

# POLICY GUIDE: PARENTAL LEAVE



Canada 

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## Introduction

ParlAmericas is the institution that promotes parliamentary diplomacy in the inter-American system. Composed of the 35 national legislatures in North, Central and South America, and the Caribbean, ParlAmericas promotes cooperative political dialogue, facilitates the exchange of good legislative practices, and produces tailored resources to support parliamentarians in their work. The International Secretariat of ParlAmericas is headquartered in Ottawa, Canada.

## Policy Guide series for parliamentarians

This publication is one in a series of gender equality Policy Guides synthesising information that can support legislative responses to pressing gender issues identified by ParlAmericas' membership. These specialized guides provide parliamentarians from the Americas and the Caribbean – and their policy advisors – with concise analysis, references, and comparative data that can serve as a base for further investigation or public consultations on the issues of focus. The format of the guides is intended to be accessible yet informative, in recognition of the busy schedules and unique responsibilities in parliament.

This Policy Guide shines a light on parental leave, which includes maternity, paternity, and shared parental leave. Strengthening the legal frameworks surrounding parental leave has been identified as a priority by ParlAmericas' diverse membership and networks. This shared objective is projected to in turn improve social equality and women's economic empowerment, producing both micro- and macro-level gains.

There has been a gradual but positive shift in several countries of the Americas and the Caribbean towards extended and more inclusive parental leave provisions. However, numerous gaps remain. The findings in the new study by UN Women and the Ibero-American General Secretariat, [\*Analysis of Discriminatory Legislation in Latin America and the Caribbean on the Autonomy and Economic Empowerment of Women\*](#), likewise confirm the need to take strategic and well-informed action on this issue.<sup>1</sup>



# HOW TO USE THE POLICY GUIDES



Each guide will be divided into the sections outlined below (or similar ones). Explanations and suggestions for how to use each section are also provided.

**PAGE 7 THE BASICS**



A brief introduction to the issue and how it is situated in the region from a legislative and public policy viewpoint.

**PAGE 9 WHAT DOES GENDER HAVE TO DO WITH IT?**



A breakdown of some of the gendered implications of the issue, which can be raised when dialoguing with constituents or colleagues.

**PAGE 13 INSTRUMENTS FOR PARLIAMENTARY OVERSIGHT**



Excerpts or summaries of international instruments, including binding agreements, that have been adopted by the countries in the region. These are important entry points for parliamentary action and often referenced in the preambles to relevant legislation. They should also be reference points for continued monitoring of national governments' implementation of laws and policies. The fulfillment of the commitments in these instruments can move countries closer to global standards and targets.

**PAGE 17 FAST FIGURES**



Snapshots of regional and global data that illustrate the current state of progress on the issue.

**PAGE 18 KEY INGREDIENTS FOR LAWMAKING**



Definitions, concepts, and examples that can be drawn upon to develop comprehensive reforms or new initiatives. These can also inform specific clauses of bills or other proposals before parliament, and they can serve as discussion points when engaging in public dialogue on the issue.



**PAGE 25 GOOD PRACTICES** 

A selection of recommendations to consider when planning for legislative action to address the issue.

**PAGE 29 NATIONAL FRAMEWORKS** 

A chart (full expanded version online) highlighting the current laws and regulatory frameworks on the issue, by country. These examples can inspire productive new lines of work or connections with fellow parliamentary colleagues in other countries. The chart also helps to depict regional trends, strengths, and shortcomings.

**PAGE 31 QUESTIONS FOR MONITORING AND OVERSIGHT** 

A checklist that can assist in identifying gaps in a country's legal framework or its implementation. The questions in it can provide starting points for further research and dialogue, whether or not there already exists a robust legal framework on the issue.

**PAGE 32 CHANGING THE CONVERSATION** 

Common misconceptions about the issue that could be encountered in advocacy work. These are followed by compelling facts and points that can be raised in order to dispel the misconceptions.

**PAGE 35 REFERENCES** 

Full citations of the studies and reports referenced in this policy guide.



The online versions of these Policy Guides contain links on the titles of each of the sections described above which provide access to the content of the individual sections as separate tools that can be downloaded and printed.

Through the Policy Guides, ParlAmericas aims to share legislative practices from across the hemisphere that can be reviewed and adapted in different national contexts. The information and recommendations shared are informed by the latest research and data, as well as by the feedback and experiences communicated by parliamentarians working in diverse circumstances. Recommendations are intended as general considerations to be tailored as necessary; they are shared throughout this document in line with this goal, rather than as endorsements of the specific law or practice.

Please contact the ParlAmericas Gender Equality team at [parlamericasGEN@parlamericas.org](mailto:parlamericasGEN@parlamericas.org) to request technical guidance on any of the issues presented. Laws and policies – and the available evidence base that informs them – shift over time. If you note outdated information, please contact the team at the same address so that we may publish updates.



The illustrations used in this publication were created by Juliana Serrano of Amazink! as part of the [graphic recording](#) of the 11th Gathering of the ParlAmericas Parliamentary Network for Gender Equality, [Achieving Balance in the World of Work](#), which took place in June 2019 in Mexico City.

## THE BASICS

### What is parental leave?

For societies and economies to thrive, people require the ability to choose to be both workers and parents. Facilitating this choice means guaranteeing that the necessary support structures are in place through family-friendly policies that include parental leave. While maintaining their employment, this leave provides parents with time and, ideally, resources to dedicate to caring for their children around the time of their birth or adoption. These circumstances shape the long-term wellbeing and health of the entire family unit.

Leaves of absence during the critical time of infancy can be compensated with some or all of the parents' usual earnings. When coupled with supportive work culture and conditions, parental leave can be especially transformational for women and the families of low-income workers.

Beyond the benefits to individual women and families, parental leave yields benefits for employers and their businesses. Well-designed parental leave policies can also significantly accelerate economic growth by retaining women's talents in the labour force and protecting maternal and newborn health.

Parental leave is sometimes used as an umbrella term to describe the combination of maternity, paternity, and/or parental leaves. From a policy perspective,

these subjects can be differentiated as follows:

**Maternity leave:** A job-protected rest period, usually paid, that is provided to mothers towards the end of their pregnancy and continuing immediately after they give birth. Maternity leave is generally provided to biological mothers, including surrogates, as a **health measure**. It is also provided to adoptive mothers in many countries. Maternity leave can sometimes be transferred to other caregivers (e.g. in the case of the mother's death). It is also sometimes obligatory for a minimum of six weeks.

**Paternity leave:** Job-protected leave that is often limited to biological fathers at the time of the birth of their child and immediately afterwards. It is a **care measure** that allows fathers to better meet the needs of their infant (and any older children) and to assist the infant's mother in recovery from childbirth and in establishing feeding and other routines. Same-sex partners of birth mothers are increasingly eligible for this entitlement.

**Parental leave:** A period of longer, job-protected leave available to either or both parents to allow them to care for their infant after maternity or paternity leave expires. Parental leave is considered a **care measure**.

Paid leaves support parents' ability to meet the increased financial needs of their families in the postpartum period, giving them time to dedicate to:

- ✓ Bonding with their infant.
- ✓ Attending to their own medical needs, including physical and mental recovery from delivery.
- ✓ Caring for their infant and establishing feeding and sleeping routines.
- ✓ Supporting the mother / birthing parent.





The source and the amount of parental leave compensation varies by country. Where it is paid, parental leave is often compensated at a lower rate than maternity and paternity leave. The eligibility for, and duration of, parental leave also varies. It is typically taken on a continuous basis, without interruption. Shared parental leave may be taken successively, one parent after the other; or the two parents can take it concurrently, which may count twice against the couple's total time allowance.

Maternity and paternity leaves are often defined as individual rights, while parental leave is typically a transferable family right.

