person, such as a friend or neighbour) is entitled to *benefit for the care of closely related persons*, paid at the level of 80% of previous earnings for a maximum of 100 days per person cared for. Both the carer and the dependant must be insured in Sweden (Försäkringskassan, 2023; Ministry of Health and Social Affairs, 2016; Försäkringskassan, 2021).

## Flexible working arrangements for care needs

Parents are entitled to a *reduction of working time* by up to 25% before the child turns eight or completes the first year of school; there is no payment for working reduced hours. Some collective agreements extend this right, for example, up to the age of 12 in the government sector. Parents can return to their original working hours at any point in time. Labour reforms in August 2022 specified the implementation of flexible working arrangements (e.g. flexible working hours or distance work) for care reasons – for employees with children under eight and employees who care for a family member with health issues. The employer must respond to the request within a reasonable time and justify their decision if the request is postponed or rejected. The employer must also respond to the employee's request to return to the "old" work pattern before the end of the agreed flexible working arrangement period (Delphi, 2022).

The Parental Leave Law defines the *right to breastfeed*, but it does not prescribe in detail how such a right must be regulated in the workplace (for example, how long the breastfeeding break can last or how often it can be used). The right to fully paid *leave of absence for urgent family reasons* is also available, provided to an employee for urgent family reasons connected with illness or accident, which makes the employee's immediate presence necessary. This can be used part-time, as one-quarter, one-half, or three-quarters of working time. This right can be additionally defined through a collective agreement, which may limit the right to leave to a certain number of days a year, to a certain number of days for each occasion or to both (The Parliament of Sweden, 2022; Replicon, 2023).

## United Kingdom<sup>40</sup>

### Parenting leaves

Parenting leaves in UK are divided into *maternity*, *paternity* and *parental leave* and there is only *employment-based* system in place.

### The scope of parenting leaves

**Employment-based system:** *Maternity leave* is 52 weeks and can start 11 weeks before the beginning of the week when the birth is expected. Two weeks of leave after the birth are obligatory (four, if the mother works in a factory). *Paternity leave* is 1 or 2 weeks, where a week is equal to the number of days that the parent normally works in a week.<sup>41</sup> *Parental leave* is 18 weeks per parent per child, with a maximum of four weeks per child in one calendar year. In the case of twins, each parent is entitled to 36 weeks of leave. Some employers provide more than the statutory minimum. Employers may postpone the leave for up to six months in cases where the leave would cause significant disruption to the business.

Both *maternity* and *paternity leave* benefit are paid at 90% of previous earnings, with no ceiling during the first six weeks of maternity leave and a ceiling of €202.18 (£172.48)<sup>42</sup> per week during the following 33 weeks and for the whole duration of paternity leave. The final 13 weeks of maternity leave are unpaid. However, most employers (just over two-thirds) offer additional provisions that enhance statutory maternity pay.<sup>43</sup> Women who are not eligible for statutory maternity pay (see: inclusiveness of parenting leaves), may be eligible for a maternity allowance (e.g. women who recently changed job or left work, self-employed), paid 90% of earnings for 39 weeks with a ceiling being applied through the whole period. Maternity and paternity leave payments (both statutory and employer's top-up) are taxed if yearly income exceeds the personal allowance threshold, currently set at €14,734.50 (£12,570). *Parental leave* is unpaid.

### Inclusiveness of parenting leaves

For UK citizens or EU citizens resident in the UK before December 31<sup>st</sup> 2020 and with leave to remain in the UK, eligibility for employment benefits is based on employment status, length of service, and an income threshold. Non-UK residents need a visa in order to gain access to employment benefits; different types of visas have different employment benefit rules. Asylum seekers may only apply for permission to work, and thus be eligible for employment benefits, if they do not receive an initial decision on their claim within 12 months, but only if the delay was through no fault of the claimant.

<sup>40</sup> Unless otherwise noted, the description is developed based on the *International Network on Leave Policies & Research* country note for the United Kingdom (Atkinson et al, 2022; O'Brien et al., 2023).

<sup>41</sup> If the parent works typically two or three days per week, they receive four or six days' leave, and if they work seven days, they receive 14 days (The Government of the UK, 2023b).

<sup>42</sup> In July 2022, the ceiling/flat-rate amount for all leave benefits and allowances was €182.14 (£156.66).

<sup>43</sup> See: Aon (2023).



In order to be eligible to *maternity or paternity leave or pay*, the parent must satisfy following conditions: they must have “employee” employment status according to UK employment law (and not “worker,” “exclusively self-employed,” or “contractor” status); they must have worked for their employer continuously for 26 weeks, up to the 15<sup>th</sup> week before the week of the expected delivery; and they must have a minimum income of €144.18 (£123) per week. The right to statutory maternity pay is not granted in cases of stillbirth before the 24<sup>th</sup> week of pregnancy. While the employee must remain in employment at the time of child’s birth to be eligible for paid paternity leave, the provision is more flexible around maternity leave. That is, women who are not eligible for the statutory maternity leave benefit may be eligible for a maternity allowance; for example, those who have recently left work, changed jobs, or are self-employed, if they have worked for 26 weeks out of the 66 before the expected week of the delivery, with a minimum income of €35.17 (£30) per week on 13 of these weeks. Eligibility for *parental leave* extends to all employees who have worked continuously for their present employer for one year.

