

PROMOTING LABOUR MARKET PARTICIPATION OF PARENTS WITH YOUNG CHILDREN ACROSS THE EU



EDITORS:

ÉVA LUKÁCS GELLÉRNÉ, ÁRPÁD MÉSZÁROS, TÜNDE FÜRÉSZ

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Best practices in promoting labour market participation of parents with young children

This article is peer-reviewed.

Abstract

Establishing a balance between work and family life is a critical objective for EU Member States, driven by both employment and demographic imperatives. This article explores fundamental aspects of work-life balance, presenting essential themes, statistical insights, and characteristic trends, with a particular focus on labour market dynamics and employment of young parents. Following this, an overview of regional policy frameworks and associated funding opportunities is provided that can offer Member States additional resources to support work-life balance programs. Finally, our article presents selected best practices from the various national reports included in this book, structured thematically to highlight effective approaches across different areas. This section of the article seeks to spark interest and encourage an in-depth review of the following chapters.

Keywords: EU, employment of parents; work-life balance; labour law protection; early childcare systems.

1. General context

EU countries have diverse historical backgrounds and development paths, which have long shaped the basis for examining various models of division of labour within families and societies. The typologies merge, *inter alia*, family and employment policies, welfare regimes, gender differences, and often are called typical models,² like the post-socialist

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² Typical cases of welfare regimes and typologies: the dual-earner support model (Denmark, Finland and Sweden), the general family support model (Germany and the Netherlands), and the market-oriented model (the United Kingdom). Spain represents the southern model, and Czech Republic, Hungary and Poland represent the post-socialist countries, summarised by Susanne Fahlén (2017) Equality at home – A question of career? Housework, norms, and policies in a European comparative perspective, Demographic Research, Vol. 35. Article 48: 1411-1440, p 1416., available at: <https://www.demographic-research.org/volumes/vol35/48/35-48.pdf>

model,³ the Southern model⁴ or the Nordic model.⁵ These models highlight the importance of identifying the earner, whether there is a single earner or dual earners, and who takes on more household responsibilities and caregiving tasks, including raising children.

The male-breadwinner/female-caregiver model, though still influential for couples in the 21st century, is increasingly being questioned in industrialized countries.⁶ The reasons are manifold, including structural changes in the economies with a tangible demand for 'female labour',⁷ as well as that women increasingly become interested in their professional career. People realise that a workplace is not only a source of income but a place where they can gain new skills, get recognition, an antechamber to dignity and well-being. The changes in traditional roles, as far as the increased employment of women is concerned, enjoy overwhelming societal support and women's conscious choices are usually not questioned as they start working after long years of education and professional training, beginning their studies at an early age.

Societal changes, especially increased participation of women in the labour market have, however, induced a wide range of pressures and many of these emerge when couples decide to start a family. After the transition to parenthood, the demands of family life in terms of time and effort increase significantly. Literature refers to it as work-family conflict.⁸ It usually relates to how much time is spent on work and family obligations, and whether the time, energy and investment spent on family obligations leaves enough space for the employees to realise their career objectives. If family obligations (care responsibilities, unpaid domestic work) are shared, this gives a higher probability for both the mother and the father to focus on various career perspectives. It is easier said than done. European statistics show that the majority of household work is still

³ Sára Hungler (2024) Introduction to Social Justice, Welfare and EU Law: Measuring Integration in the Visegrád Countries, (manuscript), 73.

⁴ Lluís Flaquer (2000) Family policy and welfare state in Southern Europe, WP núm. 185, Institut de Ciències Polítiques i Socials, Barcelona, available at:

https://www.researchgate.net/publication/36729630_Family_policy_and_welfare_state_in_Southern_Europe

⁵ Tine Rostgaard (2014) Family policies in Scandinavia, FES, available at: <https://library.fes.de/pdf-files/id/11106.pdf> and Nicholas Campisi, Hill Kulu, Júlia Mikolai, Sebastian Klüsener & Mikko Myrskylä (2023) A spatial perspective on the unexpected Nordic fertility decline: the relevance of economic and social contexts. *Applied Spatial Analysis and Policy*. Vol. 16: 1-31., p. 20. Available at:

<https://link.springer.com/article/10.1007/s12061-022-09467-x>

⁶ Pamela Abbott, Corinne Nativel et Claire Wallace (2013) Dual Earner Parents Strategies for Reconciling Work and Care in Seven European countries, *Politiques familiales et politiques d'emploi « genrées » au Royaume-Uni et en Europe* 2013/14: 73-97., DOI: <https://doi.org/10.4000/osb.1521>

⁷ David A. Cotter, JoAnn DeFiore, Joan M. Hermsen, Brenda Marsteller Kowalewski, Reeve Vanneman (1998) The Demand for Female Labor, *The American Journal of Sociology*, Vol. 103 (6): 1673-1712. Available at: https://www.researchgate.net/publication/249175865_The_Demand_for_Female_Labor#fullTextFileContent

⁸ Lea-Sophie Borgmann, Lars E. Kroll, Stephan Müters, Petra Rattay, Thomas Lampert (2019) Work-family conflict, self-reported general health and work-family reconciliation policies in Europe: Results from the European Working Conditions Survey 2015, *SSM – Population Health*, Vol. 9 (2019), 100465. Available at: <https://doi.org/10.1016/j.ssmph.2019.100465>

done by women.⁹ This not only leads to more propensity regarding psychosocial risks (burnout, stress, among others), mental health issues,¹⁰ but may also create a boomerang effect, resulting in lower productivity among women, as they may choose not to invest time or financial resources in their own professional development upon realizing that the financial returns will not be sufficient to justify the effort.¹¹ This paves the way to gender pay gap and later on to pension gap.¹² The gender pay gap widens with age over the course of a career and grows alongside rising family responsibilities, whereas it is relatively small when women first enter the labour market. In 2020, the gender pay gap was 12,9%, while the pension gap exceeded 28%.¹³

However, research indicates that this cycle can be disrupted: an increase in the income ratio of the mother “significantly predicts a more egalitarian housework trajectory”.¹⁴ It is also evidenced that measures which focus on helping mothers to participate in the labour market are three times more effective demographically than general measures.¹⁵ The fairly honoured (well-paid) economic activity of a family’s female member creates a more conducive environment for the family to consider having children. This suggests that one of the key areas for intervention is the employment of young mothers or prospective mothers, which is a significant factor in promoting both more harmonious family dynamics and broader social cohesion.¹⁶

Previous studies have demonstrated that state-provided social support influences mothers’ participation in and attachment to the labour market.¹⁷ Work-family policies are generally linked to favourable employment outcomes for mothers compared to childless

⁹ EIGE, Gender Equality Index 2021, available at:

https://eige.europa.eu/publications-resources/toolkits-guides/gender-equality-index-2021-report/gender-differences-household-chores?language_content_entity=en

¹⁰ Natascha Notten, Daniela Grunow, Ellen Verbake (2017) Social Policies and Families in Stress: Gender and Educational Differences in Work–Family Conflict from a European Perspective, *Soc Indic Res* 2017/132: 1281–1305. Available at: <https://doi.org/10.1007/s11205-016-1344-z>

¹¹ Milena Rouxinol, Ana Teresa Ribeiro (2022) Discriminação entre géneros (sobretudo) em matéria retributiva – a propósito da decisão do Comité Europeu dos Direitos Sociais à Reclamação n.º 136/2016 (University Women of Europe [UWE] v. Portugal), *Revista do Centro de Estudos Judiciários*, I, 137-138.

¹² EUROSTAT (2024) Gender pay gap, available at:

https://ec.europa.eu/eurostat/databrowser/view/sdg_05_20/default/table?lang=en&category=t_labour.t_earn

¹³ European Parliament (2023) Understanding the gender pay gap: definition and causes, available at:

<https://www.europarl.europa.eu/topics/en/article/20200109STO69925/understanding-the-gender-pay-gap-definition-and-causes>

¹⁴ Natalie Nitsche, Daniela Grunow (2016) Housework over the course of relationships: Gender ideology, resources, and the division of housework from a growth curve perspective, *Advances in Life Course Research*, Vol. 29: 80-94. 88. DOI <https://doi.org/10.1016/j.alcr.2016.02.001>

¹⁵ Matthias Doepke, Fabian Kinderman (2019) Bargaining over Babies: Theory, Evidence, and Policy Implications. *American Economic Review*, Vol. 109:9, September 2019, 3264–3306.

¹⁶ EUROPEAN COMMISSION, Communication, Demographic change in Europe: a toolbox for action COM(2023) 577 final. Point 4.

¹⁷ Misra Joya, Michelle Budig, Irene Boeckmann (2011) Work-Family Policies and the Effects of Children on Women’s Employment Hours and Wages. *Community, Work & Family*, Vol. 14 (2): 139–57.

women. Policies that support work, such as widespread availability of childcare services for young children, have a clear positive impact on mothers' working hours and wages, and also on motherhood and family life.¹⁸

Research also shows that “While women’s labour force participation has increased during the past decades, men have not increased their housework participation to a corresponding extent”, and “that career women have managed to reduce their housework, but not as a result of increased housework by their partner. These couples may have solved the constraints related to work and home demands by outsourcing certain household tasks to the market”.¹⁹ The subsidization of outsourced domestic services (so-called personal and household services (PHS), including childcare) receives growing attention in Europe.²⁰ Support for PHS can create a large number of low-skilled jobs, contribute to reducing undeclared work and helping working families achieve a better work-life balance.

2. Labour market-related considerations

Beyond the individual responses of EU Member States, clear and strong European initiatives²¹ and measures, like the European Pillar of Social Rights, EU labour law²² and the recent work-life balance Directives²³ also underscore the need for supportive activities that can offer solutions for balancing work and family life. The majority of women and men consider work–life balance a top priority when choosing a job or workplace.²⁴

In 2023 the EU’s employment rate stood at 75.3% which is the highest level in the entire available time series.²⁵ The employment rate of parents is also relatively high.

¹⁸ Szelewa, Dorota, Polakowski, P. Michal (2008) Who cares? Changing patterns of childcare in Central and Eastern Europe. *Journal of European Social Policy* Vol. 18. 115-131.

¹⁹ Susanne Fahlén (2017) Equality at home – A question of career? Housework, norms, and policies in a European comparative perspective, p 1430-1431.

²⁰ Elisabeth Leduc, Ilan Tojerow (2024) Home work: Exploring the labor market effects of subsidizing domestic services, *Labour Economics*, Volume 90, 102595. Available at: <https://www.sciencedirect.com/science/article/pii/S0927537124000903>. The European Commission has consistently supported the PHS sector, also Member States, see Sam Desiere, Frederic De Wispelaere, Ludo Struyven (2018) *Labour Market Policy Thematic Review 2018: An analysis of Personal and Household Services to support work life balance for working parents and carers*, Belgium, European Commission, Brussels.

²¹ EUROPEAN COMMISSION, Communication, Demographic change in Europe: a toolbox for action COM(2023) 577 final.

²² [Catalogue of EU labour law directives](#) (European Commission)

²³ 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, OJ L 188, 12.7.2019, p. 79–93.

²⁴ Trude Lappegård, Frances Goldscheider, Eva Bernhardt (2017) Introduction to the Special Collection on Finding Work-Life Balance: History, Determinants, and Consequences of New Bread-Winning Models in the Industrialized World, *Demographic Research*, Vol. 37. Article 26: 853-866, p 857., available at: <https://www.demographic-research.org/volumes/vol37/26/37-26.pdf>.

²⁵ EUROSTAT (2024) Record high employment rate, regional disparities, available at: <https://ec.europa.eu/eurostat/en/web/products-eurostat-news/w/ddn-20241029-1>

In 2021, 77% of women aged 25-54 without children were employed in the EU, in contrast, the employment rate for women of this age group with children was lower, at 72%. The presence of children had the opposite effect on men in the same age group: men with children had a higher employment rate (90%) than men without children (81%).²⁶ Accordingly, the gender employment gap reached 4 pp among people without children and 18 pp among those with children, these figures convey a clear message: motherhood significantly impacts women's participation in employment.²⁷

2.1. Directive 2019/1158 on work-life balance

The objective of Directive 2019/1158 on work-life balance is to promote a more equitable distribution of care responsibilities within families, utilizing various positive incentives to achieve this. It aims to alleviate the disproportionate burden often placed on women,²⁸ however, the Directive has structural limitations and the "Directive could have been used as a springboard to introduce a more progressive framework to address work-life balance issues".²⁹ It focuses on four substantive rights, namely paternity leave, parental leave, carers' leave and the right to request flexible working arrangements for caring purposes (but no right to obtain it). The Directive delegates to Member States the authority to determine supplementary measures, like the amount and method of financial compensation of parental leave and the introduction of an absolute right to flexible working arrangements, but "it remains to be seen whether the specific rights for working fathers, and other second parents, provide them with genuine choices regarding their work-family responsibilities".³⁰ "The main novelty of the ... Directive is the change of paradigm it represents: it acknowledges work-life balance not only as a problem concerning women or parents with young children, but as a problem that can and will affect most workers".³¹ The Directive takes a holistic approach similarly to family support systems in general³² which also are more and more inclusive towards fathers and other members of the family (e.g. grandparents) in Europe.

²⁶ EUROSTAT (2023) Gender employment gap larger for parents in 2021, available at: <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/edn-20230302-2>

²⁷ COFACE, Families Europe (2024): Motherhood employment gap: shedding light on the vicious cycle, available at: <https://coface-eu.org/motherhood-employment-gap/>

²⁸ Natalie Nitsche, Daniela Grunow (2016).

²⁹ Eugenia Caracciolo di Torella (2020) One more step along the way: the 2019 Work Life Balance Directive *Revue de droit comparé du travail et de la sécurité sociale* [Online English Electronic Edition], 2020:4, 70-80, page 74. DOI: <https://doi.org/10.4000/rdctss.803>

³⁰ Michelle Weldon-Johns (2020) EU work-family policies revisited: Finally challenging caring roles? *European Labour Law Journal*, Vol 12/3: 301-321. 315. DOI: <https://journals.sagepub.com/doi/full/10.1177/2031952520966613>

³¹ Sabrina D'Andrea (2022) Implementing the work-life balance directive in times of COVID-19: new prospects for post-pandemic workplaces in the European Union?, *ERA Forum*, 23: 7-18, page 14. DOI: <https://doi.org/10.1007/s12027-022-00703-y>

³² Devaney, Carmen; Christiansen, Øivin; Holzer Julia; MacDonald, Mandy; Matias, Maria; Piessens, An & Salamon, Eszter (2021) The conceptualisation and delivery of family support in Europe: A review of academic literature. EurofamNet. Available at: https://eurofamnet.eu/system/files/the_conceptualisation_and_delivery_of_family_support_in_europe_0.pdf

The legal regulation is extensive: employment of parents with young children across the EU is supported and safeguarded by various key sets of regulations: equal treatment and anti-discrimination laws,³³ provisions that ensure various forms of paid and unpaid leaves, and enhanced protection in cases of termination of the employment relationship. These regulations safeguard the rights of parents during the recruitment process, throughout the duration of their employment,³⁴ and at the time of termination, ensuring that no discrimination occurs in any of these stages.³⁵

There are challenges in practice: the phenomenon of in-work poverty and high unemployment rates of young people should be mentioned. In fact, in 2017, 10% of employees was poor,³⁶ and Eurostat figures show that 8,3% of all workers lived in households that are at risk of poverty in 2023.³⁷ The risk of poverty is higher regarding employees in a precarious situation, including part-time workers. Another worrying trend is the low employment rate of younger employees. In 2023, 12.5% of young women aged 15–29 years in the EU were NEETs, while the corresponding share among young men was 2.4 percentage points lower, at 10.1%.³⁸

2.2. Part-time wage penalty

Part-time employment is a phenomenon that warrants careful consideration, as it can facilitate work-life balance during early childhood years and contribute to higher employment rates, however, it is essential that employees do not become confined to this arrangement; rather, it should function as a transitional bridge toward full-time employment. It is all the more important because “Work-related costs and benefits have been found to go beyond adjusted work hours and loss of income during employment

³³ Carby-Hall, Jo; Goral, Zbigniew; Tyc, Arnetta (eds). *International Workplace Discrimination Law*. London: Routledge, 2023.

³⁴ Luca Ratti, Elisabeth Brameshuber, Vincenzo Pietrogiovanni (eds.) *The EU directive on adequate minimum wages*, Hart Publishing, Oxford 2024. Éva Lukács Gellérné (2018) From equal treatment to positive actions through non-discriminative obstacles — regarding the free movement of person, *ELTE Law Journal* 2018/2: 101-125. Available at: <https://ojs.elte.hu/eltelj/article/view/5187>

³⁵ Nóra Jakab (ed) *Fundamentals of Labour Law in Central Europe*, CEA Publishing, Miskolc – Budapest, 2022. Available at: https://real.mtak.hu/154783/1/CEALSCEPHD07Jakab-LabourLaw_eBook.pdf

³⁶ Eurofound (2017) *In-work poverty in the EU*, available at: <https://www.eurofound.europa.eu/en/publications/2017/work-poverty-eu>

³⁷ EUROSTAT (2024) *In-work-at -risk poverty rate*, available at: https://ec.europa.eu/eurostat/databrowser/view/ilc_iw01__custom_13692209/default/table?lang=en

³⁸ EUROSTAT (2024), *Statistics on young people neither in employment nor in education or training*, available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Statistics_on_young_people_neither_in_employment_nor_in_education_or_training

interruptions related to parenthood”.³⁹ Interruptions in employment and reduced working hours for either parent to provide care place additional strain on the household budget at a time when families require greater, not lesser, financial stability.

At EU level women with childcare responsibilities tend to work more frequently part-time (38%) than men (19%), which can have long-term implications for their careers and financial prospects.⁴⁰ Research has dealt with part-time wage penalty for women extensively,⁴¹ and examined whether the introduction of the Framework Directive on part-time work in 1997⁴² has changed the situation. A study covering Austria, Italy, Poland, and the United Kingdom argued that “the full-time/part-time gap in hourly wages is more caused by segregation across part-time and full-time jobs than by pay discrimination against part-time workers within firms”.⁴³ Female dominated profession where wages are usually lower, fixed-term contracts are more frequent and social security coverage can be lower cover nursing, health care, childcare, household works (cleaning, cooking), teaching and education.⁴⁴ Jobs where digitalisation is widespread also poses challenges.⁴⁵ Conversely, agriculture is an important sector for part-time work,⁴⁶ where however men dominate.

3. Innovative approaches: securing financial support to address demographic challenges

In January 2023 the European Commission published its report ‘The impact of demographic change – in a changing environment’.⁴⁷ It offered a detailed description of the negative trend which leads to depopulation in some European regions where there is a lack of jobs, the infrastructure is inadequate and young people are leaving in search

³⁹ Daniela Grunow (2024) Chapter 1 Resisting or embracing institutional models of parenthood: an analytical framework In: Daniela Grunow and Marie Evertsson (eds) *New Parents in Europe Work-Care Practices, Gender Norms and Family Policies*, 3-28.,4. Elgaronline, DOI: <https://doi.org/10.4337/9781788972970.00008>

⁴⁰ European Institute for Gender Equality (2023) *Better Work–Life Balance: Bridging the gender care gap*, available at https://eige.europa.eu/publications-resources/publications/better-work-life-balance-bridging-gender-care-gap?language_content_entity=en

⁴¹ Eleonora Matteazzi, Ariane Pailhé, Anne Solaz (2012) *Part-time wage penalties in Europe: A matter of selection or segregation?* ECINEQ WP 2012 – 250. Available at: <https://www.ecineq.org/milano/WP/ECINEQ2012-250.pdf>

⁴² Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work.

⁴³ Eleonora Matteazzi, Ariane Pailhé, Anne Solaz (2012) 26.

⁴⁴ ILO (2023) *Where women work: female-dominated occupations and sectors*, available at: <https://ilostat.ilo.org/blog/where-women-work-female-dominated-occupations-and-sectors/>

⁴⁵ Tamás Gyulavári, *Labour Law and Digitalisation* In: Tamás Gyulavári, Emanuele Mengatti (eds.) *Decent Work in the Digital Age: European and Comparative Perspectives*, London, Hart Publishing 2022, 1-18.

⁴⁶ Eva-Marie Meemken, Olayinka Aremu, Anna Fabry, Celestina Heepen, Patrick Illien, Marie Kammer, and Andrew Laitha (2024) *Policy for decent work in agriculture*, Conference Paper (2024). Available at: <https://ideas.repec.org/p/ags/cfcp15/344353.html>

⁴⁷ EUROPEAN COMMISSION, Report, *The impact of demographic change – in a changing environment*, SWD(2023) 21 final.

of a better life. The Demography Toolbox (hereinafter referred to as Toolbox), compiled at the request of the European Council, was published by the European Commission on 11 October 2023⁴⁸ and states that “Demographic change is primarily determined by life choices that individuals and families make. However, EU and national policies should help ensure that people in Europe can fulfil their aspirations”.⁴⁹ The Council recognised that dealing with the demographic challenges of the Member States at European level can have an added value.⁵⁰ The Council supported the Commission in its commitment to support Member States in addressing the demographic challenge through a range of policy instruments available at EU level.⁵¹ The Toolbox foresees different areas for action, efforts must be made – among others – to achieve better reconciling family aspirations and paid work, notably by ensuring access to quality childcare and work-life balance, moreover by supporting and empowering younger generations to thrive, develop their skills, and facilitate their access to the labour market and to affordable housing.

The most important practical part of the Toolbox is its Part 3, which gives an insight into the tools for examining and managing demographic change. As for parents (families) it calls for facilitating work-life balance and support in implementing plans to start a family.⁵² Point 3.1 of the Toolbox sets forth an idea that can serve as a basis for common thinking in the EU: that the gap between the number of children desired and children actually born can be closed by identifying and addressing the reasons for postponing childbearing.⁵³ Causes include the difficulty to reconcile work and care responsibilities, persistent gender inequalities, as well as economic and social insecurity linked to employment prospects, the cost of living and housing. To tackle

⁴⁸ EUROPEAN COMMISSION, Communication, Demographic change in Europe: a toolbox for action COM(2023) 577 final.

⁴⁹ Toolbox, Point 1, p. 1.

⁵⁰ The Toolbox was presented at the General Affairs Council of 24 October 2023, where ministers called for a follow-up to the initiative, available at: <https://www.consilium.europa.eu/en/meetings/gac/2023/10/24/> In its conclusions adopted on 12 December 2023, the General Affairs Council stressed the importance of continued efforts to address the demographic challenge and its impact on competitiveness, human capital and equality.

⁵¹ At this point, it is worth recalling the European Commission, in its 1989 communication, already proposed that for the new and feasible measures Europe must apply a family policy framework and, what is more, raises the idea of the harmonisation of family policies. See Fűrész Tünde, Mészáros Árpád (2024) Európa demográfiai kihívásai kezelésének feladatai az Európai Unió Tanácsának második soros magyar elnöksége alatt In: Navracsics Tibor-Tárnok Balázs (szerk.) A 2024-es magyar elnökség, Ludovika Egyetemi Kiadó, Budapest, 165-192.

⁵² Toolbox, p. 5.

⁵³ The tools for successful action shall be complemented with raising awareness among young women and men of the biological barriers to late childbearing to give them access to accurate information so that they can make a free choice. See Beaujouan Éva, Sobotka Tomáš (2022) Is 40 the New 30? Increasing Reproductive Intentions and Fertility Rates beyond Age 40. In: Nikolaou DS, Seifer DB, (eds.) *Optimizing the Management of Fertility in Women over 40*. Cambridge University Press; 2022:3-13. https://www.researchgate.net/publication/363578363_Is_40_the_New_30_Increasing_Reproductive_Intentions_and_Fertility_Rates_beyond_Age_40

these challenges, the Toolbox offers various good practices, with a focus on, among other factors, enhancing and improving the labour market participation of women, especially those with young children. In terms of efficiency, important factors include the implementation of the principle of equal pay for equal work, the use of flexible work patterns and modifications of taxation systems that help those with children. It is up to the Member States to decide which elements they choose to best complement their own national strategies and measures.

According to the Toolbox support given to parents is regarded as an element of assistance just as important as services provided to other actors. This marks a departure from the previous approach focused only on the individual. The adoption of the Toolbox is not a solution itself, but rather a major step on the way leading to a solution, in other words, a starting point rather than a breakthrough at European level.

At the 9th Cohesion Forum on 11 and 12 April 2024, Commission President *Von Der Leyen* herself and Cohesion Commissioner *Ferreira* spoke of a ‘triple transition’, according to which, beside the green and digital transitions, which have clearly dominated the public debate so far, the social aspects must come to the foreground. Specific mention was made of the demographic challenge as the third horizontal challenge that Europe must address through a change of approach.⁵⁴

The inclusion of the demographic challenge and transformation into the political agenda as an integral and prominent item gives an opportunity to open up EU resources directly to Member States (at a governmental and also at regional and local level) to develop, renew and implement their demographic policies, strategies and actions. The European Committee of the Regions has always been a supportive political actor that has continuously made clear statements on demographic challenges in its opinions of 2016, 2020 and 2024, and suggested to place demography high on the political agenda.⁵⁵ In terms of EU resources and especially cohesion instruments, demographic change could and should be addressed. A study compiled by the European Parliamentary Research Service,⁵⁶ under the heading “Measures and policies

⁵⁴ The key to tackling challenges with internal resources in the long term is to support families and to promote bearing all desired children. See Tímea Barzó (2023) A demográfiai kihívásokra adott családpolitikai válasz hazánkban. Miskolci Jogi Szemle, 18(1): 23–41. Available at: <https://doi.org/10.32980/MJSz.2023.2.23> and András Pári, Irén Rövid, Tünde Fűrész (2024) Population of Europe – From a Hungarian Perspective, In: Tímea Barzó (ed), Demographic Challenges in Central Europe – Legal and Family Policy Response, Miskolc-Budapest, CEA publishing 2024. Available at: https://real.mtak.hu/208373/1/CEA-ProfNet10Barzo-DemographicChallenges_pdf_fullbook.pdf

⁵⁵ The Committee of the Regions adopted at its 162nd meeting a new opinion on 9 October 2024 during the Hungarian Presidency, available at: <https://cor.europa.eu/en/news/strong-cohesion-policy-will-be-key-address-demographic-challenges-and-related-territorial>

⁵⁶ European Parliament, Think Tank, Demographic change in Europe: A toolbox for action, Available at: [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2024\)762302](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2024)762302)

aimed at reversing negative regional trends” gives a list of available instruments⁵⁷ and funds⁵⁸ that render the EU-level mobilisation of resources possible. The EU cohesion funding instruments that can contribute to mitigating the unfavourable implications of demographic change are manifold.

Consequently, the work in the coming years in the Council can build on the fact that there has been a shift in the overall perception of demography, and, as a result, there are no barriers to putting the issue of demography on the political agenda as a top priority and to allocate financial resources for the realisation of activities and programs.

4. Best practices in promoting labour market participation of parents with young children

There is a range of different measures capable of reducing work-life conflict, these are concerned with employees’ hours of work (job sharing, part-time work, flexi time), paid and unpaid leave entitlements (parental leave, career break), financial assistance (childcare, maternity and paternity pay), and caring responsibilities, including early childhood services. Comparative studies on work-family conflict offer numerous insights into the effectiveness of these policies and examine whether employers are inclined to voluntarily enhance mandatory legal provisions.⁵⁹

In this section, we present selected best practices from the works of the volume’s authors, chosen by us in an admittedly selective manner. These examples are not intended to provide a comprehensive picture of each Member State analysis, nor do they necessarily represent the largest-scale measures; rather, we highlight important, innovative or particularly interesting approaches.

⁵⁷ E.g. the Talent Booster Mechanism and the [Harnessing Talent Platform](#).

⁵⁸ EU cohesion funding instruments which can contribute to the mitigation of the unfavourable implications are as follows: the European Regional Development Fund (ERDF), the European Social Fund (ESF+, which in any case includes family support: ESF+ funding for childcare and family services aims at improving work-life balance and, potentially, at increasing birth rates), the European Agricultural Fund for Rural Development (EAFRD), the European Territorial Cooperation (ETC) – the Interreg, the Just Transition Fund (JTF), the REACT-EU (recovery assistance for cohesion and the territories) and the Cohesion Fund (CF), which improves transport and enhances environmental protection through infrastructure development, combating rural depopulation and urban decline by improving living conditions.

⁵⁹ Fiona Scheibl (1999) Measure and communicate the benefits of work-life policies more effectively?, ESRC Centre for Business Research, University of Cambridge, Working Paper No. 135, 1-30. 4: In 1996 “voluntary provision of all of four categories of family-friendly initiatives, which they called a ‘model employer’ (maternity benefits, paternity leave, childcare arrangements and non-standard working hours), was found among just 5 per cent of employers”. Available at:

<https://www.jbs.cam.ac.uk/wp-content/uploads/2023/05/cbrwp135.pdf>

4.1. Labor law rights and part-time work

In Greece, the reduced working hours may be granted in different ways, such as: reduced working hours by two hours per day for the first twelve months and by one hour per day for the following six months; or full days of leave, which are distributed on a weekly basis, corresponding to the total number of hours; or continuous leave of equal duration, granted once or in parts, within the time period in which the employee is entitled to reduced hours for the care of the child.⁶⁰

In Hungary, the employer is obliged, upon the employee's request, to modify the employment contract to part-time work corresponding to half of the full-time working hours until the child reaches the age of four – or until the child reaches the age of six in the case of an employee raising three or more children, which is an absolute right for the employee (both the mother and the father).⁶¹

In Ireland, the Work Life Balance and Miscellaneous Provisions Act 2023 brought into operation flexible working arrangements, and the responsible ministers approved and published the Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working. It will support both employers and employees in the implementation of the provisions of the Act, was developed by the Workplace Relations Commission (WRC), in consultation with trade unions and employer representative bodies.⁶²

In Latvia, a number of benefits are available for breastfeeding mothers until the child reaches 2 years of age. For example, protection in the event of termination of the employment contract is granted until the breastfeeding child reaches the age of 2, and the restriction imposed on the employer to employ a breastfeeding woman overtime if she does not agree to work overtime also applies until the child reaches the age of 2.⁶³

In Lithuania, since 2023, parents of children under 3 working in Lithuanian state institutions and state-owned enterprises, including the Bank of Lithuania, are granted a reduced workweek of 32 hours (down from 40 hours). This is granted to one of the parents. This legal regulation was adopted to encourage employees to return to work earlier, without losing their qualifications and connection to the workplace, while also allowing them to effectively care for their young child.⁶⁴

The Netherlands, until 2020, had a limited scheme regarding parental and other care leave. As a result of Directive 2019/1158 on work-life balance, which contains a number

⁶⁰ Anna Tsetoura (2024) Social protection of working parents with young children in Greece, 101.

⁶¹ Tünde, Fűrész (2024) Promoting Labour Market Participation of Parents with Young Children in Hungary, 118.

⁶² Louise Crowley (2024) Promoting labour market participation of parents with young children in Ireland, 128.

⁶³ Annija Kārklīņa (2024) Promoting labour market participation of parents with young children in Latvia, 158.

⁶⁴ Violeta Vasiliauskienė (2024) Family and work balance in Lithuania, 176.

of measures to better enable parents and informal caregivers combine work and care, these arrangements have been extended. The Paid Parental Leave Act was introduced on 1 August 2022.⁶⁵

In Portugal, working parents of children up to 12 years, or children with disabilities or chronic illnesses (regardless of age), can request a flexible work schedule. This allows them to set their daily start and end times within certain limits. Employers may only deny such requests for significant operational reasons or if no replacement is feasible. The justification for refusal must be validated by the Commission for Equality in Labour and Employment (CITE). If CITE disagrees with the employer's justification, the employer must seek court approval to uphold the decision.⁶⁶

In Romania, since 3 June 2004 single parents can no longer be compelled to work nights shifts.⁶⁷

In Slovenia, if one parent exercises the right to work part-time due to childcare on the basis of the Parental Protection and Family Benefits Act, the employer guarantees the right to a wage according to the actual working time, and the budget of the Republic of Slovenia guarantees the payment of social security contributions to the employee up to his full working time. This means that the worker in this case has social security rights as if he were working full-time (since he also has contributions paid for full-time insurance) and is closer to full-time employment in terms of labour law rights.⁶⁸

In Spain, a new law was adopted in 2019 regarding urgent measures to guarantee equal treatment and opportunities between women and men in work and employment. It requires companies with more than 50 employees to implement an equality plan, together with the requirement of registration of equality plans. Employers must keep records of average salaries, wage supplements, and other extra-salary benefits categorised by sex and professional groups.⁶⁹

⁶⁵ Gerrard Boot (2024) Promoting labour market participation of parents with young children – situation in the Netherlands, 189.

⁶⁶ Ana Teresa Ribeiro, Catarina de Oliveira Carvalho (2024) Promoting labour market participation of parents with young children – the labour market challenges for families with young children, especially for parents who wish to return to work in Portugal, 216.

⁶⁷ Magdolna Vallasek (2024) Promoting Labour Market Participation of Parents with Young Children. The Romanian Case, Case, 232.

⁶⁸ Sara Bagari, Grega Strban (2024) Promoting labour market participation of parents with young children in Slovenia, 263.

⁶⁹ Marc Grau-Grau (2024) Promoting labour market participation of parents with young children – country note for Spain, 286.

4.2. Different leaves and related bonuses

In Cyprus, the maternity allowance starts at 72% of the mother's earnings/salary with no upper limit. The maternity allowance increases to 80%, 90% or 100% of earnings for the second, third and fourth child respectively. The paternity allowance follows the same pattern. For public sector employees, the first 12 weeks of leave are fully compensated, while the following six weeks are paid at 72% of the employee's salary. Some private companies cover the remaining 28% for the first child: in such cases, an employer can request the maternity benefit from the state on behalf of the employee, then add the balance, so that the employee receives a full salary from the employer.⁷⁰ Additionally, the right to parental leave was extended to self-employed parents with the amendment of the legislation in May 2024.

In Finland, a comprehensive Family Leave Reform has been introduced in 2022 including the increase of the parental leave to 320 workdays (previously it was 158 workdays) and an equal share of parental leave.⁷¹

In Hungary, from 2014 – following the introduction of the insurance-based benefit GYED Extra – it has been possible to work and take a job while receiving GYED at the same time which is a measure that counteracts the welfare trap. Parents do not lose the benefit upon returning to work, which enables them to get it as an extra payment covering child-raising costs (e.g. nursery or private care).⁷²

In the Netherlands, both the social partners and the Ministry of Social Affairs agreed (10 April 2024) that the regulations regarding taking leave are too complicated and proposed to simplify the arrangements. According to the government there are 10 different statutory leave schemes, and the government therefore proposes to reduce the various regulations to 3 types of leave for: 1) care for children, 2) care for loved ones and 3) care for personal situations.⁷³

In Poland, the employed parent has the possibility to combine the paternity leave with providing work not more than half of full-time working time for the employer granting the leave. In such case the duration of parental leave is extended in proportion to the working time performed by the employee while taking the leave or part of it, but no longer than 82 weeks – in the case of the birth of one child at one delivery, and 86 weeks – in case of simultaneous birth of more than one child in one delivery.⁷⁴

⁷⁰ Christiana Cleridou (2024) Promoting labour market participation of parents with young children in Cyprus, 50-51.

⁷¹ Jari Murto, Annika Rosin (2024) Promoting labour market participation of parents with young children: The example of Finland, 82.

⁷² Tünde Fűrész (2024) 114.

⁷³ Gerrard Boot (2024) 190.

⁷⁴ Michał A. Michalski (2024) Promoting labour market participation of parents with young children in Poland, 198.

In Romania, persons who, during the period in which they are entitled to parental leave, earn taxable income are entitled to an insertion bonus which is a financial incentive for parents who return to work earlier than the standard parental leave period after having a child. The insertion bonus can be received simultaneously with the state child allowance, the amount of which varies according to age and specific conditions of the child.⁷⁵

In Slovakia, in 2022 the National Action Plan for Employment of Women for the Years 2022-2030 was adopted. The parental leave has been increased, it goes up to 78 weeks, or 80 weeks in cases of caring for two or more children – i.e. 43 weeks from the mother's side, plus another 35 weeks from the father's side, up to three years of age of the respective child.⁷⁶

4.3. Employer's initiatives, collective agreements

In Finland, the Trade Sector Collective Agreement mandates the payment of wages to employees using pregnancy leave for 40 workdays and for employees using parental leave for the first 36 workdays. If the employer pays the employee a wage for at least one month during pregnancy or parental leave, they can apply for family leave allowance of € 2500 from Kela. Additionally, during the period when the wage is paid, pregnancy leave and parental leave allowance is paid to the employer. Also, the government has introduced an equal pay programme for the years 2024–2027.⁷⁷

In Italy, the propensity of companies to favour reconciliation in general, through family-friendly policies and the offer of a range of supports for employees (such as company creches, permits and leave beyond legal obligations, part-time work, training opportunities for parents), is also a promotional factor for paternity.⁷⁸

In Latvia, the Law on Remuneration of Officials and Employees of State and Local Government Authorities provides for certain benefits, like a paid leave at the start of school in grades 1-4, at the graduation from an educational institution or an annual benefit for a dependent child with disabilities.⁷⁹

In Lithuania, a variety of effective practices have been implemented, including flexible working hours, teleworking options, and prioritizing parents in the scheduling of

⁷⁵ Magdolna Vallasek (2024) 237.

⁷⁶ Zuzana Macková (2024) Work-life balance for parents and carers through implementation of the Directive 2019/1158 in Slovakia, 250.

⁷⁷ Jari Murto, Annika Rosin (2024) 74 and 84.

⁷⁸ Lucia Boccacin, Maria Letizia Bosoni (2024) Balancing work and family care in Italy: current challenges and perspectives, 149.

⁷⁹ Annija Kārklīņa (2024) 168.

annual leave. Employers are encouraged to create a family-friendly work environment, recognizing the positive impact of such policies on employee well-being and overall productivity.⁸⁰

In Portugal, in 2023, out of a total of 299 collective agreements 101 referred to reconciliation. There is a clear concern with working time, given the impact it has in this domain. Collective agreements mostly repeat or refer to the legal regime, without innovating, but others go beyond and confer extra rights (such as birth allowances) or enshrining new regimes (e.g. unpaid leave for up to one year after giving birth; time-off for up to two days each month, without loss of rights, within 12 months after birth; time-off on their children's birthday day).⁸¹

In Romania, nursery vouchers are optional monthly benefits for employees who forgo parental leave for children up to two years old (or three for children with disabilities). Provided at the employer's discretion, these vouchers can exclusively cover nursery fees at contracted facilities.⁸²

In Slovenia, an example of good practice can be found in the Collective agreement for Slovenia's trade sector, which prohibits night work, work on Sundays and public holidays for parents of young children, unless the parent agrees to different working arrangements.⁸³

4.4. Outsourced domestic work

In Finland, there are tax incentives that aim to reduce undeclared work and the 'grey economy', when hiring a nanny or childcare professional to work in a child's home, some of the cost can be tax deductible based on tax credit for household expenses.⁸⁴

4.5. Social protection

In the Czech Republic, with effect from 1 January 2024, among other things, the parental allowance has been increased and its maximum support period has been aligned with the length of parental leave. A relatively unique benefit formula is applied. Under certain circumstances (basically in the case of a sufficiently high income), the recipient of the parental allowance can choose the length of the parental allowance. The higher the income, the greater the flexibility and the possibility to draw the parental allowance within six months. According to the former legislation, each recipient of parental allowance could choose the amount of the allowance, up to CZK 13,000 per month. The increase in parental allowance from 1 January 2024 means that parents

⁸⁰ Violeta Vasiliauskiene (2024) 179.