The distinction between paternity leave and father-only parental leave can be blurred at times. Paternity leave generally must be taken at the time of birth. There is more flexibility – usually within one year of the child's birth – for parental leave to be taken.

### Leaves can be categorized as follows:

**An individual right:** A specific amount of leave is available to one (or each) of the parents.

**A non-transferable individual right:** A parent is eligible for a discrete amount of leave, and their time cannot be shared with the other parent.

**A family right:** Parents can divide the total amount of leave time between themselves (usually at their discretion).



### Law of note



Cuba's [Family Code](#) (1975) establishes the shared responsibility of both the mother and father to attend to, care for, protect, educate, assist, give deep affection to, and prepare for life their children. [Law 234](#) (2003) establishes that following the mother's mandatory postnatal and breastfeeding leaves, mothers and fathers can decide how to distribute the remainder of leave available between them until their child reaches age one.

There has been a gradual extension of maternity leave in the Americas and Caribbean region, primarily motivated by women and infant health concerns. Paternity and other family-friendly policies are scarce but show great promise as mechanisms to promote gender equality, women's rights, and sustainable development.

Globally, expanded gender-neutral parental leave is increasingly prevalent, and there is a corresponding shift away from maternity and paternity leave. This forms part of a new approach favouring gender-neutral or undifferentiated policies related to care and work-life balance.

## WHAT DOES GENDER HAVE TO DO WITH IT?



Some of the most persistent gender inequalities are related to the burden of unpaid care work on women, which often translates into job insecurity and fewer opportunities for personal and professional advancement. Parental leave can be a critical measure for advancing gender equality and women's empowerment at work and in the home.

Middle and upper-class women began to enter the paid labour force in much higher numbers in the second half of the last century (where poor and rural women have worked more consistently), yet women continue to carry out the vast majority of childrearing and domestic responsibilities – this has been called the “**second shift.**” Meanwhile, there has been a limited corresponding increase in care work undertaken by men. A more **equitable distribution of productive and reproductive work** among women and men could be transformational during the early months of children's lives.

Protected, paid leave enables women to maintain a greater degree of financial independence with continued earnings to support themselves and their families. It also increases the likelihood that they will remain in the labour market. The ability to sustain participation in the workforce is especially critical for **single-mother families.** Furthermore, paternity and parental leave promotes involved fatherhood and sends a message that no parent should be singularly responsible for care work.

### Women's health

Maternity leave and parental leave safeguard women's health by allowing for **physical and mental recovery from the physiological changes associated with childbearing and childbirth.** The postpartum period can be characterized by medical challenges for women such as pain, lactation issues, depression, infections, and stress. Women who deliver by caesarean section require longer recovery periods and may have unique short- and long-term health needs. Whether their child is biological or adopted, women and their families may be impacted by health issues that impact their physical and emotional wellbeing. Women's physical and emotional health affects their ability to provide, or arrange for, care for their children.

Designated leave for women after they give birth also facilitates **exclusive breastfeeding,** a recommendation of the World Health Organization. For those who wish to do this, and are able to, exclusive breastfeeding provides optimal nutrition and antibodies for babies, and it lowers the risk of depression and disease among mothers as well.



#### Did you know?

In 2015, 44.3% of births in Latin America and the Caribbean were by caesarean.

Source: Boerma, Ties, et. al., “Global epidemiology of use of and disparities in caesarean sections,” *Optimising Caesarean Section Use Series*, Vol. 392, Issue 10155, 2018.



In many countries in the region, **labour legislation prohibits women who are pregnant or lactating from working in situations that could be hazardous** to their health and that of their fetus or infant. Such laws can arguably serve as valuable protections to support health and continued employment. However, in practice, these laws can restrict women's autonomy and choices and result in discrimination by providing grounds for employers to arbitrarily move pregnant women and new parents from their positions. This is especially likely in sectors that are considered non-traditional for women, and it can reinforce occupational segregation.

## Maternity discrimination

Maternity discrimination negatively impacts women's working lives in tangible ways. Women may be considered less desirable hires if they have family responsibilities, and women of childbearing age can be treated as a liability because of the perception that their potential care responsibilities will in future impair their dedication or availability at work. This **gender discrimination may be intentional or unintentional**, as it reflects ingrained social expectations around parenthood and employment.

Examples of maternity-related discrimination towards pregnant women or new mothers include:

- ❗ Being asked to take a pregnancy test before being hired.
- ❗ Passing over women with babies or young children for promotions or professional development opportunities.
- ❗ Facing pressure to resign (which is especially acute if employers are responsible for some or all of the maternity leave wages).
- ❗ A lack of infrastructure or policies for breastfeeding breaks upon return to work.



## Double standards

In the case of heterosexual couples with children, the woman tends to be viewed as the default, responsible parent. Women's personal and professional sacrifices are taken for granted and become ingrained as an expected social identity. For instance, women are often thought of as mothers (firstly) who work for pay (secondly) – or **working mothers**. Yet men who work and are fathers are rarely thought of as **working fathers**. The heightened pressure that often falls on women with these dual roles is summarized by the saying: “We expect women to work like they don't have children, and to raise children as if they don't work.”

The career setbacks women face after having children are among the starkest results of such gendered double standards. These setbacks, known as the “**mom penalty**,” cannot be explained by a temporary absence from work during maternity leave. Research shows, conversely, a “**dad bonus**,” fathers' pay tends to increase after they have children. This latter phenomenon may be due to employers perceiving fathers as committed and stable men. Mothers, on the other hand, are more likely to be perceived as distracted and less committed to their work. Longitudinal research in the United States shows that this bias is most costly to low-resource parents. While low-income women suffer from the greatest pay cuts after having children, men who have high incomes receive the biggest pay increases after having children.<sup>2</sup>

## Double burdens

Social expectations around women and men's parenting responsibilities are reinforced in policies and the laws from which they are derived. For example, employment policies were often formulated with an implicit assumption that male workers would have wives to undertake the majority of everyday childrearing and domestic responsibilities. In addition, they often presume that the family unit is composed of a man and woman (who are married) and their children. This does not reflect the makeup of many families in the region, nor in the world.<sup>3</sup> Without sufficient leave policies, women in particular, but also men, are at a disadvantage as they adjust to life with their young child.

Decision-makers sometimes underestimate both **women's professional ambitions and their needs** in the workplace upon return from parental leave. Broad consultations can help to shed light on the options women would find most beneficial for pursuing the work-family balance that is right for them. These options could include **flexible schedules**, with a gradual return to full-time hours or a work-from-home policy, or simple changes like scheduling meetings outside of daycare drop-off or pick-up times. Ultimately, changing workplace cultures to support parental leaves and transitions back to work is an issue of gender equality that benefits women and men. It prevents parents from having to choose between work and family or from carrying an overwhelming burden of responsibilities.



## Financial strains and the pay gap



Compared to all age groups, extreme poverty is highest for children, and it declines fairly rapidly until age 24. The shift after age 24 coincides with the period of family formation and biological reproduction, when parents and/or caregivers face increased expenses while also experiencing restrictions on their time.<sup>4</sup> In the Americas and the Caribbean, extreme poverty rates are higher among women than men.

As described earlier, research shows that there is a parenthood pay gap as seen in the “mom penalty” and “dad bonus.” More broadly, however, **the gender pay gap can be an underlying factor in families' decisions about taking paid or unpaid leave after having a child.** The financial reality of most families in the region requires two full-time incomes to support themselves. In heterosexual relationships, the male partner is more likely to have a higher salary; the loss of total family income is therefore reduced if the woman takes leave. From an economic standpoint, this decision would understandably be in the interest of the family, but it also reinforces dependency and the role of women as primary caregivers.