Besides a need to meet a length of service qualifying condition (26 weeks by the 15<sup>th</sup> week before the birth), in order to be eligible for *shared parental leave* (SPL, i.e. the transferable part of maternity leave; see: flexibility of parenting leaves), a parent must work for the same employer at the time of taking the leave and have a partner who meets an economic activity test: has worked for 26 weeks out of the 66 before the expected week of the delivery, with a minimum income of €35.17 (£30) per week on 13 of those weeks. Married (including same-sex) couples, civil partners, the child’s other parent, and partners living with the parent and the child are all eligible for SPL.

***Additional rights due to health reasons and disability:*** In the case of premature births, *paternity leave* can be taken up to eight weeks after the child was due (rather than after the actual day of birth).

## Flexibility of parenting leaves

**Leave transferability:** Employed mothers can transfer all *maternity leave* to the father, except for the two weeks which are obligatory, i.e. up to 50 weeks; this is called “*shared parental leave*” (SPL)<sup>44</sup>. The mother does not need to return to employment before the co-parent can start using SPL, but she must commit to a date when she will end her leave.<sup>45</sup> The statutory SPL benefit (for parents who satisfy eligibility conditions) is equal to the maternity benefit, i.e. 90% of earnings, but the ceiling applies throughout the whole duration of the leave. *Parental leave* is an individual, non-transferable entitlement.

**Leave time flexibility:** *Maternity leave* can start at any point starting from 11 weeks before the beginning of the week of the expected delivery. A maximum of ten “keep in touch with work” days can be used to work during the leave, which does not affect the leave or the benefit, while giving parents the possibility of completing paid work and receiving their full salary for that time, if their employer agrees. *Shared*

<sup>44</sup> See: The Government of the UK (2023c).

<sup>45</sup> Both parents can be on shared leave together for a maximum of six months, although the policy does not explicitly stipulate this.



*parental leave* (SPL), that is, the transferable part of maternity leave, must be taken in one-week (seven-day) blocks (not in a day mode or on a flexible part-time basis). Up to 20 “keep in touch with work” days can be used during SPL. If their employers agree, parents can take alternating weeks (only leave in continuous blocks does not require employer approval). Leave arrangements can be altered up to three times by each parent (in continuous or discontinuous blocks). *Paternity leave* can be taken within eight weeks of the birth, and it must be taken in one block. *Parental leave* may be taken in several blocks, up to a maximum of four weeks per child per parent in one calendar year, unless the employer agrees to a different arrangement (i.e. the full 18 weeks of leave cannot be taken as one continuous period). The leave may be taken up until the child turns 18 years old and parents can use the leave at the same time.

## Carers' leave

Employees may take *time off to deal with an emergency involving a dependent*, where the dependent can be a spouse, partner, child, grandchild, parent, or anyone who depends on the individual for care<sup>46</sup>. The maximum duration of the leave is not defined and it is unpaid. Some employers provide more than the statutory minimum.

A weekly *carers' allowance* (The Government of the UK, 2023a) of €88 (£76.75) is also available to people caring for someone for at least 35 hours per week. It is not necessary for the two individuals to be related or co-habiting, but the person receiving care needs to already be the recipient of at least one of a number of benefits (usually at a standard or maximum rate), such as disability allowance, in order for the carer to be eligible for the allowance. The carer needs to be over 16 years old, not in full-time education and with weekly net earnings of €159.35 (£139) or less (they may be eligible if earnings occasionally surpass that amount; in that case, average earnings are calculated). The carer also needs to live in England, Scotland or Wales or they need to have lived there for at least two of the three years before applying for the allowance (which does not apply to refugees or persons with humanitarian protection status; persons living in an EEA country or Switzerland might also be eligible) and they must not be subject to immigration control. If two or more people provide care to the same person, only one of them can claim the benefit (if the carers cannot agree, the decision on who receives the benefit is made by an administrative body). Social insurance is covered for recipients of carers' allowance and they may also be eligible for other benefits, such as a tax reduction. However, care allowance can also affect other benefits the beneficiary and/or carer were previously receiving, including by reducing or eliminating them. Carers who are not eligible for carers' allowance may be eligible for carers' credit, that is, the coverage of social insurance while they are providing care (for at least 20 hours per week).

<sup>46</sup> See: The Government of the UK (2023d).

## Flexible working arrangements for care needs

Pregnant employees may take paid *time off for antenatal care*, while co-parents are entitled to time off to attend two antenatal appointments, but this does not need to be paid. All employees who have worked for their employer continuously for 26 weeks have a right to request *flexible working* (e.g. to reduce working hours or modify their working schedule). The request can be made once every 12 months and can only be refused on business-related grounds that are set out in the legislation.<sup>47</sup>

<sup>47</sup> See: ACAS (2023).