⁸¹ Ana Teresa Ribeiro, Catarina de Oliveira Carvalho (2024) 217.

⁸² Magdolna Vallasek (2024) 240.

⁸³ Sara Bagari, Grega Strban (2024) 264.

⁸⁴ Jari Murto, Annika Rosin (2024) 75.

with high incomes can draw parental allowance in 6 months at the earliest, drawing up to CZK 58,333 per month.⁸⁵

In Ireland, to encourage workplace engagement, from 2020, a parent in receipt of One-Parent Family Payment can earn €165 per week which will be disregarded in the means assessment for the OPFP, with half of all additional earnings assessed as means.⁸⁶

In Italy, from 2024 the General Family Allowance has been introduced, which is paid to all families with children on the basis of indicators linked to household composition and income and which covers large groups of families that were previously excluded from full benefits.⁸⁷

In Poland, on 12 June 2024, the Act on supporting parents in labour market professional activity and raising children, 'Active Parent' was introduced. The Act offers three new benefits for parents raising small children who will be entitled to apply for the benefits from 1 October 2024: 'active parents at work' benefit, 'actively in the nursery' benefit and 'actively at home' benefit.

In Slovenia, workers caring for sick immediate family members are entitled to a sickness cash benefit equal to 80% of the previous year's average contribution basis. During this period, they retain full social insurance coverage. Absence may last up to ten working days per instance (20 days for children under seven or those with severe disabilities), with possible extensions for medical reasons, but there is no annual limit on the number of times this right can be exercised.⁸⁸

Large family allowances or increased allowances based on the number of children exist in every Member State. The involvement of grandmothers or grandfathers as beneficiaries of certain social benefits (not as guardians) expressly appears in Bulgaria, Greece, Hungary, Italy, Lithuania, Poland, Portugal, Romania, Slovakia and Slovenia.

4.6. Early childhood education and childcare systems

In Bulgaria, the system of organized childcare includes nurseries for children up to 3 years of age, kindergartens for pre-school education up to 7 years of age, both forms are financed from the state budget through municipal budgets and parents do not pay fees for them. Their opening hours are very convenient for working parents – between 7am and 7pm. It allows parents to work full-time and use childcare for

⁸⁵ Lucie Matějka Řehořová, Kristina Koldinská (2024) Czech Republic and its social protection of parents with young children (2024) 68.

⁸⁶ Louise Crowley (2024) 131.

⁸⁷ Lucia Boccacin, Maria Letizia Bosoni (2024) 145.

⁸⁸ Sara Bagari, Grega Strban (2024) 265.

their child. An additional option to receive state support to pay part of the fee for a private kindergarten has been introduced in 2023 in case the child is not admitted to a municipal kindergarten.⁸⁹

In Cyprus, new legislation was adopted in March 2024 which gradually reduces the minimum age for compulsory pre-primary education entry over the next few years. In the 2024-2025 academic year the minimum age will be lowered by two months, allowing children who are four years and six months old before 1 September 2024, to attend pre-primary school. The minimum age will be lowered for each following academic year so that by the 2031-2032 academic year the minimum age for compulsory pre-primary education will be 4 years old.⁹⁰

In Finland, private day care allowance is paid if the child is under school age and either attends private early childhood education or is in the care of a paid childminder. Kela pays the allowance directly to the private childminder or the provider of early childhood education.⁹¹

In Hungary, the kindergarten is compulsory and free of charge from the age of 3 to 6, and children get free meals depending on the family's income and other considerations (e.g. at least three children raised in the family). Approximately three-quarters of children are entitled to free meals. 100% of those aged 3-6 went to kindergarten in 2023, which shows an increase of 15 percentage points compared to 2005, when the participation rate was 85%. Nurseries accept children aged 20 weeks to 3 years. From September 2024, the Hungarian State Treasury will provide a monthly subsidy of HUF 50,000 to rural working parents (HUF 65,000 for single parents) whose children attend nurseries, which can be used for nursery care and/or meal fees.⁹²

In Italy, the Integrated System of Education (called 'Integrated 0-6 years system') was introduced in 2017, which provides an educational pathway from birth to 6 years as a fundamental tool for the enhancement of childhood and the prevention of educational poverty.⁹³

In Poland, the Family Care Capital provides financial support to families with young children, offering up to approximately € 2,790 for the second and subsequent children between 12 and 36 months of age, regardless of household income. Parents can choose to receive either around € 116 monthly over two years or about € 232 monthly for

⁸⁹ Tsveta Popova, Promoting Labour Market Participation of Parents with Young Children National Contribution – Bulgaria, 42.

⁹⁰ Christiana Cleridou (2024) 56.

⁹¹ Jari Murto, Annika Rosin (2024) 87.

⁹² Tünde Fűrész (2024) 120.

⁹³ Lucia Boccacin, Maria Letizia Bosoni (2024) 147.

one year. This benefit is meant to ease the costs associated with childcare, allowing parents to use the funds flexibly, whether for a nursery, nanny, or other care options. Additionally, for children who do not qualify for Family Care Capital (such as the first child), there is a co-financing option for childcare facilities, offering up to roughly € 85 per month.⁹⁴

In Slovakia, to facilitate the reconciliation of family life and work, regulations for establishing and operating daycare nurseries have been simplified in 2022, allowing for the creation of “children’s groups.” These small-scale childcare settings, accommodating up to four children aged 0 to 6 years, offer care in a home-like environment. Parents who utilize these children’s groups are eligible for childcare allowances.⁹⁵

In Slovenia, the ECEC system is financed by the municipalities for the first child, while the difference is covered by the parents depending on their income bracket (from 0% to 77% of the programme price). If parents have two or more children enrolled in a childcare centre, they are exempt from paying fees for the second and subsequent children. The cost of childcare for the second and subsequent children is covered by the state budget.⁹⁶

4.7. Creative solutions

In Bulgaria, mothers have priority to take their paid annual leave during the summer.⁹⁷ Also in Bulgaria, the “Parents in Employment” project by the Employment Agency provides childcare funding for children up to five years old, focusing on communities with limited childcare options. Under this program, unemployed individuals are hired as caregivers, caring for children for eight hours daily at minimum wage. The initiative, beneficial in lower-wage areas, is designed to support parents – whether employed or unemployed – in seeking or beginning work, and includes an employment contract between the Agency and the caregiver.⁹⁸

In Greece, working parents are entitled to take up to four full working days per year off, with the employer’s consent, to visit the school or education facility of their child. This applies to children up to 18 years old attending elementary or secondary school, as well as children with special needs, regardless of age, attending special education institutions or day care centres. The leave is granted without wage deductions for the purpose of monitoring the child’s school performance and attendance.⁹⁹

⁹⁴ Michał A. Michalski (2024) 199.

⁹⁵ Zuzana Macková (2024) 253.

⁹⁶ Sara Bagari, Grega Strban (2024) 271.

⁹⁷ Tsveta Popova (2024) 36.

⁹⁸ Tsveta Popova (2024) 42.

⁹⁹ Anna Tsetoura (2024) 102.

In Hungary, the role of intergenerational solidarity in promoting labour market participation of parents with young children shall be mentioned. The preferential old-age pension for women – “Nők40” scheme – is considered an old-age pension in every respect. A woman is entitled to this personal pension regardless of her age, provided she has at least 40 years of eligible service time. The “Nők40” scheme could serve as a form of “grandmother pension,” helping women who retire before the statutory retirement age to actively participate in the care, supervision, and upbringing of their grandchildren.¹⁰⁰

In Ireland, in March 2024, the Central Statistics Office (CSO) launched the Women and Men in Ireland Hub, a new platform using the latest data from the CSO and other public service bodies to provide comprehensive data on Women and Men in Ireland. The information provided considers six main themes: Gender Equality; Work; Education; Health; Safety and Security, and Transport.¹⁰¹

In Lithuania, as of 1 January 2023, the state and other institutions where 100 or more civil servants or employees working under employment contracts are employed and where these civil servants or employees work in one or more adjacent buildings will have to set up children’s rooms for short-term childcare. Children’s rooms must contain toys, games, books, magazines, drawing materials or other educational materials for children of all ages.¹⁰²

In Romania, men who are insured in the state social security system are entitled, based on a request to this end, to a paternity leave of 10 days or, if they graduate a childcare course, of 15 days within the first eight weeks following the birth of their child. The childcare course consists of the presentation of basic theoretical and practical notions necessary for the care of the small child, to enable the father to effectively participate in the care of his own newborn child.¹⁰³

In Spain, there is an organization that certifies companies for their commitment to corporate family responsibility. Fundación Másfamilia is a private, professional, independent, non-profit and charitable organization which is active in developing actions to promote work-life balance.¹⁰⁴

¹⁰⁰ Tünde Fűrész (2024) 118-119.

¹⁰¹ Louise Crowley (2024) 125.

¹⁰² Violeta Vasiliauskienė (2024) 177.

¹⁰³ Magdolna Vallasek (2024) 236.

¹⁰⁴ Marc Grau-Grau (2024) 289.

5. Observations

The challenges of the 21st century have uniquely impacted European societies, including transformations in the quality of family bonds, a nuanced view of parenthood, the strengthening of work as a domain for self-realization, and, as a distillation of these factors, the emergence of modern forms of work-family conflict. The challenges and the solutions adopted on the European stage share numerous common characteristics, including the involvement of various stakeholders alongside the state (employers, civil organizations) and a commitment to approaching the issue holistically from multiple angles. The recent introduction of paid paternity and extended parental leave by the work-life balance Directive has certainly raised the level of motivation and actual implementation and share of childcare responsibilities of fathers, which equalises the position of men and women and helps to create emotional bond between fathers and their children at an early age.

It increasingly appears that the differences between European regional, traditional approaches (post-socialist, Southern, or Northern models) are gradually diminishing, with most regions beginning to follow very similar patterns, drawing heavily on each other's experiences. This includes the strengthening of advanced childcare services systems and family support horizontally, as well as the enforcement of labour rights and various types of leaves (maternity, paternity and parental leaves).

This topic is also of great interest at the scientific level, as seen in the vast volume of related literature, broad coverage across scientific fields, and its strong interdisciplinary nature. National measures and best practices play a significant role, as their wider recognition and dissemination can provide a broader array of measures and activities for those who wish to enrich existing systems with new solutions. "European welfare states depend fundamentally on families' balancing paid and unpaid work with reproduction and care to keep societies functioning".¹⁰⁵

¹⁰⁵ Daniela Grunow (2024) 5.

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Promoting labour market participation of parents with young children national contribution – Bulgaria

This article is peer-reviewed.

Abstract

Gender equality in terms of participation in the labour market is established in Bulgaria both de facto and in terms of regulatory environment, however, caregiving responsibilities of children are traditionally fall on mothers. The article contains information on employment rights in Bulgaria for parents and adoptive parents, as well as on social security rights related to childbirth, adoption and child rearing. The recent developments in the area of childcare services are also outlined. The article argues that in terms of employment equality between men and women with young children, the comprehensive childcare system has contributed the most in practice to enhance work-life balance, in addition to provisions of additional leave entitlements, high benefit levels and restrictions on dismissals for mothers of young children. Availability of places in state-funded childcare facilities is therefore a key issue in Bulgaria. The article also suggests further considerations on how the involvement of fathers in childraising could be broadened.

Keywords: employment of parents; work-life balance; labour law protection; social protection; childcare systems

1. General context

There are no major differences in economic activity statistics for men and women, and unemployment figures are almost equal for both sexes. At the same time, children in the country, especially young ones, are traditionally raised by women. Until the sharp increase in the retirement age in 2000, the retirement age of 55 for women primarily allowed grandmothers to care of children while the mother returned to work. For almost 25 years now, the care of young children was primarily taken over not by young, retired grandmothers, but mostly by mothers. When mothers work, they rely heavily on assistance from the state. In Bulgaria, there is an established tradition of maintaining state-organised forms of childcare (childcare facilities), which allows mothers to return to work.

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The non-admission of the child due to the lack of a place in a childcare facility makes it difficult for the mother to return to work full time. A series of organisational, legislative and financial measures have been taken in recent years to provide more places in kindergartens in big cities; transparency and public control over the process of filling vacant places is introduced; funding is increased to build new kindergartens in big cities, fee for municipal kindergartens is now entirely dropped and costs of private kindergartens are compensated for the families using such. Society is particularly sensitive to these issues because historically the state provided the opportunity for the mother to place the child in childcare and return to full-time work even before the child is one year old. At the same time, employment and social security legislation provide several important rights for working mothers of young children. Additional legislative measures have been introduced to increase the rights and opportunities of parents and adoptive parents, especially males, to combine raising children with work. The lack of places in state-funded childcare facilities is a particularly sensitive matter. It is also often used for electoral purposes. For example, the last regular government made these kindergartens completely free and introduced a monthly sum of money to compensate parents of children enrolled in a private kindergarten.

There are several main challenges of raising young children in Bulgaria. First and foremost: in big cities it is greatly difficult (sometimes practically impossible) to place a toddler in a state-funded childcare facility so that the mother can return to work full time without paying high fees for a private childcare facility or a nanny. Secondly, employers' avoidance of employing a mother of a young child is a significant problem, as she is traditionally involved in childcare when the kid is sick and thereby she is often absent from work. As per Bulgarian legislation, a working mother can easily take time off for childcare due to illness, quarantine of the kindergarten, etc. Doctors easily authorise such leave. During this period, the mother receives a benefit nearly equivalent to the net salary she would earn if she were working. At the same time, the employer of a working mother of a young child must comply with a great number of statutory requirements. These are related to eased working conditions and protection against dismissal, as regulated in the Labour Code. The administrative procedure employers are requested to follow in order to lawfully dismiss a mother of a child up to three years of age is too complex and uncertain, which is the most common reason for not hiring mothers of young children². The fact that mothers' hiring is quite difficult explains to a certain extent why they often agree to accept lower paid jobs. State statistics do not show a significant share of parents of young children in the labour market in terms of undeclared work and unpaid work. For this reason, it is not relevant to qualify children's upbringing as an obstacle to legal employment in Bulgaria.

² Александров, Андр. Осигурява ли българското законодателство „най-благоприятните условия на труд за жените“ в Европа. Български законник, 2021, № 8, 26-30.

2. Labour market situation

From the official Eurostat³ data, we can trace the main trends on the Bulgarian labour market. The country's population, as well as those between the ages of 15 and 64, is steadily declining. In 2019, it was 4,502,000 (out of a total population of 7 million), and in 2023 only 4,019,000 (out of a total of 6,448,000) citizens. The proportion of Bulgarians in active employment are slightly above the EU average. In the last five years, the share of Bulgarians in active employment is slightly increasing – from 74.3% employed in 2019 to 76.2% in 2023. An important trend regarding the employment of parents raising children, traditionally women, is that they are not affected by higher unemployment, nor do most work part-time.

National statistics show that in 2019, 70.2% of women and 78.3% of men were employed. The trend is on the rise, it has reached 72.6% for women and 79.9% for men by 2023. While for women these figures⁴ are slightly above the average for EU countries, for men they correspond exactly to the average level of employed persons in relation to the total population in this age group – from 20 to 64. In the same group, the unemployment rate for 2019 is 5.7% for men and 3.8% for women. In the period to 2023, it has decreased to 4.3% for men and increased slightly for women to 4.2%.

In terms of full-time and part-time employment according to official Eurostat data⁵, Bulgaria is characterised by a very low prevalence of part-time work (less than 0.2% of active citizens aged 15-64 work part-time), as well as its almost equal gender distribution in the 2019-2023 periods, with the largest difference of 6%. According to a survey conducted by the Bulgarian National Statistical Institute (the “NSI”) in 2018, out of the 3 million and 69 thousand people in active age from 18 to 64, 1 million and 22 thousand people were raising children⁶. Of these, 795 thousand people were both parenting and working, 40 thousand were unemployed and 187 thousand were out of the labour force. Of the total number of people combining child raising with employment, 46% were women, meaning that more women are out of labour force and are caring for children than men who are caring for children and are not working. Out of the unemployed, 49.6% are women raising children. These figures show an almost equal gender distribution and not much higher unemployment rate among women raising children. The difference is in the rate of persons out of the labor force who are caring for children. Women who are caring for children and are out of the labor force are five times more than men.

³ Statistics | Eurostat (europa.eu)

⁴ Statistics | Eurostat (europa.eu)

⁵ Statistics | Eurostat (europa.eu)

⁶ Reconciliation of Work and Family Life – Supplementary Module to the Labour Force Survey 2018 | National Statistical Institute (nsi.bg)

The fertility rate for Bulgaria for 2022 and 2023, according to Eurostat, is 1.78-1.79 and is above the EU average. Women in urban areas give birth to an average of 1.67 to 1.71 children, while in rural areas – 2.09 to 2.11 children. The age at which Bulgarian women most often give birth is between 25 and 29 years for 30% of them (with a tendency to decrease in the last five years to 25% in 2023) and between 30 and 34 years for 27-28% of women according to NSI data⁷. Thus, the average age at which mothers gave birth in 2023 in Bulgaria was 29.2 years, per the NSI data⁸. If childbirth excludes women from active labour force participation, this should mostly be reflected in an increase in the number of unemployed and a decrease in the number of actively employed women after their thirtieth year. But the data published in Eurostat on employment and unemployment for Bulgaria for women before and after the age of 25 and 30, when two-thirds of women should be raising young children, shows neither a decrease in female employment nor an increase in unemployment. On the contrary, the employment gap for younger people, including women over the age of 18, is greater than after the age of 25. The total number of working women aged 16-24 according to Eurostat data for Bulgaria in 2019 was 50,000, while the number of working women aged 25-49 was 917,000. These figures are steadily declining in recent years, with 42,000 of women aged 16-24 working in 2023 and 784,000 of working women aged 25-49 in 2023. It can be assumed that engaging in educational attainment underlies the lower labour market participation of young women, as giving birth does not seem to affect their employment.

Regarding wage rates, men earn on average between 13.6% and 12.6% higher wages (for the period 2018-2022) than women, with these differences reaching 22-30% higher for men in the financial and insurance, healthcare and manufacturing industries⁹. While the percentage of parents of both genders who work full time does not differ much, the figures for wages show otherwise. Women work on a par with men but are paid less. This may be due to the fact that they – though reluctantly – tend to accept lower pay for the same work, and to the fact that they are prevented from applying for more responsible and posting-related jobs, as these are more difficult to combine with raising young children.

3. Labour law protection of and employment incentives for parents of young children

The report contains information on employment rights in Bulgaria for parents and adoptive parents, as well as on social security rights related to childbirth, adoption and child rearing. These cover only employed individuals and are defined by Bulgarian

⁷ Live births by districts, municipalities and mother's age | National statistical institute (nsi.bg)

⁸ Average Maternal Age at Birth by Place of Residence, Statistical Regions and Districts | National Statistical Institute (nsi.bg)

⁹ Gender Pay Gap

labour and social security legislation¹⁰. Information on social benefits for children will be given further on, because social benefits are granted not only to working parents but to all those who meet the social criteria and give birth/adopt and raise children.

3.1. Maternity leave

Bulgarian legislation grants leave for pregnancy, childbirth/adoption and raising a child, some of which are rights only for the female sex – for mothers and adoptive mothers, guardians -, while others are granted only to men or can be used instead by the mother or adoptive mother and the father/adoptive father or even the grandparent of the child. It is about taking leave under any employment relationship, without restriction and regardless of whether the beneficiary meets any requirements other than being an employee. Benefits during leave are only paid under social security legislation if the person also has an insurance period of 12 months (was insured for temporary incapacity and maternity). Benefits are paid at the expense of the state social insurance. If employees have not obtained enough relevant insurance period they are entitled to take leave, but it is unpaid leave, as the employer is not obliged to pay any part of the childbirth, adoption and parental benefits.

Every working mother is entitled under Article 50 of Bulgarian Social Insurance Code (SIC) to 410 days' maternity leave, of which 45 days must be taken before the presumed due date of delivery. The amount of the benefit paid by the National Social Security Institute (the "NSSI") is 90% of the average income of the mother for the last 24 months as per Article 49 SIC (when the mother was insured for sickness and maternity) and is usually close to the previous net earnings. The mother can return to work according to Article 50a SIC after the child's third month and receive 50% of the benefit from the NSSI (which she would have received if she had been on leave) in addition to her salary from the employer for the remaining days. Few women benefit from this opportunity – in 2023 they were only 839 or 0.03% of all insured persons. Another option available to the mother is to transfer these rights after the child's sixth month to the working father, who is entitled to enjoy them until the end of the 410 days. The mother then returns to work and the father takes care of the young child and receives a benefit from the NSSI in the amount of 90% of his average insurance income for the last 24 months. Only 408 fathers exercised this right in 2023¹¹, compared to over 76,000 women entitled to the same leave. The data show that despite the opportunity for fathers to take parental leave and be almost fully compensated for their lost earnings with a high benefit, they do not take such leave. At the same time, due to the high amount of the benefit, mothers in Bulgaria take this leave and return to work when the child turns one year old at earliest.

¹⁰ Средкова, Кр. Трудовоправна закрила на работниците и служителите със семейни задължения. – В: Актуални въпроси на семейното и наследственото право. Сборник с доклади, изнесени на национална научна конференция в памет на проф. Лиляна Ненова, София: Университетско издателство „Св. Кл. Охридски“, 2017, 129-146.

¹¹ As per NSSI's official data, p. 8.

Until the end of the second year of childbirth, the mother can stay at home to raise her child, but in the period between the first and second year she will receive a fixed monthly benefit of € 398 in 2024 (with national minimum wage of € 477 at date). If her leave is not taken and is not transferred from the mother to the child's father/grandmother/grandfather, the mother can return to work and receive half of the NSSI benefit (amounting to € 199) in addition to her salary from her employer. The adoptive mother has similar rights but receives leave and compensation for the first 365 days of the adoption of a child up to 5 years of age. After that, she is also entitled to take another leave to take care for the adopted child for the next year and receives the fixed amount of € 398 for 2024 as a monthly benefit from the NSSI (as per Article 53c SIC).

Fathers/adoptive fathers are also entitled to 15 days of leave upon birth or adoption of a child and receive a benefit from the NSSI amounting to 90% of the income on which they are insured for sickness and maternity (Article 50, para 6 SIC). Fathers/adoptive fathers using this leave must have at least 6 months preliminary insurance period .

Fathers/adoptive fathers are also entitled to take parental leave instead of the mother/adoptive mother after the sixth month from the child's birth or adoption. Her consent is required and she must go back to work. Fathers/adoptive fathers need 12 months of preliminary insurance and can receive a monthly benefit amounting to 90% of their income, but no more than their net salary. As stated above, less than 0.002% of fathers/adoptive fathers benefit from this option because the mothers stay at home with the child. Further, in case the mother dies or is seriously ill, the fathers/adoptive father can step in and receive maternity leave until the end of the 410 days. They then receive a benefit amounting to 90% of their income and can take the leave until the child's first year, or until year 1 of the adoption (Article 51 SIC).

3.2. Parental leave

The parental leave is not related necessarily to maternity but to the raise of a child. It can be used by any parent or adaptive parent, and it does not necessarily follow birth.

Each parent – mother/adoptive mother and father/adoptive father, is entitled to parental leave until the child is eight years old. This leave is established as a labour right for unpaid leave as per Article 167a of the Labor Code¹². It is up to 6 months for each parent. Up to 5 months of this leave may be transferred to be taken by the other parent.

¹² Details of the labour rights of fathers in: Средкова, Кр. Трудови права на бащата. В: Сборник научни изследвания в чест на професор Цанка Цанкова, София: Университетско издателство „Св. Кл. Охридски“, 2022, 19-41

Under the latest amendments resulting from the implementation of Directive (EU) 2019/1158 on work-life balance for parents and carers¹³ into Bulgarian law¹⁴, fathers/adoptive fathers are also entitled to up to 2 months' paid parental leave if they have not taken the above-mentioned other leave under Social Insurance Code until the child is eight years old. For the period, they receive a fixed amount monthly benefit from the NSSI (€ 398 for 2024).

Parental leave related to young child can be applied for by filing an application in writing to the employer who must comply with the date specified and must authorise the leave. The employment relationship is preserved during the period of all leaves and the employer is obliged to reinstate the employee to their previous position once the statutory periods of leave has expired.

Employees may decide that they want to interrupt their leave and return to work early. The employer is obliged to comply with their request and reinstate them to their position. Employers are also obliged to update (raise) respective salaries if there were increases of salaries at the employer's enterprise – by an act of the employer, via a collective bargaining agreement or by an act of the Council of Ministers – during the period of the parental leave.

3.3. Other entitlements

Individuals using parental leave are also entitled to annual paid leave. That is, for the year on maternity leave, they are also entitled to at least 20 working days of annual paid leave, which they take when they return to work. Labour legislation regulates the right to an hourly leave for a mother to breastfeed and feed a child, which is paid by her employer and only after the child's eighth month it is allowed at the discretion of the child's doctor. Until then, it is taken at the discretion of the mother. This leave is practically not taken by mothers. A prerequisite for the use of these leaves is that the beneficiary is actually raising the child in the household and the child is not left for adoption or foster care; is not placed in a childcare institution; the parent has parental rights, etc. All these leaves are recognised in full length as service periods in employment and also insurance periods.

As mentioned above, the mother is also entitled to take leave to care for a sick child and for a child or kindergarten's quarantine – without limitation as to the frequency and period of leave. The child's doctor authorizes it, and the employer is obliged to comply and hold the mother on leave to look after the child until recovery. The first two working days of the leave are paid to the mother by her employer, and for the

¹³ 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, OJ L 188, 12.7.2019.

¹⁴ Article 53d of Social Insurance Code is in force from 1 August 2022

subsequent days the mother receives a benefit from the NSSI in the amount of 80% of her insurance income if she has a preliminary 6 months of insurance for this risk¹⁵.

3.4. Working conditions

Labour law legislation¹⁶ provides protection¹⁷ by easing working conditions for pregnant, breastfeeding and nursing mothers, including related restrictions on certain harsher working conditions – ineligibility for posting of mothers of children up to 3 years of age, and prohibition of night and overtime work for mothers with children up to 6 years of age¹⁸, as well as mothers caring for children with disabilities regardless of their age, except with their written consent¹⁹. These restrictions block mothers' ability to carry out responsible and travel-related work, since posting and overtime work depend on the mother's prior written consent at all times.

Mothers of children up to the age of 6 may ask for home-based (remote) work and the employer is obliged to comply with this request and, upon their return to the office, is obliged to provide the conditions of the previous job, including pay, etc. This right, as well as the right not to be posted, may also be exercised by the father if the mother is unable to do so. Breastfeeding mothers are also entitled to eased working conditions. The employer cannot assign them work which endangers or threatens their safety or health. They have the right to refuse to carry out work which is determined to be harmful to the mother's health or which, after a risk assessment, is determined to pose a significant risk to the mother's health. An ordinance requires the employer to conduct a special risk assessment of a job held by a woman who has returned to work before the 90th day after childbirth or a nursing mother if the job has particular risk factors, processes or working conditions.

Mothers have priority to take their paid annual leave during the summer²⁰.

All individuals who combine the functions of parent/adoptive parent of a child under 8 years of age and an employee have the right to propose to their employer a change in the duration or distribution of working time – for example, to reduce working hours by moving to part-time work, to propose another change in the content of the

¹⁵ The maximum number of days which mother can take as a paid leave for a sick child is 60 days per year exclusively of the days of the child in quarantine or in hospital (Article 45, para 1, item 1 SIC).

¹⁶ Labour Code – Article 312.

¹⁷ Недкова, Ат. Специалната закрила на работещите бременни, родилки и кърмачки в българското трудово право в контекста на Директива 92/85/ ЕИО. В: Актуални проблеми на трудовото и осигурителното право. Том III, София: Университетско издателство „Св. Кл. Охридски“, 2009, 130-141.

¹⁸ Мръчков, В. Тенденции в развитието на правната закрила на труда на жената – работничка и служителка, Правна мисъл, 2004, № 4, 62-78.

¹⁹ Labour Code – Article 310, Article 140(4), item 6, Article 147 (1), item 3.

²⁰ Labour Code – Article 174.

legal relationship, including to move to remote work. Other proposals to facilitate the reconciliation of work and family responsibilities are also acceptable.

Labour legislation restricts the dismissal of a mother who has given birth and is on parental leave or is a working mother of a child under 3 years of age. If she is using maternity and parental leave, including for an adopted child, she has an absolute protection against dismissal (Article 333, para 6 of the Labour Code). If the woman is deceased or seriously ill and the father/adoptive father is using the leave, he enjoys the protection against dismissal. The only case when dismissal can be effectuated by the employer is “closure of the whole undertaking”. A relative dismissal protection applies to mothers/adoptive mothers of children up to 3 years of age. Where the grounds for termination of the employment relationship fall within the employer’s subjective discretion, the employer may only dismiss the employee based on an exhaustive list of legal grounds and if it has first sought and obtained permission from the Labour Inspectorate. Failure to comply with any of these requirements renders the dismissal unlawful and the court revokes it without considering it on its merits²¹.

3.5. Implementation of Directive 2019/1158/EU

Directive 2019/1158/EU aims, by taking national legislative measures, to enable an employee who already started to perform his/her employment contract to adapt it to his/her new role as a working carer for a child or other relative. Amendments which could be taken into account relate to working hours, place of work and other terms and conditions of the employment contract. The right of the employee to request an amendment in the content of a concluded employment contract for a fixed period of time related to his/her new role as a parent of a child under eight years of age or caring for a relative for serious medical reasons has been new to Bulgarian labour law²². This is not the case with the rights regulated for fathers in the Directive. From the above analysis it can be concluded that there are already too many of them in Bulgarian law. They have only been slightly expanded by the transposition of the Directive by adding an independent right for the father to 2 months parental leave up to the eight years of age of each child. An important trend is the widening of the range of individuals the necessary care for whom warrants the right to take leave or to propose changes to the terms of the contract of employment on behalf of the care givers. It is allowed that the care-giving is not only related to a child, but also to another relative for important medical reasons. The change related to the caregiver’s proposal must be done by a mutual agreement between the employer and the employee. It can also be assumed that this normative change will mainly benefit women workers. Even then, the introduction of this right ensures gender equality since, again for traditional reasons, women are more often involved in caring for relatives. The circumstance of having a sick relative or a relative in need of care is found to have a negative impact

²¹ Labour Code – Article 333, para 1, item 1 and Article 344, para 3.

²² Labour Code – Article 167b.

on women's employment and as a consequence some women leave the labour market altogether. Certainly, the option of adapting the terms of the employment contract to the period of care for the relative will enable these women to retain their employment.

The Bulgarian legislation introduces a reasonable period of 14 days, sufficient for the employer to provide reasoning for refusal if it does not agree with the employee's proposed amendments. The obligation to provide reasoning for the refusal is intended to reflect the concerns of employees combining family and professional responsibilities and, where possible, to adapt their employment relationship to accommodate their changed family role. The Bulgarian legislator introduced as a prerequisite for exercising the employee's right to request an amendment, namely that he/she must have at least 4 months of preliminary length of service. There is ambiguity there as to whether this refers to service with the same employer, which is more logical, or to four months' accumulated service in general.

Problems are likely to arise with the implementation of the new legislation on paternity leave. The reason is the existence of a wide range of labour and social security rights related to child raising, with the new law resulting in a practical merge of different type of childcare leaves for children up to 8 years of age, for which different prerequisites are established and different rights are granted.

Another change related to the Directive that led to unsystematic legislative approach is the reduction of the required length of insurance period from 12 to 6 months for the use of maternity or adoption leave as per Article 50, para 6 of the Social insurance Code. 12 months of insurance period is required for all other parental leave benefits. For this type of leave only it has been reduced to 6 months. The Bulgarian legislator could have equalled the requirements for all benefits. As also pointed out above, the overly extended range of employees' rights when raising a small child explain the lack of prevalence in Bulgaria of flexible forms of employment such as part-time work, remote work, etc. Since the legislation regulates uniformly these rights, the practice of employers granting additional rights on the basis of individual or collective agreements is not widespread in the country.

4. Social protection of parents of young children

Bulgarian legislation regulates the provision of various social assistance allowances to parents raising children²³. Most of them are paid only in cash and are monthly rather than lump-sum benefits. Some of them do not depend on parents' income. They encourage births or aim to provide financial support to parents of twins, disabled children or mothers who are full-time students, as well as helping all parents raising children to prepare them for school.

²³ As per Articles 5a-8e of the Family Allowance for Children Act.

Birth promotion allowances, which do not depend on income, can be received by practically all parents, holding Bulgarian citizenship, and for those raising children – the children concerned must be raised in the country. The number of allowances paid is declining over the years as births have also declined (per NSI's data²⁴, from 62,000 in 2018 to 57,000 in 2023). The amount of one-time childbirth allowances depends on the number of children in the family and are fixed by the National Assembly by the State Budget Act (in 2024 for the birth of a firstborn child of the mother the benefit amounts to € 192; for the birth of the second born child € 460; for the birth of the third born € 230 and for the birth of each subsequent child born € 154). The number of full-time student mothers who receive special childbirth allowance are too few²⁵. However, there is an increase in their number from 1,590 in 2017 to 2,106 women in 2021. The whole amount of the allowance they receive is € 1475 per child.

The twin allowance is € 615 for each child, including an adopted one. The primary school and first year of secondary school education allowance is paid if the child is enrolled and attends both school terms, so part of the allowance is paid in the second term (if the child continues to attend full-time school). The amount of the allowance is € 153.

Receipt of the raising a disabled child allowance does not depend on the income of the parents/carers and unlike all of the above which are one-time allowances, this is a monthly allowance. The amount depends on the degree of disability. These allowances range between € 604 and € 230 per month. In addition, a monthly allowance of € 53 is paid to support the upbringing of disabled children up to the age of two. All the listed allowances are not subject to a minimum family income threshold and can be received by all parents, including working parents, if they are raising children. Only full-time students must not be working to be entitled to receive the allowance.

The majority of social payments under Bulgarian social legislation are granted to vulnerable parents and respectively proof of low or no income by the parents or caregivers is required. More often these payments are paid monthly, up to the child's twentieth year, if he or she is in school, and parents must prove regular school attendance of children and completion of all required immunizations and preventive medical examinations. None of these social assistance allowances depend on the employment of the person raising the child. These monthly allowances are low in amount (from € 20 to € 100 depending on the income and the number of children in the family). Because of the requirement to prove low or no income to receive them, some parents resort to concealing their actual employment or to declaring that they receive minimum wages, which damages their employment and social security rights afterwards. Lump-sum pregnancy benefits are also paid if the pregnant woman does

²⁴ Live births by districts, municipalities and sex | National statistical institute (nsi.bg) g)

²⁵ Family/children Function | National statistical institute (nsi.bg)

not receive a benefit from the NSSI for raising a child up to one year of age. These cover only non-working mothers who have to prove low or no income. These allowances are low and not widespread. Unfortunately, there are no official figures on the number of child allowances paid.

None of the above social assistance payments are conditional on the recipients making prior contributions to social security funds. The funds for the provision of these allowances are covered by the State budget on account of the taxes and excise duties paid by all obliged entities in the country – natural and legal persons. Almost all of these benefits are not high in amount. This is the case for all payments provided by social assistance, except for the disabled children allowances and those for full-time student mothers. Government spending to cover them represented 1.56% of the country's GDP in 2021, and this figure is declining, for example in 2015 for Bulgaria it was 1.88%. This compares to 1.59% for the Czech Republic and 1.26% for Romania in the same year, compared to an EU average of 2.24%. These two countries have been steadily increasing their state inputs for social benefits and in 2021 they reached – Czech Republic 1.74% and for Romania 1.93%, while for Bulgaria it remained 1.56%²⁶. Bulgaria has also increased this spending, but the gross domestic product has grown faster and this increase is proving insufficient.

5. Early childhood education and child care systems

The Bulgarian state has established and maintains an organized system for the daily care of children of working parents. At present, pre-school education of children is compulsory from the age of four. However, children can be placed in childcare from the age of three months, although it is not at all common.

The system of organized childcare in Bulgaria includes nurseries for children up to 3 years of age, kindergartens for pre-school education up to 7 years of age²⁷. Both forms are financed from the state budget through municipal budgets and parents do not pay fees for them. Their opening hours are very convenient for working parents – between 7am and 7pm. It allows parents to work full-time and use childcare for their child. There are also weekly nurseries and kindergartens which are not common and are not used by parents. In all childcare facilities, children are nurtured without interruption. This includes facilities for afternoon naps and four meals a day, for which parents do not pay extra. The legislation contains extremely high requirements for hygiene, food, premises and staff in nurseries and kindergartens. In nurseries (for children up to 3 years), the staff involved in childcare has a medical degree, and in kindergartens – minimum a pedagogical bachelor's degree or higher education. The child must have all the mandatory vaccinations, should have attended regular check-ups and must be

²⁶ All data quoted from Statistics [Eurostat \(europa.eu\)](http://europa.eu)

²⁷ Legal basis – Regulation No. 26 of November 18, 2008 on the Establishment and the Regulation of Nurseries and Children's Kitchens and the Health Requirements, Pre-School and School Education Act.

healthy to be enrolled in a childcare facility. Daily monitoring of the children's health is carried out, which brings additional reassurance to parents. Childcare facilities are evenly distributed in the settlements so that there is access to them in every part of the settlement.

There are also problems in the system, the biggest of which is the insufficient number of places available for children in the bigger cities. The other is the lack of staff, both specialized and support staff, because of the low salaries paid in the system. There is currently a children enrollment campaign in Sofia's kindergartens. There are 21,000 applications for children turning 4 in 2024 in the city and only 11,000 places available in the first ranking. So, 10,000 families will have to look for other options to raise their children so the mother can work. The application process is very strictly monitored because of corruption concerns. The application process is held online only, with the option of continuous access to information for all parents through the online system.

An additional option to receive state support to pay part of the fee for a private kindergarten has been introduced in 2023 in case the child is not admitted to a municipal kindergarten. The problems of lack of available places are most acute in the big Bulgarian cities and this creates serious public discontent, as the young and working people of the country are concentrated there. This forces the managers to allow an increase in the number of children in a childcare group, which is in breach of the statutory maximum number of children. It also reduces the quality of the childcare service. Despite these shortcomings, the system is very highly regulated and provides working parents with the security they need to continue working.

This system is also used by children of parents who are not employed – when there are enough free places, and from the age of 4 – all children must attend kindergarten, where they receive compulsory preschool education.

In the kindergartens, children are socialized, learn Bulgarian when it is not their native language and engage in educational activities. Private kindergartens can also provide pre-school education if they meet the legal requirements. The fees payable for a private childcare facility are not less than € 500 per month and can reach over € 1,000 for Sofia monthly. Therefore, less than 3% percent of children in Bulgaria attended private kindergartens in 2023, the latest year for which NSI data are available²⁸. Over 87% of children in the country are enrolled in kindergartens²⁹. This is the most serious incentive for parents, and above all for mothers, to return to work full time after giving birth. It is scarcely possible to better support a mother to work than to have the security of knowing that her child is being well cared for by professionals and among children of her own age.