Without strong guarantees and provisions associated with paid parental leave, many families face a choice of economic hardship or returning to work prematurely. Parents are therefore likely to resume work as soon as possible for financial reasons – which, especially for mothers, can harm their health and wellbeing and that of their infant. Mothers may find part-time, more precarious work, or they may end up withdrawing from the paid labour market entirely. At the same time, fathers may wish to spend time at home with their infant but be unable to because of their need to provide for their family during this period of increased expenses.

## What about the dads?



The lack of sufficient parental leave reinforces gender norms and double standards that have different impacts on women and men in heterosexual relationships. Due to systemic gender inequalities in our societies, women as a group face greater disadvantages than men. However, **men have an important stake in seeing positive change** too. Many of the consequences of insufficient parental leave policies apply to new fathers as much as mothers.

Gender stereotypes can also stifle men who feel confined to the traditional role of provider yet sincerely wish to spend time with their children. The stigmas around active fatherhood are reflected in paternity and parental leave and related policies.

There are numerous benefits to men's participation in their children's lives from an early age. Aside from the benefits to child development, there is a strong link between men's wellbeing and happiness and the relationships they have with their children.<sup>5</sup>

## Towards household gender equality

Paternity and parental leaves can help to foster co-parenting and deconstruct harmful gender norms at the household level by promoting shared childrearing and household responsibilities. Research shows a link between fathers taking leave and their longer-term involvement in family responsibilities – especially when the leave is taken for two or more weeks immediately following their child's birth. Paid leave can thus be a valuable tool to advance gender equality in the home, in workplaces, and in society more broadly.





## INSTRUMENTS FOR PARLIAMENTARY OVERSIGHT

[Convention on the Elimination of All Forms of Discrimination \(CEDAW\) \(1979\)](#)



### Article 11.2

“...In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or maternity leave and discrimination in dismissals on the basis of marital status; b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances...”

*All of the countries of the Americas and the Caribbean have ratified CEDAW.*

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[ILO Convention No. 183 - Maternity Protection \(2000\)](#)

### Highlights

**Article 4, “Maternity Leave”:** Establishes a minimum maternity leave period of 14 weeks.

**Article 5, “Leave in Case of Illness or Complications”:** Establishes an extended leave period in the case of illness or complications related to pregnancy or childbirth.

**Articles 6 and 7, “Benefits”:** Establishes that cash benefits must be at least two-thirds of the woman’s previous earnings, or, if payments are not computed based on previous earnings, a comparable amount resulting from an average of such a calculation. Qualifying conditions are to be satisfied by a large majority of women workers. Those who do not qualify should be entitled to social assistance funds. Benefits are to be paid through compulsory social insurance or public funds, with employers not being individually liable for direct costs (see 6.8 a and b for exceptions). States with insufficiently developed social security systems may still be in compliance if the payments are made at a rate no lower than that for sickness or temporary disability; in reporting, these States must describe the measures being taken to progressively raise the benefits rate.

**Articles 8 and 9, “Employment Protection and Non-Discrimination”:** Establishes that women are guaranteed the right to return to the same or an equivalent position paid at a rate not lower than her pre-leave pay. Maternity is not to constitute a source of discrimination in employment, including access to jobs.

**Article 10, “Breastfeeding Mothers”:** Establishes paid breaks or reduced work hours for breastfeeding.

[Recommendation No. 191, accompanying C183](#)

### Did you know?



As part of the reporting process on the Beijing Declaration and Platform for Action, the governments of Latin America and the Caribbean submit reports about their current status and intended plans to meet the Beijing objectives. ECLAC’s Division for Gender Affairs compiles and analyzes these national reports, which can be found at the link below. In them, you can find information submitted by your government about work-family conciliation, paid maternity or parental leave, care services, and many other gender equality issues.

<https://www.cepal.org/en/work-areas/gender-affairs/la-plataforma-accion-beijing-cumple-25-anos>

## Highlights

**Item 1:** Encourages the extension of maternity leave to at least 18 weeks, with an additional extension for multiple births. Women should be entitled to freely choose when they take any non-compulsory portion of their maternity leave.

**Item 10:** Specifies that adoptive parents should have access to the same systems of leave, benefits, and employment protections.

*The following countries in the Americas and the Caribbean have ratified ILO Convention No. 183: Belize, Cuba, the Dominican Republic, and Peru.*

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## [ILO Convention No. 156 - Workers with Family Responsibilities](#) (1981)

### Highlights

**Article 3:** Establishes the effective equality of opportunity for all workers with family responsibilities (not limited to dependent children) to not experience conflict between their employment and family responsibilities to the extent possible.

**Article 4:** Establishes the right to free choice of employment for workers with family responsibilities, and for their needs to be taken into account in the terms and conditions of employment and in social security systems.

**Article 5:** Establishes that measures are to be taken to meet the needs of these workers in community planning, and in the development or promotion of public or private services including childcare.

**Article 6:** Establishes the responsibility of relevant authorities and bodies to raise public understanding and opinions on the importance of equality of opportunity for all workers with family responsibilities.

**Article 7:** Establishes that vocational training should be available to enable these workers to become and remain integrated in the labour force, and to re-enter after an absence due to their family responsibilities.

## [Recommendation No. 165, accompanying C156](#)

### Highlights

**Item 8.2:** Specifies that special measures are not discriminatory during a transitional period that has the goal of guaranteeing rights to non-discrimination.

**Item 11b:** Specifies the need to promote education encouraging the sharing of family responsibilities between men and women.

**Item 16:** Specifies that marital status or other family situations cannot be grounds for refusal or termination of employment.

**Item 18:** Specifies that particular attention should be given to implementing measures to progressively reduce daily hours of work and overtime, and to providing more flexible working arrangements, rest periods, and holidays.



**Item 22:** Notes that either parent should have the possibility of obtaining job-protected parental leave following maternity leave, and that this leave may be introduced gradually.

**Item 24:** Specifies that the competent authorities should conduct surveys and collect information to determine the appropriate scope and nature of childcare and family services and facilities, including adequate statistics on the number of workers with family responsibilities engaged in or seeking employment, and on the number and age of their children.

**Item 27:** Specifies that social security benefits, tax relief, or other appropriate measures should be available to workers with family responsibilities.

**Item 28:** Specifies that during parental leave workers may be protected by social security.

*The following countries in the Americas and the Caribbean have ratified ILO Convention No. 156: Argentina, Belize, Bolivia, Chile, Ecuador, El Salvador, Guatemala, Paraguay, Peru, Uruguay, and Venezuela.*

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#### [ILO Domestic Workers Convention No. 189](#) (2011)

**Article 14:** Requires that domestic workers be able to enjoy conditions no less favourable to other types of workers with respect to social security protections, including those related to maternity.

#### [Recommendation No. 201, accompanying C189](#)

##### Highlights

**Item 3c:** Specifies that States should ensure that domestic workers not be required to disclose pregnancy status or take pregnancy tests.

**Item 25b,c:** Specifies that work-life balance and the reconciliation of work and family responsibilities are needs that must be addressed, and that domestic workers' concerns and rights related to these needs must be taken into account.

*The following countries in the Americas and the Caribbean have ratified ILO Convention No. 189: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Grenada, Guyana, Jamaica, Nicaragua, Panama, Paraguay, Peru, and Uruguay.*

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#### [Convention on the Rights of the Child](#) (1990)



**Article 3:** Obligates States to ensure children the protection and care that is necessary for their wellbeing, taking into account the rights and duties of parents or others legally responsible for them, and to this end, to take all appropriate legislative and administrative measures.

**Article 7:** Specifies that children have the right to know and be cared for by their parents.

**Article 18:** Requires that States recognize that both parents or legal guardians have a responsibility for their child's upbringing



and development. Further mandates States to provide appropriate supports to parents and legal guardians – and those who work in particular – in fulfilling these responsibilities.