## Conclusion

This policy report critically examined work-life balance policies in six countries included in the rEUsilience project: Belgium, Croatia, Poland, Spain, Sweden, and the UK, highlighting how their policies may envision, shape, and affect decisions and behaviours regarding labour market and care engagements in families. The focus was on care leaves (including parenting leaves and carers' leave) and flexible working arrangements, with special emphasis on their inclusiveness and flexibility. The analysis was guided by two central questions: 1) *how inclusive are policies* (i.e. to what extent the rights are available to all parents/carers, but also to what extent the available rights respond to the specific needs of various groups of parents/carers and their situations); and 2) *how much flexibility do policies allow families* (i.e. to what extent the policy enable people to make a change, e.g. to increase or decrease working hours).

Comparative analysis of care leaves and flexible working arrangements from this perspective is difficult for several reasons. First, the gradual expansion of the portfolio of care rights through a process of layering has led to a complex policy infrastructure that does not fully fit into the conceptualisations prevalent in the comparative literature (cf. parenting leaves and carers' leave sections). Second, leave rights and care-related flexible working arrangements are not regulated through one coherent policy. That is, they are incorporated into various policy systems such as parental insurance, healthcare, social assistance, or employment, all with different guiding logics and rules.<sup>48</sup> Third, both care leaves and flexible working arrangements are complex policies, and their multi-layered and ambiguous character makes it difficult to understand both the design of policies and their implications. This complexity is more pronounced in the case of parenting leaves, which are in a more mature stage of development compared to carers' leave or flexible working arrangements. However, the development of the latter policies has been somewhat stimulated by the recent EU Work-Life Balance Directive (2019), which broadens the understanding of care rights and care needs (e.g. the need to provide care through the life course becomes more acknowledged and more explicit in care provisions).<sup>49</sup> Fourth, the complexity of eligibility criteria, but also the complex mutual relationship of different policy dimensions (e.g. the interaction effect of eligibility criteria and policy elements defining the leave duration or benefit level; the interaction effect of eligibility criteria and leave transferability) leads to complexity and multiplicity of social locations in the distribution of policy resources. That is, it creates inequalities in the distribution of resources for care arrangements of different groups of parents/carers that are difficult to capture.

<sup>48</sup> This makes not only the comparative analysis difficult but also the navigation of these rights by the end users in each country (see WP4), raising governance issues.

<sup>49</sup> It also may indicate that changes in some member countries are challenging to achieve exclusively through soft law.

The latter point emphasises the importance of a better understanding of the inclusiveness of work-life balance policies. The analysis shows that – already at the level of policy design – the resilience of individual families is potentially affected by multiple and intersectional inequalities, limiting the opportunities for different groups of carers to engage in care and work. Migrant families, “modern” families, and/or families with weak or atypical connections to the labour market are particularly affected. As shown in the parenting leaves section, the mechanisms of inclusion and exclusion operate at different levels, extending from one’s participation in the labour market to the characteristics of that participation. In the latter case, the main mechanism of exclusion is the *labour market status* itself. For example, in Belgium, Spain or the UK, the self-employed are not eligible for parental leave, and these three countries also rely only on the employment-based leave system, that is, they do not extend leave provisions to those outside the labour market. In addition to labour market status, other mechanisms such as *employment sector*, the *social insurance period*, and the *activity test* may limit access to and the scope of carers’ rights in all six countries, raising the question of policy adequacy. The position of parents with the weak connection to the labour market is indeed somewhat better in Croatia, Poland and Sweden, the three countries that rely on *mixed leave systems* and provide paid leaves also to parents who are not fully active in the labour market. However, here another line of exclusion becomes more evident such as *citizenship/residency status* (e.g. in Croatia). Migrant families are particularly affected, and in their case, it is also very difficult to capture the “exclusion mechanisms” as they operate through complex and often obscure migration legislation.

*Family structure/situations* may also play an important role (e.g. the recognition of same-sex parenting or lone parenthood, the number of children, the presence of serious illness or disability in the family), mostly affecting the (well-)paid leave length in both positive (e.g. longer leaves in case of more children or illness/disability) and negative way (e.g., Poland does not recognize same-sex parenthood; single parents typically have shorter leave as they are not entitled to parental leave quotas). This asks to conceptualise policy inclusiveness in a broader way – policies are inclusive not only if they aim to cover the entire population of carers, but also if they respond to the specific needs of different groups of carers and their situations. This further blurs the comparative picture and brings methodological complexity that is difficult to handle when analysing many countries. Nevertheless, already basic policy analysis shows that countries tend to resource different needs of families to a different extent and that all analysed countries tend to resource childcare to a greater extent than care for adults with severe illness or disability. This is also clearly evident in the fact that none of the countries analysed has a separate and coherent system that regulates carers’ leaves and benefits, and these rights are mostly available to employees and, as a rule, are poorly paid.