²⁸ [Children enrolled at kindergartens by organization of the learning process and location | National statistical institute \(nsi.bg\)](#)

²⁹ [Kindergartens, children, pedagogical staff, places and groups in the kindergartens by statistical zones, statistical regions, districts and municipalities | National statistical institute \(nsi.bg\)](#)

Via a project called “Parents in Employment” the state Employment Agency organizes from time to time an option to finance childcare for children up to five years of age who are not enrolled in kindergartens by caregivers who are unemployed persons³⁰. As per the conditions of the programme the child is cared for 8 hours a day for a minimum wage and these conditions are attractive, especially in smaller settlements where average wages are lower. The Employment Agency and the caregiver conclude an employment contract. Parents who apply can be both employed and unemployed and the aim of the project is to provide them with the opportunity to look for and start work. These programmes do not run every year (currently the validity period is until the end of 2026), nor do they have sufficient capacity to take care of all the children whose parents apply. The total number of unemployed people who can be hired as caregivers under the programme is only 1,850 for the country, which is too few considering that in Sofia alone over 10,000 children remain out of kindergartens in 2024.

6. Future challenges

The general conclusion that can be drawn from the recent changes in the Bulgarian legislation is that support for parents of children with disabilities is increasing and working parents are encouraged to have more than one child, which is probably among the reasons for the changed trend in the number of births per woman in Bulgaria in recent years. Legislative amendments regulate the provision of new types of social benefits for children that do not depend on the income of families. The aim is to discourage work outside the labour market and the receipt of undeclared income as a result of receiving benefits. These measures provide incentives for parents who have low incomes, but not very low incomes (for which they would also receive monthly social assistance), to have more children.

In Bulgaria there is both legal and practical equality of participation of men and women with young children in employment. Moreover, full-time work and legal employment are very widely used for female parents, and the figures do not differ from those for men. It should be noted that, in terms of employment equality between men and women with young children in Bulgaria, the comprehensive childcare system has contributed much more in practice than the provision of additional leave entitlements, high benefit levels and restrictions on dismissals for mothers of young children. On the contrary, they have led to fewer opportunities and inequality in terms of employment for women, as the enhanced legal protection can make it unattractive for employers to hire them. It can be assumed that this, rather than, for example, a lack of education, qualifications, experience or professional skills, is the reason why women are paid less. They find higher paid work more difficult because it requires greater commitment, and this is not compatible with meeting the traditionally heightened expectations on the mother to care for young and sick children while the father works full time.

³⁰ Проект “Родители в заетост”... | Агенция по заетостта (government.bg)

The two or four months of parental leave that must be granted to the father under Directive 2019/1158/EU can certainly have a positive effect on the ability of the father to participate more in parenthood, but it cannot separate him from his work to such an extent that it stops his professional development. A far greater contribution would be made by establishing quotas for fathers' participation on an equal footing with mothers in the raising of young children. Another step that would have a greater impact would be to equalise the amount of leave taken by the mother and the father, both when raising a healthy young child and when it is sick, and to increase the non-transferable portions of this leave between the parents so that a greater proportion of it is reserved for the father's sole use.

Promoting labour market participation of parents with young children in Cyprus

This article is peer-reviewed.

Abstract

This chapter examines the transformative effect of European legislation on the Cypriot legal framework regarding the protection and promotion of employment of parents with young children. In doing so, it focuses on how recent developments at the EU level, such as the adoption of the Work-Life Balance Directive, resulted in the strengthening of the national legislation regarding all types of leaves and benefits available to working parents of young children. The chapter further explores the introduction of the concept of flexible working arrangements for working parents, while it also analyses the national context regarding early childhood education and care and highlights the importance of EU funding for implementing substantial changes. Finally, remaining challenges are identified which demand further attention.

Keywords: employment of parents; work-life balance; labour law protection; social protection; childcare systems

1. Introduction

The accession of Cyprus to the EU had a profound transformative effect on the national legal framework regarding the protection and promotion of employment of parents with young children.

During the harmonisation process, legislation was adopted providing for special advantages for pregnant and breastfeeding women, and maternity benefits² and for the first-time (unpaid) parental leave³ was introduced at the national level. As an EU Member State Cyprus has transposed all directives dealing with matters of protection

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² Protection of Maternity Law of 1997 (Ο περί Προστασίας της Μητρότητας Νόμος του 2007 (Ν.100(Ι)/1997)).

³ Parental Leave and Leave for Force Majeure Reasons of 2002 (Ο περί Γονικής Άδειας και Άδειας για Λόγους Ανωτέρας Βίας Νόμος του 2002 (Ν. 69(Ι)/2002)).

and promotion of employment of parents⁴. However, the national legislation was mostly restricted to the minimum requirements set by the relevant directives.

Recent developments regarding the issue of work-life balance greatly influenced the legislation and the policies adopted by the government. Firstly, the inclusion of a specific principle on work-life balance (Principle 9⁵) into the European Pillar of Social Rights and the related principle on childcare and support to children (Principle 11⁶) as well as the adoption of the European Pillar of Social Rights Action Plan put these issues on the national agenda and created political pressure to achieve the set targets.

Secondly, the transposition of the Work-Life Balance Directive (WLBD)⁷ introduced a more favourable legislative framework for working parents, which included paid parental leave, (unpaid) carers' leave and provisions for flexible working arrangements.

Thirdly, as a result of the COVID-19 pandemic the employees and employers were forced to rapidly adopt to new arrangements, which were not familiar in Cyprus, such as remote working and teleworking. Consequently, the working environment has been gradually transformed and is now more conducive to flexibility. Flexible working arrangements can be an effective means of achieving work-life balance.

Fourthly, in the process of the European semester cycle, the Council recommendation on the 2019 National Reform Programme of Cyprus⁸ highlighted the low participation of children in Early Childhood Education and Care (ECEC). In 2019, only 20,7% of children under the age of three participated in ECEC, below both the EU average (35,1%) and the Barcelona target (33%), while the enrolment rate in ECEC for children

⁴ Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding; Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC; Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex; Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast); Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC; 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.

⁵ 'Parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way.'

⁶ a. Children have the right to affordable early childhood education and care of good quality.
b. Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.'

⁷ 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, OJ L 188, 12.7.2019, p. 79–93.

⁸ Council recommendation of 9 July 2019 on the 2019 National Reform Programme of Cyprus and delivering a Council opinion on the 2019 Stability Programme of Cyprus (2019/C 301/13).

aged 4 to 6 was 97%⁹. Therefore, a strong focus was placed on ECEC reforms and this is reflected in the national Recovery and Resilience Plan (RRP) 2021-2026 and in the adoption of legislation which progressively reduces the minimum age for free compulsory pre-primary education.

Finally, the low fertility rate in Cyprus¹⁰ puts an additional pressure for the adoption of measures for the reconciliation of professional and family life¹¹.

2. Labour market overview

With an overall employment rate of 78,9%¹² in 2023, Cyprus attained the 78% employment rate which was set as one of the three targets in the 2030 European Pillar of Social Rights Action Plan and is on track to meet its national 2030 employment target of 80%¹³. The overall employment rate was 83,6% for men and 74,6% for women, thus there was a 9% gender employment gap (EU average 10,2%)¹⁴. The share of part-time employment to total employment was 8,5%. However, the rate for part-time employment is higher for women: 10,4% of working women work part-time compared with 6,6% of working men¹⁵.

The over-qualification rate was 32% in 2023, well above the EU average at 21,9%. Women had higher over-qualification rates than men, with Cyprus recording one of the largest differences (+6,3%)¹⁶. On the other hand, the share of senior management positions held by women was much lower than in the EU (8,2% as compared with the EU average of 33,8% in 2023)¹⁷.

The unemployment rate in April 2024 was 4,4% (EU average 6%)¹⁸. The unemployment rate for women at 4,9% was slightly higher than the unemployment rate for men at 4%.

⁹ Information is available at: <https://eurydice.eacea.ec.europa.eu/national-education-systems/cyprus/national-reforms-early-childhood-education-and-care#:~:text=Cyprus%20is%20committed%20to%20ECEC,for%20children%20aged%200%2D6,>

¹⁰ 1.37 live births per woman in Cyprus while the EU average is 1.46 in 2022. Eurostat, Demography of Europe- 2024 edition.

¹¹ Statement of the Minister of Labour and Social Insurance at the Parliamentary Ad Hoc Committee on the Study of the Demographic Problem on 28th September 2021. Available at: <https://www.tothemaonline.com/Article/294511/symfliwsh-oikogeneiakhs-kai-epaggelmatikhs-zwhs-giantimetwpishypogennhtikohtas-leei-h-yp-ergasias>

¹² This rate is higher than the EU's average at 75,3% in 2023. Eurostat- Employment rate, 2023 (% of people aged 20-64).

¹³ European Commission: 2023 Country Report – Cyprus, Institutional Paper 237, June 2023.

¹⁴ Eurostat- Employment rate by sex, 2023 (% of people aged 20-64).

¹⁵ Statistical Service of Cyprus, Labour Force Survey (LFS): 4th Quarter 2023.

¹⁶ Statistical Service of Cyprus, Labour Force Survey (LFS): 4th Quarter 2023.

¹⁷ European Semester 2024, Country report- Cyprus.

¹⁸ Eurostat, Seasonally adjusted unemployment rates (%), by gender (April 2024).

The gender pay gap was 10,2%¹⁹ whereas the gender pension gap was one of the widest in the EU in 2022 (36,7% as compared with the EU average of 26,1% in 2022)²⁰.

In 2022, 26,5% of men and 29,8% of women were providing childcare to their own and/or other children²¹. In terms of employment status, 32% of employed women were providing childcare to their own and/or other children, in comparison to 35% of employed men in 2022. However, there is a wide gender gap in childcare responsibilities based on self-employed and unemployed status: 26,3% of self-employed women and 44,4% of unemployed women were providing childcare to their own and/or other children (no percentage is available for men). In addition, women were involved for 10,8 hours per week in caring for and/or educating their children outside of paid work compared to men's involvement of 0,8 hours per week²². These statistics reveal a very alarming disproportionate share of childcare responsibilities and consequently of unpaid work. Therefore, it is not surprising that the impact of caregiving responsibilities on working life and career prospects was greater for women (22,4%) in comparison to men (11,5%)²³.

3. Current legislative framework

3.1. Maternity leave and benefits

The Cypriot legislative framework on maternity leave and benefits has closely followed the developments at EU level. The main applicable laws are the Protection of Maternity Laws 1997-2024²⁴, which transposed the 1992 Pregnant Workers Directive; the Social Insurance Laws 2010-2024²⁵ in terms of maternity allowance; and the Equal Treatment of Men and Women in Employment and Vocational Training Law²⁶, which states that any less favourable treatment of a woman related to pregnancy or maternity leave amounts to sex discrimination²⁷.

Eligible for maternity leave and benefits are full-time and part-time female employees in the private and public sector, self-employed women and voluntarily insured women

¹⁹ Eurostat, Gender pay gap, 2022.

²⁰ European Semester 2024, Country report- Cyprus.

²¹ European Institute for Gender Equality (EIGE), Survey of gender gaps in unpaid care, individual and social activities (2023).

²² EIGE 2016, Gender Statistics database.

²³ EIGE 2016, Gender Statistics database.

²⁴ Οι περί Προστασίας της Μητρότητας Νόμοι 1997 έως 2024 (Ν.100(Ι)/1997).

²⁵ Οι περί Κοινωνικών Ασφαλίσεων Νόμοι του 2010 έως 2024 (Ν.59(Ι)/2010).

²⁶ Οι Περί Ίσης Μεταχείρισης Ανδρών και Γυναικών στην Απασχόληση και στην Επαγγελματική Εκπαίδευση Νόμοι του 2002 έως 2024 (Ν.205(Ι)/2002).

²⁷ This law transposed Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

who are expecting a child or have adopted a child up to 12 years of age. The right to maternity leave is not subject to a period of work qualification or to a length of service qualification.

The scope of the national legislation is broader than the Pregnant Workers Directive²⁸ because surrogate mothers or mothers who have got a child through surrogacy are also entitled to maternity leave and maternity allowance.²⁹

The length of maternity leave was for a long period restricted to the minimum provided by the Pregnant Workers Directive, namely 14 continuous weeks of maternity leave to be taken before and/or after birth, including at least 2 weeks of compulsory maternity leave before confinement. This period has gradually increased in recent years with amendments to the Protection of Maternity law³⁰. Currently, the length of maternity leave is 22 consecutive weeks. It is obligatory to take 11 weeks of maternity leave, including 2 weeks prior to the week of the expected birth and the rest following childbirth. In case of third and subsequent deliveries/childbirths, the period of maternity leave is extended to 26 consecutive weeks. The length of maternity leave is extended by 4 weeks per child in the case of the birth of multiple children. The legislation includes provisions for additional maternity leave in case of premature labour or in case the infant is hospitalised right after birth for health reasons. For adoptive mothers of a child under 12 years old the length of maternity leave is 20 weeks. For surrogate mothers the length of maternity leave is 14 weeks, including the 2 weeks which must be taken prior to the week of the expected birth. Mothers who get a child through surrogacy (commissioning mothers) are entitled to the same length of maternity leave as mothers who have given birth, provided that they present a Court order on surrogation and a doctor's certificate confirming the pregnancy.

Once the employer is notified in writing, women entitled to maternity leave are protected against dismissal from the beginning of the pregnancy until 5 months from the end of the maternity leave (Article 4). This protective period is longer than the period stated in Article 10 of the Pregnant Workers' Directive, according to which the prohibition from dismissal ends when the maternity leave ends. The use of maternity leave does not affect seniority or any right to promotion.

²⁸ The Pregnant Workers Directive 92/85/EEC does not require that a mother who has had a baby through a surrogacy agreement should be entitled to maternity leave or its equivalent as it was stated by the CJEU in the cases C-167/12 C. D. v S.T. and C-363/12 Z. v A Government Department and the Board of Management of a Community School.

²⁹ Non-commercial surrogacy is permitted in Cyprus through strict procedures according to the Implementation of Medically Assisted Reproduction Laws 2015-2023 (Οι περί της Εφαρμογής της Ιατρικώς Υποβοηθούμενης Αναπαραγωγής Νόμοι του 2015 έως 2023 (Ν. 69(I)/2015)).

³⁰ In 2000 the length of the maternity leave was increased to 16 weeks with law L.45(I)/2000, in 2007 it was increased to 18 weeks with law L.109(I)/2007 and in 2021 it was increased to 22 weeks but only for the second child and to 26 weeks for a third child or any subsequent children with law L.167(I)/2021.

In addition, the legislation provides that for a period of 9 months following birth a working mother is entitled to 1 hour off work during working hours for breastfeeding and the increased care required for the child³¹. This 1 hour off work can be transferred to the commissioning mother in cases of surrogacy.

The maternity allowance starts at 72% of the mother's earnings/salary with no upper limit. The maternity allowance increases to 80%, 90% or 100% of earnings for the second, third and fourth child respectively³². For public sector employees, the first 12 weeks of leave are fully compensated, while the following six weeks are paid at 72% of the employee's salary³³. Some private companies cover the remaining 28% for the first child: in such cases, an employer can request the maternity benefit from the state on behalf of the employee, then add the balance, so that the employee receives a full salary from the employer³⁴.

3.2. Paternity leave and benefits

Paternity leave is a relatively new concept in Cyprus. It was introduced in 2017 with the Protection of Paternity Law 2017³⁵, which provided for the right to paid paternity leave for 2 consecutive weeks. While this law aimed to achieve more equal share of childcare between parents, its scope was very restricted as it applied only to married fathers³⁶.

The current applicable legislation is the Leaves (Paternity, Parental, Care, Force Majeure) and Flexible Working Arrangements for Work Life Balance Laws 2022-2024³⁷ (Work Life Balance Laws) which transposed the WLBD. This legislation entered into force on 16 December 2022, more than four months after the transposition deadline set in the WLBD (Article 20).

Paternity leave is defined as a leave from work taken by a working father following the birth or adoption of a child to take care of that child. According to the national legislation, a working father has now a right to paternity leave irrespective of his

³¹ Mothers may interrupt their employment for one hour or go to work one hour later or leave work one hour earlier. The one hour off work is considered working time.

³² Social Insurance Laws 2010-2024.

³³ Angeli, M. (2023) 'Cyprus country note', in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2023, pp. 216-222. Available at: https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/2023/Blum_etal_LPRN_full_report_2023.pdf

³⁴ Angeli, M. (2023), p. 217.

³⁵ Ο Περί της Προστασίας της Πατρότητας Νόμοι του 2017 και 2022 (Ν. 117(Ι)/2017).

³⁶ Same-sex marriage is not recognised in Cyprus. Same-sex registered partnerships are legally recognised but adoption is not permitted.

³⁷ Ο περί Αδειών (Πατρότητας, Γονική, Φροντίδας, Ανωτέρας Βίας) και Ευέλκτων Ρυθμίσεων Εργασίας για την Ισορροπία μεταξύ Επαγγελματικής και Ιδιωτικής Ζωής Νόμος του 2022 (Ν. 216(Ι)/2022).

marital or family status³⁸, if his wife or partner gave birth to a child; or he had a child through a surrogate mother³⁹; or he adopted a child aged up to 12 years old.

The right to paternity leave is not subject to a period of work qualification or to a length of service qualification and it can be claimed in case of a birth of a stillborn child. The length of paternity leave is 2 consecutive weeks to be taken at any time within the period that starts from the week of childbirth or adoption and ends 2 weeks after the end of the maternity leave. If the mother dies before or during childbirth or during the period of maternity leave, any remaining period of the maternity leave is added to the paternity leave period. However, there is no possibility for a working father to take parental leave on a part-time basis, in alternating periods or in other flexible ways.

The working father has to notify his employer in writing 2 weeks prior to the commencement of the paternity leave (not applicable in case of an unexpected birth). The paternity allowance starts at 72% of the father's earnings/salary with no upper limit and it increases to 80%, 90% or 100% per cent of earnings for the second, third and fourth child respectively⁴⁰. The paternity allowance is not paid if the father concerned receives full remuneration during the period in which the allowance is granted. If he receives a reduced remuneration, the sum of that remuneration and the allowance must not exceed the full salary⁴¹.

3.3. Parental leave and benefits

Parental leave was introduced in 2012 with the Parental Leave and Leave for Force Majeure Reasons Law of 2012⁴², which transposed Directive 2010/18/EU. It provided for 18 weeks of unpaid parental leave. Currently, the applicable legislation is the Work-Life Balance Law, which has transposed the WLBD and has strengthened the right to parental leave on the grounds of the birth or adoption of a child up until the age of 8 years old. Discussions are currently held at the Parliamentary Standing Committee of Labour, Welfare and Social Insurance on expanding access to the right to parental leave to working parents of children up to the age of 15 years old.

The legislation covers all working parents in private and public sector who have children under 8 years old (under 12 years old in cases of adoption) provided that they have been continuously working for the same employer for a period of 6 months⁴³. Therefore, unemployed or inactive parents are not eligible for parental leave. In

³⁸ As stated in Article 4 of the Work-Life Balance Directive (WLBD).

³⁹ The use of surrogate mothers by single fathers or same sex couples is not permitted in Cyprus.

⁴⁰ Social Insurance Laws 2010-2024.

⁴¹ Angeli, M. (2023), p. 219.

⁴² Ο Περί Γονικής Αδειας και Άδειας για Λόγους Ανωτέρας Βίας Νόμος του 2012 (Ν. 47(Ι)/2012).

⁴³ Article 5 of the Work-Life Balance Directive: 'Member States may make the right to parental leave subject to a period of work qualification or to a length of service qualification, which shall not exceed one year.'

cases of children with disability the right to take parental leave is extended until the child reaches the age of 18 years old. Full-time and part-time workers are eligible for parental leave.

Same-sex parents do not have access to parental leave because legally in Cyprus same sex couples cannot parent a child together or adopt a child together or be recognised as the parent of a child who was born through surrogacy⁴⁴.

The right to parental leave was extended to self-employed parents with the amendment of the legislation in May 2024⁴⁵. This is a big step forward since the self-employment status was one of the main reasons for non – eligibility for both mothers and fathers (the other is the short working period before birth)⁴⁶. Improving the coverage of various benefits in particular for self-employed, people working with contracts or in new forms of employment (e.g. platform workers) was included in the Cyprus RRP 2021-2026.

The length of parental leave is 18 weeks⁴⁷ for each child, which is longer by 2 weeks than the minimum period of 4 months as stated in the WLBD. Widowed parents or single parents are entitled to 23 weeks of parental leave. Additionally, the length of parental leave increases in cases of children with disability⁴⁸.

The working parent must give 3 weeks advance notice in writing to his/her employer and can request to take parental leave in a flexible manner. The self-employed parent has to notify the Director of Social Insurance Services 3 weeks in advance of his/her intention to take parental leave (shorter period is acceptable in special circumstances).

Parental leave is an individual entitlement for working parents. The current law has increased the period of parental leave that cannot be transferred between parents from 4 weeks to 9 weeks⁴⁹. If the non-transferable 9 weeks of parental leave are not used by a parent, then they are lost. This aims to encourage fathers to take parental leave. Every (eligible) working parent can take parental leave for a minimum period of 1 day and a maximum period of 5 weeks per child per year which adds to the flexibility

⁴⁴ Angeli, M. (2023), p. 219.

⁴⁵ Leaves (Paternity, Parental, Care, Force Majeure) and Flexible working arrangements for Work Life Balance (Amendment) Law of 2024 (Ο περί Αδειών (Πατρότητας, Γονική, Φροντίδας, Ανωτέρας Βίας) και Ευέλικτων Ρυθμίσεων Εργασίας για την Ισορροπία μεταξύ Επαγγελματικής και Ιδιωτικής Ζωής (Τροποποιητικός) Νόμος του 2024 (Ν.67(Ι)/2004)) and Social Insurance (Amendment) (No.2) Law of 2024 (Ο περί Κοινωνικών Ασφαλίσεων (Τροποποιητικός) (Αρ. 2) Νόμος του 2024 (Ν.66(Ι)/2024)).

⁴⁶ European Institute for Gender Equality, Who is eligible for parental leave in Cyprus? (2021), Available at: https://eige.europa.eu/sites/default/files/documents/20210517_mh0121035enn_pdf.pdf

⁴⁷ The length of parental leave remained the same as with the previous legislation (Parental Leave and Leave for Force Majeure Reasons Law of 2012).

⁴⁸ Additional 4 weeks for serious disability or medium mental disability and additional 6 weeks for total disability.

⁴⁹ This period is slightly longer than the non-transferable period provided in the WLBD which is 2 months.

of this leave. The fact that parental leave is expressed in days is an improvement in relation to the previous legislation where the minimum period was 1 week and the maximum period was 5 weeks per year, although the combined use of days and weeks in the current text is somehow confusing.

The Work-Life Balance Law introduced the obligation of payment for parental leave. However, restrictions were included in the Social Insurance Laws in terms of the total period that the parental leave allowance is paid. From 16 December 2022 (the date of adoption of the legislation) until 1 of August 2024 the parental leave allowance covered a total of 6 weeks of parental leave while the remaining 12 weeks were unpaid. From 1 August 2024 onwards this allowance covers a total of 8 weeks of parental leave and the remaining 10 weeks are unpaid.

Restrictions are also applicable in terms of the duration for which parental leave allowance is paid per year. From 16 December 2022 (date of adoption of the legislation) until 31 December 2023 the parental leave allowance was paid for up to 3 weeks per year; from 1 January 2024 until 31 December 2024 the parental leave allowance is paid for up to 4 weeks per year and from 1 January 2025 onwards this allowance is paid for up to 5 weeks per year.

These restrictions were included in order to avoid the possibility of accumulating parental leave allowance requests from parents with children approaching the age of eight years⁵⁰. As a result, from December 2022 until December 2023 working parents entitled to parental leave in Cyprus could claim parental leave allowance for only 3 weeks per year, and not for two months as stated in the WLBD⁵¹.

In addition, the Social Insurance Law provides that parental leave allowance is applicable only if the parent has been employed for a period of 12 months within the previous 24 months before the start of the period for which parental leave allowance is being applied⁵².

The parental leave allowance is paid at 72% of the parent's earnings/salary with no upper limit. The employee's social insurance contribution continues to be paid into their social insurance fund for the entirety of the leave period.⁵³

There are other types of leaves available to parents, like carer's leave and leave on grounds of force majeure. Carers' leave was introduced with Work-Life Balance Law in

⁵⁰ Report of the Standing Parliamentary Committee of Labour, Welfare and Social Insurance on the bills related to the transposition of the WLBD, dated 29 November 2022.

⁵¹ The WLBD provides that the non-transferable period of 2 months parental leave must be compensated adequately at a level to be determined by the Member States (Preamble para. 31)

⁵² Article 29A of the Social Insurance Laws 2010-2024.

⁵³ Social Insurance Laws 2010-2024.

2022 in accordance with the provisions of the WLBD. A worker can 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. Therefore, it can be used by parents of young children in addition to parental leave and/or in cases where the child is older than 8 years old. The length of carers' leave is 5 days per year (separately or consecutively) but it is unpaid which makes its use less appealing to working parents. The worker must notify his/her employer in a timely manner, providing appropriate medical documentation. The Work-Life Balance Law provides that each worker has the right to time off from work on grounds of force majeure for urgent family reasons in the case of illness or accident making the immediate attendance of the worker indispensable. The length of such leave is 7 days per year⁵⁴ (separately or consecutively) and it is unpaid. Due to the urgent nature of the situations for which this leave becomes applicable, the worker must notify his/her employer as soon as the event requiring his/her absence occurs.

3.4. Flexible working arrangements

The Work-Life Balance Law provides that working parents and carers of children up to 8 years old have the right to request flexible working arrangements for caring purposes, provided that they were in continuous employment with the same employer for a period of 6 months. This allows working parents to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or reduced working hours. The employer must notify in writing about his/her decision within one month of the application/request for flexible arrangements. If the request is postponed or rejected then the employer must provide written justification of the reasons for the postponement or rejection. The workers have the right to return to the original working pattern at the end of the agreed period or to request to return to the original working pattern before the end of the agreed period if this is justified on the basis of a change of circumstances.

The flexibility requirement is still not fully applicable in Cyprus due to the absence of a comprehensive legislative framework on remote working/teleworking and reduced working hours. Teleworking was used when restriction measures were imposed during the COVID-19 pandemic in the absence of regulatory framework for telework. As stated in the Cyprus RRP 2021-2026 'there is no legislation regulating flexible working arrangements in the form of teleworking that would facilitate labour market re-entry of the high share of inactive women due to caring responsibilities and support workers with unforeseen caring responsibilities for children and other dependent'.⁵⁵

⁵⁴ The duration of carers' leave on grounds of force majeure is not specified in the WLBD.

⁵⁵ Cyprus Recovery and Resilience Plan 2021-2026, p. 481. Available at: [https://cyprus-tomorrow.gov.cy/cypridency/kyprostoavrio.nsf/all/B37B4D3AC1DB73B6C22586DA00421E05/\\$file/Cyprus%20RRP%20For%20Upload%2020052021.pdf?openement](https://cyprus-tomorrow.gov.cy/cypridency/kyprostoavrio.nsf/all/B37B4D3AC1DB73B6C22586DA00421E05/$file/Cyprus%20RRP%20For%20Upload%2020052021.pdf?openement)

In December 2023 the Regulation of the Organizational Framework for Telework Law was adopted⁵⁶. Telework is defined as the remote provision of the employees' work, using technology, pursuant to a full-time, part-time or other form of employment contract/relationship, which may be provided from the employer's premises and/or from a workplace outside the employer's premises. This law provides that an optional teleworking scheme can be established upon a written agreement between the employer and the employee⁵⁷ or may be formalised through the execution of a collective agreement. It provides a structured framework for telework, ensuring the rights and responsibilities of both employees and employers.

However, the law regulating telework has limited scope since it applies only to employees of the private sector and the broader public sector (semi-governmental organisations) as well as employees of the local government authorities. There is no applicable legislation regulating teleworking or any other flexible working arrangement in the public sector. The only flexibility currently available to all public sector employees is in relation to the working hours, namely starting work between 7 am to 8:30 am and finishing work between 2:30 pm to 4 pm⁵⁸. Consequently, public sector working parents and carers of children up to 8 years old are not entitled to any flexibility requirements such as remote working arrangements, flexible working schedules or reduced working hours. This regulatory gap has disproportionate effect on working parents and carers of young children in the public sector and has an impact on the implementation of the WLBD.

It should be noted, however, that regulation of flexible working arrangements in the public sector is included as one of the reforms in the Cyprus RRP 2021-2026.

4. Early childhood education and care (ECEC)

One particular challenge for working parents is the gap between the end of all leaves combined (maternity, paternity and parental), both paid and unpaid, and good quality and affordable (public) childcare services. The duration of all leaves combined is 42 weeks (10,5 months), whereas the availability of affordable childcare services is very limited since public kindergartens, which are free, only accept children from 3 to 6 years old. In 2022 there were 49,400 children aged between 0-4 and 48,600 children aged between 5-9 in Cyprus.⁵⁹

⁵⁶ Ο περί Ρύθμισης του Πλαισίου Οργάνωσης της Τηλεργασίας Νόμος του 2023 (Ν. 120(Ι)/2023).

⁵⁷ Such an agreement may be executed at any time during the term of employment by amending the existing employment contract, or at the commencement of the employment relationship.

⁵⁸ Public Service (Work Time) (Amendment) Regulations of 2023 (Οι περί Δημόσιας Υπηρεσίας (Χρόνος Εργασίας) (Τροποποιητικοί) Κανονισμοί Κ.Δ.Π. 111/2023).

⁵⁹ Statistical Service of Cyprus, Population De Jure at the end of the year 2022.

The participation rate in formal childcare for children under 3 years of age is very low (at 24,4% in 2022 compared to the EU average at 35,9%)⁶⁰ and parents rely heavily on informal settings or private nurseries. The share of childcare responsibility is disproportionate for women (mothers and/or older female relatives) and has adverse consequences for their working life and career.

Increasing participation in early childhood education and care and fostering the employment of people outside the labour force, including those with care responsibilities, are related priorities in the national RRP 2021-2026. In order to enhance the quality, affordability, accessibility, and inclusiveness of ECEC for children aged 0-6, Cyprus has requested technical support from the EU through the Technical Support Instrument (TSI)⁶¹. In addition, both the Recovery and Resilience Facility (RRF) and the European Social Fund Plus (ESF+) support investments in early childhood education and care, which are expected to increase their accessibility for children in Cyprus, while helping reconcile family and working life for those with care responsibilities⁶².

New legislation was adopted in March 2024 which gradually reduces the minimum age for compulsory pre-primary education entry over the next few years⁶³. In the 2024-2025 academic year the minimum age will be lowered by two months, allowing children who are four years and six months old before 1 September 2024, to attend pre-primary school. The minimum age will be lowered for each following academic year so that by the 2031-2032 academic year the minimum age for compulsory pre-primary education will be 4 years old.

Public kindergartens (pre-primary schools) provide compulsory pre-primary education for free and students are registered based on specific criteria⁶⁴. Their working hours are from 7:45 am to 1:05 pm⁶⁵ and this is problematic for working parents who must make alternative arrangements for afternoon childcare or adjust their working hours.

⁶⁰ European Semester 2024, Country report – Cyprus.

⁶¹ Information available at: <https://www.unicef.org/eca/reports/supporting-expansion-and-strategic-development-early-childhood-education-and-care-cyprus>

⁶² European Semester 2024, Country report- Cyprus.

⁶³ Primary and Secondary Education (Compulsory Attendance and Provision of Free Education) Amendment Law of 2024 (Ο περί Δημοτικής και Μέσης Εκπαίδευσης (Υποχρεωτική Φοίτηση και Παροχή Δωρεάν Παιδείας) (Τροποποιητικός) Νόμος του 2024 (Ν.30(Ι)/2024)).

⁶⁴ Priority is given to children with special needs, then to children who have reached the minimum age for compulsory pre-primary education and finally socio-economic criteria apply, Ministry of Education, Sport and Youth, Department of Primary Education. Available at: https://www.moec.gov.cy/dde/kritiria_epilogis.html

⁶⁵ Ministry of Education, Sport and Youth, Department of Primary Education. Available at: https://www.moec.gov.cy/dde/orologio_nipiagogeiou.html#orario

There is also a limited number⁶⁶ of optional all-day public kindergartens that close at 4 pm. Community⁶⁷ and private kindergartens, which are registered at the Ministry of Education and Culture, also provide compulsory pre-primary education.

In addition, with a Decision of the Council of Ministers on 8 July 2024, two Schemes on Tuition Subsidy and Feeding for Children for the 2024-2025 academic year were approved⁶⁸. The first scheme applies to children up to 4 years old and forms part of the Cohesion Policy Programme Thalia 2021-2027 which is co-funded by the EU Cohesion Policy Funds and the government⁶⁹. This scheme aims to strengthen families with young children, provide equal opportunities to children of pre-school age and reconcile family and work life⁷⁰. The second scheme applies to children from 4 years to 4 years and 6 months and will be available until the full implementation of the reform on compulsory pre-primary education, which is included in the RRP⁷¹. Both schemes provide for direct payment of a subsidy to the nurseries/kindergartens which have been approved to participate in the schemes. The subsidy covers up to 80% of the monthly tuition with an upper limit of €350 per month. The amount of the subsidy is calculated based on the family income, the age of the child, the composition of the family and the school's working hours. For 2024, eligible for this subsidy are low-income families who receive child allowance. Both schemes are implemented by the Deputy Ministry of Social Welfare with a total cost of €20 million per year. They are expected to cover up to 25.000 children up to the age of 4 years and 6 months⁷².

5. Conclusion

Promoting labour market participation of parents with young children has been consistently in the public discourse in Cyprus for the last few years. This can be attributed to the combined effect of the adoption of the European Pillar of Social Rights and the Work- Life Balance Directive, specific Council recommendations issued in the 2019 and 2020 European semester cycles, related priorities included in the national Recovery and Resilience Plan and pressure from the social partners.

⁶⁶ For the 2023-2024 academic year 78 all-day public kindergartens were established, Ministry of Education, Sport and Youth, Department of Primary Education. Available at: https://www.moec.gov.cy/dde/programs/proairetiko_oloimero/index.html

⁶⁷ Community kindergartens receive an annual grant by the government and their fees are low. Their working hours are from 7:45 am to 2:45 pm.

⁶⁸ Administration Service for Welfare Benefits, Deputy Ministry of Social Welfare, available at: <https://www.wbas.dmsw.gov.cy/dmsw/ydep.nsf/All/B19AE882469E45BEC2258B7400411D32?OpenDocument>

⁶⁹ Directorate General Growth, Ministry of Finance, available at: https://www.mof.gov.cy/mof/dggrowth/dggrowth.nsf/cohpolprogthalia_en/cohpolprogthalia_en?OpenDocument

⁷⁰ Information about the Thalia project is available at: <https://thalia.com.cy/en/invitations/tuition-subsidy-and-feeding-scheme-for-children-up-to-4-years-old-en/>

⁷¹ Funding from the Recovery and Resilience Facility is possible for this scheme.

⁷² Administration Service for Welfare Benefits, Deputy Ministry of Social Welfare, available at: <https://www.wbas.dmsw.gov.cy/dmsw/ydep.nsf/All/B19AE882469E45BEC2258B7400411D32?OpenDocument>

The legislative framework has been gradually strengthened to protect and promote employment of parents with young children: the length of maternity leave has been increased and the scope of paternity leave has been extended to include parents irrespective of marital or parental status; allowance is paid for the non-transferable part of parental leave and carers' leave and the right to request flexible arrangement for caring purposes were introduced.

Within this framework, parents who have applied for or have taken these types of leaves are protected from dismissal and against less favourable treatment, whereas their employment rights are also protected.

Nevertheless, complaints are submitted regularly to the Commissioner of Administration and Protection of Human Rights (Ombudsman), acting as Equality Rights Body, in relation to employers' refusal to grant the leaves under the Work-Life Balance Law⁷³. This can be partly explained by lack of awareness on the part of the employers. Therefore, the social partners and the government have an important role to play in raising awareness among employers and employees in relation to the provisions of the Work-Life Balance Law.

Three main challenges are identified in this context. Firstly, the duration of paternity leave is considerably shorter than the duration of maternity leave (2 weeks compared to 22 weeks), resulting in re-enforcing rather than challenging the existing social expectation that women are the primary child-carers.

Secondly, the financial implications of parental leave can be a determining factor on whether the parents will opt to take this leave⁷⁴. Further, the level of the parental leave allowance, which is currently set at 72% of the earnings, may incentivise the lowest earner, who is often the mother, to take parental leave. Stereotypes on gender roles may also discourage fathers' uptake of parental leave. Currently, there are no available statistics on the uptake of parental leave by fathers. However, it is important to monitor the gender-balanced use of family-related leaves and even examine the possibility of providing incentives for such use.

Thirdly, the current regulatory framework does not allow public sector employees⁷⁵ with young children to exercise their right to request flexible working arrangements. Resolving this issue must be seen as a priority by the Pancyprian Public Sector Workers Federation (PASYDY) and the government because it directly affects the correct implementation of the WLBD.

⁷³ Ombudsman of Cyprus, information is available at: <https://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/30FCFDA54B01CF9AC22589B4001F245E?OpenDocument>

⁷⁴ Parental leave is not compulsory.

⁷⁵ The total government employment reached 53,039 persons in July 2024. Cyprus Statistical Service, available at: <https://www.cystat.gov.cy/en/PressRelease?id=69081>.

In relation to increasing the provision of formal early childhood education and care (ECEC), important steps have been taken which are expected to contribute to better reconciliation between professional and private life and support stronger female labour market participation. Funding received from EU funds made possible the recent adoption of the two schemes in order to subsidise ECEC. The possibility of using more European funding should be examined aimed at further improving the provision of ECEC, for example by increasing the number of optional all-day public kindergartens.

Czech Republic and its social protection of parents with young children

This article is peer-reviewed.

Abstract

The present article maps the social security of parents with young children in the Czech Republic. It focuses in particular on maternity and parental leave, their duration and the financial security of parents who take such leave. The authors also place the legislation in the Czech Republic in the context of selected legislation in selected EU Member States. The text does not omit suggestions *de lege ferenda* on the topic under study.

Keywords: employment of parents; work-life balance; social protection; parental leave, parental allowance.

1. Introduction

In the course of an employee's career path, it is indisputable that motherhood and childcare represent a major precarization factor (in the Czech Republic, typically in the career of a woman). The birth of a child represents one of the most important and significant events in a person's life, which, in addition to a considerable number of diverse consequences in the personal sphere, brings with it a temporary suspension of work commitments in the form of maternity leave and subsequent parental leave. The purpose and aim of the legislative regulation of social relations during this period is clearly to protect the health of the mother and child and to give them peace of mind and the necessary facilities both in connection with childbirth and during the subsequent care of the newborn child, when the mutual bond between the child and the mother develops. The employee is protected by the legislation in this highly sensitive period immediately preceding the birth and in the first weeks after the birth, since maternity constitutes an important personal impediment to work, during which the employer is obliged to grant the employee time off from work.