*All of the countries of the Americas and the Caribbean except for the United States have ratified the Convention on the Rights of the Child.*

## Agenda 2030

Paid parental leave can contribute to various Sustainable Development Goals. It protects women's health and wellbeing after childbirth, enhances child health, provides income security to caregivers and recognizes and values the work they do, and maintains or strengthens women's attachment to the labour market.

### **SDG 1: End poverty in all its forms everywhere**



#### *Target 1.3*

Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.

### **SDG 3: Ensure healthy lives and promote well-being for all at all ages**



#### *Target 3.1*

By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births.

#### *Target 3.2*

By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births.

### **SDG 5: Achieve gender equality and empower all women and girls**



#### *Target 5.4*

Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

### **SDG 8: Promote inclusive and sustainable economic growth, employment and decent work for all**



#### *Target 8.5*

By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

# FAST FIGURES



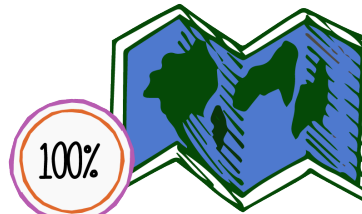
**45%**  
Women globally who are covered by mandatory cash benefit schemes in the event of maternity\*



**US \$12 trillion**  
Amount that women's equal participation in the workforce would add to the global economy by 2025<sup>7</sup>



**90 MILLION**  
Children under the age of one who live in countries where fathers are not entitled by law to take paid paternity leave (two-thirds of the world's children under one)<sup>8</sup>



**100%**  
Countries in the region that regulate maternity protection, regardless of the status of ratification of C183



**6.7%**

Amount that the average mother's earnings increased in Sweden for each month that the father stayed on parental leave<sup>9</sup>



**15**  
Countries in the Americas and Caribbean that meet the minimum number of weeks (14) for maternity leave recommended by the ILO<sup>10</sup>



**18**  
Number of countries in the Americas and Caribbean where maternity leave or parental leave benefits are 100% paid by the government



**7**  
Countries in the Americas and Caribbean that have some form of parental leave



## Sources of relevant country-specific data

### Women, Business and the Law (World Bank)

Compilation of data to build understanding of how women's employment and entrepreneurship are affected by legal discrimination. Structured around the economic decisions women make as they go through their working lives.

1. Go to: <https://wbl.worldbank.org>
2. Select a country in the "Economy Data" dropdown menu in the top blue bar on the right.
3. Scroll down to the "Questions" chart at the bottom of the page and select "Having Children" in the Topic dropdown bar to see the categories of relevant information and laws.

### Gender Equality Observatory for Latin America and the Caribbean (ECLAC)

Digital repository of legislative instruments in the region related to care, the social organization of care, and the right to care.

1. Go to: <https://oig.cepal.org/en/laws/care-related-policies-laws>
2. Search by country or keyword



## KEY INGREDIENTS FOR LAWMAKING

Parental leave is in the category of **family-friendly policies**, which are defined by UNICEF as:

“[P]olicies that help to balance and benefit both work and family life that typically provide three types of essential resources needed by parents and caregivers of young children: time, finances and services. Mutual investment by families, businesses and the State in this critical phase of human life lays the foundation for children’s success in school, adults’ success at work, the ability of children and families to exit poverty, and lifelong health.”<sup>11</sup>

In recent years, positive shifts have occurred in the legal and policy landscape of parental leave: away from exclusively providing maternity leave, in favor of providing shared parental leave; and away from individual notions of childcare responsibility, towards models of co-responsibility. In this evolving landscape, a careful mix of policies that are responsive to local socio-legal contexts can help to produce a strong system that allows women and men to succeed in their work and personal lives.

The following are relevant considerations for designing or assessing regulatory frameworks in the area of parental leave.

### Adoption leave

In a number of countries, adoptive parents are granted the right to parental leave (if it exists), but they should also be entitled to maternity and paternity leave or to a special leave period with provisions specifically for adoption. Adoptive parents in a same-sex partnership or who are single must also be eligible for an equitable guarantee of leave. Though many of the needs of newly-adopted children are consistent with biological children, adoptive families may face unique circumstances related to forming healthy and stable new bonds or attachments early-on. The age of the adopted child is pertinent as well; though the needs of infants versus teenagers will differ, both will at first require dedicated time with their new parents.



### Legal harmonization in the Caribbean



The laws pertaining to parental leave in many of the Anglophone Caribbean countries were passed in the 1970s, and they share many similar features, such as their definitions and provisions. In many countries, for example, mothers and their families can access both maternity benefits and grants. **Maternity benefits** are usually reserved for those who have made around 50 contributions to social security, and the benefits paid correspond to a percentage of the worker’s previous earnings. **Maternity grants** are usually one-time payments that assist families even if they are not covered by the social security system. Another similarity in the legal frameworks of the Caribbean subregion is the definition of “**confinement**,” referring to “labour resulting in the issue of a living child or labour after [24-28 weeks (depending on the country)] of pregnancy resulting in the issue of a child whether alive or dead.” This protects women who experience a stillbirth from having resources suddenly revoked.

## Benefit payments



The benefit(s) paid to parents while they are on leave may or may not be income-related. Some countries pay 100% of the worker's previous earnings up to a ceiling; others have no cap; others provide lump-sum payments. To be in conformity with C183, the cash benefits during maternity leave must be at least two-thirds of the worker's previous salary, or a comparable amount. In cases where statutory benefits paid by the government are less than the employee's salary, employers may opt to pay the difference ("top up" payments) or do so

in response to company policies or collective agreements. The frequency and accessibility of the process of paying benefits are important additional details that should be considered in relation to the living circumstances of all of the likely and intended recipients of the benefits.

## Co-parenting



Co-parenting implies parity, or near parity, in the duties and responsibilities undertaken by two adults to raise their child or children. Co-parents might be: a mother and father, two fathers, two mothers, or any other parent and their relative or partner. Co-parents may or may not reside in the same house, and they may or may not be married.

## Compulsory leave

In some countries, there is a compulsory leave period for mothers immediately following childbirth – usually of six weeks. This is intended to prevent employers from rushing women back to work before they have recovered from delivery. It takes the female body six weeks on average to return to "normal" physiological functioning after giving birth. However, since pregnancy and post-partum experiences vary significantly, women should be granted as much flexibility as possible about the distribution of their leave before and after they give birth.

### Law of note



In 2010, Brazil's Complementary Law 591/10 amended the [General Act on SMEs](#) (*Lei Geral da MPE, 2003*) to create the legal concept of "individual micro-entrepreneurs." This enables workers to access social security benefits, including paid maternity leave, through a simplified registration process and after making just a single contribution. An estimated 3 million workers have been formalized in this manner.

Source: ILC Working Paper 2014, International Labour Conference, 103rd Session, 2014, Report V(1), Transitioning from the informal to the formal economy. Fifth item on the agenda, International Labour Office (Geneva), 2013.



## Co-responsibility



Co-responsibility is a policy framework that stresses shared contributions and provisions for childcare by the State, families, businesses, and/or communities – the latter group including trade unions, civil society organizations, international organizations, informal networks, and the non-profit sector. Parental co-responsibility is a term to describe measures aimed at promoting men’s increased participation in childrearing and family tasks (i.e., co-parenting). Both co-responsibility and parental co-responsibility have entered legal discourse in the region.