Care leaves typically provide carers also with some flexibility, although this is more the case with parenting leaves than with carers’ leave (e.g. via leave transferability or time flexibility). This may facilitate parents’ transition from employment to care and vice versa, and flexible working arrangements can also be beneficial here. However, the latter are still at the early stage of development (and more typical for some

sectors/professions; and more developed in some countries such as Belgium), and we still lack a full understanding of such practices on both gender and social inequalities in employment and care, and familial resilience. Here we can also raise the question of whether all policies (or all segments of policies) work equally well for all families. For example, does leave flexibility necessarily facilitate the resilience of (all) parents, or does it just put (some) families in more adverse situations, especially in contexts where they lack the options (e.g., at risk of financial hardship if leave is poorly paid or unpaid, and care services are not developed)? Therefore, more attention should be paid to “policy contextualisation” – both within broader policy packages and within different societies. This makes the picture even more complex and also asks for methodological innovations as the analysis at the level of a wider policy package requires a consideration of the complex interrelationship of different elements of care leaves and flexible working arrangements policy design itself, and then of their relation to broader work-care policies (e.g. ECEC services or occupational welfare). Some of these aspects will be covered in the forthcoming synthesis report (Deliverable 5.5).

## Literature

- ACAS (2023) 'Flexible Working'. Available at: <https://www.acas.org.uk/flexible-working> (accessed on October 26 2023).
- Aon (2023) 'Aon's Benefits and Trends Survey'. Available at: <https://www.aon.com/unitedkingdom/insights/benefits-and-trends-survey-2019.jsp> (accessed on October 26 2023).
- Atkinson, J., O'Brien, M. and Koslowski, A. (2022) 'United Kingdom country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and P. Moss (eds) *International Review of Leave Policies and Research 2022*. Available at: [www.leavenetwork.org/annual-review-reports/archive-reviews](http://www.leavenetwork.org/annual-review-reports/archive-reviews).
- Austin-Egole, I. S., Iheriohanma, E. B. J., and Iheanacho, J. I. (2022) 'Flexible Working Arrangements (FWAs) and Organizational Performance: An Empirical Comparative Analysis of Production Companies,' *International Journal of Applied Research in Social Sciences*, 4, 4: 131-146. <https://doi.org/10.51594/ijarss.v4i4.341>.
- Baird, M., Hamilton, M., Dinale, D., Gulesserian, L. and Heron, A. (2022) 'Broadening our conception of leave: leave to care for self or others over the life course,' in Dobrotić, I., Blum, S. and A. Koslowski (eds) *Research Handbook on Leave Policy: Parenting and Social Inequalities in a Global Perspective*, Cheltenham: Edward Elgar Publishing Ltd., pp. 368-383. <http://dx.doi.org/10.4337/9781800372214.00038>.
- 'Belgium: Social partners concluded Collective bargaining agreement No. 162' (2022) *Industrial Relations and Labour Law Newsletter*. Available at: <https://industrialrelationsnews.ioe-emp.org/industrial-relations-and-labour-law-november-2022/news/article/belgium-social-partners-concluded-collective-bargaining-agreement-no-162> (accessed on October 21 2023).
- 'Birth of a Child' (2023). Available at: [https://settlinginbelgium.be/en/social-security/birth-of-a-child#:~:text=Maternity%20leave%20\(employee\),a%20minimum%20of%209%20weeks](https://settlinginbelgium.be/en/social-security/birth-of-a-child#:~:text=Maternity%20leave%20(employee),a%20minimum%20of%209%20weeks) (accessed on October 26 2023).
- Blum, S. and Dobrotić, I. (2021) 'The Inclusiveness of Social Rights: The Case of Leave Policies,' *Social Inclusion*, 9, 2: 222-226. <https://doi.org/10.17645/si.v9i2.4523>.
- Brandth, B. and Kvande, E. (2019) 'Flexibility: Some consequences for fathers' caregiving,' in Moss, P., Duvander, A.-Z., and A. Koslowski (eds) *Parental leave and beyond: Recent international developments, current issues and future directions*, Bristol: Bristol University Press, pp. 205-221. <https://doi.org/10.46692/9781447338796.012>.
- Central State Office of Demography and Youth (2023) *Demografske mjere jedinica lokalne i područne (regionalne) samouprave u 2023. godini: analiza stanja*. Available at: [https://demografijaimladi.gov.hr/UserDocsImages//Direktorij%20//Analiza%20stanja%20-%20Demografske%20mjere%20jedinica%20lokalne%20i%20podru%C4%8Dne%20\(regionalne\)%20amouprave%20u%202023.%20godini.pdf](https://demografijaimladi.gov.hr/UserDocsImages//Direktorij%20//Analiza%20stanja%20-%20Demografske%20mjere%20jedinica%20lokalne%20i%20podru%C4%8Dne%20(regionalne)%20amouprave%20u%202023.%20godini.pdf) (accessed on October 25 2023).
- Chung, H. (2022) *The Flexibility Paradox: Why Flexible Working Leads to (Self-)Exploitation*. Bristol: University of Bristol.
- Ciccia, R. and Verloo, M. (2012) 'Parental leave regulations and the persistence of the male breadwinner model: Using fuzzy-set ideal type analysis to assess gender equality in an enlarged Europe,' *Journal of European Social Policy*, 22, 5: 507-528. <https://doi.org/10.1177/0958928712456576>.
- Clasen, J. and Clegg, D. (2007) 'Levels and Levers of Conditionality: Measuring Change Within Welfare States,' in Clasen, J. and N. A. Siegel (eds) *Investigating Welfare State Change*, Cheltenham: Edward Elgar Publishing Ltd., pp. 166-197. <https://doi.org/10.4337/9781847206916.00018>.