The national legislation, through the relevant public social security bodies, guarantees the employee, for the duration of the impediment to work due to childcare, material security, which is closely linked or mutually dependent on the absence from work.

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Especially in recent years, it can be seen that social protection of employees goes hand in hand with efforts to implement the principle of work-life balance. Even though the current measures to support and help achieve work-life balance for employees include, for example, the establishment of a company nursery, adjusting working hours, allowing part-time work, and maintaining contact with the parent by allowing participation in educational events, teambuilding, etc., the typical measure to support the reconciliation of work and family life is the appropriate management of maternity and parental leave. Maternity and parental leave therefore remain essential tools of social protection for parents of young children. The aim of this paper is to introduce the legal regulation of maternity and parental leave and maternity and parental allowance in the Czech Republic and to pose the question whether Czech legislation will stand up to international comparison, and whether it can be considered to sufficiently implement the relevant EU directives, especially the so-called Work-Life Balance Directive.²

2. Maternity leave and maternity allowance in the Czech Republic

2.1. Legislation and concept

According to the Labour Code³ maternity leave in the Czech Republic is reserved for women employees in connection with advanced pregnancy, childbirth and care of the newborn child. The father may only take paternity leave (2 weeks) or parental leave.

Maternity leave shall be granted to a female employee for a period of 28 weeks. If the employee gives birth to 2 or more children at the same time (multiple birth), she is entitled to maternity leave for 37 weeks. Czech legislation does not favour single mothers when taking maternity leave. The employer is obliged to provide the employee with excused leave without wage or salary compensation. During the period of maternity leave, the employee is usually covered by a sickness insurance benefit, specifically maternity allowance, depending on the fulfilment of the conditions laid down in the social security legislation.

Maternity allowance is one of the sickness insurance benefits and as such is governed by the Sickness Insurance Act.⁴ It is worth noting that during the effective period of the Sickness Insurance Act, the legal regulation of maternity allowance has not undergone significant changes; that means that for almost 20 years the concept of supporting women on maternity leave has remained intact, unfortunately without a follow-up analysis to assess the effectiveness of the system over time.

² 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, OJ L 188, 12.7.2019, p. 79–93.

³ Act No. 262/2006 of the Collection of Laws, hereinafter referred to as Labour Code.

⁴ Act No. 187/2006 of the Collection of Laws, hereinafter referred to as Sickness Insurance Act.

In terms of the personal scope of the benefit, not everyone in the Czech Republic is covered by the sickness insurance system since it is obligatory only for employees (who earn the minimum income⁵). Therefore, typically business women are not entitled to maternity allowance unless they voluntarily participate in an insurance as self-employed or entrepreneurs.

The basic purpose of maternity allowance is to compensate for lost earnings during the earliest childcare period, Czech legislation provides maternity allowance in the amount of 70% of the reduced income,⁶ which is in comparison with other European countries significantly less (see below). To qualify for maternity allowance the fundamental condition is participation in the sickness insurance system for at least 270 calendar days in the last two years before taking the maternity leave. The self-employed person must also meet the condition of having been insured for at least 180 days in the last year before the date on which the period of the allowance begins. The child's father or the mother's husband can claim the maternity allowance if he has entered into a written agreement with the mother to care for the child, or if the child's mother is unable or unavailable to care for the child.

The start of maternity leave shall be determined by the employee herself, and the employee shall normally start maternity leave at the beginning of the eighth to sixth week before the expected date of childbirth, as determined by the doctor. If the employee takes less than six weeks of her maternity leave before giving birth because the birth occurs earlier than the date of the doctor's determination, she shall be entitled to maternity leave in full, i.e. for 28 or 37 weeks (as the case may be) from the date of her commencement. However, if the employee takes less than 6 weeks of maternity leave before giving birth for any other reason, she is entitled to maternity leave only from the date of birth until the expiry of 22 weeks, or 31 weeks in case of multiple births.

In view of the strain that childbirth places on a woman's body, pursuant to Section 195 of the Labour Code, maternity leave in connection with childbirth may never be less than 14 weeks and may in no case end or be interrupted before the expiry of 6 weeks from the date of childbirth. This corresponds to Article 8 of Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and

⁵ The minimum income for employees to participate in the sickness insurance is 4.000 CZK (approximately € 160) a month.

⁶ The employee's income is not counted in full for the purposes of calculating the allowance, but is reduced through a fairly complex and complicated system (there are 3 reduction limits up to which the employee's daily income is counted).

health at work of pregnant workers and workers who have recently given birth or are breastfeeding.⁷

2.2. Legal regulation of maternity leave and maternity benefits abroad – inspiration for Czech legislator

When comparing maternity leave and allowance legislation in the Czech Republic with legislations in other EU Member States, we capture some similarities and also differences that can be used as inspiration.⁸ As for the similarities, under the compared laws, during maternity leave, the material security of the employee is not provided through wage or salary replacement by the employer, but rather through a benefit from the public social security system, with the specific exception of Germany.⁹

The *sine qua non* condition common to the compared legal systems is the beneficiary's participation in a public social security system, typically sickness insurance. The only difference between the Member States in this area is the required length of participation in the relevant insurance scheme to be entitled to maternity benefits. The second traditional condition is the absence of income from insured activity during the support period.

The Czech Republic is commonly known for its generous length of maternity and parental leave, which, however, may not always be beneficial for parents, due to its potential impact on employment relations. For example, except for Slovakia, the basic maternity leave in other countries is shorter than in the Czech Republic, however the financial compensation during maternity leave is higher than that granted in the Czech Republic. The majority of the analysed and compared legal regulations guarantee the employee 100% of the average earnings that the employee earned before taking maternity leave for the duration of the maternity leave. This represents the full extent of the employee's material security in France, Hungary, Germany, Poland and Slovenia. The legislation of other countries, while not compensating the employee for earnings up to the original amount, continues to grant the employee a higher level of security than the Czech legislation. In Belgium, the employee is entitled to a benefit of 82% of gross wages; in Slovakia, maternity pay is 75% of the daily assessment base.

⁷ Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, OJ L 348, 28.11.1992, p. 1–7.

⁸ Koldinská, K., Pichrt, J., Morávek, J., Štefko, M., Matějka Řehořová, L. *Analýza právní úpravy mateřské a rodičovské dovolené ve vybraných zemích EU (Analysis of the Legal Regulation of Maternity and Parental Leave in Selected EU Member States)*. SPČR. Prague 2023. available at: https://www.spcr.cz/images/2023/analyzy/Analiza_MD_a_RD_KA4.pdf.

⁹ German legislation presents an interesting combination of insurance benefits and employer contributions. The employer is obliged to supplement the maternity allowance paid to the beneficiary by the health insurance (which in Germany includes sickness insurance). However, the employer is entitled to full compensation for these payments, which are financed by a general contribution from all employers under a complex contribution procedure.

It can be assumed that an increase in the material security of employees during maternity leave in the Czech Republic may, with an appropriate combination of adjustments to the length of the support period, contribute to an increase in the birth rate and a more satisfactory financial situation of the parents. This, in turn, could motivate parents to return to work and improve the attractiveness of the sickness insurance system in general.

The Czech legislator could also apply more consistent differentiation of the employee's social situation in relation to the number of children born. Some countries differentiate between multiple births by gradually increasing the length of leave time. Czech legislation does not take into account multiple births, it only differentiates between single and multiple births, which leads to the mother of quadruplets having the same social protection as the mother of twins. This also applies to the situation when the child is taken into care instead of being cared for by the parents. This creates a certain injustice, as the legislation does not take sufficient account of what are obviously very complex and difficult situations, even if they are not very common. An adequate increase in social protection would probably not place any particular burden on employers or the state budget.¹⁰

There are also differences regarding the potential for economic activity during maternity leave. In the Czech Republic, it is not possible to combine maternity leave with other work for the same employer (part-time maternity leave) while other work or economic activity for a woman during maternity leave is not excluded, but it must be different than insured activity. In this sense, women on maternity leave are financially and professionally disadvantaged, as they are forced to leave the workforce and, as a result, their career growth is slowed down when they return. Last but not least, it has implications for remuneration or helps to 'resist' the phenomenon known as the 'gender pay gap'. Related to this is the fact that some Member States explicitly provide for the obligation to 'top up' pay upon returning from maternity leave to the level of the wages and other benefits a woman would have received had she not taken maternity leave. In this area, the countries surveyed are undoubtedly a source of inspiration for future considerations on how to better ensure real work-life balance in the Czech Republic.¹¹

¹⁰ French legislation differentiates the length of maternity leave according to the number of children in the family: the maternity leave for the 1st and 2nd child is 6 weeks before birth, 10 weeks after birth, and for the 3rd child it is 8 weeks before birth, 18 weeks after birth. In the case of multiple births, the period of leave is extended to - 12 weeks before birth, 22 weeks after birth in the case of 2 children; 24 weeks before birth and 22 weeks after birth in the case of 3 or more children.

¹¹ For example, the Hungarian legislation provides for the employer's obligation to make an offer to the returning employee to adjust her remuneration after maternity leave based on the average annual salary increase for employees in the same job category in the intervening period. Where there are no such employees with the employer, the average annual salary increase actually realised by the employer shall be used.

3. Parental leave and parental allowance in the Czech Republic

3.1. Legislation and concept

Parental allowance is governed by the State Social Support Act.¹² Through this non-insurance based and untested social security benefit, the state participates in covering the costs of nutrition and other basic personal needs of families with small children, in accordance with the definition of state social support benefit pursuant to Section 1 para. 1 of the State Social Support Act.

A condition for entitlement to parental allowance is the personal full-time and proper care for a child under three years of age, while care can also be provided for the child by another adult. A parent can also place the child in a crèche, kindergarten or other similar facility for children. If the child is under two years of age, he/she may not attend these facilities for more than 92 hours in a calendar year; for older children, the children's attendance at these facilities is not monitored.¹³

The parent's economic activity is not monitored in any way and the entitlement to the benefit is not conditional upon the actual taking of parental leave. This means that the parental allowance can be received, for example, even in a situation where the parent returns to work full-time. In practice, however, this situation does not occur very often. Parental allowance is usually drawn for the period during which parental leave is also taken.

While maternity and paternity benefits are sickness insurance benefits that replace income lost as a result of maternity or paternity leave (i.e. important personal impediment to work), the parental allowance benefit, as a state social support benefit paid from the state budget, serves more as a type of state contribution to the upbringing of a child, or as a certain 'social wage'.¹⁴ This regulation of parental allowance is undoubtedly in line with the guarantee of social rights. The Constitutional Court stated in this regard that "the essential content of the right of parents caring for children to assistance from the state is defined by the Constitutional Court as ensuring a minimum social standard, or guaranteeing a minimum standard of human dignity".¹⁵ The conditions for entitlement to parental allowance are, as follows from the above-mentioned, very

¹² Act No. 117/1995 of the Collection of Laws, hereinafter referred to as the State Social Support Act.

¹³ Section 31 of the State Social Support Act.

¹⁴ On the characteristics of state social support and individual benefits of this system, see, for example, Koldinská, K. et al. *Právo sociálního zabezpečení (Social security law)*. C.H. Beck. Prague. 2022.

¹⁵ The Constitutional Court has recently commented on the regulation of parental allowance in its judgment Pl.ÚS 1/20., (paragraph 41. The manner in which this right is fulfilled and reflected in legal regulations is then left by the Constitutional Court to the discretion of the legislator.

loose. Basically, anyone who has children can draw parental allowance, regardless of their financial, social or work situation.

With effect from 1 January 2024, among other things, the parental allowance has been increased and its maximum support period has been aligned with the length of parental leave.¹⁶ From 1 January 2024, the parental allowance is CZK 350,000 if it is drawn for the oldest child in the family, or CZK 525,000 if it is used to care for multiples. Parental allowance, as well as parental leave, can be drawn until the child is 3 years old.

The parental allowance, along with parental leave should be the main tool for social protection of parents of young children, enabling them to effectively reconcile work and family life. Reconciling work and family life is an important means of achieving equal opportunities for men and women and a fairer distribution of care responsibilities.¹⁷ This is evidenced by the latest statistics, according to which, for example, in 2022, 283,000 people received parental allowance, of which only 5000 were men.¹⁸ The economic thinking of the family often leads to the fact that the man prefers to stay full-time at work and the children are taken care of by the woman, who often has no choice but to actually stay at home and take full-time maternity and parental leave, because there is a lack of capacity in pre-school facilities and part-time job offers.

In fact, in Czechia, only 9,9% of women work part-time, whereas in the Netherlands, for instance, it's 73,4% of women.¹⁹ According to a recent survey, in Czechia, there is a lack of 20 000 places in child care facilities for children under 3 years, for children under 1 year they practically do not exist (if so, then on payment and they are very expensive).²⁰

The goal to share the caring responsibilities between parents is apparently easy to pronounce under the Czech conditions, but all the more difficult to achieve, especially

¹⁶ Act No. 407/2023 of the Collection of Laws, amending, in particular, the State Social Support Act, Act No. 73/2011 of the Collection of Laws on the Labour Office of the Czech Republic and on Amendments to Related Acts, and Act No. 111/2006 of the Collection of Laws on Assistance in Material Need.

¹⁷ For the study of the issue of work-life balance in the Czech Republic, see Pichrt, J., Tomšej, J. (eds) *Balancování na hraně work-life balance a transparentnosti* (Balancing on the edge of work-life balance and transparency, Prague), Wolters Kluwer, 2022.

¹⁸ Ministry of Internal Affairs and Communications, Number of recipients of parental allowance by gender. Information available at: <https://www.mpsv.cz/vybrane-statisticke-udaje>

¹⁹ Eurostat data – available at https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Part-time_and_full-time_employment_-_statistics.

²⁰ Data available at <https://www.expat.cz/czech-news/article/czech-nurseries-capacities-short-of-20000-places-for-toddlers>.

that the increase of parental allowance and leave can also have a welfare trap effect.²¹ However, a relatively recent sociological survey shows that 70% of men would like to stay at home with their child for at least part of their parental leave.²²

In the Czech Republic, a relatively unique benefit formula is applied, through which the monthly amount of parental allowance is calculated.²³ Under certain circumstances (basically in the case of a sufficiently high income), the recipient of the parental allowance can choose the length of the parental allowance. The higher the income, the greater the flexibility and the possibility to draw the parental allowance within six months.

According to the former legislation, each recipient of parental allowance could choose the amount of the allowance, up to CZK 13,000 per month. The increase in parental allowance from 1 January 2024 means that parents with high incomes are able to draw parental allowance in 6 months at the earliest, drawing up to CZK 58,333 per month.²⁴ However, this choice can only be made by those who can prove that at least one of the parents in the family can be assessed 70% of the 30 times the daily assessment base (for the purposes of calculating maternity benefit) in an amount exceeding CZK 13,000 on the date of birth of the youngest child in the family. Additionally, the selected amount of parental allowance may not exceed 70% of the 30 times the daily assessment base per month.²⁵

²¹ Although the relationship between parental leave and parental allowance has not been monitored for a long time and there are no statistics mapping the development over a longer period of time, the CERGE-EI study published in 2022 (Grossmann, J., Pertold, F., Šoltéz, M., Šarboch, M., Zapletalová, L. Vliv zvýšení rodičovského příspěvku na participaci žen na trhu práce (The Effect of Increasing the Parental Allowance on Women's Participation in the Labour Market). Prague: IDEA – CERGE-EI. 2022. Available at: https://idea.cerge-ei.cz/files/IDEA_Studie_14_2022_Rodicovska/IDEA_Studie_14_2022_Rodicovska.html#p=3) suggests that the increase in parental allowance itself causes the opposite effect on the labour market than that which parental allowance should monitor, namely the reconciliation of work and family life. The study shows that the income effect of the increase in parental allowance in 2020 was reflected in mothers' decisions about work involvement, and for many of them the period of drawing parental allowance was extended. The labour market participation rate of mothers of three-year-old children has fallen from 70% to 60%, and the labour market participation rate of mothers of two-year-olds has fallen by 6 percentage points to 20%. A more significant decrease in work participation occurred among mothers who received parental allowance for their first child. In terms of educational attainment, the impact of the increase in parental allowance was felt especially for mothers with a university education. The share of working mothers in this group decreased by a third (by 16.4 p.p.) and the number of hours worked by them decreased by 4.8 hours per week (a decrease by 30%).

²² Tátové na rodičovské (Dad's as parents) Information available at: <https://www.ceskovdatech.cz/clanek/163-tatove-na-rodicovske/>.

²³ In none of the countries examined in the above-cited study does a similar solution appear, the benefit is usually set relatively simply, both in terms of the conditions for entitlement to it and in terms of the benefit formula.

²⁴ The taxable income of the parent reached about CZK 85,000.

²⁵ Section 30 (3) (b) of the State Social Support Act.

At the end of 2022, only 8% of all recipients of parental allowance drew more than CZK 13,000 per month, while at least 60% of recipients had this option due to their income.²⁶ As mentioned above, a mere increase in the parental allowance will probably not lead to a reduction in the length of the period during which parents (mostly mothers) stay at home with their children and 'fall out' of the labour market. If, for example, a parent reached the average wage in the national economy, i.e. CZK 42,500, his parental allowance would be CZK 29,167 and the shortest duration for drawing of the parental allowance would be 12 months, i.e. approximately until the child is 1.5 years old. If the parental allowance is drawn for 24 months, its monthly amount would be CZK 14,583, and if it is drawn until the child is 3 years of age, i.e. for 30 months, the parental allowance is CZK 11,667.

It is clear from the above that the parental allowance does not represent a source of decent income if the parent draws it until the child is two or three years old. However, due to the current lack of pre-school facilities and an insufficient number of part-time job offers, most women remain dependent on parental allowance or other benefits of state social support or assistance in material need, which the family often does not qualify for, given that the family's decisive income usually comes from the father working full-time. This creates an income dependence of the family, or the mother, on the parent who remains working full-time, which is usually a man.

In the opinion of the authors of this article, the parental allowance thus represents an insufficiently flexible, relatively complicated allowance that is paid for too long, which, in combination with the lack of places in pre-school facilities and the low flexibility of the labour market, excludes from the labour market for a relatively long time those who take over the main caring responsibilities of children, mostly women. The current regulation of parental allowance does not provide for a sufficient opportunity for an effective division of caring roles in the family, and if the parental allowance is drawn for a longer period of time, like up to the age of 3 of the child, it does not represent a decent income for the caregiver. A mere increase in the benefit, without modernising its concept, will probably not lead to better opportunities for reconciling work and family life.

This is also evidenced by a study mapping the situation of families from 2018-2022, which shows, among other things, that "most parents from the monitored types of families prefer state support in the form of services to financial support, which should also take the form of tax relief rather than the payment of social benefits. Financial assistance would be most welcomed by parents from multi-child families and single parents, with both groups preferring it more often in the form of tax relief."²⁷

²⁶ See the explanatory memorandum to Act No. 407/2023 of the Collection of Laws.

²⁷ Křečková Tůmová, N., Nešporová, O., Svobodová, K., Palonciová, J., Höhne, S. *situace rodin s dětmi v České Republice v letech 2018-2022* (Situation of families with children in the Czech Republic in the years 2018-2022). RILSA Policy Briefs 4/2023. Available at: https://katalog.vupsv.cz/fulltext/PB_04-2023.pdf.

Therefore, the parental allowance may still be the subject of changes to promote work-life balance and a fairer distribution of care roles between men and women, while other Member States's regulations can represent a valuable source of inspiration.

3.2. Legal regulation of parental benefits abroad – inspiration for the Czech Republic

As the issue of work-life balance is still insufficiently addressed in the Czech Republic, a team from the Faculty of Law of Charles University prepared a comparative study in 2023 that dealt with the legal regulation of maternity and parental leave in selected EU Member States.²⁸ This study can also be used as inspiration for Czech legislation, which in international comparison seems to be insufficiently supportive of the reconciliation of work and family life.

Social security linked to parental leave is a matter of public insurance in most European countries, and the benefits paid during parental leave are mostly financed by the compulsory social insurance system and administered by an insurance company, which is usually a state body or at least a state administration. Another solution, similar to the Czech one, is a system of family benefits, where the parental allowance is a non-insurance benefit financed from the state budget, as is the case, for example, in Germany. In most countries, the main source of security during parental leave is usually a benefit from the public social security system, typically from social insurance. This means that participation in the insurance scheme is a condition for entitlement to the benefit, but in some countries the legislation does not require any 'waiting period' and the insurance benefit can be drawn, for example, from the first day of the existence of the insurance relationship. However, it is usual that a certain period of participation in the social insurance system is set as a condition for entitlement to parental benefit, in other words, the usual condition is that a certain preliminary waiting period has been met. Of course, there are also countries where parental allowance is not linked to participation in the insurance scheme. For example, the German regulation of parental allowance is similar to the Czech model. Parental allowance is provided here as a family benefit, financed from the state budget.

A big question for the Czech legislator is the implementation of the requirement for the non-transferability of the right to at least 2 months of parental leave to the other parent, as regulated in Article 5 of Directive 2019/1158. As mentioned above, even without this requirement of EU law, the Czech legislation has remained somewhat 'behind' European trends and basically does not provide for support for the division of care roles.

²⁸ Koldinská, K., Pichrt, J., Morávek, J., Štefko, M., Matějka Řehořová, L. *Analýza právní úpravy mateřské a rodičovské dovolení ve vybraných zemích EU (Analysis of the Legal Regulation of Maternity and Parental Leave in Selected EU Member States)*. SPČR. Prague 2023. Available at: https://www.spcr.cz/images/2023/analyzy/Analyza_MD_a_RD_KA4.pdf.

Countries that are successful in supporting the effective reconciliation of work and family life usually pay relatively high parental benefits, for a shorter period of time, which are then followed by guaranteed opportunities for flexible work and sufficient capacity of affordable childcare services. Some countries are gradually introducing the so-called part-time parental allowance, which is de facto not the case in Czechia.

4. Possible conclusions and proposals *de lege ferenda* for the Czech legislator

The Swedish experience is very valuable and inspiring. In Sweden, there has been a significant shift in the legislation over the last 40 years that promotes an equal sharing of caring roles. In 1974, mothers received 99.5% of all days of parental allowance, while fathers received 0.5%. In 2022, mothers received 70 percent of the days of parental allowance and the share of fathers increased to about 30 percent.²⁹ Also, the structure of parental insurance legislation with earnings-dependent benefits and long vacation periods is considered by many researchers to be the main explanation for why Sweden has managed to combine a relatively high birth rate with a high rate of female labour market participation and low child poverty.

The German regulation of parental benefits (the combination of insurance benefits and employer contributions) can also be considered inspirational for the Czech legal environment for two reasons: parental benefit is not an insurance benefit as it is in other countries, and at the same time, the legislation contains interesting tools for the effective reconciliation of work and private life and a fairer division of caring roles.

In Slovenia, parental leave was previously a right of the mother, which was transferable to the father. Both parents cannot take parental leave at the same time, with the exception of extended parental leave (in the case of twins or multiple births, multiple children, special needs, but not in the case of premature birth) and the non-transferable part (60 days). Both parents can take it at the same time if they both take it in the form of partial absence from work (both work part-time and take care of the child part-time). One of the biggest advantages of the Slovenian regulation of paternity and parental leave is that it is paid generously throughout the whole period (100% of previous income).

The experience of other European countries represents a very valuable source of inspiration for considering possible changes to the Czech legislation on parental allowance. At the same time, it is clear that none of the legal regulations can be adopted as they are. On the basis of the above, however, it is possible to make some

²⁹ Srov. např. Duvander, A.-Z., Ferrarini, T., Thalberg, S. Swedish parental leave and gender equality Achievements and reform challenges in a European perspective. Arbetsrapport/Institutet för Framtidsstudier; 2005:11. Available at: <https://www.ifs.se/media/1118/20051201134956filU8YIJLRaAaC7u4FV7gUmy.pdf>.

proposals for changes to Czech legislation on parental allowance so that it better meets the requirement for work-life balance and a fairer distribution of care roles between men and women.

The *de lege ferenda* proposals concerning the legal regulation of parental allowance in the Czech Republic are the following:

- It would be appropriate to consider shortening the support period of parental allowance, e.g. up to 2 years of age.
- Clearer rules for part-time parental leave and support of taking it up would further help.
- An issue that has not yet been resolved is the non-transferability of part of the benefit. Following alternative solutions could be considered:
 - a) Increase in parental allowance if the other parent (usually the father) will take care of the child and take parental leave
 - b) Introduction of a new benefit that would “supplement” the parental allowance if the child is cared for by the other parent
 - c) A more significant change in the concept of parental allowance according to the Slovenian or Swedish model

All three options would undoubtedly require changes in the regulation of labour law regulations as well as in the regulation of parental allowance as such. In the given situation, it can be recommended that the legislator aim for the minimum requirement of the WLB Directive, i.e. 2 non-transferable months, with the proviso that it would be impossible to have a concurrence of gainful activity with drawing parental allowance during this period. Of course, it would also be possible to consider partial drawing of parental allowance together with taking parental leave for part-time work.

Any of the above-outlined variants of changes in the regulation of parental allowance aimed at better reconciling work and family life would undoubtedly require a prior detailed analysis of the economic and social impacts and the impact on the position of individual types of families, employees, self-employed persons as well as employers. However, if Czech society intends to realistically move towards reconciling work and family life, comprehensive changes in the regulation of social protection of parents with children are probably inevitable.

Promoting labour market participation of parents with young children: The example of Finland

This article is peer-reviewed.

Abstract

In Finland, the labour market participation of parents with young children has been promoted by different means: the special labour-law protection of parents, the possibility to use family leave, the payment of family-related social benefits, municipally-organised child day care services and, finally, the action of labour market participants. While Finland has historically been characterised by high employment rates among women, parental leave has kept women away from the labour market more often than men. The Family Leave Reform implemented in 2022 aims to change this situation by introducing a certain amount of family leave designated separately for men and women. The reform promises to increase equality between men and women as regards care responsibilities and enhance women's participation in the labour market. In the future, the labour market participation of parents with young children in Finland will additionally be influenced by EU policy in this field and by changing industrial relations in Finland as well as the development of company specific practices.

Keywords: employment of parents; work-life balance; labour law protection; social protection; childcare systems.

1. General context

Finland is a Nordic welfare society and equality between men and women and the participation of parents with young children in the labour market is a central policy area. Therefore, this topic is assigned high priority in politics, regardless of which parties are in government, although there are naturally some differences between political parties.

As a political and labour market issue, balancing work and family life has also been a long-lasting topic of public debate in Finland. The work-life balance is a multifaceted phenomenon, the achievement of which requires the application of legislative norms and the implementation of different workplace practices. Since the work-life balance

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is a broad and, in some respects, time-related phenomenon, the topics of public debate vary over time. Recently, the focus of the debate in Finland has been the Family Leave Reform. In addition, occasionally, the discussion has turned to discrimination on the basis of pregnancy, especially in the case of fixed-term employment² and when an employee is unable to return to their previous work tasks after family leave.³ These problems were recognised in the former prime minister Sanna Marin's Government Programme⁴ as well as in a working group dealing with problems connected to parents returning to work after family leave.⁵ In addition, low birth rates and, in connection, measures on how to balance work and family life have appeared in the public debate recently. Finland currently faces a challenging age distribution, with approximately 23% of the population over the age of 65.⁶ The demographic structure is linked to the labour market and especially labour shortages in certain sectors,⁷ which again influences the Finnish economy and economic policy.⁸ Thus, means to encourage families to have children have also been discussed. A key policy in this area has been the application of measures to balance work and family life. Moreover, it is noteworthy that the government has introduced an equal pay programme for the years 2024–2027, and the programme will also address ways of improving the balance between work and family life.⁹

² When an employee informs her employer that she is pregnant, her fixed-term contract may not necessarily be renewed even if the employee has previously worked for several fixed terms in the same position (successive fixed term contracts). However, if the employer recruits a new employee for the same tasks, they are seen to have discriminated against the former employee on the basis of her pregnancy.

³ According to Chapter 5, Section 9 of the Employment Contract Act, at the end of a period of leave referred to in this chapter [parental leave], employees are, primarily, entitled to return to their former duties. If this is not possible, employees shall be offered equivalent work in accordance with their employment contract, and, if this is not possible either, other work in accordance with their employment contract is to be proposed.

⁴ Sanna Marin Government Programme 2019, p. 144., https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161935/VN_2019_33.pdf?sequence=1&isAllowed=y

⁵ Ministry of Employment and the Economy, *Työhönpaluuta perhevapaan jälkeen selvittäneen työryhmän muistio* (Työ- ja elinkeinoministeriön julkaisuja Työ ja yrittäjyys 21/2014, Memo from the working group on return to work after family leave), <https://tem.fi/documents/1410877/2859687/Ty%C3%B6h%C3%B6npaluuta+perhevapaan+j%C3%A4lkeen+selvitt%C3%A4neen+ty%C3%B6ryhm%C3%A4n+muistio+14052014.pdf>

⁶ Finnish Statistics, <https://stat.fi/en/statistics/vaerak>

⁷ Liisa Larja, Juho Peltonen, *Työvoiman saatavuus, työvoimapula ja kohtaanto-ongelmat vuonna 2022* (Työvoimatiekartat -hankkeen loppuraportti, TEM-analyyseja 113/2023, Labour supply, labour shortages and mismatches in 2022), https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164550/Ty%C3%B6voimatiekartat_hankkeen%20loppuraportti_tarkistettu.pdf

⁸ General government EDP debt in relation to GDP was 77.4% in 2024, <https://stat.fi/en/statistics/jyev#keyfigure-clv3prg7p4nze07w2pic40amj>

⁹ Programme of Prime Minister Petteri Orpo's Government, 4.2 Developing working life and wellbeing at work, <https://valtioneuvosto.fi/en/governments/government-programme#/4/2>

The Family Leave Reform, a significant reform in this area, based on the Government Programme of Sanna Marin,¹⁰ was passed and entered into force in 2022. One of the key objectives of the reform was to distribute family leave and care responsibilities equally between men and women within the family. Additionally, the reform aimed to reduce pay differences between the sexes. Moreover, it was accompanied by the Government's stated aim that the reform should take account of all kinds of families.¹¹ Since the Family Leave Reform was a broad and value-related reform, it understandably generated much public discussion. Opinions were divided, especially concerning whether legislators or the family should decide how parental leave is used and divided between family members. If, in the past, the debate concerning the work-life balance was more strongly concentrated on improving the position of women in the labour market, recently it has been broadened to arguments concerning the functioning of the economy and the labour market. Such a discussion can be explained in part by the labour shortages faced, in particular, by some female-dominated sectors, such as social and health care.¹²

The issue of unpaid work is also connected to the work-life balance and equality issues. In the Finnish context, this issue is occasionally discussed. According to surveys conducted in Finland, compared to men, women assume a larger part of the responsibilities connected to raising children, such as parent-school communication, caring for a sick child or general childcare.¹³ Although women in Finland are often placed in an unequal position regarding home responsibilities, the share of undeclared work performed at home is nonetheless small. This is supported by tax incentives that aim to reduce undeclared work and the 'grey economy'. For example, when hiring a nanny or childcare professional to work in a child's home, some of the cost can be tax deductible based on tax credit for household expenses.¹⁴

¹⁰ Sanna Marin Government Programme 2019, p. 144.

¹¹ 'Diverse families' or 'different types of families' is a concept used to describe foster parents, *adoptive parents*, single-parent families or families formed by sexual minorities. (See, Government proposal 129/2021, 7, 49,160, <https://finlex.fi/fi/esitykset/he/2021/20210129>)

¹² Larja and Peltonen 2022, pp. 16–17.

¹³ Henna Attila, Marjut Pietiläinen, Miina Keski-Petäjä, Päivi Hokka ja Markku Nieminen, *Tasa-arvobarometri 2017* (Sosiaali- ja terveystieteiden julkaisuja 8/2018, Gender equality barometer 2017), pp. 101–104, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160920/STM_08_2018_Tasa-arvobarometri%202017_net.pdf?sequence=4&isAllowed=y

¹⁴ Income Tax Act (Tuloverolaki), 30 December 1992 (1992/1535), Section 127 a – 127 c, <https://www.finlex.fi/fi/laki/ajantasa/1992/19921535>

2. Labour market situation

In March 2024, the number of employed persons in Finland was 2,558,100. The employment rate was 76.1% and the unemployment rate was 8.1%. The employment rate of men was 76.1% (2024) and for women 76% (2024). In turn, the unemployment rate of men was 10.2% (2024), whereas women's unemployment rate was 7.7%.¹⁵ The age cohorts and educational attainment of employed persons is described in Table 1.

Table 1. Age cohorts and educational attainment of the employed in 2022¹⁶

		Share of persons aged 15 or over without an upper-secondary qualification, %	Share of persons aged 15 or over with at least an upper-secondary qualification, %	Share of persons aged 15 or over with a below upper-secondary qualification, %	Share of persons aged 15 or over with tertiary-level qualification, %
15–19	Males	86.7	13.3	13.3	0.0
	Females	86.2	13.8	13.8	0.0
20–24	Males	21.6	78.4	74.0	4.4
	Females	16.3	83.7	73.1	10.6
25–29	Males	17.8	82.2	55.4	26.4
	Females	13.0	87.0	45.7	40.8
30–34	Males	18.7	81.3	48.1	32.1
	Females	13.0	87.0	38.9	47.2
35–39	Males	19.2	80.8	44.9	34.0
	Females	11.4	88.6	35.6	51.5
40–44	Males	17.7	82.3	43.5	36.3
	Females	9.4	90.6	33.7	55.1
45–49	Males	15.8	84.2	43.5	38.3
	Females	8.3	91.7	32.1	57.6
50–54	Males	17.5	82.5	43.1	37.0
	Females	9.5	90.5	34.3	54.1
55–59	Males	16.8	83.2	46.6	34.4
	Females	9.3	90.7	38.8	49.9
60–64	Males	18.3	81.7	47.4	32.7
	Females	11.6	88.4	42.0	44.8
65–69	Males	23.3	76.7	44.0	31.9
	Females	18.6	81.4	42.0	38.3

¹⁵ Official Statistics of Finland (OSF), Labour force survey [online publication]. Reference period: March 2024, ISSN=1798-7857. Helsinki, Statistics Finland, <https://stat.fi/en/publication/clmhr1w1r0o140bvxt3a04nx>

¹⁶ Population aged 15 or over by level of education, gender and age, 2022 by Age, Gender and Information https://pxdata.stat.fi/PxWeb/pxweb/en/StatFin/StatFin__vkour/statfin_vkour_pxt_12bs.px/

As Table 1 demonstrates, the educational attainment of the employed can be summarised by two observations: first, more men than women have no upper-secondary school qualification. Second, more women possess a tertiary-level qualification, like a university degree. This development has continued for some time, and some professions (medicine, law) are transforming from male to female-dominated sectors.

The average earnings of women were 84% of what men earned across the labour market in 2022.¹⁷ The pay gap between women and men across the entire labour market can be explained by the fact that women and men work in different sectors and occupations.¹⁸ However, among women the use of longer periods of family leave affects wage developments.¹⁹ Thus, in 2022, the occupation-related pay gap was 6.7%; meaning women earned 6.7% less than men in the same occupation.²⁰ However, it is worth noting that since 2006, due to Equal Pay Programmes prepared in tripartite working groups, the pay gap has narrowed by 4%.²¹ Also good practices, which are addressed in Part 4, explain this development.

The employment rate of mothers of small children depends on the age of the child. Mothers whose child is under one year old are typically at home taking care of the child. By contrast, more than half of mothers whose child is between one to two years old are employed, and when the youngest child is 3–6 years old, the employment rate of mothers rises to over 80%.²² Correspondingly, the employment rate of fathers of small children is approximately 90%. During the last three years, the employment rate of mothers of small children has increased. In particular, employment has increased from 49% to 53% among mothers whose youngest child is under three years old.²³ Level of education also affects the employment of mothers of young children. When mothers

¹⁷ Official Statistics of Finland (OSF), Basic information on gender equality between women and men, https://stat.fi/tup/tasaarvo/perustietoja-sukupuolten-tasa-arvosta_en.html

¹⁸ The most female-dominated sectors in 2022 were health and social services (women 85%), services (women 73%) and education (women 69%), whereas the most male-dominated sectors were construction (men 90%), transportation and storage (men 79%), and agriculture, forestry, fishery and mining (men 75%), Finnish Institute for Health and Welfare (THL), <https://thl.fi/en/topics/migration-and-cultural-diversity/integration-and-inclusion/gender-equality/equality-infographics-on-work-life-segregation>

¹⁹ Outi Viitamaa-Tervonen, Niklas Bruun, Anja Nummijärvi, Kevät Nousiainen, Paula Koskinen Sandberg, *Samapalkkaisuuden perusteet ja edistäminen* (Sosiaali- ja terveystieteiden tutkimuskeskuksen raportteja ja muistioita 2019:28, Promotion of equal pay), p. 17, <http://urn.fi/URN:ISBN:978-952-00-4059-8>

²⁰ THL, Gender Pay Gap, <https://thl.fi/aiheet/sukupuolten-tasa-arvo/tasa-arvon-tila/tyo-ja-toimeentulo/sukupuolten-palkkaero>

²¹ THL – Equal Pay Programme 2020–2023, Programme-based measures of the Government and labour market confederations, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162623/STM_2020_38_rap.pdf?sequence=1&isAllowed=y and Viitamaa-Tervonen *et al* (2019).

²² Official Statistics of Finland (OSF), Labour force survey [e-publication] ISSN=1798-7857. Families and work 2020. Helsinki: Statistics Finland, http://www.stat.fi/til/tyti/2020/14/tyti_2020_14_2021-11-02_tie_001_en.html

²³ Official Statistics of Finland (OSF), <https://stat.fi/en/publication/clofjppqzrll0aw0cu0iv3ea>

have completed a university degree, and are often in permanent employment, they will return to their work more swiftly compared to mothers with a lower education.²⁴

The Finnish labour market model is characterised by the interaction between legislation and collective agreements. Mandatory legislation sets the minimum terms and conditions of employment while collective agreements are means of agreeing on 'monetary matters'. The most essential component of the Finnish labour market model is the generally applicable collective agreements.²⁵ These agreements set the minimum terms and conditions of employment contracts for all employees – terms and conditions which must also be followed by non-organised employers.²⁶ Thus, generally applicable collective agreements tend to emphasise the importance of collective agreements in the determination of the terms and conditions of employment.

Finnish industrial relations have changed gradually over the past 10 years. Until 2015, the incomes of employees were agreed at the national level in income policy agreement by labour market confederations and also representatives of the state were 'involved' in these negotiations.²⁷ In 2015, the Confederation of Finnish Industries (EK) withdrew from national income policy agreements (2015 onwards) but promised to continue to participate in tripartite groups, such as legislative drafting groups and groups dealing with social security and pension affairs.²⁸ However, the tradition has continued that the government and labour market confederations prepare both the Equal Pay Programme, in order to foster equal pay between women and men, and also measures and good practices concerning the work-life balance, like support for parents returning to work from family leaves.²⁹ It remains to be seen how changes in Finnish industrial relations will influence the development of these programs in the future. If the role of collective agreements further decreases, this will probably create pressure to determine these issues in legislation.

²⁴ Government proposal 129/2021,36, <https://finlex.fi/fi/esitykset/he/2021/20210129>

²⁵ Niklas Bruun, *Työoikeuden perusteet* (Alma Talent 2022, Basics of Labour Law), pp. 14–15.