## Early childhood development and survival

Parental leave is an investment in future generations. Providing parents with the time and resources to care for their infant is beneficial to the child’s health and wellbeing, and ultimately, their ability to achieve their potential in the future. When they are supported by leave, parents can better meet their infant’s nutrition, early stimulation, and other healthcare needs – including immunization – which helps to prevent costly health risks in the future.<sup>12</sup> Parental leave is even linked to infant survival; evidence from countries at all income levels shows that longer periods of maternity leave reduce infant mortality rates.<sup>13</sup>



## Eligibility



Eligibility requirements for parental leave vary based on the financing scheme used to fund the program. Often, workers must have been employed full-time for the same employer and been paying into a social security plan for a certain period of time – generally one year – to be eligible. This can sometimes mean that those who are self-employed or informally employed are ineligible for any type of parental leave. In certain countries, there is also a limit on the number of children for whom one can take leave from the same employer. Removing these types of eligibility requirements will create greater equity for parents in the workforce and will in general positively benefit low-income workers. Other frequent requirements for eligibility include a doctor’s certification of pregnancy and due date, and written notice of the intended date to commence and end the leave.





## Extensions

Most countries provide for a few weeks' extension to maternity leave in the case of complications arising from pregnancy or delivery, and if the child is born with a disability or requires hospital care for an extended period of time. Many countries also extend maternity leave allowance in the case of multiple births (twins, triplets, etc.).

## Financing parental leave

Maternity, paternity, and parental leave benefits are offered through one of the following:

- 1) Employment-related social insurance (contributory scheme)
- 2) Public funds (general taxation)
- 3) Direct payment by the employer
- 4) A mix of the above

The third option – known as “employer liability” – is in decline globally as parental leave is being recognized as a social investment administered by the State. When parental leave is paid through some form of contributory insurance fund, it is generally financed by contributions from employers as well as employees in the form of taxation on wages earned. When some or all of the benefits are paid by employers, it is important for them to pay a quota for all employees – not just women employees – to reduce biases. As per the second option above, contributions could instead be financed by the revenue of general taxation, with the costs collectivized.



## Flexibility

Parental leave flexibility can take a number of forms. In some countries, leave can be taken on a full or part-time basis, with the latter allowing for simultaneous part-time employment. Other possibilities include taking leave in a continuous block of time or in several shorter blocks, the ability to transfer leave entitlements to carers who are not the child's parents, and the option for both parents to take some or all of their leave at the same time. Sometimes leave can be taken for a shorter period of time at a higher benefit rate or for a longer period of time at a lower rate.





## Length of leave

There is general consensus in the international practitioner community that a minimum of six months of paid maternity leave is desirable. When maternity leave is too short, mothers may not feel ready to return to work and end up dropping out of the paid labour force. It is also recommended that governments and businesses provide at least nine months of combined parental leaves (maternity, paternity, shared), which would equate to at least three months of parental leave (beyond the six months for maternity leave) that can be shared between the two parents.

## Means test

These tests are often used to determine the eligibility of individuals or households for targeted, non-contributory social assistance schemes. The goal is to identify the portion of the population with a level of resources that is below a defined threshold of income or assets. When accompanied by gender-transformative plans of action, these schemes can be important tools for poverty alleviation in developing countries, where much of the population works in the informal sector and is not covered by social insurance.



## Take-up rate

The take-up rate refers to the percentage of individuals or families who are eligible for leave and also use it. The take-up rate for parental leave depends greatly on its conditions (payment rate, length of leave, flexibility, etc.). Where it exists, the take-up rate for paternity and parental leave among men is very low in the Americas and the Caribbean (and globally as well), especially if the leave is unpaid. Increased take-up rates can be used as indicators when evaluating the success of existing programs.

## Transferability



If parental leave is granted as an individual entitlement – as opposed to a family entitlement – it cannot be transferred. However, sometimes the entitlement systems are mixed, and a portion of the shared parental leave can be transferred to the other parent. If the non-transferable portion of shared leave is not used, it is foregone (“use it or lose it” principle). The possibility of the death of the birthing parent is another consideration with respect to transferability. In the region, the benefits that are due to a woman who dies in complications related to pregnancy or delivery can generally be passed to the infant’s father or another designated caregiver.

## Protective measures

Women and men must be guaranteed the right to return to work in the same or an equivalent position, and to be paid no less than what they earned prior to their leave. In cases where a worker brings a claim forward after being dismissed or demoted as a result of pregnancy or parental status, the burden of proof should be on the employer to prove otherwise. Dismissals related to childbearing and breastfeeding are frequent but difficult to prove. In addition to violating worker rights, leave without sufficient job protection is likely to lower women’s attachment to and advancement in paid work.

## Right to be cared for, right to care



Parental leave is a measure that upholds the right of children to be cared for and the right of adults to care for them. These have been conceived as universal rights. Legislation and constitutions enshrining these rights have gained traction in the Americas, particularly in the wake of the [Convention on the Rights of the Child](#) which entered into force in 1990. This rights-based approach is also enshrined in regional agreements from the Regional Conferences on Women in Latin America and the Caribbean. The right to care and to be cared for is pertinent to labour legislation, as well as legislation regulating care facilities and the interaction between individuals’ paid work and caregiving for children or other dependent family members.

## Law of note



In 2015, Uruguay passed [Law No. 19353](#) which exemplifies an integrated, universal, and rights-based approach to care. It explicitly **recognizes the rights of dependent recipients of care** (including young children) **and of care providers**. The impetus behind this law was national **time-use surveys** conducted in 2007 and 2013 which showed that women spent two-thirds of their week on unpaid work and only one-third on paid work. The reverse was true for men. Thanks to this data, as well as tireless advocacy by civil society and strong political will, care was reconceptualized as a collective issue. These efforts culminated in the creation of the [National Integrated Care System](#). Since the creation of this system, which is modeled on co-responsibility, Uruguay has expanded parental leave benefits. Among these, both mothers and fathers were granted the right to work part-time until their baby reaches six months.

See: Esquivel, Valeria, “The rights-based approach to care policies: Latin American experience,” *International Social Security Review*, Vol. 70, 2017.

## Work-life balance

Work-life balance refers to a state of equilibrium in which the demands of one's personal and family (private) life, and their professional life, are in harmony. It is also sometimes referred to as a "reconciliation" of one's work, family, and personal lives. When one's time and commitments in each of these spheres are aligned in a healthy way, work and family are not in conflict but rather complementary and part of holistic human realization. Work-life balance is increasingly recognized as a policy priority, as it promotes workers' satisfaction, motivation, and productivity, and it reduces the risk of "burnout" (physical, mental, and emotional exhaustion caused by prolonged stress). The necessary support tools to accomplish work-life balance will depend on the sector or type of work. Examples could include technology-based solutions or more accessible public services. To achieve the cultural changes in support of work-life balance, it is critical that employers both promote and model healthy practices and boundaries.



### Law of note



As of 2011, working parents in Chile are entitled to a special paid leave if their child under age one is severely ill. This leave is available to mothers and can be transferred to fathers. In case of a serious illness or accident impacting a child between the ages of one and 18, the mother is entitled to up to 10 days of paid leave, with the same option of transference to the father. A [legal guide](#) (called *Ley fácil*) on the library of parliament's website explains in plain language the provisions for this leave established in Laws No. [21063](#) and [20585](#), as well as how to access the benefits.

## Other types of leaves

Some countries provide for other complementary types of leave that can assist workers in the postpartum period and in the early stages of their children's lives. For instance, once parents have returned to work, babies are in the care of others who may not be able to care for them while they are sick. Paid sick leave can be specifically designated for caring for a sick child; this allows parents to be with their child and obtain timely health care, which may shorten recovery time and allow parents to return to work more quickly in the end. Some countries in the region also provide special leaves and benefits in cases of miscarriage after a certain stage of pregnancy or a stillbirth.





## GOOD PRACTICES

### 1. Make parental leave universal and publicly-funded, with the same or an equivalent job guaranteed upon return to work.