- Croatian Bureau of Statistics (2023) 'Prosječna neto plaća u svibnju 1 133 eura'. Available at: <https://dzs.gov.hr/vijesti/prosjecna-neto-placa-u-svibnju-1-133-eura/1616> (accessed on October 26 2023).
- Daly, M. (2023) Inlusiveness and Flexibility of Income Support Policies, Work Package 5, Deliverable 5.2., Risks, resources and inequalities: increasing resilience in European Families (rEUsilience).
- Daly, M. and Ferragina, E. (2018) 'Family policy in high-income countries: Five decades of development,' *Journal of European Social Policy*, 28, 3: 255-270. <https://doi.org/10.1177/0958928717735060>.
- Delphi (2022) 'Delphi insights: A major reform of Swedish employment law'. Available at: <https://www.delphi.se/en/insights/delphi-insights-a-major-reform-of-swedish-employment-law/> (accessed on October 27 2023).
- 'Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU' (2019) *Official Journal*, L188, 79-93.
- Dobrotić, I. (2022) 'The (in)equality dynamic of childcare-related policy development in post-Yugoslav countries,' *Journal of European Social Policy*, 32, 3: 270-286. <https://doi.org/10.1177/09589287221088167>.
- Dobrotić, I. (2022b) 'Croatia country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds) *International Review of Leave Policies and Research 2022*. Available at: [www.leavenetwork.org/annual-review-reports/archive-reviews](http://www.leavenetwork.org/annual-review-reports/archive-reviews).
- Dobrotić, I. (2023), 'Parenting Leave Policies and Their Variations: Policy Developments in OECD Countries', in Daly, M., Pfau-Effinger, B., Gilbert, N. and Besharov, D.J. (eds), *The Oxford Handbook of Family Policy Over The Life Course*, Oxford Academic. <https://doi.org/10.1093/oxfordhb/9780197518151.013.32>
- Dobrotić, I. (2023a) 'Croatia country note,' in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds) *International Review of Leave Policies and Research 2023*. Available at: [www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).
- Dobrotić, I., and Blum, S. (2019) 'A social right? Access to leave and its relation to parents' labour market position,' in Moss, P., Duvander, A. and A. Koslowski (eds) *Parental Leave and Beyond: Recent International Developments, Current Issues and Future Directions*, Bristol: Bristol University Press, pp. 261-280. <https://doi.org/10.46692/9781447338796.015>.
- Dobrotić, I. and Blum, S. (2020) 'Inclusiveness of Parental-Leave Benefits in Twenty-One European Countries: Measuring Social and Gender Inequalities in Leave Eligibility,' *Social Politics*, 27, 3: 588-614. <https://doi.org/10.1093/sp/jxz023>.
- Dobrotić, I., Blum, S. and A. Koslowski (eds) (2022) *Research Handbook on Leave Policy: Parenting and Social Inequalities in a Global Perspective*, Cheltenham: Edward Elgar Publishing Ltd.
- Dobrotić, I. and Stropnik, N. (2020) 'Gender equality and parenting-related leaves in 21 former socialist countries,' *The International journal of sociology and social policy*, 40, 5/6: 495-514. <https://doi.org/10.1108/IJSSP-04-2019-0065>.
- Doucet, A. (2021) 'Socially Inclusive Parenting Leaves and Parental Benefit Entitlements: Rethinking Care and Work Binaries,' *Social Inclusion*, 9, 2: 227-237. <https://doi.org/10.17645/si.v9i2.4003>.
- Doucet, A. and McKay, L. (2020) 'Fathering, parental leave, impacts, and gender equality: what/how are we measuring?,' *International Journal of Sociology and Social Policy*, 40, 5/6: 441-463. <https://doi.org/10.1108/IJSSP-04-2019-0086>.
- Duvander, A.-Z. and Koslowski, A. (2023) 'Access to parenting leaves for recent immigrants: a cross-national view of policy architecture in Europe,' *Genus*, 79, 8. <https://doi.org/10.1186/s41118-023-00187-9>.