²⁶ According to the Employment Contract Act, '[t]he employer shall observe at least the provisions of a national collective agreement considered representative in the sector in question (generally applicable collective agreement) on the terms and working conditions of the employment relationship that concern the work the employee performs or nearest comparable work' (Employment Contract Act, Chapter 2, Section 7). The Committee for Confirming the General Applicability of Collective Agreements assesses whether the collective agreement can be verified as generally applicable in the sector.

²⁷ State support for negotiations e.g. by providing tax solutions or by committing to the implementation of social packages.

²⁸ Confederation of Finnish Industries (EK), EK's amendment to its internal rules paves the way for local agreements, <https://ek.fi/ajankohtaista/tiedotteet/ekn-saantomuutos-viitoittaa-tieta-kohti-paikallista-sopimista/>

²⁹ Samapalkkaisuusohjelma 2024–2027. Hallituksen ja työmarkkina- keskusjärjestöjen ohjelmalliset toimenpiteet (Equal pay programme 2024–2027: measures by the Government and the social partners), <<http://urn.fi/URN:ISBN:978-952-00-6872-1>>

3. Labour law protection of and employment incentives for parents with young children

3.1 Rights and employment incentives promoting the employment of parents

The employment of parents with young children is protected and promoted by three sets of rules: rules concerning equal treatment and protection from discrimination, provisions safeguarding the right to different kinds of family leave, and stronger protection in the case of the termination of employment contracts.

Section 6 of the Constitution of Finland³⁰ states that ‘everyone is equal before the law’ and ‘no one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.’ In addition, the Equality Act³¹ contains provisions on non-discrimination based on gender. Furthermore, Chapter 2, Section 2 of the Employment Contracts Act (ECA)³² requires that ‘an employer must treat all employees equally, unless deviating from this is justified in view of the duties and position of the employees.’

Pursuant to Section 6 of the Equality Act, the employer has a duty to ‘promote equality between women and men within working life in a purposeful and systematic manner’. Among other obligations, the employer must ‘facilitate the reconciliation of working life and family life for women and men by paying attention especially to working arrangements’. Employers hiring at least 30 persons must prepare a gender equality plan at least every two years (Section 6a of the Equality Act).

Section 7 of the Equality Act forbids direct and indirect discrimination based on gender. Among others, direct discrimination includes treating someone differently for reasons of pregnancy or childbirth, while indirect discrimination includes treating someone differently based on parenthood or family responsibilities. Therefore, as a rule, discrimination against employees based on their parenthood or family obligations is forbidden. The employer must treat parents equally to employees with no children and facilitate the reconciliation of working and family life.

³⁰ The Constitution of Finland (Perustuslaki), 11 June 1999 (731/1999), https://www.finlex.fi/en/laki/kaannokset/1999/en19990731_20180817.pdf

³¹ Act on Equality between Women and Men (Laki naisten ja miesten tasa-arvosta), 8 August 1986 (609/1986), https://www.finlex.fi/en/laki/kaannokset/1986/en19860609_20160915.pdf

³² Employment Contracts Act (Työsopimuslaki), 26 January 2001 (55/2001), https://www.finlex.fi/en/laki/kaannokset/2001/en20010055_20180597.pdf

Parents' right to different forms of family leave supports the reconciliation of work and family life. In Finland, Chapter 4, Section 1 of the ECA lays down several types of family leave that parents can use, including:

- a) pregnancy leave: 40 workdays (including Saturdays) can be used by the (expecting) mother before and after childbirth (Chapter 9, Section 2, Health Insurance Act (HIA)),³³
- b) special pregnancy leave: this leave can be used by the expectant mother if working conditions are harmful to the health and safety of the foetus or the mother and the harm cannot be eliminated or the mother cannot be transferred to another job from the moment at which the harm is detected until the start of pregnancy leave (Chapter 9, Section 3, HIA),
- c) parental leave: this comprises 320 workdays, which begin after the pregnancy leave has ended. Both parents can use half of the parental leave period (Chapter 5, Section 6, HIA) until the child reaches the age of two. Sixty-three workdays of parental leave can be transferred to the other parent (Chapter 9, Section 6, HIA), and full parental leave can be used by one parent if the other parent does not have the right to parental leave or is unable to take care of the child. Parental leave can be used continuously or divided into a maximum of four parts, each of which must last at least 14 days (Chapter 4, Section 1, ECA).

The employee is not required to agree on the use of the abovementioned leave with the employer. It is sufficient for the employee simply to inform the employer of the use of this leave (Chapter 4, Section 1, Section 3a, ECA).

Employees also enjoy the right to use other forms of (flexible) family leave. The use of some requires the agreement of the employer. Such forms of leave include:

- a) partial parental leave: this can be used by both parents to work part-time at the same time. Working time cannot exceed 5 hours a day, and the leave must be agreed with the employer (Chapter 4, Section 2a, ECA),
- b) childcare leave: it begins after the end of parental leave and is intended for the full-time care of a child under the age of 3. It can be used by both parents, but not at the same time. It can also be used in parts; both parents can divide the leave into a maximum of two parts, one of each lasting at least one month (Chapter 4, Section 3, ECA),
- c) partial childcare leave: this can be used until the end of the second school year (July) if the employee has worked for the employer for at least 6 months during the last 12 months. This leave must be agreed with the employer (Chapter 4, Section 4, ECA),

³³ Health Insurance Act (Sairausvakuutuslaki), 21 December 2004 (1224/2004), https://www.finlex.fi/en/laki/kaannokset/2004/en20041224_20110911.pdf

- d) temporary childcare leave: this consists of 1–4 workdays to care for or arrange care for a child under the age of 10 who has unexpectedly become ill (Chapter 4, Section 6, ECA),
- e) temporary right of absence for compelling family reasons: this can be used if an employee’s immediate presence is necessary for any unforeseen and compelling family reason owing to illness or accident (Chapter 4, Section 7, ECA),
- f) agreement-based leave of absence to care for a family member or another person close to the employee. The prerequisite is that an employee’s family member or someone else close to her/him requires special care. The employer must strive to arrange the employee’s duties so that they may be absent from work for a fixed period. No maximum or minimum period is set (Chapter 4, Section 7a, ECA),
- g) carers’ leave: this leave can be taken for a maximum of 5 working days a year to provide personal assistance or support to a relative or loved one living in the same household as the employee. The prerequisite is that the relative or loved one is in terminal care or requires significant assistance or support for a serious illness or serious injury that has significantly lowered their functional capacity and requires the immediate presence of the employee (Chapter 4, Section 7b, ECA).

The employer is not required to pay wages during the above listed family leaves. For example, temporary childcare leave, temporary right of absence for compelling family reasons, agreement-based leave of absence to care for a family member or another person close to the employee, and carers’ leave can be fully uncompensated. However, many collective agreements have agreed on the payment of wages for certain family leave periods. An employer who pays employees leave wages and holiday pay may apply to the Social Insurance Institution of Finland (Kela) for compensation.³⁴ In the case of other (longer term) family leaves, parents are entitled to various benefits paid by Kela after a child is born and as the child is growing. Social insurance benefits paid to parents are discussed more specifically in Part 4. of this article.

Finally, in Finland, parents with young children enjoy enhanced protection from unlawful dismissal. Generally, the employer cannot terminate an indefinite employment contract without a valid and significant reason (Chapter 7, Section 1, ECA). This rule also applies to employees with children. However, the ECA specifically emphasises that the employer shall not terminate an employment contract based on an employee’s pregnancy or because they are exercising their right to the family leave. If the employer terminates the employment contract of a pregnant employee or an employee on family leave, the termination is deemed to have occurred due to the employee’s pregnancy or family leave unless the employer can provide evidence to

³⁴ Ministry of Economic Affairs and Employment of Finland, *Family leave*, <https://tem.fi/en/family-leave>

the contrary. If there are financial and production-related grounds for termination, the contract with the employee on family leave can be terminated only if the employer's operations cease completely (Chapter 7, Section 9, ECA).

In short, Finnish legislation protects the parents of young children during the recruitment process, throughout the duration of the employment contract and in case of the termination of employment. Parents cannot be discriminated against in these instances. On the contrary, they enjoy additional rights and guarantees that enable the reconciliation of work and family life, such as the right to various forms of family leave, the right to special working conditions that help reconcile work and family, and, finally, enhanced protection in the case of the termination of employment. Among the different forms of family leave, there are also many flexible arrangements that allow every family to reconcile family and work obligations according to their personal needs.

3.2 The influence of the Work-Life Balance Directive and atypical employment among parents

Based on Directive 2019/1158,³⁵ family leave in Finland was renewed on 1 August 2022. Before the reform, the father of the child had the right to paternity leave lasting 54 workdays. Additionally, the mother had the right to maternity leave lasting 105 workdays (40 workdays of pregnancy leave after the reform), and one of the parents had the right to parental leave. The length of parental leave was 158 workdays (320 days after the reform), and the parents had the right to decide whether or how they divided the leave between them. Although the former rules enabled parents to decide freely on who used parental and childcare leave, in practice almost 90% of parental leave and over 90% of childcare leave was used by women. Nonetheless, the use of paternity leave had increased from 70% in 2006 to almost 80% in 2017, and paternity leave used at a different time from the maternity or parental leave of the mother had grown from 11% to almost 40%. However, 80% of fathers did not fully use their paternity leave.³⁶ Therefore, a reform was necessary to encourage fathers to take advantage of family leave. Along with these changes, the right to carers' leave was also introduced. The implementation of the Directive and the Family Leave Reform considerably improved the protection of young parents, enabling them to spend more time at home to take care of their child. The reform may also exert a positive influence on equality between women and men in working life. Sharing parental leave equally between the parents can increase the participation of women in employment and at the same time increase the participation of men in care duties. The introduction of carers' leave may help parents with children suffering from serious illnesses or injuries. Nevertheless, the amendment is still new, and the actual outcomes of the Family Leave Reform are yet to be revealed.

³⁵ 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, OJ L 188, 12.7.2019, p. 79–93.

³⁶ The Government's Proposal 129/2021.

In Finland, no general statistics are collected concerning the participation of parents in atypical employment. However, some information is gathered on part-time and telework, and such work can be performed if agreed upon by the employer and the employee. Hence, to use these atypical forms of work, parents must sign a part-time employment contract or agree on the performance of telework during the conclusion of their employment agreement. If the employee wishes to begin working part-time instead of full-time or perform telework after the birth of their child, they must reach an agreement with the employer to amend the initial contract.

The latest statistics concerning the participation of parents in part-time work can be found in the 2018 Finnish Labour Force Survey. According to the survey, 17% of mothers with children younger than one year were in part-time work, while 25% of mothers with children aged 1–2 years and 20% of mothers with children aged 3–6 years worked part-time. By contrast, only 11% of mothers with children over the age of seven were engaged in part-time work. During the same period, only 4% of fathers of young children were in part-time work. The performance of part-time work is connected to the age of the child. Part-time work is often replaced by full-time work when the children grow. Until 2017, the share of part-time work among mothers had increased, but between 2017 and 2019 it began to fall.³⁷

The primary reason why parents who would like to work part-time do not pursue this option is financial, according to 45% of respondents. Additionally, 20% of parents considered that it would be difficult to arrange part-time work, while 9% feared that the workload required in part-time positions would be similar to that required in full-time work.³⁸

In 2022, 40.4% of workers in Finland occasionally worked at home, and around 23% of workers teleworked regularly. In households with children, the share of telework was slightly higher than in households without children. More specifically, 45.3% of workers from families with children and two parents performed telework occasionally, while the share of telework among families with two adults and no children was 41.6%. In families with one adult and children, the share of telework was 45.4%, and, in single-person households, it was 38.2%.³⁹

³⁷ Official Statistics of Finland (OSF), Labour force survey 2018 (*Työvoimatutkimus. Perheet ja työ vuonna 2018*) and Official Statistics of Finland, Labour Market 2019, *Työmarkkinat 2019*. Suomen virallinen tilasto (SVT), https://stat.fi/til/tyti/2018/14/tyti_2018_14_2019-11-14_fi.pdf

³⁸ Minna Salmi, Johanna Närvi, Johanna Lammi-Taskula, Erika Mäntylä, 'Osa-aikaisten perhevapaiden ja osa-aikatyön käyttö, mahdollisuudet ja esteet' in Minna Salmi, Johanna Närvi (eds.) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo*. (Use of part-time family leave and part-time work, opportunities and obstacles) (THL 2017).

³⁹ Pertti Taskinen, *Alankomaat on etätöyön ykkönen – Suomi lähellä EU-maiden kärkeä* (The Netherlands is number one for teleworking – Finland close to the top in the EU) (25.8.2023), <https://stat.fi/tietotrendit/artikkelit/2023/alankomaat-on-etatyon-ykkonen-suomi-lahella-eu-maiden-karkea/>

Thus, compared to employees with no children, parents are slightly more engaged in part-time and telework. It appears that while parents would like to perform more part-time work, they are often forced to work full time for financial reasons. However, atypical employment among parents can have contrary effects. On the one hand, the use of atypical employment could enhance the work-life balance, and therefore it should be promoted. On the other hand, several studies have found that the working conditions of atypical workers are poorer than those of workers in regular employment.

4. The role of employers and good practices in enhancing the labour market participation of parents

As explained earlier, in Finland, collective agreements play a crucial role in determining the working conditions of employees. However, as regards guarantees to working parents, legal regulation mainly contains provisions that cannot be derogated from in either employment contracts or collective agreements. As a result, collective agreements can strengthen but not dilute the statutory guarantees provided to parents. Many collective agreements contain provisions concerning, for instance, medical examinations associated with pregnancy and the payment of wages during pregnancy leave and parental leave.⁴⁰ For example, the Trade Sector Collective Agreement mandates the payment of wages to employees using pregnancy leave for 40 workdays and for employees using parental leave for the first 36 workdays.⁴¹ If the employer pays the employee a wage for at least one month during pregnancy or parental leave, they can apply for family leave allowance of € 2500 from Kela.⁴² Additionally, during the period when the wage is paid, pregnancy leave and parental leave allowance is paid to the employer.⁴³ As mentioned earlier, the social partners also foster the equal pay of men and women and develop good work-life balance practices through the Equal Pay Programme.

Several practices can help to achieve a better work-life balance. For example, the Finnish Institute of Occupational Health lists the following good practices:

1. Using flexible working time arrangements in employment contracts.
2. Allowing remote work, which creates better opportunities for combining work and family life and enables the use of commuting time for family responsibilities.
3. Good practices for returning to work from family leave to support parents.

⁴⁰ Collective agreement of Technology Industry Employees between Technology Industry Employers of Finland and Industrial Union 6.2.2023–30.11.2024, 120, 128, <https://www.teknologiatyonantajat.fi/en/collective-agreements/>

⁴¹ Trade Sector Collective Agreement 1.2.2023–31.1.2025, 11/2023, Section 19, https://www.pam.fi/wp-content/uploads/2023/11/Taitto_TES_kauppa2023_PAM.pdf

⁴² Perhevapaakorvaus työnantajalle (Family leave allowance for the Employer), Kela, <https://www.kela.fi/tyonantajat-perhevapaakorvaus>

⁴³ Vanhempainpäivärahan hakeminen työnantajalle (Application to the employer for parental allowance), Kela, <https://www.kela.fi/tyonantajat-vanhempainpaivarahojen-hakeminen>

4. Well-organised practices for substituting for parents in the case of unexpected leave of absence for family reasons.
5. Childcare and other services that facilitate everyday life. In the workplace, it is worth discussing whether the personnel feel the need for services that support everyday life and whether the employer can organise them. One example is the employer's provision of care services for a sick child.
6. Consideration of the family in the workplace. If the family can familiarise themselves with the workplace and the work, they will better understand the work of the parent, spouse or child and the requirements related to it. For example, organising family events in the workplace could be an option.⁴⁴

These practices are optional for the employers, and there is no general information on how common they are in real life. Finnish legal regulation supporting parents with young children is rather broad. However, employers can always provide even better working conditions than those required by law and implement good practices that support the participation of parents in the labour market. Nonetheless, the existence of good practices can vary considerably between different sectors and between different employers, in addition to which, non-legal matters such as corporate culture and management attitudes affect the implementation of these practices. Some flexibility on behalf of the employers can be detected as regards the use of flexible forms of work. For example, a substantial share of parents with young children works in part-time or telework, both of which need to be agreed with the employer.

5. Social protection of parents with young children

In Finland, in addition to labour law guarantees, the employment of parents is supported by the payment of several parental allowances during leave periods. Since 1 August 2022, parental allowances comprise:

- a) pregnancy allowance which is paid for the period of pregnancy leave. The amount of pregnancy allowance is 90% of one three-hundredths of the insured's annual income from work confirmed in taxation if that income does not exceed € 50,606 a year; for the part in excess of this, the amount of pregnancy allowance is 32.5% of one three-hundredths of the annual income from work (Chapter 9, Section 1, 2; Chapter 11, Section 1 Health Insurance Act (HIA));
- b) special pregnancy allowance which is paid for the period when the expectant mother is prevented from performing her work due to a hazard related to the insured's duties or working conditions until the right to pregnancy allowance commences. The amount of special pregnancy allowance is

⁴⁴ Finnish Institute of Occupational Health, Työn ja muun elämän yhteensovittaminen (Reconciling work and life), <https://www.ttl.fi/teemat/tyohyvinvointi-ja-tyokyky/tyoura/tyon-ja-muun-elaman-yhteensovittaminen>

- the same as the amount of pregnancy allowance (Chapter 9, Section 3, 4; Chapter 11, Section 1 HIA);
- c) parental allowance which is paid for the period of parental leave. For the first 16 workdays, the amount of parental allowance is 90% of one three-hundredths of the insured's annual income from work confirmed in taxation if the annual income from work does not exceed € 50,606; for the part that exceeds this amount, the parental allowance is 32.5% of one three-hundredths of the annual income from work. After 16 days, the amount is 70% of one three-hundredths of the annual income if it does not exceed the sum of € 32,892. For the part that exceeds this amount, up to an annual income of € 50,606, the daily allowance is 40%, and, for the part in excess of € 50,606, it is 25% of one three-hundredths of the annual income from work (Chapter 9, Section 5, 6; Chapter 11, Section 1 HIA);
 - d) partial parental allowance which is paid for the period of partial parental leave. The amount of partial parental allowance is 50% of the full parental allowance (Chapter 9, Section 11; Chapter 11, Section 1 HIA).

In 2023, 137,295 persons received the abovementioned parental allowances. Of these, 75,335 were women and 61,960 were men. Of the total sum of parental allowances granted, 84% was paid to women and around 16% to men. Compared to 2022, the sum paid to men grew from 12.2% to 15.6%, which can be partly explained by the Family Leave Reform. Furthermore, 45,849 mothers received pregnancy allowance and 204 mothers' special pregnancy allowance.⁴⁵ This figure supports earlier statistics concerning the employment rate of fathers and mothers of small children, proving that before the Family Leave Reform, most forms of early-age family leave were used mainly by women.

Following parental leave, parents can apply for different allowances to arrange their childcare:

- a) child home care allowance which is paid for taking care of the child at home until the child is 3 years of age provided that the child does not have a place in municipal early childhood education. The parent can work or take annual leave at the same time as child home care allowance is received. Child home care allowance is also paid for other siblings under school age who do not have a place in municipal early childhood education until the family's youngest child has reached the age of 3. The amount of primary child home care allowance is € 377.68 per month while, for siblings under the age of 3, it is €113.07, and, for those over the age of 3 years, € 72.66 (Act on Child Home Care Allowance and Private Day Care Allowance⁴⁶ (CHCAA)

⁴⁵ Kela, Statistics on family with children 2023, <http://urn.fi/URN:NBN:fi-fe2024053041581>

⁴⁶ Act on Child Home Care Allowance and Private Day Care Allowance (Laki lasten kotihoidon ja yksityisen hoidon tuesta), 20. December 1996 (1128/1996), <https://www.finlex.fi/fi/laki/ajantasa/1996/19961128>

- Section 4). Municipalities can increase the child home care allowance by paying a municipal supplement if so decided;
- b) private day care allowance which is paid if the child is under school age and either attends private early childhood education or is in the care of a paid childminder. Kela pays the allowance directly to the private childminder or the provider of early childhood education. The parent pays the part of the day care fee which is not covered by the allowance. The amount of care allowance is € 192.28 per month for each eligible child. A care supplement can be paid if the family's income does not exceed a certain amount (for example, in a family of four people, the care supplement is not paid if their income exceeds € 5065.13 per month). The maximum amount of the care supplement is € 265.85 per month for each eligible child. Additionally, municipalities can pay a municipal supplement to the private day care allowance if so decided (Section 3b, 5, 6 CHCAA);
- c) flexible care allowance which is paid to a parent of a child under 3 years of age who is working as an employee or self-employed person no more than an average of 30 hours per week or no more than 80% of normal full-time hours. Flexible care allowance is available even if the child has a place in municipal or private early childhood education. If working hours do not exceed 22.5 hours per week or 60% of normal full-time working hours, the allowance is € 269.24 per month. In turn, for working time of 22.5–30 hours per week or 60–80% of normal full-time working hours, the allowance is € 179.49 per month (Section 13a, CHCAA);
- d) partial care allowance is paid to the parents of children who are in the first or second year of school if the parent works 30 hours a week or less and uses partial childcare leave. The amount of partial care allowance paid is € 108.15 per month (Section 13, CHCAA).

In 2022, 114,685 families received childcare subsidies. More specifically, 79,878 families received home care allowance, 11,561 families private day care allowance, 19,837 families flexible care allowance and 15,686 families partial care allowance.⁴⁷

In addition to allowances enabling parents to take care of their young children, a maternity grant and child benefit are paid in Finland. The maternity grant, provided by Kela, can be applied for if the pregnancy has lasted at least 154 days (about 5 months). The parent can choose between a maternity package or a cash benefit of € 170 (Maternity Grants Act⁴⁸ Section 2, 7). Kela also pays child benefit for children under 17 years of age who live in Finland. The amount of child benefit increases with the number of children. For one child, it is € 94,88 per month, for the second child,

⁴⁷ Kela Statistical Yearbook 2022, <http://urn.fi/URN:NBN:fi-fe20231211153138>

⁴⁸ Maternity Grants Act (Äitiysavustuslaki), 28 May 1993 (477/1993), <https://www.finlex.fi/fi/laki/ajantasa/1993/19930477>

€ 104,84 per month, for the third child, € 133,79 per month, for the fourth child, € 173,24 per month, and for the fifth and each additional child, € 192,69 per month (Child Benefit Act⁴⁹ Sections 1 and 7). In 2022, 532,964 families received child benefit in Finland, and the maternity grant was paid to 43,920 families. More families (70.5%) chose the maternity pack than the cash benefit.⁵⁰

In Finland, some benefits are intended for the full-time care of the child, and therefore working at the same time is not permitted. By contrast, in the case of more flexible allowances, working is allowed. More specifically, working is forbidden when a person receives pregnancy or special pregnancy allowance or parental allowance. In turn, working is permitted if the person receives partial parental allowance, child home care allowance, private day care allowance, flexible care allowance, or partial care allowance.

In some conditions, the payment of generous parental and family allowances can lead to a welfare trap; meaning that women stay away from the labour market because it is financially more beneficial to remain at home with their children. In Finland, the discussion has focused predominantly on the way child home care allowance affects employment and gender equality. Studies dealing with this issue have found that the majority of the recipients of this state support (over 90%) are women. Long absences from working life weaken women's position in the labour market and reduce their pension savings.⁵¹ Moreover, the low level of compensation offered by home care allowance is connected to poverty in families with children: slightly more than one in ten households receiving home care allowance also receive income support at the same time⁵². According to research, the use of home care support is determined by both structural and ideological factors. Low-educated people and mothers in a vulnerable labour market position use home care allowance longer than others.⁵³ Taking care of a child with the support of home care allowance may be an alternative to being

⁴⁹ Child Benefit Act (Lapsilisälaki), 21 August 1992 (796/1992), <https://www.finlex.fi/fi/laki/ajantasa/1992/19920796>

⁵⁰ Kela Statistical Yearbook 2022, <http://urn.fi/URN:NBN:fi-fe20231211153138>

⁵¹ Eva Österbacka, Tapio Räsänen, 'Back to work or stay at home? Family policies and maternal employment in Finland' (2022), 35 *Journal of Population Economics* 35, 1071.

⁵² Tuija Korpela, *Työmarkkinatukea ja vähimmäismääräisiä päivärahoja täydennetään yleisesti asumistuella ja perustoimeentulotuella*. (Labour market support and minimum daily allowances are generally supplemented by housing benefit and basic income support) Kelan Tutkimusblogi 18.12.2018, <https://tietotarjotin.fi/tutkimusblogi/725079/tyomarkkinatukea-ja-vahimmaismaaraisia-paivarahoja-taydennetaan-yleisesti-asumistuella-ja-perustoimeentulotuella>

⁵³ Anneli Miettinen, Miia Saarikallio-Torp, Äitien kotihoidon tukijaksot lyhentyneet – väestöryhmittäiset erot yhä suuria. (Shorter periods of support for mothers in home care – large differences still exist between population groups.) (Yhteiskuntapolitiikka 2023), <https://www.julkari.fi/handle/10024/146467>

unemployed.⁵⁴ The main reason to return to work is connected to the rather challenging financial situation of the family during the child home care allowance period.⁵⁵

6. Early childhood education and childcare systems

The Act on Early Childhood Education and Care⁵⁶ provides the right for the child to early childhood education and care. In addition, the Act states that municipalities are obliged to organise early childhood education and care. Early childhood education and care can be principally arranged in two ways: 1) day-care centres or 2) family day care. In addition, pre-school education for children at the age of 6 is part of early childhood education, although this is regulated in the Basic Education Act⁵⁷. Based on this Act, the child is obliged to participate in pre-school education in the year prior to the beginning of school. An application for a place in early childhood education and care should be filed with the municipality four months prior the commencement of pre-school education.⁵⁸

Formerly, child daycare was considered part of social services. However, in 2013, the Act on Early Childhood Education and Care replaced the Act on Children's Day Care. Consequently, today, the legislation emphasises more the interests of the child, whereas the former act focused more on parents' right to receive a day care place for their child. Therefore, the primary purpose of day care is no longer to promote the employment of parents (primarily mothers) but to ensure the early childhood education and care of the child.⁵⁹ For this reason, children whose parents do not work are also entitled to full-time early childhood education and care.⁶⁰ Regardless of the explicit aim of the legislation, early childhood education and care systems nevertheless enable the employment of parents.

Parents are largely satisfied with childcare services, the location of the day-care facility, the variety of activities and the safety of the children. They are less satisfied with

⁵⁴ Anne Mattila, *Ansioitöitä vai lapsenhoitoa? Valinnanvapaus ja reunaehdot pienten lasten äitien valinnoissa*. (Paid work or childcare? Freedom of choice and constraints on the choices of mothers with young children.) Väitöskirja. (Helsingin yliopisto, 2019)

⁵⁵ Anu Kinnunen, Johanna Lammi-Taskula, Anneli Miettinen, Johanna Närvi, Miia Saarikallio-Torp, *Perhevapaat ja työn ja perheen yhteensovittaminen muuttuvassa työelämässä* (Family leave and reconciling work and family in a changing working life) (Sosiaali- ja terveysturvan tutkimuksia, 2024), <https://helda.helsinki.fi/server/api/core/bitstreams/6adc6cd8-e35c-419a-87ea-d290f89acf16/content>

⁵⁶ Act on Early Childhood Education and Care (Varhaiskasvatustilaki), 13 July 2018 ((540/2018), <https://www.finlex.fi/fi/laki/ajantasa/2018/20180540>)

⁵⁷ Basic Education Act (Perusopetuslaki), 21 August 1998 ((628/1998), <https://www.finlex.fi/fi/laki/ajantasa/1998/19980628>)

⁵⁸ Act on Early Childhood Education and Care, Chapter 4, Section 17.

⁵⁹ Tuomas Kotkas, Kaarlo Tuori, *Sosiaalioikeus* (Social Law) (Alma Talent, 2023), pp. 343–335.

⁶⁰ Act on Early Childhood Education and Care, Chapter 3, Section 12.

staff turnover and the use of substitute personnel.⁶¹ Parents who use child home care allowance claim that their choice is motivated not by dissatisfaction with childcare services or early childhood education but by the wish to spend more or longer time with their child.

7. Future challenges

Finland has succeeded to implement several good practices to support the participation of parents with young children in the labour market. A broad range of (flexible) parental leaves, the unilateral right of a parent to use the most important leaves, the payment of social benefits for the leave period, and well-advanced child-care possibilities enable the parents to engage in professional work. The valuation of equal treatment between men and women in the society as well as the increasing flexibility of employers towards parents enforces the participation of parents in the labour market.

In the future, the labour market participation of parents with young children in Finland will be influenced by three main factors: EU policy in this field, the changing industrial relations in Finland, and, finally, the Family Leave Reform.

The implementation of the European Pillar of Social Rights, in particular Principle 2 (gender equality) and Principle 11 (childcare and support to children), will influence future regulation of the work-life balance in Finland. In addition to affecting the regulatory limits of national legislators, it could challenge the action of Nordic and national labour market models.

While collective agreements in Finland have historically been agreed at the national level, the latest developments show that negotiations have become more decentralised at the sectoral or employer level. This turbulence may also affect the working conditions of parents with young children. For example, Equal Pay Programmes promoting equality and the work-life balance have been drawn up in cooperation with the government and the labour market confederations since 2006. While the government and labour market organisations have also agreed on the Equal Pay Programme for the period 2024–2027,⁶² it is uncertain whether this tradition will be continued for the following periods.

The Family Leave Reform entered into force just a few years ago, and its long-term effects are still unclear. However, according to initial statistics, men have already begun

⁶¹ Vanhempien barometri — varhaiskasvatus ja esiopetus, Suomen Vanhempainliitto, 2024 https://vanhempainliitto.fi/wp-content/uploads/2024/05/Vanhempien_barometri_varhaiskasvatus_ja_esiopetus.pdf

⁶² Finnish Government, Equal Pay Programme of Prime Minister Petteri Orpo's Government and central labour market organisations published (28.6.2024), <https://valtioneuvosto.fi/en/-/1271139/equal-pay-programme-of-prime-minister-petteri-orpo-s-government-and-central-labour-market-organisations-published>

to use parental leave more often than earlier. This enhances the more equal division of care responsibilities between men and women and advances the participation of women in the labour market. One of the factors that has likely kept low-educated mothers at home has been the payment of child home care allowance, and this has not changed as a result of the reform. Parents do not claim to use this allowance because of their dissatisfaction with day care services. Hence, one of the ways to avoid this welfare trap could be to terminate the payment of child home care allowance. This change would not lead to negative consequences for the child either, because the Family Leave Reform has increased the duration of parental leave; thus, very small children can remain at home even if child home care allowance is not paid.

As regards future research, parents' use of flexible working time arrangements should be further studied. This article has showed that part-time and telework are rather often used among parents. However, it is unclear whether parents use other more precarious forms of work more often than workers without children. In addition, the role of child home care allowance as part of the entire childcare system should be reviewed critically due to its negative impact on parents whose labour market position is already weak. Furthermore, company-specific good practices in balancing work and family life should be researched in more detail and the outcomes communicated to promote their broader use.

Social protection of working parents with young children in Greece

This article is peer-reviewed.

Abstract

As the world constantly seeks the proper work-life balance, the interest is drawn to the consequences of having children to their parents' employment and the relative social protection that countries provide to working parents. To begin with, parents may quit their jobs to take care of their children or, on the other side, may work more in order to cope with the additional costs. The weighting is challenging, as countries aim to keep the workforce intact, while in the same time fulfilling their social protection role, applying measures that enable working parents to take sufficient care of their children. Therefore, the various measures that Greece has applied will be analysed.

Firstly, the maternity benefits will be displayed, including the perinatal period and the protection and absence from work of pregnant women. Particularly, maternity benefits of pregnancy labor, maternity leave and special benefits are going to be illustrated. Further, the paternity protection benefits will be presented, including the paid paternity leave and some special provisions regarding fathers working in the Armed Forces and the public sector. In the same vein, the new parental leave for the upbringing of the child up to 4 months will be examined, followed by the provisions for child allowance. Finally, there will be concluding remarks regarding the recent developments in Greece towards the simplification and improvement of the social protection. The article argues that, although extremely essential benefits in kind have been introduced, cash benefits ought to be put in the table, as, for the time being, can be deemed insufficient.

Keywords: social protection, maternity benefits, paternity benefits, parental leave, work-life balance

1. Introduction

The consequences of having children on parents' employment are constantly under research. Parents may need to work harder to cover the additional costs of raising children, which would imply a positive correlation between having children and employment rate². Conversely, young parents may also decide to quit their job in order

¹ Anna Tsetoura, Hellenic Open University, tsetoura.anna@ac.eap.gr, tsetourannie@gmail.com

² G. Manalis and M. Matsaganis, In focus – Employment of men and women with or without children, *Greek & European Economy Observatory*, 2022, ELIAMEP (Hellenic Foundation for European and Foreign Policy)

to spend more time raising their children, which could lead to a negative correlation between caring for the child and employment. Recent Eurostat data show that both of these opposite effects occur in the parents' labor market situation, however which one prevails depends mainly on gender. In 2018, one in three persons in the European Union (EU-28) aged 18-64 years had care responsibilities (34.4% compared with 65.6% who had no care responsibilities at all)³. Women tend to have more childcare responsibilities with 52.2% in comparison to 47.8% of men⁴.

In Greece, more than 80% of persons having reduced their working time for childcare reasons were women, this is also the case for 18 Member States of EU in 2018⁵. Further, a relatively low percentage of almost 18% of Greek employees declared that it is possible for them to use time flexibility at work and to take whole days off for care⁶. At the same time almost 80% of the employees in Greece responded that they do not have any obstacle at work for reconciliation⁷. This contradiction may be explained by the intensive role of family and relatives in Greek society and especially the contribution of grandparents in the household who support and care for their grandchildren. Additionally, a relatively low percentage of 19% of Greek respondents interrupted their employment for at least one month to take care for children during their course of life⁸. As to the gender gap, the share of men who took a career break for childcare reasons is below 4.1% in all EU Member States, except Sweden; specifically, in Greece 25% of women in employment or with previous employment experience, aged 18-64 had a work interruption (more than 6 months) for childcare reasons⁹.

As shown below, the relevant social protection in Greece combines a wide range of benefits in kind with certain limited cash benefits to the working mothers and fathers. However, in view of the cost of living, it can be doubted if the cash benefits are sufficient. In any case, Greece probably does not experience a welfare trap, because parents cannot afford to stay out of work taking into account the expenses of their family obligations. The latter can be combined with the recent Eurostat data revealing

³ EUROSTAT, available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Reconciliation_of_work_and_family_life_-_statistics#Childcare_responsibilities_effect_work_arrangements

⁴ Eurostat Labour Force Survey (LFS) 2018., Population by care responsibilities and labour status, available at: (lfsa_18cresls) (lfsa_18cresed) (lfsa_18creshc) (lfsa_18cresdu) (lfsa_18cresnat)

⁵ Figure 13: Women, aged 18-64, having reduced their working hours to facilitate childcare responsibilities (% of persons having reduce their working hours to facilitate childcare responsibilities), Eurostat LFS, 2018.

⁶ Figure 14: Employees by their perceived possibility to use time flexibility and taking whole days off to facilitate care responsibilities, Eurostat LFS, 2018.

⁷ Figure 16: Persons in employment with care responsibilities by main obstacle at work for reconciliation, Eurostat LFS, 2018.

⁸ Figure 18: Population in employment or with previous employment by effects of childcare on employment, Eurostat LFS, 2018.

⁹ Figure 20: Share of persons in employment or with previous employment experience, aged 18-64 with a work interruption (more than 6 months) for childcare reasons by sex, Eurostat LFS, 2018.

that the scepters regarding the working hours, always compared to the rest of the European workers, continue to be held by the Greeks¹⁰.

2. Maternity

Maternity is considered the part of the perinatal period – as long as the maternity leave lasts – during which special protection is provided to the mother and the child with the central point being the birth¹¹. Childbirth and the related conditions of childbirth and breastfeeding are natural functions of the female body, but they interrupt the usual activity¹². Greek Law 1302/82, which ratified Article 4, paragraph 2 of the International Labor Organization (ILO) Convention No. 103/52 mandates the granting of sufficient resources to the pregnant woman for the healthy maintenance of herself and her child, as well as ensuring a satisfactory standard of living¹³.

Regarding the protection and absence from work of pregnant women, there are provisions in Law 1302/1982, and in Article 15 of Law 1483/1984, Article 9 of Law 2224/1994, as well as Article 142 of Law 3655/2008, while measures to improve the safety and health at work of pregnant and lactating working women were determined by Presidential Decrees 176/1997 and 41/2003¹⁴.

At the same time, the Ministerial Decision (Government Gazette B 2127/21.6.2017) regarding the establishment of the written consent of the mother for the administration of substitute breast milk to newborns in hospitals and maternity wards is also relevant to the rights of mothers. The provision of substitute breast milk to newborns within the country's public and university hospitals, private clinics and other hospitals that pursue a public or public benefit purpose is permitted for acceptable medical reasons or after the written consent of the mother¹⁵. The written consent is preceded by informing the mother about the benefits of breastfeeding for the health and development of the infant, for her own health, as well as about the possible risks involved in the incorrect use of breast milk substitutes¹⁶. Although maternity care is provided to both the directly and indirectly insured woman, the National Organization for Health Care

¹⁰ Average number of actual weekly hours of work in main job, by sex, age, professional status, full-time/part-time and economic activity (from 2008 onwards, NACE Rev. 2) available at: https://ec.europa.eu/eurostat/databrowser/view/lfsa_ewhan2/default/table?lang=en

¹¹ Ang. Stergiou, *Maternity protection in social security law*, Sakkoulas publications, Athens-Thessaloniki, 1989, p. 34.

¹² CH. Agallopoulos, *Social insurance*, Athens, 1955, p. 240.

¹³ Ang. Stergiou, *Social Security Law*, Sakkoulas publication, Athens-Thessaloniki, 2014, p. 632.

¹⁴ K. Lanaras, *Social insurance of IKA*, Sakkoulas publication, Athens-Thessaloniki, 2013, p. 469.

¹⁵ Chr. Morfakidis, *Human rights' perspective*, University material, Faculty of Social Work, Democritus University of Thrace. 2020

¹⁶ *Ibid.*

Services Provision (EOPYY) provides maternity care through the contracted health providers¹⁷, only the directly insured has the right to maternity benefits¹⁸.

2.1. Maternity benefits of pregnancy and labor and basic maternity leave

Directly insured mothers are entitled to maternity benefits for a total of 119 days, i.e. pregnancy and labor allowance. These allowances are paid for 56 days before the possible day of delivery (pregnancy allowance) and for 63 days after (maternity/labor allowance) if the mother has preliminarily obtained 200 insurance days by working during the last 2 years and abstained from work during the aforementioned pregnancy and maternity/labor periods. (Article 34, par. 1 and Article 39, par. 1 A.N. 1846/1951, Article 11 L. 2874/2000)¹⁹. These benefits are equal to the basic sickness benefit and family allowances²⁰. The payment of the allowance is based solely on the existence of the actual event of childbirth and does not depend on the duration of the pregnancy (premature birth is covered), nor on the birth of the live fetus or the survival of the newborn after the birth²¹.