Even in countries with legal rights to parental leave, not all workers will have access to this leave. According to the ILO, only 45% of all employed women in the formal sector globally are eligible for cash benefits in the event of a pregnancy,<sup>14</sup> as regulations often limit coverage to those who are formally employed. Qualifying conditions like minimum contributions to social insurance programs also disadvantage women more than men, because women are more likely to have intermittent work histories and/or to be employed part-time to balance care responsibilities. Given the **high rate of informal and precarious employment in the region** – including domestic work – efforts should be focused on universal coverage. Laws and policies must also be informed by comprehensive and high-quality data and statistical projections to ensure that leave provisions are responsive to the characteristics of the country's workforce and labour markets.

Publicly-funded mechanisms (i.e., non-contributory

models financed by general taxation) are the most inclusive option for financing parental leave. When employers are responsible for all or part of benefit payments, there is a significant risk of discrimination against women since they are currently more likely to take leave than men. This discrimination can be subtle or even unconscious on the part of the employer due to ingrained gender norms, but it can ultimately result in increased reluctance to hire or promote women due to the perceived costs of a maternity leave or otherwise facilitating the ability to meet family responsibilities. The risk of discriminatory outcomes is elevated for women in precarious work circumstances where their **bargaining power is limited**.

All leave policies should also guarantee job protection. In some countries in the Americas and the Caribbean, the dismissal of pregnant workers or workers on maternity leave is not prohibited by law. Unfortunately, it is not uncommon for women to be

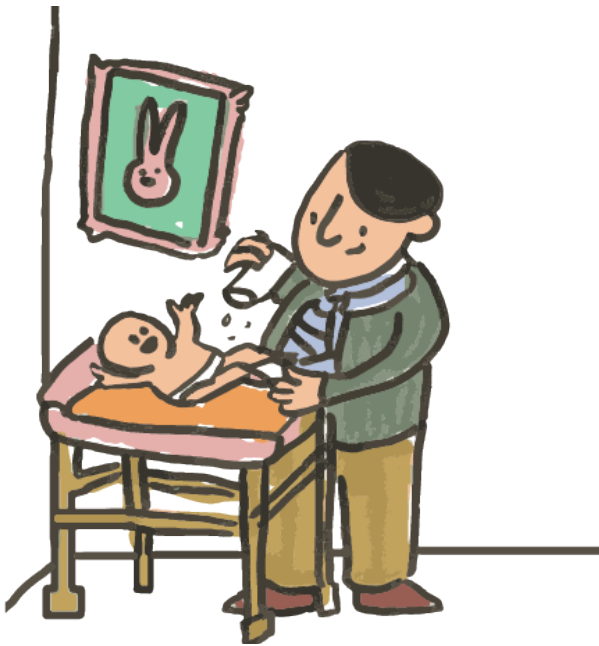
terminated from their job for reasons that are directly or indirectly related to maternity. In companies, this is often disguised as “restructuring.” Women must have **dependable protections and recourse** against this violation of their labour rights.



### 2. Incentivize fathers to take their maximum allowance of paternity and/or parental leave.

Few countries in the region have legislated paternity leave, but among those that do, take-up rates remain low. Global studies show that transferable parental leave ends up being maternity leave, rather than being shared. This is especially true if the leave is unpaid or paid at a low rate.<sup>15</sup> The take-up rate among men goes up as compensation during leave goes up, and the small percentage of men who take paternity or parental leave tend to be from higher socioeconomic classes.

Correcting this imbalance by creating supportive conditions for men to take parental leave promotes a more equitable division of family responsibilities between heterosexual partners, strengthens relationships between fathers and their children, and can contribute to achieving gender equality and women's economic empowerment.



As a first step, it is crucial to reform the regulatory frameworks on parental leave to enable men to use these benefits. For example, ensuring job protection for men on leave removes a potential financial risk that may have prevented a father from taking leave if their salary was higher than their partner's.

Data from countries that have implemented paid, **non-transferable leave ("use it or lose it")** for fathers demonstrates that this incentive structure has stimulated positive changes. Non-transferable leave has the longest history in Scandinavian countries, and take-up rates grew exponentially after it was put into effect.<sup>16</sup>

Paternity and non-transferable leaves should not take away from the time designated for maternity leave. Instead, leaves available exclusively to fathers should be extended (as should the length of maternity leave, if it is insufficient by international standards). Some companies voluntarily provide a bonus, an extension of leave days, or other benefits when fathers take a certain amount of leave. Campaigns to visibilize these benefits can be a powerful means of normalizing men's use of the full amount of paternity and parental leave.

### 3. Promote conditions that make breastfeeding a viable option for workers for as long as they choose.



Creating the circumstances for successful breastfeeding – both during and after parental leave – is a co-responsibility of the public and/or private sector, not a woman's responsibility alone.

#### Law of note



In 2019, the Canadian government put into effect a five-week Parental Sharing Benefit available to families that qualify for employment insurance benefits. As a "use it or lose it" benefit, these weeks are reserved for the non-birthing parent, and its objective is to encourage fathers to take more time to care for their new child, allowing mothers to return to the workforce earlier. This benefit is available for up to eight weeks for families that have opted for the extended parental leave option (18 instead of 12 months, at a reduced payment rate). The federal Parental Sharing Benefit is inspired by the experience of the Canadian province of Quebec, which has had its own parental leave program since 2006. Quebec provides five weeks for fathers, covered at 70% of their income (or three weeks at 75%). Take-up rates increased steadily after the introduction of the program; in 2017, 81% of partners in Quebec took time off, compared to 12% in the rest of the country.

Data source: Statistics Canada, "Employment Insurance Coverage Survey, 2017," 2018, p. 5. Available at: <https://www150.statcan.gc.ca/n1/en/daily-quotidien/181115/dq181115a-eng.pdf?st=RB8xi46l>

The WHO recommends two years of breastfeeding, with **exclusive breastfeeding** for the first six months of an infant's life.<sup>17</sup> This may not be possible or desirable for all mothers and their babies; however, among the most commonly-cited reasons women stop breastfeeding earlier than the recommended amount of time is an early return to work – not a lack of milk supply or a lack of interest in breastfeeding.<sup>18</sup> **If conditions are supportive, breastfeeding is compatible with full-time employment**, and it can increase the rates of exclusive breastfeeding among those who choose and are able to do so.

Upon their return to work, mothers may be met by an environment that is unwelcoming to the continuation of breastfeeding, either through a scrutiny of their decisions, or a lack of appropriate facilities and logistical support required for pumping and storing breastmilk. For breastfeeding mothers, policies that guarantee paid breastfeeding breaks throughout the day can make the transition back to work less challenging after parental leave and enable continued breastfeeding to remain a true choice. The policies should be backed by strong legislation and education for employers and all employees, which will promote greater cultural acceptance of breastfeeding.

Support for breastfeeding can generate higher job satisfaction and retention of valued employees. It makes business sense as well. For instance, lactation support can also make workplaces more attractive to prospective employees. In the long term, **it can lower healthcare costs**. Since breastfeeding increases infants' immunity to illness (which is easily spread in daycare environments), supportive conditions may reduce the need for parents to take time off from work.



#### 4. Use language that is inclusive of all gender identities and experiences of parenthood.



Families and their experiences of parenthood are diverse, and legislation should reflect inclusion of LGBTQI people in order to uphold the rights of this community and the principles of non-discrimination. Careful attention to terminology not only in legal frameworks but also in daily speech can help to transform attitudes and promote inclusion.

**It is important to not make assumptions or imply expectations** around gender identities or relationship and family structures. For instance, the birthing partner may not identify as a woman or as the child's only mother. Some families have no mothers. Men in same-sex relationships – whether married or common-law spouses – likewise require equal access to parental leave if they have children.

Binary, heteronormative terms therefore exclude some co-parents. Alternatives to woman/mother and man/father include: the pregnant and birthing parent or the gestational parent, and the birth partner.