- Duvander, A.-Z. and Löfgren, N. (2022) 'Sweden country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds) *International Review of Leave Policies and Research 2022*. Available at: [www.leavenetwork.org/annual-review-reports/archive-reviews](http://www.leavenetwork.org/annual-review-reports/archive-reviews).
- Duvander, A.-Z. and Löfgren, N. (2023) 'Sweden country note,' in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds) *International Review of Leave Policies and Research 2023*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).
- 'Ile wynosi średnia pensja w Polsce? GUS podał najnowsze dane' (2023) *Dziennik Gazeta Prawna*. Available at: <https://praca.gazetaprawna.pl/artykuly/9223494,ile-wynosi-srednia-pensja-w-polsce-gus-podal-najnowsze-dane.html> (accessed on October 26 2023).
- Eurocarers (2021a) 'Eurocarers country profiles: Poland'. Available at: <https://eurocarers.org/country-profiles/poland/> (accessed on October 26 2023).
- Eurocarers (2021b) 'Eurocarers country profiles: Sweden. Available at: <https://eurocarers.org/country-profiles/sweden/> (accessed on October 26 2023).
- European Commission (2022) *Mutual Information System on Social Protection (MISSOC) – Comparative Tables*. Available at: <https://www.missoc.org/missoc-database/comparative-tables>.
- European Commission (2023a) *Mutual Information System on Social Protection (MISSOC) – Comparative Tables*. Available at: <https://www.missoc.org/missoc-database/comparative-tables>.
- European Commission (2023b) 'Belgium - Maternity and paternity benefits'. Available at: <https://ec.europa.eu/social/main.jsp?catId=1102&langId=en&intPageId=4415> (accessed on October 26 2023).
- Federal Public Service: Employment, Labour and Social Dialogue (2022) 'Loi portant des dispositions diverses relatives au travail'. Available at: [https://www.ejustice.just.fgov.be/cgi/article\\_body.pl?language=fr&pub\\_date=2022-11-10&caller=summary&numac=2022206360](https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&pub_date=2022-11-10&caller=summary&numac=2022206360) (accessed on October 21 2023).
- Federal Public Service: Employment, Labour and Social Dialogue (2023) 'Droit de demander des formules souples de travail dans le but de s'occuper d'un proche - Travailleurs du secteur privé (CCT n°162)'. Available at: <https://emploi.belgique.be/fr/themes/jours-feries-et-conges/compte-epargne-carriere/formules-souples-de-travail-dans-le-de> (accessed on October 21 2023).
- Försäkringskassan (2021) 'Care of close relative'. Available at: <https://www.forsakringskassan.se/english/for-employers/illness-and-injury/care-of-close-relative> (accessed on October 26 2023).
- Försäkringskassan (2023) 'Benefit for care of closely related persons'. Available at: <https://www.forsakringskassan.se/english/sick/employee/benefit-for-care-of-closely-related-persons> (accessed on October 26 2023).
- Fusulier, B. and Mortelmans, D. (2023) 'Belgium country note,' in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds) *International Review of Leave Policies and Research 2023*. Available at: [www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).
- Income tax calculator Polska (2023). Available at: <https://pl.talent.com/en/tax-calculator?salary=7005&from=month&region=Polska> (accessed on October 26 2023).
- Jou, J., Wong, E., Franken, D., Raub, A. and Heymann, J. (2018) 'Paid parental leave policies for single-parent households: an examination of legislative approaches in 34 OECD countries,' *Community, Work & Family*, 23, 2: 184-200. <https://doi.org/10.1080/13668803.2018.1517083>.
- Kaufman, G., Magnús Auðardóttir, A., Mazrekaj, D., Pettigrew, R. N., Stambolis-Ruhstorfer, M., Vučković Juroš, T., and Yerkes, M. A. (2022) 'Are parenting leaves available for LGBTQ parents? Examining policies in Canada, Croatia, France, Iceland, the Netherlands and the United Kingdom,' in Dobrotić, I., Blum, S. and A. Koslowski (eds) *Research Handbook on Leave Policy: Parenting and Social*



*Inequalities in a Global Perspective*, Cheltenham: Edward Elgar Publishing Ltd., pp. 325-337.  
<https://doi.org/10.4337/9781800372214.00035>.

Kossek, E. E., Hammer, L. B., Thompson, R. J., and Burke, L. B. (2014) 'Leveraging Workplace Flexibility for Engagement and Productivity,' *SHRM - Society for Human Resource Management*. Available at: <https://www.shrm.org/hr-today/trends-and-forecasting/special-reports-and-expert-views/documents/leveraging-workplace-flexibility.pdf> (accessed on October 27 2023).

Kurowska, A., Godlewska-Bujok, B. and Michoń, P. (2022) 'Poland country note,' in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds) *International Review of Leave Policies and Research 2022*. Available at: [www.leavenetwork.org/annual-review-reports/archive-reviews](http://www.leavenetwork.org/annual-review-reports/archive-reviews).

Kurowska, A., Godlewska-Bujok, B. and Michoń, P. (2023) 'Poland country note,' in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds) *International Review of Leave Policies and Research 2023*. Available at: [www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

Kvande, E., and Brandth, B. (2017) 'Constructing Male Employees as Carers Through the Norwegian Father's Quota,' in Liebig, B. and M. Oechsle (eds) *Fathers in work organizations: inequalities and capabilities, rationalities and politics*, Opladen – Berlin – Toronto: Barbara Budrich Publishers, pp. 171-184. <https://doi.org/10.2307/j.ctvdf0bpf.11>.

León, M. and Cerrillo, I. (2023) Inclusion and Flexibility of Care Policies, Work Package 5, Deliverable 5.2., Risks, resources and inequalities: increasing resilience in European Families (rEUsilience).

L&E Global (2023) 'Belgium: The Labour Deal – The Act Of 3 October 2022 On Various Labour Provisions'. Available at: <https://www.mondaq.com/employee-rights-labour-relations/1283462/the-labour-deal---the-act-of-3-october-2022-on-various-labour-provisions> (accessed on October 21 2023).