Regarding self-employed mothers, it is worth noting that, according to Article 44 of Law 4488/2017:1, maternity benefit can also be granted to pregnant self-employed women, presumed self-employed mothers in terms of Article 1464 of the Civil Code and to self-employed women who adopt children up to two years of age. Law 4097/2012 on the implementation of the principle of equal treatment of men and women when exercising independent professional activity has been amended due to the implementation of Directive 2010/41/EU into Greek law, which resulted in adding a second paragraph to Article 6 of Law 4097/2012.

Equivalent to maternity benefit is the basic maternity leave (for pregnancy and labor) of absence for the employee employed under private law, regardless of working time and professional status, with a probable date of delivery certified by a doctor: i.e. 56 days or 8 weeks (pregnancy leave) are granted before the possible date of delivery day and 63 days or 9 weeks (maternity leave) after delivery (Article 11 of Law 2874/2000)²².

¹⁷ Citizen's Advocate, Unified character of the medical-midwifery care provided by the institution, Social Security Law Review 2011, p. 966.

¹⁸ Ang, Stergiou, Social Security Law (2014), p. 631.

¹⁹ Ibid, at p. 632.

Ang, Stergiou, Social Security Law (2014), p. 631, K. Lanaras, Social insurance of IKA (2013), p. 466. General Confederation of Greek Workers, Maternity benefits, available at: <https://www.kepea.gr/aarticle.php?id=2312#> Also information of the National Social Security Fund (EFKA) is available at: <https://www.efka.gov.gr/el/menoy/sychnes-eroteseis/paroches-se-chrema/epidoma-metrotetas/epidoma-metrotetas-misthoton>

²⁰ General Confederation of Greek Workers Maternity benefits.

²¹ Opinion of the Legal Council of the State 431/2010 and 194/2005, Article 9 of Law 2224/1994, Article 11, paras. 1 and 2 of Law 2874/2000, Articles 8 and 11, par. 4 of Presidential Decree 176/1997 which implemented Directive 92/85/EEC into Greek legislation.

²² K. Lanaras, Social insurance of IKA (2013), p. 470.

Adherence to the time intervals is mandatory. In the event that the employee gives birth prematurely, the rest of the leave is granted after the birth, so that the leave time reaches a total of seventeen (17) weeks²³. The presumed mother in terms of Article 1464 of the Civil Code, who obtains a child through the process of surrogacy, as well as the employee who adopts a child from the time the child joins the family and up to the age of eight (8), is entitled to the postnatal part of her maternity leave (9 weeks), as well as to all kinds of remuneration and allowances related to it, as long as the mother meets the conditions defined in the individual statutory provisions of her insurance fund (Article 34 of Law 4808/2021).²⁴ In addition, these provisions also apply to employees with a Private Law Fixed Term without an organizational position (Chapters C' and D' of P.D. 410/1988).²⁵

The maternity allowance for uninsured mothers (maternity allowance for the uninsured) which used to be granted by the Social Solidarity Directorates is now granted by the welfare departments of the municipalities based on Law 1302/1982 and circular P2B/3904/96 of the Ministry of Health.

2.2. Special maternity protection

Working mothers (employed and self-employed alike) are entitled to the so-called special maternity protection of 9 months pursuant to Law 3655/2008 and Law 4808/2021, if the mother does not make use of the reduced working hours provided alternatively. During this special leave, the OAED (National Institution for Employment) is obliged to pay the mother a special maternity benefit (insurance benefit), which is equivalent to the minimum wage as determined by the National General Collective Labor Agreement (E.G.S.S.E.) at the time. In addition, the mother receives a proportional amount for holiday bonuses and leave allowances based on this wage²⁶.

The mothers working in the public sector are entitled to paid maternal leave of 9 months or to reduced working hours (Article 53 Law 2683/99). The time of the special maternity protection leave qualifies as insurance period in the main pension and sickness branch of the relevant social security institution. The Special Maternity Protection Leave is granted by the employer after the end of the pregnancy and labor leave or the leave equal to the reduced working hours or the annual normal leave. Insured mothers can use all or part of the leave. They can also interrupt it with the

²³ Labour Inspection-Independent Authority, information available at: <https://www.hli.gov.gr/ergasiakes-scheseis/nomothesia-ergasiakes-scheseis/adeies-ergasiakes-scheseis/adeies-gia-tin-prostasia-tis-oikogeneias/adeia-mitrotitas-adeia-toketou-kai-locheias/>

²⁴ Ministry of the Interior, Circular No. 28/5/2020 Prot.: DIDAD/T.69/117/οικ.11102 SUBJECT: Law 4674/2020 “Strategic Development Perspective of Local Self-Government Organizations, Regulation of Ministry of Interior competence issues and other provisions” – Regulation of civil servant leave issues, p. 14.

²⁵ Ministry of the Interior, Circular No. 28/5/2020., p. 15.

²⁶ Ang. Stergiou, Social Security Law (2014), p. 633.

written agreement of the employer. In any case, the remainder of the leave is not carried over to another time period.

Moreover, there is the possibility of transferring part of the leave from the mother to the father of the child providing a total duration of up to seven calendar months, regardless of the employment status of the father (employed or self-employed). The mother can exercise the first part of the leave and transfer the rest to the father, vice versa or more than one exchange can be made with common accord of the parents.

2.3. Supplementary maternity benefits

Maternity benefits alone are not sufficient for the economic security of the women during a sensitive period of her life, since they only replace part of the income lost from work; that is why the legislator introduced supplementary maternity benefits granted by the OAED (pursuant to Law 549/77 and P.D. 776/77, Regulation of supplementary maternity benefits)²⁷. Thus, the working mother is first entitled to receive her wages based on the provisions of Articles 657, 658 of the Civil Code. For the rest of the period, she is entitled to receive additional benefits from the OAED. The amount of the additional maternity benefit corresponds to the difference between the insured person's regular earnings, based on her legally paid salary at the start of maternity leave (pregnancy and childbirth), and the maternity benefits provided by e-EFKA – IKA section.

3. Paternity protection

Paternity protection in Greece is focused on paid paternity leave for a certain period of time alongside with the possibility of the transfer of part of the maternity leave to the father. The recently adopted Law 4808/2021²⁸ has substantially simplified the previous various legal provisions regarding the legal protection of the fathers' rights. According to Article 27 of Law 4808/2021 (in compliance with Articles 4 and 8 of Directive (EU) 2019/1158),

1. Every working father is entitled to a paid paternity leave of fourteen (14) days, which must be taken upon the birth of the child. This leave may: either a) be granted two (2) days before the expected date of delivery, in which case the remaining twelve (12) are granted, in whole or in part, directly due to the birth of the child, within thirty (30) days from the date of birth or b) to be granted after the date of birth. For the orderly operation of the business, the employee

²⁷ Ang, Stergiou, Social Security Law (2014), p. 632.

²⁸ For Labor Protection – Establishment of an Independent Authority “Labor Inspection” – Ratification of Convention 190 of the International Labor Organization on the Elimination of Violence and Harassment in the World of Work – Ratification of Convention 187 of the International Labor Organization on the Framework for the Promotion of Safety and Health at Work – Incorporation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on the balance between professional and private life, other provisions of the Ministry of Labor and Social Affairs and other urgent regulations

informs the employer of the probable day of delivery, so that the latter is informed in time.

2. Paternity leave is compulsorily granted by the employer and does not depend on previous employment or seniority or on the employee's marital or family status.
3. In case of adoption or fostering of a child, up to eight (8) years of age, paternity leave is granted upon the child's integration into the family.

However, there are special provisions concerning fathers working in the Armed Forces and those working in the public sector. In the Armed Forces, parental leave is described in Article 19 of the Joint Decision of the Minister and Deputy Minister of National Defense in force since 2016 (Government Gazette B'2808), according to which leave granted is at least nine months with the increments provided for cases of multiple pregnancies, single, divorced, widowed parents, while the entire granted leave is paid. The paid paternity leave for child raising is granted to the fathers working in the Armed Forces even if the mother is unemployed.

Fathers working in the public sector, according to Article 53, par. 2. of Law 3528/2007, are entitled to a nine months long paid leave to raise a child, as long as he does not use the reduced hours provided. Alternatively, the working time of the employee who is a parent is reduced by two hours per day, if he has children up to the age of two, and by one hour, if he has children between the ages of two and four years old. Additionally, an unpaid leave is provided. The unpaid leave is granted independently to each natural, adoptive and foster parent, without the opinion of a service council, when it comes to raising a child up to eight years of age.

4. The rights of working mothers and fathers to parental leave of child raising

Articles 48 to 55 of Law 4075/2012²⁹, implement into Greek law Directive 2010/18/EU on the revised framework agreement on parental leave. Article 1 of Law 1256/1982 (A'65) and Article 115 of Law 4052/2012 (A'41) define as working parents the natural, adoptive or foster parents, employed in the private, public sector and the wider public sector, with any employment relationship or form of employment, including part-time and fixed-term contracts, contracts or relations through a temporary employment company, and salaried mandate relationship, regardless of the nature of the services provided. Furthermore, parents who have applied or made use of parental leave, are not only protected from any unfavorable professional conditions, but also from the very termination of their employment contract (dismissal), in accordance with article 52 of Law 4075/2012 Labor and insurance rights Protection of workers (Clause 5 of the Agreement – framework Annex of the Directive).

²⁹ Chapter VI. Incorporation into national law of Council Directive 2010/18/EU of 8 March 2010 on the implementation of the revised framework-agreement for parental leave contracted by BUSINESSEUROPE, UEAPME, CEEP and ETUC.

4.1. The new parental leave for the upbringing of the child up to 4 months

Recent Law 4808/2021³⁰ incorporated the new Directive (EU) 2019/1158 on work-life balance into Greek law.

A parental leave for raising a child up to 8 years of age, lasting up to 4 months is provided by Article 28 of Law 4808/2021. According to Article 28 of Law 4808/2021, as modified later by Law 5078/2023, every working parent or person exercising parental care has an individual and non-transferable right to parental leave for the upbringing of the child, lasting four months, which they can use continuously or in parts, until the child reaches the age of eight years old, in order to fulfill the minimum upbringing obligations towards it. In case of adoption or fostering of a child up to eight years of age, parental leave is granted from the time the child joins the family (paragraph 1. of Article 28).

For the first two months of the parental leave, the OAED is required to pay a parental leave allowance to each parent, monthly, in an amount equal to the statutory minimum wage, as determined from time to time, as well as a proportion of holiday gifts and leave allowance based on the aforementioned amount. If there are more children, the parents' right to parental leave and allowance is independent for each of them, as long as one year of actual employment with the same employer has elapsed since the end of the leave granted for the previous child, unless otherwise specified more favorable than a specific provision of law, decrees, regulations, collective labor agreements, arbitration awards or employer-employee agreements (paragraph 3). Exceptional special arrangements for the protection of parents of twins and multiple children are provided, as well as for single parents. If both parents are employed by the same employer, they decide, by joint declaration, which of the two will make use of this right first and for how long (paragraph 4).

Applications of parents with disabilities, parents of children with disabilities, with long-term or sudden illness, large families and single parents due to the death of a parent, total removal of parental care or non-recognition of children, as well as women after maternity leave and the special maternity protection benefit, are granted with absolute priority. Also, given that employers are obliged to grant the leave in an one month period after the application (two months, if the smooth operation of the business is substantially disturbed), priority is given to the applications of parents of children due to hospitalization or illness of the child or due to disability or serious illness of a spouse, cohabiting partner, relative, parents of twins, triplets or more multiple children, as well as parents after premature birth.

³⁰ For Labor Protection – Establishment of an Independent Authority “Labor Inspection” – Ratification of Convention 190 of the International Labor Organization on the Elimination of Violence and Harassment in the World of Work – Ratification of Convention 187 of the International Labor Organization on the Framework for the Promotion of Safety and Health at Work – Incorporation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on the balance between professional and private life, other provisions of the Ministry of Labor and Social Affairs and other urgent regulations.

The time of the part of the leave during which the employee receives an allowance qualifies as insurance time in the main pension and sickness branches of the relevant insurance body, as well as in the relevant auxiliary insurance bodies, and the prescribed contributions are calculated on the case-by-case mentioned above amount, from which the OAED withholds the prescribed insured contribution and pays it to the relevant insurance institution, together with the prescribed employer contribution borne by OAED. For the non-subsidized period of parental leave, which is taken into account both for the establishment of the insurance right and for the calculation of the amount of the pension, the parent may obtain full insurance coverage from his/her insurance institution after recognition of his/her time of absence, according to Article 40 of Law 2084/1992, since it has not been agreed that the employer will pay him/her wages.

4.2. Reduced working hours as a childcare leave

According to Article 37 of Law 4808/2021, working parents, regardless of the type of activity of the other parent, even if the other parent does not work, are entitled, alternatively to each other, to childcare leave. The leave is granted for a period of thirty months from the end of the maternity leave or the special maternity protection benefit of Article 36 or the parental leave of Article 28, as reduced hours. During the above period, the parent exercising this right is entitled either to arrive one hour later or to leave work one hour earlier each day or to interrupt the working time by one hour daily, in accordance with their application.

Alternatively, upon agreement of the parties, the reduced working hours may be granted in other ways, such as:

- a) Reduced working hours by two hours per day for the first twelve months and by one hour per day for the following six months.
- b) Full days of leave, which are distributed on a weekly basis, corresponding to the total number of hours, within the time period in which the employee is entitled to reduced hours for the care of the child.
- c) Continuous leave of equal duration, granted once or in parts, within the time period in which the employee is entitled to reduced hours for the care of the child.
- d) In any other way the parties agree.

Adoptive and foster parents are entitled to receive a childcare permit from the time the child joins the family and as long as the child has not reached the age of eight.

4.3. Parental right to monitor a child's school performance

According to Article 38 of Law 4808/2021, working parents have the right for every child, up to eighteen years of age, who attends elementary or secondary education courses, as well as parents of a child with special needs, regardless of the child's age, who attends a special education structure of the Ministry of Education or is enrolled and attends programs in Day Care Centres for people with special needs, Creative Employment Centers for people with special needs and special schools, to be absent, without a cut of their wages and with the permission of the employer, for certain hours or the whole day, from their work, until the completion of four working days, every calendar year, in order to visit their children's school, to monitor their school performance and general attendance.

5. Child allowance – the current cash benefit

Article 214 of Law 4512/2018 contains provisions for the child allowance. In 2018 a single child allowance has been established which replaced the 15 previous types of. Child allowance is paid taking into account the number of dependent children, the equivalent family income and the category of equivalent family income. A necessary condition for the granting of the allowance is the submission of an income tax return each year. To determine the beneficiary families, three categories of equivalent family income are defined, as follows: a) Category A: up to € 6,000, b) Category B: from € 6,001 to € 10,000, c) Category C: from € 10,001 to € 15,000. For the first category: € 70 per month for the first dependent child, additional € 70 for the second child, additional € 140 per month for the third and each dependent child beyond the third. For the second category: € 42 per month for the first dependent child, additional € 42 per month for the second child, additional € 84 per month for the third and each dependent child beyond the third. For the third category: € 28 per month for the first dependent child, additional € 28 per month for the second dependent child, additional € 56 per month for the third and each dependent child beyond the third.

The benefit at issue is a non-contributory benefit which is granted by the National Organization of Social Assistance and Social Solidarity (OPEKA) after submission of the necessary electronical application. Dependent children for the payment of the child benefit are natural, adopted or recognized children, as long as they are unmarried and do not exceed 18 years of age, or 19 years if they attend secondary education. In addition, children with a disability rate of 67% or higher are considered, as well as orphaned children or an orphaned child from the same family when both parents have passed away.

According to article 214, par. 11 of Law 4512/2018 (after the modification by the Law 4659/2020), the child allowance is granted to other nationals beyond Greek citizens, as expatriate foreigners holders of the Special Identity Card, EU and European Economic Area citizens, refugees (article 2 of Law 4636/2019 (A' 169)) or stateless persons (Law

139/1975 (A' 176)), and citizens of other states who reside in Greece for the last twelve years, as this results from the submission of income tax returns of themselves or their spouses. As defined in article 214, par. 12, Law 4512/2018, the child benefit is exempt from any tax, fee, contribution or withholding in favor of the State or a third party and is not counted in the total, real or assumed, family income unless it is expressly provided for by the legislative framework of social protection. Lastly, it has to be noted that some special higher than the foregoing cash benefits are granted by OPEKA to mothers of three or more children who are or used to be farmers (now pensioners).

Furthermore, as for 2024, in view of the inflation, higher family cash benefits are provided for civil servants, i.e. € 70 for one child, € 120 for two children, € 170 for three, € 220 for four children. Additionally, special cash benefits may be provided depending on the various professional categories of the private sector.

6. Conclusion

In Greece lately, there have been legal developments towards the simplification and improvement of the national legal framework regarding social protection and especially family enhancement taking into account the demographic problem. There are various leaves for the working mothers and fathers in order to enable them to take care of their children as much as possible. In addition, the option of reduced working hours for the same wage, the inclusion of self-employed mothers in the modified legal framework and the recognized importance of breastfeeding, are considered as positive steps towards the desirable work-family balance. Reduced working hours for the same wage could be considered as an 'updated part-time work, while the 9 months maternal leave in the public sector is undoubtedly an important measure which has been extended to the working mothers of private sector. Nevertheless, although working mothers' and fathers' parental rights seem to be respected, meaning that they have the opportunity given by the law not to work for some hours or months, so that they can be close enough to the children, they still have to work many hours in order to cope with the cost of living. In general, under the current circumstances, the cash benefits could be deemed insufficient, except for special categories of working parents with three or more children. However, the benefits in kind do not cease to be extremely essential.

Promoting labour market participation of parents with young children in Hungary

This article is peer-reviewed.

Abstract

Work-life balance is a central issue in Hungarian family policies when considering ways to enhance the labour market participation of parents with young children. Driven by the findings of international research, which confirms that supportive labour market measures also contribute threefold to the willingness to have children, Hungary has also taken significant steps to support young parents' endeavours to work, if they choose to do so. The article presents the measures which are both complex and flexible, offering tailored solutions for various life circumstances. These include generous maternal, paternal and parental leaves and benefits, allowing parents to stay home with state support coupled with strong labour law protections. While leaves foster strong parent-child bonds, it may also create challenges for reintegration into the workforce. In order to avoid extended career breaks that can result in skill depreciation and difficulty in returning to employment, young parents can avail themselves of state funded childcare services, nurseries and kindergartens. The article aims at giving a horizontal view on how the overarching goal to balance work and family responsibilities at both the micro (individual family) and macro (societal) levels, is implemented in Hungary with a work-and-family-based societal model, being developed as a priority since 2010.

Keywords: employment of parents; work-life balance; labour law protection; early childcare systems; Hungary.

1. General context

In 2023, there were 9,599,744 people in Hungary. According to statistics from the Hungarian Central Bank,² Hungary's employment rate for 15-64 year olds increased significantly between 2010 and 2023, rising from 57% to 75%. Since 2014, Hungary's employment rate has consistently exceeded the EU average, reaching a historic high of 75% in 2023. While in 2010, Hungary's employment rate was below the EU average for all age groups except those aged 30-34, by 2023, the country outperformed the EU average across all age groups between 25-64.

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² Hungarian Central Bank, Munkaerőpiaci helyzetkép, az aktivitási tartalékok kiemelt elemzése (2023) (Overview of the Labor Market, with a Focused Analysis of Labour Force Reserve.) Available at: <https://www.mnb.hu/letoltes/mnb100-munkaeropiaci-helyzetkep-az-aktivitasi-tartalekok-kiemelt-elemzese.pdf>

According to Eurostat, in the realm of atypical work, only 4.9% of workers in Hungary are employed part-time, compared to 18.7% across the EU. This difference is even more pronounced in the 15-24 age group, with only 8.7% working part-time in Hungary compared to 33.5% in the EU. The share of part-time workers in the 15-64 age group in the EU has not changed much between 2011 and 2023. In 2011, 4.4% of men aged 15-64 were employed part-time in Hungary (EU-27: 8.0%). In 2023, 2.4% of men aged 15-64 (EU-27: 8.4%) worked part-time. In 2011, 8.1% of women aged 15-64 in Hungary (EU-27: 36.3%) worked part-time. In 2023, 5.9% of women aged 15-64 (EU-27: 33.4%) worked part-time. Part-time employment is below the EU average, the 6th lowest among the countries.³

Meanwhile, unemployment in Hungary has steadily decreased over the past decades, with the overall unemployment rate dropping from 10.8% in 2010 to 4.1% in 2023, despite fluctuations since 2019 and COVID-19.⁴ Hungary also reported favourable figures: 4.1% of men (EU average: 5.8%) and 4.2% of women (EU average: 6.4%) were unemployed as a percentage of total employment.

In terms of age groups and educational attainment among the employed, 39.7% of those with primary education in Hungary were employed in 2023, compared to the EU average of 46.4%.⁵ For individuals with secondary education, 78.6% were employed, slightly above the EU average of 72.7%. Meanwhile, 91.4% of those with tertiary education were employed, also exceeding the EU average of 86.3%. Employment rates for those with secondary and tertiary education have steadily increased in Hungary since 2014, whereas employment for those with primary education has stagnated. The employment rate for the youngest cohort (15-24 years) with primary education is notably low at 10.1% in 2023, compared to the EU average of 19.9%. However, the employment rate for young individuals with secondary education is close to the EU average, standing at 41.5% (EU average: 45.9%). Furthermore, those with tertiary education have an employment rate that slightly exceeds the EU average, reaching 66.2% (EU average: 62.4%).⁶ For the middle age group (25-49 years), employment rates across all three educational attainment levels are slightly higher than the EU average. In 2023, the employment rate for individuals with primary education in Hungary was 66%, compared to the EU average of 63.7%. The most significant gap appears among those with secondary education, where 88.9% are employed compared to the

³ EUROSTAT, Part-time employment and temporary contracts – annual data (2024). Available at: https://ec.europa.eu/eurostat/databrowser/view/lfsi_pt_a__custom_12671944/default/table

⁴ EUROSTAT, Unemployment by sex and age – annual data (2024). Available at: https://ec.europa.eu/eurostat/databrowser/view/une_rt_a__custom_12901562/default/table?lang=en; https://ec.europa.eu/eurostat/databrowser/view/lfst_hheredch__custom_12901674/default/table?lang=en

⁵ EUROSTAT, Employment by educational attainment level – annual data (2024). Available at: https://ec.europa.eu/eurostat/databrowser/view/lfsi_educ_a__custom_12900087/default/table?lang=en

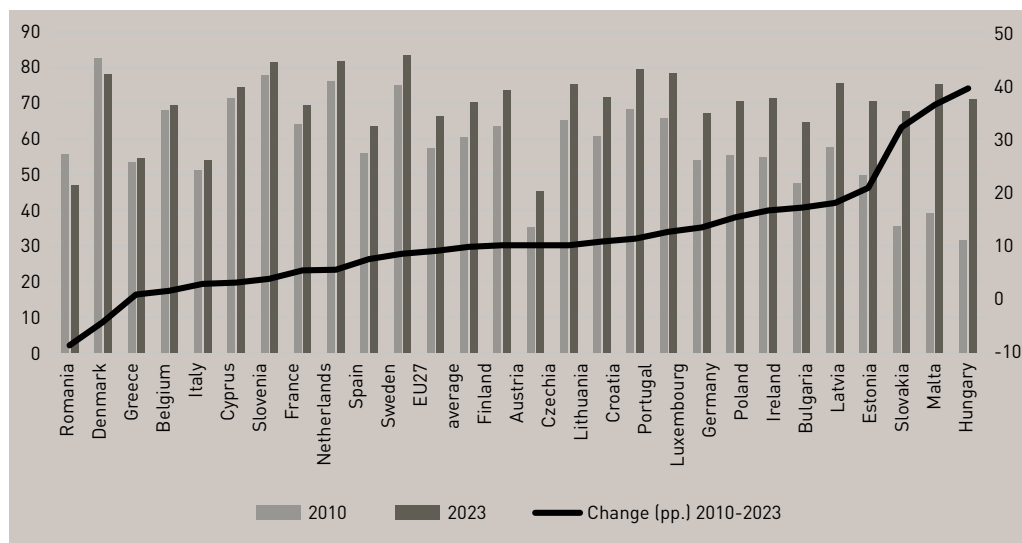
⁶ EUROSTAT, Employment rates by sex, age and educational attainment level (%) (2024). Available at: https://ec.europa.eu/eurostat/databrowser/view/lfsa_ergaed__custom_12900747/default/table?lang=en

EU average of 82.8%. There is also a nearly five percentage point difference for those with tertiary education, with Hungary at 94.4% and the EU average at 89.5%. Finally, the employment rate for the oldest age group (50-64) is also generally at or above the EU average.

In 2010, the employment rate among 18-64 years old parents with children under age 6 in Hungary was 53.0%, which was lower than the EU-27 average (70.8%). Over the past 13 years, this figure has risen to 81.3% in Hungary (EU-27 average: 77.4%). Employment rates for men with young children aged 18-64 are higher than those for women in both Hungary and the EU. Notably, the share of employed men in this demographic has increased from 2010 to 2023. In Hungary, the employment rate for men with young children was 77.0% in 2010 (EU-27: 85.6%) and rose to 92.3% in 2023 (EU-27: 89.6%). For women with children under age 6, the employment rate in Hungary increased from 31.7% in 2010 (EU-27: 57.4%) to 71.1% in 2023 (EU-27: 66.4%).

The latest statistical data of the Central Statistical Office illustrates this trend.⁷ The development shall be looked at in a timeline which shows that a remarkable shift is traceable.⁸

Figure 1. Employment rate of females with children, less than 6 years, 18-64 years (%)



Source: Eurostat; table code: *lfst_hheredch*

⁷ Central Statistical Office, Table 20.1.1.28., Hungary, employment of women aged 25-49, available at: https://www.ksh.hu/stadat_files/mun/hu/mun0025.htm

⁸ Pári András, Fűrész Tünde, Rövid Irén (2024): Population of Europe – from a Hungarian perspective, In Barzó Tímea (ed.) Demographic Challenges in Central Europe: Legal and Family Policy Response, Miskolc, Central European Academic Publishing.

While in 2020 Malta had the largest increase compared to 2010, since 2021 Hungary has had the largest increase every year.⁹ All of these Eurostat data was also confirmed by the January 2021 data collection of KINCS. The KINCS research examined what people think about roles within the family, yielded the following results.

On the subject of family roles, the statement showing the greatest agreement is that it is good to have two earners in one family – 90% of respondents thought so, or completely so. There was also extremely high agreement with the statement that it is best for a mother with young children to be able to work flexibly – 82% of the respondents were of this opinion. There was also over 80% agreement with the statement that the role of a housewife and mother of a family is worth at least as much as working at a workplace. Almost half of the people (49.6%) agree that in Hungary women and men receive the same wages for the same work. Overall, it is clear that women's social roles, and with it the roles of mothers, have significantly increased in value, so it turns out to be necessary for women to take their place in the world of work in addition to their role in the family. Demographic, fertility and sociological aspects are also related to the development of employment, as KINCS research confirms in other studies.¹⁰

Labour shortages have been a characteristic issue in Hungary for years. A research commissioned by the Employers' and Industrialists' Association (MGYOSZ) and supported by EU funding, was published in January 2024 and highlighted that in the post-COVID-19 period, labour shortages have become a pressing problem across all employment groups, whether unskilled, with secondary, or higher vocational qualifications.¹¹ Regional disparities are also evident: the majority of employers who struggle to find new workers with secondary education, and especially those without vocational qualifications, or only manage to do so after an average of a year of searching, are located in the West Transdanubian region. This is most likely due to the pull effect of the Austrian border. On the other hand, companies in the eastern part of the country and the capital have complained the most about the unavailability of labour with university or college degrees. According to a study by BusinessEurope,

⁹ Due to the new EU regulations that entered into force in January 2021, in addition to those who work with child care allowance and benefit (gyed and gyes), those who were previously considered inactive or unemployed are also considered employed, who last worked before using childcare, who receive a cash benefit during the absence, and the after receiving benefits, they can return to their previous workplace. The time series were traced back to 2009, so the data from 1992-2008 and from 2009 and beyond can be directly compared. Source: HCSO, available at: https://www.ksh.hu/docs/eng/modsz/mun_meth.html

¹⁰ Pári András, Rövid Irén (2023): Családra vágyunk! : A Kopp Mária Intézet a Népesedésért és a Családokért felméréseinek eredményei 2018 óta. (Desired family: The results of the Mária Kopp Institute for Demography and Families surveys since 2018.) MÁLTAI TANULMÁNYOK. A Magyar Máltai Szeretetszolgálat Tudományos Folyóirata, 2023/4: pp. 20–35. <http://doi.org/10.56699/MT.2023.4.2>

¹¹ Bogóné Dr. Jehoda Rozália, Dr. Vakhai Péter (2024): A munkaerő- és szakember-utánpótlás jellemzői Magyarország különböző régióiban – trendek és kihívások (The characteristics of labor and professional supply in different regions of Hungary – trends and challenges), MGYOSZ -Kopint Datorg Zrt., January 2024. Project „CORE – Capacity Building of Resilient Employers in Hungary 101051655”. Available at: <https://mgyosz.hu/projektjeink/20240410-survey-kiadvany.pdf>

the largest employers' association in Europe, the European labour market will lose 35 million people from its working-age population by 2050.¹² In Hungary, this figure is approximately 30,000 individuals per year, and the available labour reserves within society are also diminishing.¹³ The same research also examined another issue, specifically addressing what the Hungarian labour market will look like in 2035. The study states that “The need for a slow life refers to phenomena connected to sustainability and a closer relationship with nature, as well as the growing desire for relaxation in a fast-paced world. For young people, in particular, the concept of a workplace has changed significantly compared to a few decades ago. For Generation Z, flexible working conditions and a strong work-life balance are of utmost importance”.¹⁴

Regarding the employment of young parents, the above emphasizes the need for full participation in the Hungarian labour market, highlighting the critical importance of engaging this group. It also reinforces that balancing work and personal life is a key factor in sustaining an inclusive and equitable labour market in Hungary.

2. Protection of working parents with young children in Hungary

2.1. The importance of equal treatment

In Hungary, the Fundamental Law contains the principle of equal treatment in Article XV: “(1) Everyone shall be equal before the law. Every human being shall have legal capacity. (2) Hungary shall guarantee fundamental rights to everyone without discrimination and in particular without discrimination on the grounds of race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or any other status. (3) Women and men shall have equal rights. (4) By means of separate measures, Hungary shall help to achieve equality of opportunity and social inclusion”.¹⁵ The right to work is laid down in Article XII: “(1) Everyone shall have the right to choose his or her work and occupation freely and to engage in entrepreneurial activities. Everyone shall be obliged to contribute to the enrichment of the community through his or her work, in accordance with his or her abilities and potential. (2) Hungary shall strive to create the conditions that ensure that everyone who is able and willing to work has the opportunity to do so”.

¹² BusinessEurope (October 2023): Analysis of labour and skills shortages: Overcoming bottlenecks to productivity and growth. Available at: https://www.buinessurope.eu/sites/buseur/files/media/reports_and_studies/2023-10-23_analysis_of_labour_and_skills_shortages.pdf

¹³ Bálint Adrienn, Galambvári Gabriella, Bogóné Dr. Jehoda Rozália, Dr. Vakhál Péter (2024): A magyar régiók munkaerőpiaca 2035-ben – stratégiai előrejelzés (The labor market of hungarian regions in 2035 – strategic forecast), MGYOSZ -Kopint Datorg Zrt., Budapest 2024. Project „CORE – Capacity Building of Resilient Employers in Hungary 101051655”. Available at: <https://www.mgyosz.hu/projektjeink/20240410-Foresight-kiadvany.pdf>. 25.

¹⁴ Ibid., p. 24.

¹⁵ The Fundamental Law of Hungary is available in English at: <https://njt.hu/jogszabaly/en/2011-4301-02-00>

Hungary's cardinal law on the protection of families (Act CCXI of 2011) in its Chapter III (The protection of the family and the commitment to have children is the field of employment) stipulates that (1) Parents who bring up minors shall be entitled to special labour law protection under the relevant Act of Parliament and to allowances which ensure the reconciliation of their parental role and work and the protection of family life throughout their employment. In order to reconcile family and work, the State shall encourage work in a part-time regime and in other atypical work arrangements. Equal treatment in the workplace is governed by two key laws: Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (referred to as the ETA Act)¹⁶ and Act I of 2012 on the Labour Code (referred to as the Labour Code). The ETA Act ensures equal treatment in general employment matters, including during the hiring process, while the Labour Code protects workers' rights within employment relationships.

Discrimination is defined as prohibited when an individual or group, due to actual or perceived characteristics, receives less favourable treatment than another in a comparable situation, or is placed at a significantly greater disadvantage.¹⁷ Protected characteristics under the ETA Act include gender, skin colour, ethnic origin, age, etc. and also so-called 'other protected characteristic', that can be relevant when an individual faces discrimination based on a status linked to a vulnerable social group.¹⁸ From the Supreme Court's judgment KGD 10/2011.,¹⁹ it can be inferred that a higher, managerial position held by an employee at a given employer before maternity leave can be considered as an 'other characteristic'. In the case, upon the employee's return after giving birth, the employer perceived that the employee could no longer perform her duties at the previously expected level. In essence, in this specific case – besides the claimant's motherhood – the position held at the employer may also be considered a protected characteristic.²⁰ This is explained by the fact that the claimant's managerial position played a particularly important and integral role in her career and daily work activities. The Supreme Court evaluated this as a circumstance related to the employee's workplace status, which may qualify as an 'other characteristic' and

¹⁶ The ETA Act is available in English at: <https://njt.hu/jogszabaly/en/2003-125-00-00>

¹⁷ Article 8 of the ETA Act on prohibiting both direct and indirect discrimination.

¹⁸ Laura Gyeney, Gábor Kártyás, Éva Lukács Gelléni (2023): European Social Union – National Report Hungary, In Kornezov Alexander (ed.) XXX FIDE Congress in Sofia, 2023, Vol. 3: European Social Union, Sofia, Ciela Norma, p. 308. Available at: https://www.researchgate.net/publication/377840731_European_Social_Union_-_National_Report_Hungary_-_XXX_FIDE_Congress_in_Sofia_2023_Vol_3_European_Social_Union

¹⁹ Zaccaria Márton Leó (2016): Az egyéb helyzet, mint védett tulajdonság koncepcionális sajátosságai a magyar joggyakorlatban (The conceptual characteristics of "other situations" as a protected characteristic in Hungarian case law), MAGYAR MUNKAJOG E-folyóirat 2016/1., p. 32. Available at: https://hlj.hu/letolt/2016_1/M_03_Zaccaria_hlj_2016_1.pdf

²⁰ Lőrincsné Lajkó Dóra (2006): A munkáltatók munkajogi és szociális jogi kötelezettségei a terhes munkavállalók viszonylatában (Employers' labour law and social law obligations regarding pregnant employees), Munkaügyi Szemle, 2006/1. pp. 46–50.

granted protection on this basis. This phenomenon is typical in relation to gender-based discrimination, even though employers should be supporting pregnant or new mothers in maintaining their job security.²¹

In practice, employers often argue that they were unaware of the claimant's protected characteristic. However, Hungarian case law places the burden on the employer to prove they were unaware of the protected characteristic, rather than requiring the claimant to demonstrate the employer's knowledge. Research indicates that Hungarian law and case law align with EU directives and effectively protect claimants. As Halmos notes: "The rules on shared or reversed burden of proof are central to anti-discrimination law. While pre-accession national law already referred to reversed burden of proof, the ETA Act, in line with EU Directives, clarified and refined the parties' obligations. Although national rules now meet EU standards, they may be seen as somewhat favourable toward claimants."²²

Part-time and fixed-term workers are also protected under the ETA Act. Article 8, point r) recognizes part-time and fixed-term employment as protected characteristics. Additionally, the Equal Treatment Authority has acknowledged temporary worker status as a protected characteristic.²³

Article 12 (1) of the Labour Code establishes that equal treatment must be maintained in all aspects of employment relationships, especially in terms of remuneration. Remedies for violations of this requirement must not infringe upon the rights of other employees. While the ETA Act addresses broader equality issues, the Labour Code emphasizes labour rights and the principle of equal pay for equal work.²⁴

2.2. Maternity, paternity and parental leave

Employed mothers are entitled to 24 weeks of maternity leave upon the birth of their child, with a mandatory minimum of 2 weeks.²⁵ Maternity leave must be arranged so that no more than 4 weeks are taken prior to the expected birth date. Maternity leave is also granted to employees who are caring for the child based on an enforceable court judgment or enforceable guardianship authority decision due to the mother's health condition or death.

²¹ Zaccaria Márton Leó (2016), p. 33.

²² Halmos Szilvia (2018): The Impact of EU Law on Hungarian Anti-discrimination Law in Employment, *ELTE Law Journal*, 2018:2., pp. 81-99.

²³ EBH 173/2015., EBH 449/2013. and EBH 273/2011.

²⁴ Article 12 of the Labour Code.

²⁵ Article 115 (1) c) and Article 127 of the Labour Code.

Employed fathers are entitled to 10 working days of paid paternity leave following the birth of their child (or children, in the case of twins).²⁶ This leave must be used within two months of the birth and may be taken in no more than two parts. For the first 5 working days, the father receives absence pay (100% of his earnings), and for the remaining period, he is entitled to 40% of his absence pay.²⁷ Before 1 January 2023, the duration of paternity leave was limited to just 5 days. The extension to 10 days is a result of the implementation of Directive 2019/1158 on work-life balance.²⁸

Parental leave is a labour law definition, this is an additional leave that can be taken after maternity or paternity leave for the purpose of caring for a child, until the child turns 3 years old. This leave can be taken by both the mother and the father, depending on the family's choice. This leave exists in the law parallel to the childcare leave (for the purpose of caring for their child until the child reaches the age of three).²⁹

The duration of the childcare leave takes until the child's age of 3 years, the paid parental leave is 44 days if the employee has a one year long preliminary employment relationship. This period is recognized as an insurance relationship, and the parent claiming the leave is entitled to job protection (protection against dismissal). During the paid parental leave, the employee is entitled to 10% of the absence pay, however, the sum must be reduced by the amount of cash child benefits like the childcare fee (GYED).³⁰ The 44 days long paid parental leave is a new, additional instrument in Hungarian law, a result of implementing Directive 2019/1158 on work-life balance.

2.3. Insurance-based benefits for parents with young children

There are benefits in Hungary which are available basically to mothers or fathers who have insurance status. These are as follows.

Infant care fee

During maternity leave mothers are entitled to infant care fee (CSED) from the state.³¹ The allowance is paid for up to 24 weeks, or a maximum of 168 days after the

²⁶ Article 146 (4) of the Labour Code.

²⁷ Sipka Péter, Zaccaria, Márton Leó (2022): Tisztességes munkáért méltányos bérezés kontra versenyképesség – az európai minimálbér-irányelv jelentősége és várható hatásai (Fair pay for decent work vs. competitiveness – the significance and expected effects of the European minimum wage directive), MUNKAJOG 2022:4, pp. 1-8.