Consider making leave policies gender-neutral but with adequate provisions for the birthing parent who requires unique protections in relation to their working lives, including additional leave before and immediately following delivery. **Gender-neutral leave policies** work from an understanding that all workers may have reproductive and caregiving responsibilities, not only biological mothers.

## 5. Lead by example, showing that parliaments are workplaces and that parliamentarians are also parents.



Given the impact parental leave has on achieving gender equality, parliaments have a mandate to put co-responsibility into action. For parliamentarians, this is a matter both of meeting the needs of constituents and of oversight of the government's compliance with regional and international conventions. As such, strengthening parental leave legislation is integral to the equation. Parliamentarians can also play a powerful role by **modeling good practices**.

When parliamentarians are entitled to the same workplace benefits as other parents (and make use of them), the rights associated with parenthood are reinforced, as is the value of work-life balance. In Canada, a motion was passed making members of parliament, both women and men, eligible for 12 months of fully paid parental leave.<sup>19</sup> In their internal policies, parliaments and governments can also lead the way by **expanding upon statutory provisions**. In Argentina, a series of reforms in 2007 and 2008 were implemented by the State for public servants. The reforms included extending access to childcare centres to widowed, separated, or divorced men who have custody of, and reside with, their children. They also introduced paternity leave beyond the minimum time required by law; a leave for the care of a sick or injured child (or other relative); and four to six days of personal leave per year.<sup>20</sup>

Individual actions, especially by high-profile figures, can help to **reshape cultural expectations around parenting and work-life balance** – even in the world of politics. In their offices, parliamentarians can champion work-life balance for staffers, whether or not they have children. Just as it is important to ensure there is no bias against employees who are parents, childfree employees should not face pressure to take on additional projects or work longer hours than their peers with childcare responsibilities. Some good practices parliamentarians have shared in this regard include working from home when it is necessary to get work done early in the morning to prevent employees from feeling obligated to likewise arrive early at the office, encouraging the full use of vacation time, and affirming that constantly putting in long hours that jeopardize your health are not “just part of the game.” These practices can help to establish workplace cultures in which taking time to care for children or personal matters is normalized and respected.



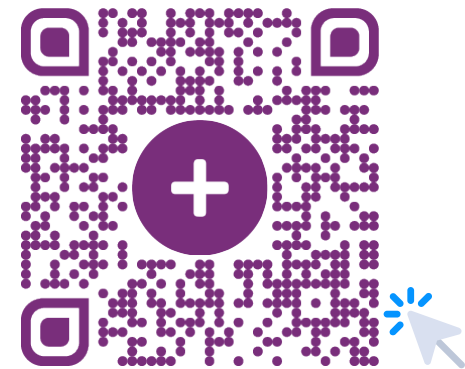


## NATIONAL FRAMEWORKS



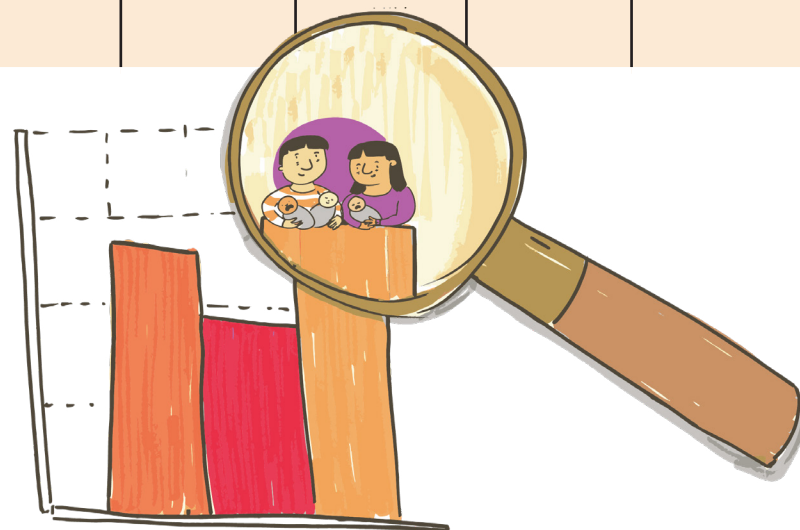
A full comparative table of parental leave legislation is available on ParlAmericas' website. For a shortcut to the chart, use your phone's camera to scan the QR code.

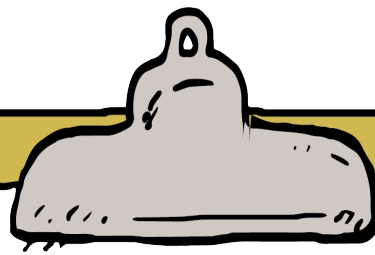
The chart contains updated details on the laws that regulate maternity, paternity and parental leave for each of ParlAmericas' 35 member parliaments. Links to the text of the law(s) are included for each of these categories of leaves. Details on eligibility and benefits calculation (e.g., duration and payment calculations) are provided, along with the corresponding article within the law. Legislation on job protection for parents is also listed, along with other unique features of the country's parental leave and readings for interest.



COUNTRY	MATERNITY LEAVE	PATERNITY LEAVE	PARENTAL LEAVE	JOB PROTECTION	COUNTRY	MATERNITY LEAVE	PATERNITY LEAVE	PARENTAL LEAVE	JOB PROTECTION
Antigua and Barbuda	●				Colombia	●	●		●
Argentina	●	●		●	Costa Rica	●			●
The Bahamas	●		●	●	Cuba	●	●	●	●
Barbados	●			●	Dominica	●			●
Belize	●			●	Dominican Republic	●	●		●
Bolivia	●	●		●	Ecuador	●	●	●	●
Brazil	●	●		●	El Salvador	●	●		●
Canada	●		●	●	Grenada	●			●
Chile	●	●	●	●	Guatemala	●	●		●

COUNTRY	MATERNITY LEAVE	PATERNITY LEAVE	PARENTAL LEAVE	JOB PROTECTION	COUNTRY	MATERNITY LEAVE	PATERNITY LEAVE	PARENTAL LEAVE	JOB PROTECTION
Guyana	●			●	Saint Kitts and Nevis	●			●
Haiti	●	●		●	Saint Lucia	●			●
Honduras	●			●	Saint Vincent and the Grenadines	●			●
Jamaica	●			●	Suriname	●	●		●
Mexico	●	●		●	Trinidad and Tobago	●			●
Nicaragua	●	●		●	United States				
Panama	●	●		●	Uruguay	●	●	●	●
Paraguay	●	●		●	Venezuela	●	●		●
Peru	●	●		●					





## QUESTIONS FOR MONITORING AND OVERSIGHT

### In your country...

- How does the legislation covering parental leave interact with other labour or gender equality laws? Are there gaps that should be filled?
- Are parental leave entitlements and options well publicized by the government? Do workers have a good understanding of their rights and responsibilities?
- Does the complexity of administrative processes limit access to parental leave? Could these processes be simplified?
- Are women in lower-paying, part-time, and/or temporary jobs eligible for paid leave? What about migrants? Agricultural workers? Self-employed workers or small business owners? Domestic workers? Students?
- If paternity leave and/or parental leave exists, what does the data show? Are fathers actually taking it? Why or why not?
- Is disaggregated data currently collected on the take-up rates among employees in both the government and private sector? Is this data used to identify barriers and where supplementary resources and education are needed?
- What civil society organizations advocate on this issue locally? What insight, data, analysis, or new perspectives can they provide?
- Does the end of the parental leave coincide with the start of eligibility for the enrollment of babies in affordable childcare centres, or are families struggling to fill the gap? (I.e., do parents need to find alternate childcare until their baby meets the age requirement for most childcare centres?)
- In practice, can families afford to take the leave they are entitled to?
- In contributory schemes, what do the leave benefits look like for workers with different contribution capacities?
- Do women experience workplace discrimination after taking maternity leave despite laws that prohibit this? What about fathers after taking paternity and/or parental leave?
- What additional supports are provided through workplaces? Do any major employers voluntarily offer additional benefits to parents that could offer lessons learned?
- Do collective bargaining agreements replace or extend legislated provisions on leave policies for parents?
- To what degree do the financial entitlements factor into parent(s)' decisions on the length of leave they will take?
- What percentage of new mothers are single? Do leave provisions provide enough support for them?
- Are women who are pregnant – or may become pregnant – considered for employment on an equal basis with other women and men? Are employers allowed to question a job applicant about her intention to have children? Does it happen in practice?
- How are pension benefits accumulated during periods of parental leave?