McKay, L., Mathieu, S. and Doucet, A. (2016) 'Parental-leave rich and parental-leave poor: Inequality in Canadian Labour Market based Leave Policies,' *Journal of Industrial Relations*, 58, 4: 543-562.  
<https://doi.org/10.1177/0022185616643558>.

Meil, G., Escobedo, A. and Lapuerta, I. (2022) 'Spain country note,' in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds) *International Review of Leave Policies and Research 2022*. Available at: [www.leavenetwork.org/annual-review-reports/archive-reviews](http://www.leavenetwork.org/annual-review-reports/archive-reviews).

Meil, G., Escobedo, A. and Lapuerta, I. (2023) 'Spain country note,' in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds) *International Review of Leave Policies and Research 2023*. Available at: [www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

Ministry of Family and Social Policy (2023a) 'Basic information on labour law'. Available at: <https://www.gov.pl/web/family/basic-information-on-labour-law> (accessed on October 26 2023).

Ministry of Family and Social Policy (2023b) 'Świadczenie pielęgnacyjne'. Available at: <https://www.gov.pl/web/rodzina/wiadczenie-pielegnacyjne> (accessed on October 26 2023).

Ministry of Health and Social Affairs (2016) 'Social insurance in Sweden'. Available at: [https://www.government.se/globalassets/government/dokument/socialdepartementet/socialinsurancensweden\\_august-2016.pdf](https://www.government.se/globalassets/government/dokument/socialdepartementet/socialinsurancensweden_august-2016.pdf) (accessed on October 26 2023).

Ministry of Inclusion, Social Security and Migration (2023) 'Care of minors affected by cancer or another serious illness: General scheme'. Available at: <https://www.seg-social.es/wps/portal/wss/internet/Trabajadores/PrestacionesPensionesTrabajadores/1941/1942#142997> (accessed on October 26 2023).

Ministry of Science and Education (2020) 'Strateški okvir za uvođenje cjelodnevne nastave'. Available at: [https://mzo.gov.hr/UserDocsImages/dokumenti/Vijesti/2020/23-6-2020/Strateski%20okvir%20za%20cjelodnevnu%20nastavu\\_final%2022\\_6.pdf](https://mzo.gov.hr/UserDocsImages/dokumenti/Vijesti/2020/23-6-2020/Strateski%20okvir%20za%20cjelodnevnu%20nastavu_final%2022_6.pdf) (accessed on October 27 2023).



- Mortelmans, D. and Fusulier, B. (2022) 'Belgium country note,' in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds) *International Review of Leave Policies and Research 2022*. Available at: [www.leavenetwork.org/annual-review-reports/archive-reviews](http://www.leavenetwork.org/annual-review-reports/archive-reviews).
- Moss, P. and Deven, F. (2020) 'Leave policies in Europe: current policies, future directions,' *International Journal of Sociology and Social Policy*, 40, 5/6: 429-440. <https://doi.org/10.1108/IJSSP-04-2019-0063>.
- National Employment Office (2023) 'Congés thématiques (tous secteurs)'. Available at: <https://www.onem.be/citoyens/interruption-de-carriere-credit-temps-et-conges-thematiques/conges-thematiques-tous-secteurs> (accessed on October 26 2023).
- O'Brien, M., Atkinson, J. and Koslowski, A. (2023) 'United Kingdom country note,' in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds) *International Review of Leave Policies and Research 2023*. Available at: [www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).
- O'Brien, M., Connolly, S., Aldrich, M., Ward, K., and Uzunalioglu, M. (2020) 'Eligibility for parental leave in EU Member States'. Available at: <https://eige.europa.eu/publications/eligibility-parental-leave-eu-member-states> (accessed October 26 2023).
- O'Brien, M. and Twamley, K. (2017) 'Fathers Taking Leave Alone in the UK – A Gift Exchange Between Mother and Father?,' in O'Brien, M. and K. Wall (eds) *Comparative Perspectives on Work-Life Balance and Gender Equality: Fathers on Leave Alone*, Springer, Cham, pp. 163-181. [https://doi.org/10.1007/978-3-319-42970-0\\_10](https://doi.org/10.1007/978-3-319-42970-0_10).
- O'Brien, M. and Wall, K. (2017) 'Fathers on Leave Alone: Setting the Scene,' in O'Brien, M. and K. Wall (eds) *Comparative Perspectives on Work-Life Balance and Gender Equality: Fathers on Leave Alone*, Springer, Cham, pp. 1-10. [https://doi.org/10.1007/978-3-319-42970-0\\_1](https://doi.org/10.1007/978-3-319-42970-0_1).
- Oste, J. (2001) 'National agreement introduces right to breastfeeding breaks,' Eurofound. Available at: <https://www.eurofound.europa.eu/en/resources/article/2001/national-agreement-introduces-right-breastfeeding-breaks> (accessed on October 21 2023).
- Replicon (2023) 'Sweden Employment Law'. Available at: <https://www.replicon.com/regulation/sweden-labor-laws/> (accessed on October 26 2023).
- Sainsbury, D. (2019) 'Policy constructions, immigrants' social rights and gender: The case of Swedish childcare policies,' *Journal of European Social Policy*, 29, 2: 213-227. <https://doi.org/10.1177/0958928718762311>.
- The Government of Poland (2023) 'The rights of pregnant and breastfeeding workers'. Available at: <https://www.biznes.gov.pl/en/firma/doing-business-in-poland/employment-of-workers/the-rights-of-pregnant-and-breastfeeding-workers> (accessed on October 26 2023).
- The Government of the UK (2023a) 'Carer's Allowance'. Available at: <https://www.gov.uk/carers-allowance> (accessed on October 26 2023).
- The Government of the UK (2023b) 'Paternity pay and leave'. Available at: <https://www.gov.uk/paternity-pay-leave/leave> (accessed on October 26 2023).
- The Government of the UK (2023c) 'Shared Parental Leave and Pay'. Available at: <https://www.gov.uk/shared-parental-leave-and-pay> (accessed on October 26 2023).
- The Government of the UK (2023d) 'Time off for family and dependants'. Available at: <https://www.gov.uk/time-off-for-dependants> (accessed on October 26 2023).
- The Parliament of Sweden (2022) 'Lag (1998:209) om rätt till ledighet av trängande familjeskäl'. Available at: [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-1998209-om-ratt-till-le\\_sfs-1998-209/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-1998209-om-ratt-till-le_sfs-1998-209/) (accessed on October 26 2023).