²⁸ 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, OJ L 188, 12.7.2019, p. 79–93.

²⁹ Paid parental leave is in Article 118/A. of the Labour Code while unpaid leave for caring for the child is in Article 128 of the Labour Code.

³⁰ Article 146 (5) of the Labour Code.

³¹ Gellérné Lukács Éva (2023): A csecsemőgondozási díj és gyermekgondozási díj igénybevételével kapcsolatos megújult szabályok (The updated regulations regarding the application of the infant care fee and the childcare fee), MUNKAJOG, 2023:4, pp. 75-80.

child's birth.³² It is based on prior earnings and subject to preliminary employment or insurance coverage. To qualify, the mother must have been insured for at least 365 days in the 2 years preceding the birth. Currently, the amount of CSED is the highest among childcare benefits, and since 1 July 2021, it has been set at 100% of the previous year's average earnings (100% of the calendar daily base). There is no upper limit, and only personal income tax is deducted from it. This results in the mother receiving a higher net income after giving birth than she did while working. Mothers with four or more children are exempt from paying personal income tax, so their benefit equals their previous gross salary. However, it is not available if the mother engages in paid work during this time.

Childcare fee

When the entitlement to infant care fee (CSED) terminates (after 168 days), employed mothers or fathers are entitled to childcare fee (GYED), which is a monthly cash benefit paid by the state until the child is 2 years old, or until the child is 3 years old for twins. Only one of the parents can take the childcare fee (GYED) for the same child. When the insured parent takes GYED, they are on childcare leave for the purpose of caring for their child (that is legally different from the paid parental leave in the previous point).³³ Pursuant to Article 128 of the Labour Code an employee is entitled to childcare leave for the purpose of caring for their child until the child reaches the age of three. During this period the employee is entitled to take a job. Article 128 (3) expressly states that "The employee is entitled to childcare leave for the duration of the childcare fee." During this period the employee is entitled to job protection.³⁴

The childcare fee (GYED) is based on prior earnings which require preliminary insurance periods before the birth. To qualify, the insured parent caring for the child in their household must have been insured for at least 365 days in the 2 years preceding the birth.³⁵ The fee is paid by the state, its amount is calculated at 70% of the average eligible income per calendar day, capped at a maximum of 70% of double the current minimum wage per child, which amounts to HUF 373,520 (€ 933) gross per month in 2024. If a parent qualifies for GYED for more than one child simultaneously, the maximum amount is calculated separately for each child. GYED is subjected to pension contributions meaning that it qualifies as insurance period which will entitle the parent to pensions.

³² Molnár Balázs (2021): Foglalkoztatottak gyermekvállalását és gyermeknevelését segítő ellátások Magyarországon (Benefits supporting employees in family planning and child-rearing in Hungary), *MUNKAJOG*, 2021:1, pp. 64-71.

³³ Paid parental leave is in Article 118/A. of the Labour Code while unpaid leave for caring for the child is in Article 128 of the Labour Code.

³⁴ Article 65 of the Labour Code.

³⁵ Section 42/A (1) and Section 42/E (1) of Act LXXXIII of 1997 on Mandatory Health Insurance Benefits. Gellérné Lukács Éva (2023): *Nagykommentár az egészségbiztosítási törvényhez* (Commentary to the Act on Mandatory Health Insurance Benefits), Wolters Kluwer, Budapest. Commentary on childcare allowance.

Since 2010 GYED has been gradually developed, become more flexible and the circle of its beneficiaries has been extended. From 2014 – after the introduction of GYED Extra – it has been possible to work and take a job while receiving GYED at the same time which is a measure that counteracts the welfare trap. Parents do not lose the benefit upon returning to work, which enables them to get it as an extra payment covering child-raising costs (e.g. nursery or private care).

During the last decade the benefit has been expanded with the introduction of 'Grandparent GYED' and also a type of GYED available for students in tertiary education ('Student GYED'). Non-retired grandparents, who meet the criteria of having worked 365 days in the last 2 years, can take GYED if they are the ones who provide care for the child. GYED for students in tertiary education can be accessed by parents, too. A higher education student can receive a so-called child care fee for graduates if she meets all of the following conditions: had an active higher education status for at least 2 semesters within 2 years before the birth of the child, at the time of birth of the child, no more than 1 year has elapsed since the suspension or termination of the student status, raises the child in her own household, is a citizen of Hungary or an EEA Member State, had a place of residence in Hungary at the time of birth of her child.

Finally, in 2018, a new benefit called ÖFD (adoptive parent allowance) was introduced. This is available to insured individuals who are raising a child who has reached the age of 2, or 3 in the case of twins, with the intention of adoption. Essentially, ÖFD functions as an adoptive parent's GYED.

2.4. Tax credits for employed persons

Family-type taxation has been in force in Hungary since 2011, in which the tax and contribution payment obligation of parents raising children is reduced on the basis of the number of children.³⁶ A spouse who is entitled to family allowance or lives with such a person in the same household, as well as a pregnant woman and her spouse, may benefit from personal income tax and contribution allowance, even jointly or shared. The condition for the discount is the declared employment or other gainful occupation.

The family tax and contribution allowance can be applied already from the age of 91 days of the foetus. The net monthly amount per child increases with the number of children in the family: HUF 10,000 for a family with one child, HUF 20,000 per child for a family with two children, and HUF 33,000 per child for large families (3 or more children). Deduction can also be applied from personal income tax (family tax credit) and social security contributions (family contribution benefit). In this respect the

³⁶ Section 29/A-B of Act CXVII of 1995 on Personal Income Tax.

positive effects of these measures could be further strengthened with the duplication of the amount of tax reduction.

From 1 January 2025, the amount of the family tax and contribution allowance may increase significantly. The rate will always be based on the number of dependants. Doubling the entitlement to the allowance would affect around one million households. The increase would bring the net monthly benefit for one child to HUF 10,000 per month to HUF 20,000 and for two children to HUF 40,000 per child, and compared to the current benefit of HUF 33,000 per child of three or more children HUF 66,000 per child. The tax of the parents will be reduced by these amounts.

From 1 January 2020, all mothers with four or more children are exempt from paying personal income tax (currently 15%).³⁷ Throughout their career, until retirement they don't have to pay personal income tax at all.

From 1 January 2022, young people under the age of 25 do not have to pay personal income tax if their monthly income does not exceed the average wage (HUF 576,601, that is, € 1,441 in 2024).³⁸ In 2024, the discount means a maximum tax saving of HUF 86,490 (€ 216) per month, which is how much more young people can receive. If their wage is more than that, they have to pay tax on the amount above HUF 576,601. It can be used for the last time in the month in which the beneficiary reaches the age of 25.

Additionally, from 1 January 2023, women who have children before the age of 30 will be exempt from personal income tax up to the amount of the average wage tax until their age of 30.³⁹ In 2024, the discount is provided up to HUF 576,601 (€ 1,441) per month and can reach a maximum tax saving of HUF 86,490 (€ 216) per month. If their wage exceeds that amount they have to pay tax on the exceeding amount. This tax credit and the tax credit for young people under the age of 25 cannot be applied at the same time. Finally, if at least one of the spouses has had their first marriage, their income may increase by HUF 5,000 (€ 12) per month for 2 years after conclusion of the marriage.⁴⁰

2.5. Universal benefits of parents with young children

There are benefits in Hungary which are universal and available to mothers and fathers irrespective of their insurance status. These are as follows.

³⁷ Section 29/D of Act CXVII of 1995 on Personal Income Tax.

³⁸ Section 29/F of Act CXVII of 1995 on Personal Income Tax.

³⁹ Section 29/G of Act CXVII of 1995 on Personal Income Tax.

⁴⁰ Section 29/E of Act CXVII of 1995 on Personal Income Tax.

Birth grant

Birth grant is a one-off benefit following childbirth, subject to the condition that the pregnant woman participates in pregnancy care at least 4 times. Its amount is HUF 64,125 (€ 160) in 2024 and HUF 85,500 (€ 213) for twins per child. The adoptive parent is also entitled to maternity allowance.

Baby Bond

The Baby Bond is a registered government bond that can be purchased until the child is 18 years old. For all children born in Hungary and born abroad with Hungarian citizenship or “Hungarian ID”, the state provides a life start allowance of HUF 42,500 (€ 106), which is deposited in a deposit account in the Hungarian State Treasury. If a Treasury Start Securities Account is subsequently opened for the child and the support is transferred to it, it will continue to be remunerated as a Baby Bond, on which any additional amounts can be paid into the account until the child is 18 years old. Currently, the state pays an annual inflation plus an interest premium of 3% on the amount on the account. The account can be accessed after the child has reached the age of 18, at the earliest after the 3rd year following the opening of the account and at the expiry of the Baby Bond.

Childcare allowance

The childcare allowance (GYES) is a monthly financial benefit provided to the parent responsible for raising the child in their own household, from birth until the child turns 3 years old (or up to 6 years for twins and up to 10 years for a permanently ill child).⁴¹ This allowance cannot be received alongside the infant care fee or childcare fee. The monthly amount is set at the current pension minimum of HUF 28,500 (approximately € 70) per child, with the same amount applicable for each twin. Job protection is provided for the recipient of the childcare allowance. During the payment period of the benefit the parent is entitled to take a job similar to childcare fee period.⁴²

Additionally, grandparents are eligible for the childcare allowance if the child is over 1 year old, is raised by the parents, and there are no other children in the household receiving this allowance. Once the child reaches 3 years of age, grandparents may engage in work for up to 30 hours per week, or full-time if the work is performed from home.

Child raising support

Families with three or more children are entitled to child raising support (GYET), which provides a monthly amount equal to the current pension minimum, i.e., HUF 28,500 (approximately € 71), regardless of the number of children.⁴³ This support is available from the age of 3 until the youngest child turns 8. Eligibility ends if the

⁴¹ Article 20 of Act LXXXIV of 1998 on the Support of Families.

⁴² Article 130 of the Labour Code.

⁴³ Article 23 of Act LXXXIV of 1998 on the Support of Families.

number of children under 18 in the household falls below three. Parents can also engage in earning activities for up to 30 hours per week, or without a time limit if the work is done from home.⁴⁴

Family allowance

In Hungary, family allowance is granted on a universal basis for a child living in the household until the age of 18. Its monthly amount (HUF 12 200 – 25 900) depends on the number of children raised in the family, type of the family (single or two-parent family) and the child's health status. This can be extended to the age of 20 if the child is studying in a full-time public education institution or vocational training institution, and to the age of 23 in the case of a disabled child.⁴⁵ A condition of the allowance is that the child attends kindergarten or school. The person entitled to the allowance is the biological or adoptive parent, as well as the spouse/partner living with the parent, guardian or the head of the institution where the child is placed. A person over the age of 18, or who is permanently ill or severely disabled and is no longer entitled to educational allowance may apply for child raising allowance in his/her own right.

2.6. Carer's leave and benefits in case of a sick child

In Hungary, an employee who cares for a relative with a serious medical condition or someone living in his/her household is entitled to 5 days of unpaid leave per year.⁴⁶ Both parents are entitled to extra leave for their children under the age of 16: 2 working days for one child, 4 working days for two children, 7 working days for three or more children, during which the employee is entitled to an absentee pay equal to 100% of his/her earnings. Extra leave increases by 2 working days per disabled child.⁴⁷

Childcare sick pay is regulated in the Act on Mandatory Health Insurance Benefits, according to which the working parent is entitled to sick pay for a sick child under the age of 12.⁴⁸ Its duration depends on the age of the child: no time limit under 1 year; up to 84 days for a child aged 12-35 months; 42 days for a child aged 36-71 months; and 14 days per year for a child aged 6-12 years. Single parents are entitled to double leave. The sick pay amounts to 50 or 60% of actual earnings up to a ceiling based on the minimum wage: the maximum daily amount of sick-pay is one-thirtieth of twice the minimum wage, in 2024 HUF 17,787 (€ 44) gross per day. Regarding the length of the benefit, the Hungarian childcare sick pay is a generous legal instrument giving the chance to the child to fully recover under the care of their parents.

⁴⁴ Dani Csaba – Gellénné Lukács Éva (2012): Hazai szabályozás uniós kitekintéssel: családok szociális ellátása; öröklési jog az Európai Unióban (Rules on support of families nationally and with a view on the EU), In: Szeibert Orsolya (szerk.) Család, gyermek, vagyon : A joggyakorlat kihívásai : Családjogi tanulmánykötet, Budapest, HVG-ORAC (2012) pp. 481-496.

⁴⁵ Chapter II of Act LXXXIV of 1998 on the Support of Families.

⁴⁶ Article 55 (1) l) of the Labour Code.

⁴⁷ Article 118(1)-(2) of the Labour Code.

⁴⁸ Article 46 of Act LXXXIII of 1997 on Mandatory Health Insurance Benefits

A parent (including an adoptive parent) caring for a child who is permanently ill (foreseen to be cared for more than 3 months) or severely disabled and unable to care for himself/herself is entitled to financial support.⁴⁹ The fee for caring for children at home (GYOD) has been introduced in 2019, its amount in 2024 is HUF 266,800 (€ 667), of which 10% pension contribution is deducted. Those raising two sick children will receive one and a half times this amount, HUF 400,200 (€ 1,000). Besides receiving this subsidy, earning activities outside the home can be carried out for up to 4 hours a day, and the duration of working from home is not limited.

2.7. Flexible working arrangements

In Hungary, breastfeeding mothers are entitled to 2 x 1 hour per day (2 x 2 hours for twins) for the first 6 months and 1 hour per day (2 hours for twins) for the following 3 months as breastfeeding break.

Parents returning from parental leave are entitled to request flexible working arrangements. There are two cases: requests which the employer is obliged to cope with and requests which the employer can consider. First, the employer is obliged, upon the employee's request, to modify the employment contract to part-time work corresponding to half of the full-time working hours until the child reaches the age of four – or until the child reaches the age of six in the case of an employee raising three or more children.⁵⁰

Secondly, an employee, until their child reaches the age of eight or the caregiver employee (except during the first six months of employment), may request: a) modification of their place of work, b) modification of their work schedule, c) employment through teleworking, or d) employment on a part-time basis.⁵¹ The employee must submit a written request for changes, providing justification and specifying the desired date of the change. The employer must respond in writing within fifteen days of receiving the employee's request. If the request is denied, the employer must provide justification. If the refusal is unlawful or if the employer fails to respond, the court may substitute the employer's consent.

2.8. Other measures and benefits

The role of intergenerational solidarity in promoting labour market participation of parents with young children shall be mentioned. The preferential old-age pension for women is considered an old-age pension in every respect. A woman is entitled to this personal pension regardless of her age, provided she has at least 40 years of eligible

⁴⁹ Article 38 of Act III on Social Assistance. See Tamás Gyulavári, Éva Gellénné Lukács, Anita Kaderják, Kata Nagy (2021): European Semester 2020-2021 country fiche on disability equality. Hungary, Brussels, European Commission, p. 15. Available at: https://www.researchgate.net/publication/378497073_European_Semester_2020-2021_country_fiche_on_disability_equality_Hungary

⁵⁰ Article 61(3) of the Labour Code.

⁵¹ Article 61(4) of the Labour Code.

service time.⁵² Only the service time gained through employment and recognized based on benefits received for raising children qualifies as eligible service time. As a general rule, within the 40 years of eligibility, at least 32 years must be gained through employment-related service time. This means that up to 8 years of the eligible service time can be recognized for child-rearing. However, the pension can also be granted based on 40 years of employment alone. The "Nők40" scheme could serve as a form of "grandmother pension," helping women who retire before the statutory retirement age to actively participate in the care, supervision, and upbringing of their grandchildren.

An adequate level of language skills to enable further learning and easier and faster access to the labour market is essential for today's young people. From 1 July 2020, mothers and fathers receiving CSED, GYED or GYES are able to take their first language test for free.⁵³ Additionally, as of 1 July 2020, mothers, fathers and grandparents receiving CSED, GYED or GYES can also take their driving licence course and test for free.⁵⁴ These measures effectively can help them to reintegrate into the labour market.

3. Early childhood education and care

Article 4 of Act CCXI of 2011 on the protection of families stipulates that „(1) A working parent is entitled to receive assistance from the state during working hours for the care of their child. (2) The state supports the employment participation of parents raising children by providing services that flexibly adapt to the needs of families in relation to the daytime care and supervision of minor children. (3) The state particularly encourages and supports the daytime care and supervision of minor children in small communities and family-like environments.”

Childcare facilities are typically defined as environments that provide care and education for children who are not yet of mandatory school age (generally under 6 years old). These facilities fall within either the social service system, the educational system, or both, depending on the Member State, and play a significant role in enhancing the employability of both mothers and fathers.⁵⁵

In 2002, the Barcelona European Council established goals for the availability of high-quality and affordable childcare for preschool-aged children. The targets included

⁵² Article 18 (2a)-(2d) of Act LXXX of 1997 on Social Security Pension Benefits.

⁵³ Article 2 (1a) of Government Decree 503/2017 (XII. 29.) on support provided for the cost of the first successful language exam and the first advanced-level final exam in a foreign language

⁵⁴ Article 2/A. of Government Decree 55/2018 (III. 23.) on support provided for the cost of the basic traffic knowledge course and exam.

⁵⁵ Gellérné Lukács Éva (2021): Support for Families – a way to tackle COVID-19 and its implications in Hungary, *Hungarian Yearbook of International Law and European Law*, 9:1, pp. 91-110. Available at: https://www.researchgate.net/publication/355851808_Support_for_Families_A_Way_to_Tackle_COVID-19_and_Its_Implications_in_Hungary

providing care for 90% of children aged 3 until they reach mandatory school age and for 33% of children under the age of 3.⁵⁶ In 2018, the Commission released a report assessing the progress made by Member States towards achieving these objectives from 2013 to 2016. The overall percentage of children receiving care in formal childcare settings for ages 3 to mandatory school age rose significantly in the EU, increasing from 83% to 86.3% between 2011 and 2016.⁵⁷

Hungary's situation is particularly noteworthy. In 1989, there have been 1000 nurseries in Hungary, covering overwhelmingly all demands, however this system was largely dismantled⁵⁸ and had to be re-built in accordance with new demands and societal expectations. In Hungary, the kindergarten is compulsory and free of charge from the age of 3 to 6, and children get free meals depending on the family's income and other considerations (e.g. at least three children raised in the family). Approximately three-quarters of children are entitled to free meals. Primary education can be started at the age of 6.

In 2023, 20% of children aged 0-3 received nursery care (including private childcare), which is a threefold increase compared to 2005, when this figure was only 7%. From 2019 those parents who could not find a public nursery place for their children are entitled to a monthly contribution of € 110 to be able to pay the fee of the private nursery.

Nurseries accept children aged 20 weeks to 3 years. Since the nursery system was restructured in 2017, parents now have a variety of options to choose from, including traditional institutional nurseries, as well as mini, family, and workplace nurseries. In municipalities where there are more than 40 children under the age of 3, nursery care must be provided, which can be organized by the municipalities either independently, through agreements, or by forming associations. Nursery care in municipal-run institutional nurseries is mostly free of charge, typically covering only the cost of meals. Additionally, it is also free for children from families with three or more children, as well as for those who are permanently ill or disabled. By 2024, one in three Hungarian settlements will have a nursery, ensuring that nursery care is accessible in all districts across the country.

100% of those aged 3-6 went to kindergarten in 2023, which shows an increase of 15 percentage points compared to 2005, when the participation rate was 85%.

From September 2024, the Hungarian State Treasury will provide a monthly subsidy of HUF 50,000 to rural working parents whose children attend nurseries, which can

⁵⁶ Presidency Conclusions, Barcelona European Council 15-16 March 2002.

⁵⁷ Commission Report on the development of childcare facilities for young children with a view to increase female labour participation, strike a work-life balance for working parents and bring about sustainable and inclusive growth in Europe (the "Barcelona objectives"), COM(2018)273 final, Brussels, 8.5.2018.

⁵⁸ Makay Zsuzsanna (2015): Family support system – Childraising – Employment In Monostori Judit – Öri Péter – Spéder Zsolt (eds.): Demographic Portrait of Hungary 2015, pp. 57-74.

be used for nursery care and/or meal fees. A parent raising their child alone, as well as a parent with a child of special educational needs, eligible for early development, permanently ill or disabled, may be provided with a monthly allowance of up to HUF 65,000 per child.

4. Summary and future challenges

In Hungary, the years of the 2008-2010 economic crisis hit families the hardest. That time family benefits were cut, family tax credits and housing allowances were abolished, and the paid childcare period was shortened.⁵⁹ In 2011, Act CCXI of 2011 on the protection of families has been passed, the underlying idea of which is that “the family and having children should not be a risk of poverty”.⁶⁰ Supportive family policies became a priority in Hungary ever since. An important goal is to achieve a better standard of living for families with children in financial terms than if they had not taken on children.⁶¹ Over the past decade, Hungarian family policy has undergone a significant transformation, characterized by a notable shift: work-related family benefits have gained substantial value, with a strong focus on employment- and wage-related support.⁶² Additionally, the objectives extend beyond mere income replacement; the family support system takes a holistic approach.⁶³ It is important for parents, but especially for women, that so many measures focus on helping mothers to participate in the labour market, which is three times more effective demographically than general measures.⁶⁴

The development of insurance-based cash benefits, including the infant care fee (CSED) and the childcare fee (GYED) has been continuous over the past decade. Both the scope of beneficiaries and the available amounts have been expanded. Hungary has successfully introduced various measures to encourage the labour market participation of parents with young children, especially by providing parents to work and keep their childcare benefits at the same time.

Family tax credits and contribution allowances increased the income level of working parents with young children since 2011, but the most credit can be realised if a person has three children. According to studies, tax credits have resulted in more families having

⁵⁹ Fűrész Tünde, Molnár Balázs (2020): A családbarát Magyarország építésének első évtizede az Európai Unióban. (The first decade of family friendly Hungary in the European Union), Kapocs, 2020:3-4, pp. 3-11.

⁶⁰ Act CCXI of 2011 on the protection of families, preamble.

⁶¹ Tünde Fűrész – Árpád József Mészáros (2024): Pronatalist Family Policy, the Response of the Second Hungarian Presidency of the Council of the European Union to European Demographic Challenges, In Tibor Navracsics, Balázs Tárnok (eds.) The 2024 Hungarian EU Presidency, Ludovika Publisher, Budapest, pp. 165-190., p. 166.

⁶² Makay Zsuzsa (2018): Családtámogatás, női munkavállalás (Family support, female employment). In: Monostori Judit – Óri Péter – Spéder Zsolt (szerk.): Demográfiai Portré 2018. Jelentés a magyar népesség helyzetéről. (Demographic portrait, Report KSH Népeségutományi Kutatóintézet, Budapest, 83. o.

⁶³ Ibid., p. 71.

⁶⁴ Matthias Doepke, Fabian Kinderman (2019): Bargaining over Babies: Theory, Evidence, and Policy Implications. American Economic Review, Vol. 109:9, September 2019, pp. 3264-3306.

a third child.⁶⁵ From 2020 to 2024, several new tax credits have been introduced to encourage childbearing and also to increase the number of mothers who have their first child sooner in time. It can be said that over the past decade, benefits aimed at supporting child-rearing for insured individuals have been significantly strengthened.⁶⁶

Regarding early childhood and education, Hungary has shown a remarkable development in the last decade, lots of new places have been opened for children in nurseries and the participation of children from age 3 in kindergartens reached 100% in 2023. This is a major step forward in enhancing work-life balance. These initiatives have been crucial in facilitating the high level of labour market engagement among parents.

Having said that, reconciling work and family always remains a challenge, although for nowadays it could be declared that work and having children became mutually reinforcing and not mutually exclusive factors in Hungary. An important requirement for the functioning of the system is that the right to choose to return to labour market should be real: the possibility of returning to work should not only be theoretical, but could also be used in practice by the parent who chooses to do so.

In several cases the programs and measures introduced so far have resulted in visible success, and should be continued to provide further opportunities for families, such as:

- Further broadening the availability of childcare services, building new daycare centres and nurseries for children under three, eliminating the existing waiting lists in some centres; further moving to a balance in respect of rural and urban demands. Continuous improvement of access to childcare services remains a priority in order to protect families, which requires mobilising the necessary resources.
- Further strengthening the family friendly workplace attitudes: addressing negative employer attitudes towards parents who are absent from the labour market for long periods of time (i.e 3 years); developing programmes and tools to support labour market reintegration so that employers do not see long parental leave as a sign of less commitment or obsolescence of skills.
- Introducing and strengthening measures to promote part-time working and flexible working arrangements in Hungary, which could help to activate more parents with young children to return to the labour market.
- Further action may be needed to change public perceptions of fathers' use of parental leave even more. It can have a significant impact on mothers' opportunities in the labour market.

⁶⁵ Zsolt Spéder, Livia Murinkó, Livia Sz. Oláh (2020): Cash support vs. tax incentives: The differential impact of policy interventions on third births in contemporary Hungary, *Population Studies*, 74:1, pp. 39-54.

⁶⁶ Fűrész Tünde – Molnár Balázs (2021): The first decade of building a family-friendly Hungary, *Quaderns de Politiques Familiars* 2021:7, pp. 1-12. Pári András, Varga Anikó, Balogh Enikó (2019): Magyar családpolitikai folyamatok a Családvédelmi Akcióterv 2019. szeptember végén rendelkezésre álló eredményeinek tükrében (Hungarian family policy developments in light of the results available by the end of September 2019 under the Family Protection Action Plan), *Kapocs*, 2019:3-4, pp. 12-25.

Promoting labour market participation of parents with young children in Ireland

This article is peer-reviewed.

Abstract

The express identification of the married family in 1937, with dedicated gendered spousal roles, as the only Constitutionally recognised family under Irish law greatly influenced lawmakers' reluctance to support women who chose to work outside the home. Rather the family was regarded as optimum where the woman was supported financially by her husband and was not forced by economic necessity to work outside the home, to the neglect of her duties. Almost 90 years since the inception of the Irish Constitution, there has been a seismic shift in the law and policy approaches to the provision of supports to parents and carers to enable active workplace participation, with measures in respect of childcare, parental leave and remote working now enabled to facilitate greater work life balance, an acknowledgement of the range of caring roles that often are undertaken alongside workplace employment. This chapter will trace the development of Irish law and policies, which have been very positively impacted by EU obligations, and demonstrate a meaningful, and ever improving emphasis on families, parents and carers by successive Irish governments.

1. Parental participation in the Irish workplace

Any assessment of the supports available to parents in the workplace in Ireland necessitates an understanding of the status of the family under Irish Constitutional law and the gendered roles expressly identified for the father and mother in such a family. Article 41 sets out the special position of the family and expressly identifies its elevated position and the superior nature of its status and associated rights. The State recognises the Family as the natural primary and fundamental unit group of society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law. The longstanding existence of both legal and social norms for the division of parental obligations between the workplace and the home has informed the slow development of a more equal approach to the regulation and protection of the rights of all parents in the workplace in Ireland.

Historically both societal and legal norms in Ireland resulted in labour market participation being dominated by men with both an expectation and in some instances a legal obligation for married women to forgo participation in employment upon marriage. The express Irish Constitutional preferential treatment of the marital

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family is twinned with a patriarchal view of the domestic role of the mother within that family unit, with express constitutional recognition in Article 41.2.1 ‘that by her life within the home, woman gives to the State a support without which the common good could not be achieved’.² Thus, a very particular and protective view of the marital family with designated gender-specific roles was expressly identified by the 1937 Constitution and has formed the basis for the state’s approach to the regulation and almost immovable defence of the marital family since then. Article 41.3 of the Irish Constitution requires the state to ‘endeavour to ensure that mothers shall not be obliged by economic necessity to and engage in labour to the neglect of their duties in the home’, meaning that no woman should be forced through economic necessity to work outside the home. The matter was very recently brought before the Irish people by way of referendum, the majority of those voting electing to decline to replace this controversial provision with a more gender-neutral commitment relating to carers within the home. This gendered view of spousal roles has historically permitted the Irish legislature to provide financial support exclusively for women in the home; widowed and unmarried, to the exclusion of their male counterparts.³ From a societal perspective, it is only since the lifting of the Marriage bar in 1973 that the presence of women in the workplace has been gradually accepted by Irish society.⁴ Within a heterosexual marriage, the 2016 Women and Men in Ireland Survey⁵ reported that a married woman was now far more likely to work outside the home compared to when these constitutional ideals were framed, with 40.4% of married women working 30-39 hours per week, shattering the myth that a woman not in paid employment is the normalised role of the married woman.⁶ The same 2016 report demonstrated that, workplace participation rates of married women at that time were only 3.5% lower than those who were single.⁷

² When written in 1937, *Bunreacht na hEireann* (Irish Constitution) in referencing the marital family in Article 41 has been regarded as referring to the married heterosexual family. A challenge to this position was defeated in the High Court in *Zappone and Gilligan v Revenue Commissioners and others* [2006] IEHC 404. However, in 2015 by way of public vote, marriage equality became lawful in Ireland, with a constitutional footing in Article 41.4. Non-traditional family formations including same sex couples and cohabitants had been legislatively provided for in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, which predated the introduction of marriage equality and provided recognition for registered same-sex relationships as well as legal rights and obligations for qualified cohabitants. The rights introduced by way of legislation have always been lesser rights than those attaching to spouses in a marital relationship.

³ Louise Crowley, *Sheltering the Homemaker in Irish Family Law: Ireland’s Failure to Evolve with the Shifting Social and Family Norms*, 2018 INT’L SURV. FAM. L. 271 (2018).

⁴ Deirdre Foley, *Their proper place’: women, work and the marriage bar in independent Ireland, c. 1924–1973*, *Social History*, 2022, 47(1) 60–84. Available at: <https://www.tandfonline.com/doi/full/10.1080/03071022.2022.2009692>

⁵ In 1973, Ireland’s unemployment rate was 5.7% of the active population, the rate reached 16.3% in 1988. In 2001, Ireland hit its lowest unemployment rate of 4.2%. However, after the economic crash, the unemployment rate hit another high rate of 15.9% in 2012. Since that point, Ireland has seen a decrease in its unemployment rate to its current level of 4.4% in May 2024, despite a slight increase in the post-COVID-19 era. Unemployment rates were almost the same for both sexes in 2023, at 4.1% for male and 4.3% for women.

⁶ Central Statistics Office, *Women and Men in Ireland*, 2016.

⁷ IBEC, *Labour Market Participation of Women*, October 2016.

As of 2020, Irish women's rate of employment is 72.2%, compared to Irish men's rate of employment of 85.3%, meaning a gender gap of approximately 13%.⁸ The 2019 Women and Men in Ireland Survey⁹ report published by the Irish Central Statistics Office reported interesting findings that demonstrate a clear gender divide in terms of the participation of men and women in the Irish workplace where they are parenting solely or as a couple. The employment rate for women aged 20-44 who were lone parents or part of a couple (with or without children) was 72% in 2018. However, there was large variations in employment rates recorded between women with and without children. This rate varied from 88.1% for women in a couple and with no children to 66.8% for women whose youngest child was aged between 4 and 5 years of age, a decrease of 21.3%. The presence of children had a much smaller effect on the employment rate for men. Men in a couple with no children had an employment rate of 91.5%, while the rate for men whose youngest child was aged 4-5 actually increased to 92.7%.

In March 2024, the Central Statistics Office (CSO) launched the Women and Men in Ireland Hub,¹⁰ a new platform using the latest data from the CSO and other public service bodies to provide comprehensive data on Women and Men in Ireland. The information provided considers six main themes: Gender Equality; Work; Education; Health; Safety and Security, and Transport. In launching the Hub, the CSO published data for marketplace engagement for 2022. In light of the post pandemic shift towards remote working, the number of women working from home increased by 306% between 2016 and 2022. The number of men working from home rose by 114% in the same period; 31% of working women work part-time, compared with just 14% of men. The workplace participation rate remained higher for men than women across all age groups.

2. Carers who work

In considering the proposed Work Life Balance and Miscellaneous Provisions Bill 2022, the Oireachtas report relying on data from the European Quality of Life Survey (2003-2016)¹¹ outlined the employment profile of carers, noting that 55% of those providing care on a daily basis are in employment; 70% for male daily carers and 45% for female daily carers, suggesting that men are more likely to combine care and paid employment, although a significant portion of women also combine both care and employment.¹² As

⁸ Dáil Éireann debate – Wednesday, 29 Mar 2023, available at: <https://www.oireachtas.ie/en/debates/debate/dail/2023-03-29/23/> per Deputy Cairns TD.

⁹ *Work Women and Men in Ireland 2019 – Central Statistics Office*

¹⁰ *Women and Men in Ireland Hub – Central Statistics Office*

¹¹ Available at: <https://www.eurofound.europa.eu/en/surveys/european-quality-life-surveys-eqls/european-quality-life-survey-2016>

¹² Oireachtas Library & Research Service, 2022, L&RS Bill Digest: Work Life Balance and Miscellaneous Provisions Bill 2022. Bill No. 92 of 2022 Work Life Balance and Miscellaneous Provisions Bill 2022 (oireachtas.ie) at 43-44.

regards the take-up of family-related leave and flexible working arrangements, a 2019 ESRI and Irish Human Rights and Equality Commission research paper “Caring and Unpaid Work in Ireland”¹³ found that 45% of women and 29% of men provided either childcare or adultcare on a daily basis. Overall, they found that 55% of those providing regular care are in employment, 45% for women and 72% for men. This timely report uncovers that over half of those carrying out unpaid care work are juggling these responsibilities with employment, and that women are overrepresented in the cohort of employees who avail of reduced hours in order to facilitate care and unpaid work.¹⁴ The report firmly notes that from an Irish perspective “While we have seen advances in recent years, including increased participation by women in the workplace, we have yet to see adequate supports for caring and unpaid work. Nor, crucially, have we yet seen adequate measures to reconfigure the gendered nature of care work, and to create the conditions to encourage men to take on more such work.”¹⁵

3. Statutory provision for the rights of parents in the workplace

European legislation on equality has had a major impact on Ireland. It is hard to believe that it was only in 1973, when Ireland joined the EU, that the ban on the employment of married women in the public sector was lifted.¹⁶ In the workplace, EU laws have ensured that men and women are entitled to equal pay for doing the same job.¹⁷ They have also provided legal guarantees on fair treatment and entitlements to maternity and paternity leave, outlined below. Additionally, in 2021, Ireland strengthened its gender pay gap legislation, ensuring greater transparency around equal pay. Ireland now stands 7th in the EU’s Gender Equality Index.¹⁸ The Principal Act governing parental leave rights in Ireland is the Parental Leave Act 1998, as amended, which when first introduced sought to give effect to Council Directive 96/34/EC on The Framework Agreement on Parental Leave. The 1998 Act established the statutory right of parents, natural or adoptive, to 14 weeks unpaid leave, to spend time looking after their children. This 14-week period was extended to 18 weeks following the implementation of Council Directive 2010/18,¹⁹ and was most recently extended to 26 weeks by section 4 of the Work Life Balance and Miscellaneous Provisions Act 2023, amending section

¹³ Helen Russell, Raffaele Grotti, Frances McGinnity and Ivan Privalko, *Caring and Unpaid Work in Ireland*, 2019, ISBN 978-0-7070-0489-1.

¹⁴ Oireachtas report.

¹⁵ Oireachtas report

¹⁶ Deirdre Foley (2022).

¹⁷ The provisions of the Anti-Discrimination (Pay) Act 1974 came into force in December 1975, giving effect to the EEC Equal Pay Directive (75/117/EEC) ensuring women and men have the right to equal pay when working for the same, or associated employers, in the same workplace and when engaged upon ‘like work’.

¹⁸ Diversity Journal, *Stories about the EU and equality and inclusion in Ireland*, by Barbara Nolan, Head of the European Commission Representation in Ireland, 2022. Available at: <https://ireland.representation.ec.europa.eu/system/files/2022-01/DIVERSITY%20JOURNAL.pdf>

¹⁹ European Union (Parental Leave) Regulations 2013 (S.I. No. 81 of 2013).

6 of the Parental Leave Act 1998.²⁰ The Work Life Balance and Miscellaneous Provisions Act 2023 was signed into law in Ireland on the 4th of April 2023, to give effect to Directive EU 2019/1158 on Work Life Balance for Parents and Carers.²¹ In introducing the 2019 Directive into Irish law, the 2023 Act significantly amends existing domestic legislation, enhancing employees' rights to leave for medical care purposes, enhances the rights of women returning to work after pregnancy, regulates the right to request flexible working arrangements for caring purposes and other related improvements. The Act provides for the introduction of new rights for employees to support a better balance of family life, work life and caring responsibilities including a right to seek remote working arrangements and it provides a statutory basis for leave entitlements for victims of domestic violence. Minister Coveney noted that the transposing of the Directive into domestic law in Ireland confirms that the Government is "...committed to facilitating and supporting remote working, to reduce our time commuting and to enable families to spend more time together."²² The European Commission reported that as of 2 August 2022, all Member States must apply EU-wide rules to improve work-life balance for parents and carers. "These rules set out minimum standards for paternity, parental and carers' leave and establish additional rights, such as the right to request flexible working arrangements, which will help people develop their careers and family life without having to sacrifice either. These rights, which come in addition to existing maternity leave rights, were achieved under the European Pillar of Social Rights and is a key milestone towards building a Union of Equality."²³

The European Commission noted that the aim of the Directive on work-life balance is to increase both the participation of women in the labour market and the take-up of family-related leave and flexible working arrangements. The benefits of a more flexible approach to working arrangements have been highlighted in research undertaken with Irish Families. The TCD report "Work life Balance and Social Inclusion" found that finding suitable childcare arrangements and dealing with the long commute every day are the two main problems faced by working parents and carers interviewed, and it is often for one of these reasons that people in this group changed their working hours or the way their working hours were organised.

The 2023 Act, introduced under the joint direction of the Department of Enterprise, Trade and Employment and the Department of Children, Equality, Disability, Integration and Youth brought into operation, the right under section 20 to request remote working arrangements for all employees and the right under section 8 to

²⁰ In 2021 survey, one in fifty (2.2%) of employees availed of unpaid parental leave.

²¹ Council Directive 2019/1158 repealed Council Directive 2010/18/EU.

²² Lili Lonergan, Rights for remote working and more flexibility introduced for parents and carers, Limerick Live 7 March 2024. Available at: <https://www.limerickleader.ie/news/national-news/1442818/national-rights-for-remote-working-and-more-flexibility-introduced-for-parents-and-carers.html>

²³ European Commission, Press Release, New rights to improve work-life balance in the EU enter into application today. Brussels. 02 August 2022.

request flexible working arrangements for parents and carers and the employer in each instance is obliged to consider the request under sections 21 and 8(C) respectively. Additionally, Ministers Coveney and O’Gorman approved and published the Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working.²⁴ The Code of Practice which will support both employers and employees in the implementation of the provisions of the Act, was developed by the Workplace Relations Commission (WRC), in consultation with trade unions and employer representative bodies.