## CHANGING THE CONVERSATION

**“With generous leave, women will just want to stay at home indefinitely.”**



Studies have demonstrated that women who have access to paid leave are more likely to return to work afterwards. For example, the rate at which new mothers left Google fell by 50% after paid maternity leave was extended from 12 to 18 weeks.<sup>21</sup> Another study found that women who took advantage of their state’s paid family leave policy were not only more likely to be working in the year following their child’s birth, but that they were also 39% less likely to be

receiving public assistance.<sup>22</sup>

Women’s ability to take leave and return to their positions in the workforce – rather than having to exit in order to become a parent – lowers recruitment and training costs for employers and helps to contribute to women’s continued participation in the labour force. Further, contrary to stereotypes that portray new mothers in the workplace as distracted, less committed, or requiring inconvenient accommodations, evidence demonstrates that **motherhood is in fact a strength at work.** New mothers returning to work have been found to be more productive in less time than their male counterparts.<sup>23</sup> Mothers often give more committed “yes-es” and are adept at skills like time and people management, organization, and creative problem

solving (though this does not tend to translate into better pay).<sup>24</sup>

Of course, not all mothers are eager to go back to work after the birth of their child. Some may decide not to. But **policies that expand choices** – not narrow them – will ultimately benefit individuals, families, employers, and the economy at large.



**“Motherhood is a personal choice. The State should not pay for it.”**



Social supports like paid parental leave are **investments by the State in current and future generations.** Parental leave helps to ensure that all individuals have the ability to choose to be parents, if they wish, and to continue to work. Implementing policies that foster co-responsibility indicates recognition of parenthood as a societal concern, and of how supporting families with their care responsibilities expands choice for all individuals.

Further, maternity leave is not a luxury or a vacation for a new mother; **parental leave is a necessity to facilitate the recovery, care, bonding, and good health of parents and their children.** The State’s provision of parental leave means that it will be accessible for all individuals, rather than those working for specific companies that have voluntarily implemented such allowances, or those who can afford to take time off from work to have a family. Without this access, individuals (especially

women) may face financial strain that causes them to pursue less secure but more flexible work arrangements or to leave the workforce altogether. Parental leave policies therefore create **broader benefits for the economy** by retaining productive members of society in the workforce and contributing to poverty alleviation.

### “Fathers don’t need leave; they aren’t the ones who give birth or breastfeed.”

Birthing parents do have biological needs related to the physical recovery from pregnancy and delivery that necessitate post-partum leave. This leave should not be shortened to accommodate the introduction of paternity or parental leave. However, it should also not translate into women being the only parents charged with the care of infants, which is another key purpose of leave. This would deny care to children with two male parents.

All co-parents deserve adequate time and support to bond with their infants and **establish an active role in their care**. Children should also have a right of access to their parents and can benefit from their equal participation in childrearing. Evidence shows that taking paternity leave increases a father’s involvement in their children’s lives for years to come and benefits both infant and maternal health. Research also shows that the more leave fathers take, the more changes they undergo in the brain’s amygdala and other emotional-processing systems, making them better suited to parenting.<sup>25</sup>



The low take-up rates for paternity and parental leave among men do not mean that these provisions are not needed. It does indicate, however, a need to reconceptualize policies within specific cultural contexts in order to encourage their greater use. Gender norms related to caregiving and paid work can influence how parents divide their responsibilities and how this is perceived in society. Fathers can experience real penalties for taking leave, including **stigma and financial losses**. Similarly, mothers who return to paid employment shortly after giving birth can also deal with conflict or feelings of guilt. It is essential to dismantle these stereotypes so that in heterosexual couples, the mother is not default parent with the father seen as having a supporting role.

### “Our government cannot afford paid parental leave.”

Paid parental leave and other family-friendly policies are investments with widespread **benefits that far outweigh their associated costs**. Paid parental leave promotes women’s empowerment, early childhood development, and more equitable gender relations in households, and it helps to reduce the costly consequences for governments of gender inequality and poverty. Evidence further demonstrates that such policies drive economic growth. In the Nordic countries, for example, the introduction of policies like paid parental leave and the resulting increases in women’s employment and earnings have boosted growth in GDP per capita by between 10 and 20 percent.<sup>26</sup>

Companies also benefit from the provision of paid parental leave. Family-friendly policies support **productivity increases, reduced absenteeism, and greater business earnings**. Parental leave policies enable workers, especially mothers, to advance in their careers. They boost employee morale, performance, engagement,



and health. Such policies also make businesses more attractive to talented prospective employees, which in turn improves brand image, recruitment, and competitiveness.

During times of economic crisis, there is sometimes pressure on politicians to implement austerity measures that cut social programs. This, however, can exacerbate gender inequalities and reverse development gains. Introducing **countercyclical fiscal measures** instead – including increased public spending on social programs like paid parental leave – can help to lessen the impacts of recessions, stimulate growth, and support the workforce through challenging economic circumstances. Because women are more likely to direct their earnings towards children (e.g. investing in their health and education), maternity leave policies also have positive replicating effects.

**“Families are closer-knit in our country. Grandparents are happy to help with childrearing, which allows women to return to work.”**

**Across cultures, grandparents tend to be enthusiastic about participating in their grandchildren’s lives**, and in the region, grandparents do provide substantial childcare. This can provide substantial support for families and have a positive impact on women’s labour market retention. However, many families would be disadvantaged if counting on grandparents – or other relatives – to provide consistent childcare was taken for granted as an alternative to implementing paid parental leave or complementary care policies.



The use of different **informal familial childcare arrangements** is influenced by a combination of parental preferences and relationships, socio-cultural environments and traditions, and critically, the family’s economic status. Grandparental care arrangements are much more common in low-income families. If this support were unavailable or complicated by distance, health reasons, or other responsibilities of the grandparents (including jobs of their own), then these families would be left without a secure safety net.

A further consideration is whether all grandparents are currently involved in primary childcare because they wish to be, or out of necessity. If paid parental leave were a viable option, and could be followed by **high-quality, affordable childcare**, grandparents may prefer to take on fewer childrearing responsibilities. Another important distinction is that it is usually maternal grandmothers, not grandfathers, who take on these duties. This could suggest that the care is undertaken as a continuation of norms that dictate care work as being women’s responsibility. Grandparents should be under no obligation to take on primary childcare, and an unwillingness to do so does not make them “bad” grandparents.

Finally, and most importantly, many parents are also enthusiastic about being with their new child in their early critical months. Paid parental leave facilitates parents’ ability to be present during this time.

### Law of note



In El Salvador, a program called “The Alliance for the Family” was adopted during the early 2000s recession. Its aim was to expand social protection from a gender equality perspective and to prevent the deterioration of living conditions for women and their families during and beyond the recession. Among its components was 100% payment of salaries during maternity leave for working mothers registered with the Salvadorian Social Security Institute.

Source: Espino, Alma, [“Gender Dimensions of the Global Economic and Financial Crisis in Central America and the Dominican Republic.”](#) *Feminist Economics*, Vol. 19 Issue 3, 2013.

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