- Wong, E., Jou, J., Raub, A. and Heymann, J. (2019) 'Comparing the availability of paid parental leave for same-sex and different-sex couples in 34 OECD countries,' *Journal of Social Policy*, 49, 3: 1-21. <https://doi.org/10.1017/S0047279419000643>.
- Yerkes, M., Pfau-Effinger, B., and Van Lancker, W. (2022) 'Trajectories of modernization of parenting leave policies within continental Europe: similarities and unexpected differences,' in Dobrotić, I., Blum, S. and A. Koslowski (eds) *Research Handbook on Leave Policy: Parenting and Social Inequalities in a Global Perspective*, Cheltenham: Edward Elgar Publishing Ltd., pp. 200-217. <https://doi.org/10.4337/9781800372214>.
- 'Zakon o socijalnoj skrbi' (2023). Available at: <https://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi> (accessed on October 26 2023).
- 'Zakon o životnom partnerstvu osoba istog spola' (2020). Available at: <https://www.zakon.hr/z/732/Zakon-o-%C5%BEivotnom-partnerstvu-osoba-istog-spola> (accessed on October 26 2023).

**APPENDIX TABLE 1: ELIGIBILITY INDEX: ELIGIBILITY DIMENSIONS AND ALLOCATION OF POINTS**

<b>Eligibility criteria for leave benefits</b>		<b>Score</b>
<b>Employment-based criteria</b>	<b>Employment history</b>	
	<i>Employment period needed</i>	
	- Without employment-based benefits	0
	- 12 or more months of employment	1
	- 7 to 11 months of employment	2
	- 3 to 6 months of employment	3
	- < 3 months of employment	4
	- Employment contract before leave starts	5
	<i>Employment period can be accumulated in longer time period with interruptions</i>	
	- Interruptions not allowed	0
	- Interruptions allowed; condition not applicable (for countries scoring 5 at the first component)	1
	<i>Employment period can be accumulated with different employers</i>	
	- Employment condition must be fulfilled with the same employer	0
	- Employment condition can be fulfilled with different employers; condition not applicable (for countries scoring 5 at the first component)	1
	<b>Different employment forms and sectors</b>	
<i>Self-employed</i>		
- Excluded	0	
- Have access to separate scheme and can be subject to stricter eligibility criteria	1	
- Fully included in the same scheme as employed persons	2	
<i>Different professions/sectors</i>		
- Some sectors/professions excluded	0	
- Some professions/sectors have access to separate schemes and can be subject to stricter eligibility criteria	1	
- All professions/sectors are fully included under the same scheme	2	
<i>Marginally employed</i>		
- Certain level of earnings/working time is needed	0	
- No conditions related to the level of previous earnings/working time	1	
<b>Citizenship-based criteria</b>	<b>Citizenship/residency</b>	
	<i>Residency period required</i>	
	- Without citizenship-based benefits	0
	- > 6 months of residency	1
	- < 6 months of residency	2
	- Residency at time of childbirth	3
	<i>Some groups excluded (e.g., long-term unemployed, migrants, non-citizens)</i>	
	- Yes	0
	- No	1
	<i>Means test applies</i>	
- Yes	0	
- No	4	

**Source:** Dobrotić and Blum (2020)





# rEUsilience

[reusilience.eu](http://reusilience.eu)



This project has received funding from the European Union's Horizon Europe research and innovation programme under Grant Agreement No Project 101060410 and Innovate UK, the UK's Innovation Agency.

---

## Consortium members



---

## Contact

Ivana Dobrotić, University of Zagreb, Croatia  
[ivana.dobrotic@pravo.hr](mailto:ivana.dobrotic@pravo.hr)