The significance of this legal development has been emphasised by Dr. Laura Bambrick, Head of Social Policy and Employment Affairs at the Irish Congress of Trade Unions (ICTU). Whilst recognising the States obligation to comply with the requirements of EU law to give working parents and carers the right to request flexible working, she also commended the overarching vision of the EU, identifying that “The EU wants member states to do more to help workers balance their work and family lives, to encourage men to be more involved in providing care, and to support more women to remain in employment.”²⁵

4. Right to request remote working arrangements including for caring purposes

In addition to section 20 of the 2023 Act which introduces a statutory right for all employees to make a request for remote working arrangements,²⁶ section 8 of the Act inserts a new Part IIA in the Principal Act, placing on a statutory footing, the right to request a flexible working arrangement specifically for caring purposes. Family Carers Ireland data states that 83% of all carers are of working age and estimate that “One in 9 Irish workers juggle caring responsibilities with paid employment, with this figure likely to increase significantly over the coming years as Ireland’s older population, rate of disability and the incidence of people living with a chronic condition continues to increase steadily.”²⁷

²⁴ Available at: https://www.workplacerelations.ie/en/what_you_should_know/codes_practice/code-of-practice-for-employers-and-employees-right-to-request-flexible-working-and-right-to-request-remote-working/

²⁵ Sharon Ni Chonchuir, Workplace wellbeing: What flexible working rights do carers and parents have? Irish Examiner 7 April 2023. Available at: <https://www.irishexaminer.com/lifestyle/healthandwellbeing/arid-41111212.html>

²⁶ Eligibility to request a remote working arrangement requires that the employee has at least 6 month’s service completed, and details of the proposed remote working proposal must be submitted by the employee in writing no less than 8 weeks before the proposed commencement date. Section 13B (6) requires the employee to specify the form of the flexible working arrangement requested and the date of commencement and duration of the flexible working arrangement.

²⁷ Family Carers Ireland submission to the Department of Justice on Work Policies for Family Carers, 2020. Available at: <https://familycarers.ie/media/1432/submission-to-the-dept-justice-on-flexible-work-policies-family-carers-ireland.pdf>

Employees eligible to make an application under Part IIA includes an employee who is a parent of a child and who is or will be providing care to that child.²⁸ The new section 13(B)(3) provides that such a flexible working arrangement for the care of a child shall end when the child attains the age of 12 years. Where the child is the subject of an adoption order, and has reached the age of 10 prior to the making of the adoption order, but is not yet 12 years, the flexible working arrangement shall not expire within 2 years of the commencement of that arrangement. Where the child concerned has a disability or a long-term illness, the flexible working arrangement shall expire not later than when the child reaches the age of 16 years, or ceases to have that disability or long-term illness, whichever occurs first.

The new section 13B (6) sets out the nature of the employer's obligations upon receipt of a request for flexible working arrangements, including to consider the employee's needs, the needs of the business and the requirements of the code of practice. The employer is obliged to respond as soon as is reasonably practicable but must respond within 4 weeks,²⁹ however, this timeframe can be extended to 8 weeks. Where requested by the employer the employee must furnish a copy of the child's birth certificate or a certificate of placement within the meaning of the Adoptive Leave Act 1995. Where the request for remote working arrangements is refused, the employer must inform the employee in writing of the reasons for refusal.³⁰ Finally of note, an employer can terminate the remote working arrangement in certain circumstances if they are satisfied that the arrangement is having a substantial adverse effect on the operation of the business.³¹

In recent months it is reported that there is a growing expectation amongst employers in Ireland that employees are expected to return the workplace "due to concerns about performance and collaboration".³² Figures released by the Department of Enterprise, Trade and Employment in August 2024 indicate that "up to 30 July 2024, 18 people

²⁸ An application can also be made under this part by an employee who is or will be providing personal care or support to

- (i) a person of whom the employee is the relevant parent;
- (ii) the spouse or civil partner of the employee;
- (iii) the cohabitant of the employee;
- (iv) a parent or grandparent of the employee;
- (v) a brother or sister of the employee;
- (vi) a person who resides in the same household as the employee and is in need of significant care or support for a serious medical reason.

²⁹ Where an employer is having difficulty assessing the viability of the request for a remote working arrangement, the employer may under s.13C(2) extend the 4 week period by a further 8 week period.

³⁰ Section 13C(1)(B)(ii).

³¹ Section 13E.

³² Catherine O'Flynn "Employers are calling staff back to the office. What are your rights?" 2 September 2024., available at: <https://www.irishtimes.com/advertising-feature/2024/09/02/employers-are-calling-staff-back-to-the-office-what-are-your-rights/>

had filed complaints with the Workers Relations Commission about applications they had made for remote or flexible working.³³

Where leave is needed for medical purposes, section 6 of the 2023 Act inserts a new section 13A into the Principal Act, that entitles an employee to five days unpaid medical leave in a twelve-month period to provide “significant care or support for a serious medical reason” for a person who is in a specified relationship with an employee and includes the provision of personal care or support for children for whom the employee is the relevant parent.³⁴

5. Social welfare income maintenance support for families

Citing both Regan and Watson, Redmond et al, in acknowledging the high risk of poverty and deprivation amongst single parents internationally, have noted the deprivation rates experienced by one parent families as being particularly high in Ireland.³⁵ To support such families, the One-Parent Family Payment (OPFP) is a means-tested payment which is made to men or women who are caring for a child or children without the support of a partner. The scheme was introduced on a transitional basis on 2 January 1997, and replaced the Lone Parent’s Allowance and the Deserted Wife’s Benefit. When introduced in 1990, the Lone Parents Allowance became a gender-neutral payment for one parent families, howsoever formed, providing financial assistance inter alia, for those in the workplace with limited income. Up until recently, OPFP was paid to eligible persons up until their youngest child was 18 years of age, or 21 years if in full-time education.

The long duration of payment without any requirement to seek education or employment was heavily criticised, for contributing to the low employment rate among single parents.³⁶ The issue was considered at length by the 2005 Working Group established by the Irish Department of Social and Family Affairs, the resultant 2006 report was critical of the duration and passive nature of the payment, noting “long term welfare dependency is not in the best interests of the lone parent, their children

³³ Brian Donovan “18 remote or flexible work complaints filed with WRC this year” 2 August 2024. Available at <https://www.rte.ie/news/ireland/2024/0802/1463106-remote-flexible-work-wrc/>

³⁴ Section 6(5)-(6) require the employee as soon as reasonably practicable, to confirm in the prescribed form to the employer, that they have taken or intend to take, such leave. The employer may request, and the employee is obliged to provide information relating to; the employee’s relationship with the person in respect of whom the leave for medical care purposes is proposed to be taken or was taken, the nature of the personal care or support required to be given by the employee to the person concerned and relevant evidence relating to the need of the person for the significant care or support concerned.

³⁵ Paul Redmond, Seamus McGuinness, Claire Keane, The impact of one parent family payment reforms on the labour market outcomes of lone parents, 2023, Oxford economic papers, Vol 75 (2) 346 – 370.

³⁶ OECD Family database, Employment rates are especially low for single mothers, 2021. Available at: https://www.oecd-ilibrary.org/economics/employment-rates-are-especially-low-for-single-mothers_78a8cb0a-en

or society in general”³⁷ The report sought to significantly alter the manner in which the State provides welfare supports to lone parents, recommending the restructuring of both the OPFP and the Qualified Adult Allowance into a household means-tested Parental Allowance (PA) to assist all low-income families. In terms of activation conditions, it sought to introduce a requirement for recipients to be available for work, at least on a part-time basis, when the youngest child reached a certain age. In 2011, the Government announced that this reform was finally to be introduced on a phased basis between 2012-2015 meaning the payment would stop once the youngest child in a recipient’s care turned 7, a considerable shift from the existing entitlement to payment for so long as care for a child was maintained. In the context of these significant reforms, One Family has argued that lone parents continue to face significant barriers in accessing and participating in the labour market and in combining their work and caring roles, noting that increased employment amongst lone parents has positive child welfare outcomes, including outcomes for teenage children, where incomes rise as a result of such employment.³⁸ To encourage workplace engagement, from 2020, a parent in receipt of OPFP can earn €165 per week which will be disregarded in the means assessment for the OPFP, with half of all additional earnings assessed as means. Notably, the OPFP was classified as a Family Benefit with effect from 5 May 2005 in terms of EU Regulation 883/2004 on social security coordination. The effect of this is that an EEA national, who is employed or self-employed in Ireland and paying Irish Pay Related Social Insurance (PRSI), does not have to satisfy the Habitual Residence condition to claim OPFP. Such entitlement continues where the person becomes unemployed and is in receipt of Irish Jobseeker’s Benefit or incapable of work and in receipt of Illness Benefit. These entitlements are payable even if his or her children are habitually resident in another EEA State. The amount of Family Benefits payable by the Department of Social Protection will depend on whether there is entitlement to Family Benefits from another EEA State in respect of the same children.

The Working Family Payment (WFP) is a weekly, tax-free payment available to employees with children. It gives extra financial support to families with children depending on their income and family size. To qualify for WFP an applicant must meet all of the following criteria:

- Work in the Irish State and pay tax and PRSI in Ireland.
- Work 38 or more hours every fortnight, which can be a combination of hours from different jobs.
- Weekly hours can be combined with hours worked by a spouse, civil partner or cohabitant.

³⁷ Department of Social and Family Affairs, (2006), Proposals for Supporting Lone Parents, Dublin: Stationery Office.

³⁸ Candy Murphy, Patricia Keilthy and Louise Caffrey, Lone Parents and Employment: What are the Real Issues? Key Findings, Conclusions and Recommendations, 2008. Available at: https://www.onefamily.ie/wp-content/uploads/Lone-Parents-Employment-Report-Summary12.pdf?_gl=1*1w9hkxd*_gcl_au*OTkwMTA4MTcuMTcxODAzNTkxMA.

- The employment must be likely to last at least 3 months.
- The applicant must have at least one child aged 18 or between 18 and 22 years and in full-time education who normally lives with the applicant.
- The applicant must earn less than a set amount according to their family size.³⁹

The amount payable under the WFP is 60% of the difference between the average weekly family income and the income limit that applies to that family. Payments are assessed on an annual basis unless a change is requested by the applicant.

The Jobseeker's Transitional Payment (JST) of €203 per week is a special arrangement under the Jobseeker's Allowance scheme which supports lone parents with young children to return to work and typically becomes available upon the expiration of entitlement to One Parent Family Payment. A qualifying applicant can not be cohabiting with a partner and their youngest child must be over the age of 7 and under the age of 14. A person in receipt of JST can take part in a course or education and may also claim a student maintenance grant from Student Universal Support Ireland. They do not have to be available for and genuinely seeking full-time work, in order to allow them to meet caring responsibilities where they have young children. Where employment is secured when in receipt of JST, childcare supports are available. Additionally, a person in receipt of JST can work part-time for five days and still get JST, subject to a means test. Often this can allow a recipient to work mornings only, whilst children are in school.

The Back to Work Family Dividend (BTWFD) scheme helps families move from social welfare into work. It gives financial support to people with qualified children (up to 18, or aged between 18 and 22, who are in full-time education) who are in or take up employment or self-employment and stop claiming Jobseeker's Payment or OPFP. BTWFD is paid every week for up to two years and the amount payable is determined by the number of qualifying children in the applicant's care.⁴⁰

6. Maternity and paternity leave

The entitlement to leave is enshrined in the Maternity Protection Act 1994 as amended. Maternity rights were first introduced under Irish law by the Social Welfare Act 1952, which introduced a maternity allowance that was payable for 12 weeks but did not provide any job security. In 1969, women were entitled to 12 weeks of paid maternity leave, however their employment was not protected. The Maternity Protection Act 1981 entitled expectant mothers to 14 weeks paid maternity leave and the right to return to work after the birth of their child. These new and improved rights apply to all women who worked for eight hours or more per week. The period of maternity leave was extended on

³⁹ The relevant financial earning limits vary depending upon the number of children who normally reside with the applicant; 1 child €531; 2 children €632; 3 children €733; 4 children €834; 5 children €960; 6 children €1,076; 7 children €1,212 and 8+ children €1,308.

⁴⁰ In year 1, payment is €46 a week for each child under 12 up to a maximum of 4 children and €54 a week for each child over 12 to a maximum of 4 children. For year 2 €23 a week for each child under 12 to a maximum of 4 children and €27 a week for each child over 12 to a maximum of 4 children.

a number of occasions and since 2007 is now available for 42 weeks, of which 26 weeks are paid at 70% of earnings, up to a maximum of €262 per week, with the remainder unpaid. Employers have the discretion to top up maternity benefit if they wish; in 2021, one third of women on maternity leave did not receive any additional financial support from their employer. All employees (including casual workers) who become pregnant are entitled to this Maternity Leave, regardless of how long they have been working for the organisation or the number of hours worked per week.

6.1. Paternity Leave

The Paternity Leave and Benefit Act 2016 commenced on 1 September 2016 and introduced statutory paternity leave and benefit for relevant parents. “Relevant parents” include self-employed, same sex couples and those adopting. The definition of relevant parent is set out in the legislation and “relevant parent” is defined as the father of the child, the spouse, civil partner or cohabitant of the mother. The leave applies to only one person, except in the case of adoption, whereby a biological father may have already taken paternity leave, in such a case the legislation allows the subsequent adopting father to also take leave. In the case of stillbirth or a miscarriage, the entitlement to paternity leave continues. If one parent dies, then the other parent inherits whatever paternity leave has not yet been taken. Entitlement is for two continuous weeks paid leave in respect of births from September 2016 and the payment is the same as the current rate of maternity benefit. Similar to maternity leave, employers can top up paternity benefit if they wish. The leave can be taken at any time in the 26 weeks following the birth of the child (or placement in the case of adoption). 4 weeks notice is required before the leave may be taken however there is provision for shorter notice. The legislation allows for the postponement of leave in certain circumstances, such as the sickness of a relevant parent and/or hospitalisation of the child.

The Central Statistics Office (CSO) has published details of the prevalence and nature of take up of leave by parents in Ireland.⁴¹ The 2019-2022 analysis illustrates that there were 39,028 claims for maternity benefit and 25,442 for paternity benefit in 2022. Parent’s leave (different from parental leave, outlined above) is limited to the child’s first 2 years, or in the case of adoption, within 2 years of the placement of the child with the family and permits each parent to take up to 7 weeks unpaid leave. Parents with adequate social insurance contributions can claim parents benefit whilst on leave, the current rate is €274 per week.⁴² The CSO 2019-2022 report further notes the increase in take up by both parents of additional parents’ benefit, allowing for leave up until the child’s second birthday, 63% of maternity benefit recipients commencing maternity leave in 2021 availed of this parent’s benefit leave and 39% of paternity benefit recipients availed of this benefit.

⁴¹ Key Findings Employment Analysis of Maternity and Paternity Benefits 2019 – 2022 – Central Statistics Office

⁴² In 2021, just 1.7% of employees took parents’ leave.

6.2. Sick leave provisions

The Sick Leave Act 2022 provides for and regulates the introduction and provision of sick pay entitlements for all employees. From 1 January 2024 an employee is entitled to 5 statutory days sick leave, where they will be paid by their employer.⁴³ The State has committed to increasing this entitlement to 7 days for 2025 and to 10 days for 2026, to be introduced by Ministerial Regulations. Employees are entitled to a rate of 70% of their usual daily earnings up to a maximum of €110 a day, where leave is certified.⁴⁴ To qualify for statutory sick leave an applicant employee must have completed 13 weeks continuous service with the employer and provide a medical certificate confirming that the employee is unfit to work due to their illness or injury. The limited time of paid sick leave has been shown to have a particularly detrimental impact on one parent families. The CSO 2021 survey on Workplace Personal and Work-Life balance⁴⁵ showed that 20% of lone-parent workers had taken unpaid sick leave, compared with 6.1% of workers in families with two adults with dependent children, and 3.8% of households where there were three or more adults. Thus, the introduction of a statutory right to paid sick leave will provide employees whose employer does not operate a paid sick leave scheme, to receive State support for the period allowed. Where an employee is on long term sick leave, and a member of an income maintenance plan their earnings will be covered, subject to the terms of that policy. Where an employee is on sick leave beyond the statutory entitlements under the Sick Leave Act, they can apply for a weekly social welfare illness benefit payment, which can be claimed by someone who is unable to work, and who has the requisite social insurance contributions made in the relevant tax year. The rate of Illness Benefit depends on the applicant's average weekly earnings in the relevant tax year, with a maximum payment of €232 weekly, and an additional €154 weekly if the applicant has an adult dependent.

7. Childcare

The payment of universal child benefit has long represented the core of the Irish state childcare strategy, with little direct involvement in the provision of or investment in childcare services.⁴⁶ Horgan has confirmed the longstanding Irish policy that has treated childcare as the private responsibility of parents resulting in what she regards as “a dearth of public provision, regulation or support for parents since the foundation of the state.” She identifies the values prominent in the 1937 Constitution and subsequently reflected in legislation as informing this “non-interventionist policy with respect to childcare provision” which expected parents to meet the needs of their children “almost completely unaided by the State”. Equally, little support, if any, is provided by the State for parents who elect to provide care for their children in the

⁴³ Section 5. of the Sick Leave Act 2022.

⁴⁴ The Sick Leave Act 2022 (Prescribed Daily Rate of Payment) Regulations 2022.

⁴⁵ [Leave in the Workplace Personal and Work-Life Balance 2021 – Main Results – Central Statistics Office](#)

⁴⁶ Deirdre Horgan, Childcare in Ireland: Themes and Issues, Irish Journal of Applied Social Studies, 2001, Vol 2 (3) 104-117. Available at: <https://arrow.tudublin.ie/ijass/vol2/iss3/8>

home. Non familial care for children is typically provided by private or community-based services, childcare is not directly provided by the State.

In more recent years, efforts have been made by the State to supplement the cost of such care, through the introduction of the Early Childhood Care and Education Scheme (ECCE) and the National Childcare Scheme. The ECCE is a free, universal two-year preschool programme available to all children and is funded by the Department of Children, Equality, Disability, Integration, and Youth (DCEDIY). The only eligibility requirement is the age of the child, the scheme provides two years of childcare and early education (3 hours, 5 days a week) for children aged 3 or older.⁴⁷ The National Childcare Scheme⁴⁸ is also funded by the DCEDIY and is the first statutory entitlement to financial support towards the cost of childcare for families in Ireland. Introduced in November 2019, the scheme provides financial support for families in respect of their early learning and childcare costs. There are two distinct subsidies available for children aged between 24 weeks and 15 years of age, and applicants are entitled to receive the higher of the two benefits as calculated in their particular circumstances. The universal subsidy is not means tested and provides €1.40 per hour for a maximum of 40 hours per week, whereas the income assessed subsidy is means tested and is calculated based on a family's circumstances. The amount payable is determined on family income, child's age and educational stage, and the number of children in the family.

Redmond et al, relying on Martin⁴⁹ emphasise the importance of these policies, referencing existing evidence that demonstrates “...that activation can be relatively successful for lone parents with young children, so long as childcare supports are available”.⁵⁰ From a children's rights perspective, these policy and strategy shifts towards the provision of direct financial support for parents of young children has been very much welcomed by practitioners in the sector. “This shift to universal pre-school provision explicitly acknowledges a vast body of research that argues investment in quality early childhood education is vital.”⁵¹

⁴⁷ The programme is provided for 3 hours per day, 5 days per week over 38 weeks per year (or 182 days which can be found on the provider's ECCE calendar), and the programme year runs from 1st September to 30th June each year. Available at:

<https://www.gov.ie/en/publication/2459ee-early-childhood-care-and-education-programme-ecce/>

⁴⁸ <https://www.ncs.gov.ie/en/>

⁴⁹ John P. Martin, Activation and active labour market policies in OECD countries: Stylised facts and evidence on their effectiveness, *IZA Journal of Labor Policy*, 2015 4(1) 1-29.

⁵⁰ Paul Redmond, Seamus McGuinness, Claire Keane (2023).

⁵¹ Dr. Gerardine Neylon, An Analysis of the Free Pre-School Year in Early Childhood Care and Education (ECCE) scheme – from a Practitioner's Perspective, International Conference on Engaging Pedagogy 2012 (ICEP12) ITB, Dublin, 14 December 2012.

Similarly, Russell et al regard these developments as “a clear shift in policy intent and focus.”⁵² The exorbitant costs faced by Irish families was recently reported upon, O’Connell citing the work of Doorley and others in a 2019 Economic and Social Research Institute report which notes that parents in Ireland are paying what are amongst the highest childcare costs in the OECD region, “all of the reports show Ireland coming out on top with really, really high childcare costs.”⁵³ The Journal.ie has also reported on the high costs for parents, again referencing the OECD report, noting that in 2020 33% of earnings was spent on childcare by Irish couples where both parents were earning average wage.⁵⁴

Furthermore, sourcing and securing adequate childcare facilities is proving increasingly difficult in the Irish context. The OECD report also noted the issues relating to accessibility, even where it can be afforded it may not be available, depending on geographical location; Ireland is ranked 14th out of 41 nations surveyed in a 2020 UNICEF when it comes to accessibility of childcare options.⁵⁵ There is a severe shortage of creche and childcare places for babies and toddlers, made more difficult because of the success of the ECCE scheme. In 2021/22, 107,711 children benefitted from the ECCE programme with 95% of the eligible cohort availing of at least one year of the ECCE programme.⁵⁶ It is estimated that more than 800,000 individual children have benefitted from the programme since its inception. Whilst this has made access to childcare facilities more possible for many families perhaps the unintended outcome has been a significant reduction in spaces available for babies and toddlers in such facilities. The ECCE scheme is available to children in the two years prior to commencing school. As a result, there is a shortage of places for babies, making it especially difficult for women to return to work after maternity leave.

In addition, the Irish childcare system has stringent requirements in terms of the required ratio of staff member to children, with one staff member being required per eight children over the age of three, whereas one staff member is required for every three children under the age of three. Not surprisingly this limits the capacity of childcare facilities to accommodate younger children. Reports on this crisis in childcare facilities for younger children have highlighted the lack of access for parents, thereby delaying their return to work.⁵⁷ The challenges of both the availability and cost of childcare facilities have been highlighted in research undertaken with Irish

⁵² Helen Russell, Frances McGinnity, Éamonn Fahey and Oona Kenny, *Maternal employment and the cost of childcare In Ireland*. 2018, Research Series No. 73. Dublin: ESRI.

⁵³ [Ireland’s childcare cost crisis: ‘My friends in Finland pay €150 per month for creche. My husband and I pay €1,100’ – The Irish Times](#)

⁵⁴ Increased State spend on childcare ‘not enough’ to solve crisis for parents and providers (thejournal.ie)

⁵⁵ Ibid.

⁵⁶ <https://eurydice.eacea.ec.europa.eu/national-education-systems/ireland/early-childhood-education-and-care>

⁵⁷ [New crisis in childcare as crèches turn babies away | Irish Independent](#)

Families. The TCD report “Work life Balance and Social Inclusion” found that “finding suitable childcare arrangements and dealing with the long commute every day are the two main problems faced the by Working Parents and Carers interviewed, and it is often for one of these reasons that people in this group changed their working hours or the way their working hours were organised.”⁵⁸

8. Conclusion

Whilst significant strides have been made in Ireland in respect of providing both support and opportunities for parents in the workplace, it is evident that practices and policies affecting both the availability and cost of supporting parents with caring responsibilities as employees in the workplace as well as providing adequate supporting mechanisms including childcare serve to hamper their ability to engage fully in the workplace and or maintain a healthy work life balance. The financial implications of being a parent of young children are particularly challenging and require a shift in both governmental policy and budgetary allocations. Conversely, Ireland’s long standing elevation of the status of families within Irish society and in particular it’s express deference to the role of care within the family should serve as a strong impetus to secure parents with an equal opportunity to workplace engagement.

⁵⁸ Fine-Davis M, McCarthy M, O’Dwyer C, Edge G and O’Sullivan M “The Effects of Flexible Working on Work-Life Balance and Social Inclusion” (2005), available at: <https://www.tara.tcd.ie/bitstream/handle/2262/67763/The%20Effects%20of%20Flexible%20Working%20on%20Work-Life%20Balance%20and%20Social%20Inclusion.pdf?sequence=1&isAllowed=y>

Balancing work and family care in Italy: current challenges and perspectives

This article is peer-reviewed.

Abstract

The contribution will reflect on the current challenges in reconciling childcare with work in the Italian context, taking into account the origin of the problem and the ongoing debate on this issue from a sociological and a gender perspective. It will present the labour market situation, focusing on employment of men and women and the impact of having children, as well as the leave system, cash benefits for parents, and early childcare provision, aimed at giving a brief overview of the reconciliation measures available. The multidimensionality of the issue will then be addressed by discussing the relevant contribution of companies and employers in supporting parents' work-life balance (such as company measures and policies like working from home and flexible working hours), the recognition and support of fathers' involvement in family care, and the implementation of family policies and interventions within local communities to support parental skills and well-being. Thus, specific guidelines and suggestions will be provided to support a positive integration of childcare responsibilities and work for working mothers and fathers.

Keywords: employment of parents; work-life balance; labour law protection; social protection; childcare systems

1. General context

The transformations that have progressively affected families and the daily lives of men and women have highlighted an even closer interconnection between life domains (work, family, education, economy, and policies). This contribution will reflect on the current challenges in reconciling childcare with work in the Italian context, taking into account the origin of the problem and the ongoing debate on this issue from a sociological and gender perspective.

Demographic indicators relating to the Italian context show a consolidated decline in the birth rate, which reached an all-time low in 2022 with 393 thousand births. The decline has been continuous since 2008, with about 184 thousand fewer births, approximately 27 thousand of which occurred only from 2019 onwards. The fertility

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rate (the average number of children per woman), after a slight increase between 2020 and 2021, was 1.24 in 2022. This confirms a downward trend in the birth rate, alongside an increase in the average age at childbirth which was 32.4 years in 2022 (Istat 2022)².

This picture, which is certainly not encouraging, tells us that in Italy people are having fewer children and at a later stage in life, and this trend has persisted for a long time and is common across the European Union. In this context, does it still make sense to discuss the reconciliation of having children and work?

The low birth rate, however, contrasts with the desired number of children, which for Italy is 2 (on average).³ Italy, among the European countries, has the largest gap between the desired number of children and the children women actually have. It would therefore appear that parenthood is a less practised – but no less desired – choice for Italians.

Although the government keeps the issue of work-life balance on the agenda as a priority, reconciliation measures are not sufficient to support parents, especially in the early stages of their children's lives, where informal help from grandparents and parental networks seems to be very important in Italy. Moreover, it is interesting to point out that the aging population coupled with changes in the labour market results in a considerable presence of an ageing workforce still managing the balance between family and work responsibilities.⁴

In fact, family-work reconciliation, which has long been viewed as a major issue for parents with young children (0-3 years), is now beginning to be seen as a life-long challenge, that concerns different family transitions (young children, school-age children, teenagers) and connects generations.

The Italian government has always given great importance to the issue of work-life balance, addressing it mainly as a female issue related to childcare and promoting policies to support female employment, however, signs of change include growing attention also to the involvement of fathers in childcare and domestic activities, as a current challenge is to integrate childcare with work for both men and women.

² Istituto Nazionale di Statistica, Istat 2022, available at: www.istat.it/it/files/2023/04/indicatori-anno-2022.pdf

³ Testa, 2012, available at:

<https://www.neodemos.info/2012/06/05/fecondit-effettiva-e-desiderata-litalia-nel-quadro-internazionale/>

⁴ Boehm, Schröder, Kunze 2013.

2. Reconciliation measures available in Italy

2.1. Labour market situation

In Italy, in January 2024, the employment rate (for ages 15-64) was 61.8% (+ 0.8), and the unemployment rate was 7.2%, constantly decreasing since 2013. Compared with January 2023, the number of employed persons rose by 1.6% (+362 thousand), the growth affected both genders and all age groups except those aged 35-49. However, the gender gap in employment is still high: for men it is 70.6%, while for women it drops to 53%.⁵ Concerning age groups, the employment rate for people aged 25 – 34 is 68.6%, for those aged 35 – 49 is 76.5% while for people over 50 (aged 50 – 64) is 63.9%.

Parenthood has a strong impact on work-life balance: the employment rate of parents between 25 and 49 years of age, with one or more children was 71% in 2022 (increased in last years), falling to 58% for women, compared to 90% for men.⁶

Maternal employment increases with the age of the youngest child: in most OECD countries (including Italy) employment rates are lower for mothers whose youngest child is between 0 and 2 years, than for mothers whose youngest child is aged 3-5 years and especially 6-14 years, this means that motherhood produces an exit from the labour market that lasts at least for the first 3 to 5 years, and then rises again when the child reaches compulsory school age (it is 6 years in Italy).

Another factor affecting maternal employment is the level of education: mothers are much more likely to be employed if they have a high level of education than those with a medium or low level of education.

Certainly, the precariousness of employment and the low flexibility of the labour market are structural factors affecting the reproductive choices of families. However, these choices are also influenced by cultural factors linked to the upbringing of the new generations, which today appears to be an extremely complex and risky task. Additionally, the reduction of parental networks (less help from grandparents) and the increasing isolation of parents who have no formal and informal support networks further contribute to this situation.

Alongside structural factors, linked to the labour market, that do not encourage fertility, there is also a difficulty for adults in planning their future, in situations of uncertainty. The reconciliation of family and work is certainly not a new issue, but it is becoming increasingly relevant in the face of complex social, family and work transformations; even if it has started with female valence – a ‘problem’ of women and mothers – over

⁵ Istituto Nazionale di Statistica, Istat 2024, available at: www.istat.it/it/files//2024/03/202401-PR-Employment-and-unemployment.pdf

⁶ <https://www.oecd.org/els/family/database.htm>

time it takes on a broader and more complex connotation, also including fathers or the care of elderly people. The shift in the significance of the issue is also reflected in the terminological debate: initially, the term “work–family balance” was used, where the concept of ‘*balance*’ was central, emphasizing the ability of people to remain active in both spheres through solutions and tools that favour professional performance and the family well-being. Subsequently the concept of ‘reconciliation’ or ‘integration’ was introduced, which focused on the possibility to align private and family needs with work, finding a suitable way to integrate time and spaces, according to family or professional needs. In this context, work is conceived as a central aspect of people’s life that needs to be integrated with personal life, through organisational interventions as well as promoting people’s ability to adapt and find solutions.

Over time, however, both these positions show some limitations: on the one hand, the concept of balance seems to refer to a perfect division between time, space and resources which is difficult to achieve; on the other hand, the idea of integration is perhaps too broad and generic, leaving several questions open, like when and under which conditions is a good integration between work and personal life achieved? Good for whom, for the worker, the company and/or family members?

Recent theorisations⁷ rely on a relational vision which also contribute to overcome the idea of reconciliation – understood as the need to ‘hold together’ the two spheres in a more or less balanced way – in favour of a broader perspective based on the ‘intertwining’ of family and work, drawing attention to a more complex articulation where family, private life and work are interwoven in different ways, which may even change over time.

2.2. Labour law protection of and employment incentives for parents with young children

The fundamental legal text in matters of paternity and maternity is Legislative Decree No. 151 of 26 March 2001.⁸ It contains rules concerning motherhood and fatherhood for employees and self-employed professionals. In addition, in 2013 the first paternity leave was established in Italy.

Concerning the transposition of Directive 2019/1158/EU on work-life balance for parents and carers,⁹ which had an implementation deadline of 2 August 2022, there was an impact of the COVID-19 health crisis. In the context of the law currently in force in Italy, the effect of the transposition of the Directive will probably relate to the custody rights of fathers.

⁷ Manzi, Mazzucchelli 2020.

⁸ Legislative provisions on assistance to mothers and fathers under article 15 of Law No. 53 of 8 March 2000.

⁹ 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, OJ L 188, 12.7.2019, p. 79–93.

In addition, during the first wave of the pandemic (March 2020 – July 2020) working from home was introduced in many economic sectors and it was extended until the end of 2020 for at least 50% of public employees. At the same time, the right to work from home was granted to parents of children under 14, or who had at least one child with a severe disability or family members with severe disabilities or chronic illnesses. Remote working has still remained widespread in many sectors, based on specific agreements with workers, alternating working days in the offices with remote work.

The consequences of working from home on family-work reconciliation are controversial and ambiguous: in some cases it has facilitated the care of small children and dependent family members, especially for mothers; in other cases, workers have experienced great interference in their work (with frequent interruptions and lack of concentration).¹⁰

The current Italian leave system provides for different types of leaves:¹¹

- 5 months maternity leave, generally paid at 80% of the salary (in some cases at 100% depending on the employment contract), the mother can decide whether to take one or two months before the birth and the rest after, or – with medical consent – she can work until the day of the birth and take the full period of leave after the childbirth. This leave is specific to the mother (individual right), it is compulsory and not transferable, except in certain circumstances provided by the legislation: the mother may transfer one day of her maternity leave to the father, who supplements it with paternity leave, or – in special cases – she may transfer a longer period to the father if conditions are preventing the mother from taking the leave.

- 10 (working) days of paternity leave, paid at 100% of the salary (to which 1 optional day can be added if the mother transfers it from her maternity leave). The leave is compulsory and non-transferable, it can be used from 2 months before the expected date of birth, until 5 months afterward, and it can be divided into separate days (but cannot be taken on an hourly basis). This leave is not available to same-sex couples. Paternity leave was introduced in Italy in 2013 – late compared to other European countries where such leave already existed – and at that time it provided for only one mandatory and two optional days.

- 6 months of parental leave for each parent, intended as an individual and non-transferable right, up to a maximum of 10 months per family (with an extra month bonus for the father if he takes at least 3 months of leave), paid at 30% of the salary if taken before the child reaches 6 years old (of which 2 months paid at 80% of previous income from 2024), unpaid thereafter, taken on a full-time or part-time basis and until the child reaches 12 years of age. Parental leave is optional, it can also be taken by both parents simultaneously. It was introduced in Italy in 2000 to encourage the equal

¹⁰ Mazzucchelli, Bosoni, Medina 2020.

¹¹ Information available at : www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/2023/Italy2023.pdf

sharing of caregiving responsibilities between parents and to promote the use of leave also by fathers (this is why there is an extra month bonus for fathers). Parental leave is also available to same-sex couples.

These leaves also apply in case of adoption or fostering. There are also other types of leave for caring for family members in cases of illness or disability. For example, employees are entitled to two years' of leave over their entire working life in the event of a serious need like disability of a child or another relative, even if they do not cohabit. These types of leave are generally unpaid, unless there is a specific agreement in the employment contract. There are also specific leaves, which can be fractioned into hours or days on an annual basis (such as sick leave for a child up to 8 years old or breastfeeding leave on an hourly daily basis).

Looking at the data on the use of leave with a gender perspective, we see that, although paternity leave has been taken by an increasing number of fathers (mainly private sector employees) since its introduction, the majority of fathers do not take this leave; furthermore, parental leave is used mainly by mothers. Despite the changes introduced over the years to foster greater gender equity like the introduction of parental leave in 2000 and paternity leave in 2013, a gap still persists whereby these measures are mainly used by women which reinforces the idea that the mother is the primary caregiver and the father takes on a secondary role.

There are also financial supports for parents to help them in returning to work, particularly for mothers, such as cash benefits for the birth of a child and family allowances from 2024 for minor children which are based on income.

Examining the evolution of the leave system over time, it seems that the initial focus of sharing care within the family – which inspired the introduction of parental leave in 2000 aimed at sharing care responsibilities between the parents – has shifted towards a matrifocal and work-oriented approach. This change aims to facilitate the return of women to the labour market by outsourcing the caregiving tasks to providers outside of the family (such as services or baby sitters), with still little emphasis on the involvement of fathers. Escobedo and Wall (2015)¹² define the Italian leave model as 'short leave modified male-breadwinner model', where the leaves are not particularly long – especially compared to other countries – yet well paid. These leaves aim at promoting mothers' return to work while the male breadwinner ideal remains still strongly rooted.

¹² Escobedo, Wall 2015.

3. Social protection of parents with young children

Over the years, the Italian government has introduced cash aids to support the reconciliation of family and work, especially for mothers, to help them in returning to work. A particular benefit is the Bonus bebè, a one-off cash payment given to the mother at the birth of the child, and vouchers which are to be used to purchase care goods and services (also to pay baby-sitters or to use it in educational services). However, these are minor financial interventions, not particularly generous ones.

From 2024 these cash aids have been replaced by the General Family Allowance, which is paid to all families with children on the basis of indicators linked to household composition and income and which covers large groups of families that were previously excluded from full benefits.¹³ In general, it should be emphasised that financial aids for children are income-related, thus supporting the most fragile groups of the population, but progressively less the middle and upper classes. This creates an ambiguous system in which the State does not abandon individuals in difficulty – yet inadvertently increases dependency. Meanwhile, the middle classes of the population receive inadequate support, they tend to heavily rely on private child services to achieve a more flexible reconciliation of family and work. As a result, the cost of children is almost entirely borne by working parents.

The interventions that the Italian government has so far proposed to promote greater reconciliation between childcare and work, while well-intentioned, are unbalanced and focus on structural factors such as promoting female employment, providing financial aids and leave for fathers. Although these aspects are certainly important, they do not address the underlying causal relationship. Although the structural factors contribute strongly to orienting people's reconciliation choices, it must be noted that cultural factors (the importance of bringing up children, for example) are crucial, since they refer to the symbolic and meaningful dimensions that ultimately underpin human action. This is relevant for countries facing the demographic crisis, as they are mainly resorting to policies which aim at mitigating the effects of structural factors (such as financial aid for families with children, promotion of female and maternal employment, reconciliation policies and measures, etc.). However, such interventions should be supported by cultural actions that enable parents in the different stages of this transition to feel concretely supported and accompanied.

¹³ Dalla-Zuanna, McDonald 2023.

4. Early childhood education and child care systems

Early childhood services are facilities for children in the 0-6 age group, in the pre-school period, included in the Early Childhood Education and Care (ECEC). In Italy there is no ECEC entitlement, as it's not mandatory to use these pre-school services.¹⁴

In Italy, early childhood services are divided into:

- nurseries, which welcome children under 3 years of age, usually from 6 to 9 months, but some facilities also welcome younger children (infants); these facilities take great care in the organisation of care so that they can meet the needs of babies, with very qualified staff;
- kindergartens, for children from 3 years of age up to school age, which in Italy is 6 years; also in this case, the organisation of care and spaces and the educational agenda must meet precise standards and guidelines, in order to contribute both to the child's psycho-physical development and education.

The Italian childcare system was established in the post-industrial phase, following the entry of women into the labour market, to facilitate the integration of childcare tasks and parental work. In this context, services represented the first and foremost places where children could stay in the absence of their parents, with a strong assistential and custodial meaning (less focused on education).¹⁵

The current set-up of the service system is the result of a long and complex regulatory process, which has increased awareness of the relevance of the education system, resulting in the introduction of the so-called Integrated System in 2017. During this time, the concept of the child is also transformed: no longer considered as a passive subject to be trained in the social world, children are considered active and proactive subjects, not only receptive to teachings but capable of discovering, knowing and engaging with the world competently.¹⁶ It also puts a different focus on pre-school facilities, and on early childhood in general, based on the peculiar way in which children, especially in the 0-3 age group, interact with adults and with peers, in different places, inside and outside the family. From the perspective of parents, children have the opportunity to develop relationships and bonds in childcare services, that are relevant to their growth. Thus, childcare is conceived not only in a "custodial" way (keeping children safe when they cannot be with their parents) but as an educationally relevant experience, involving relational, playful and autonomy-developing aspects. Care and attention must be aimed at promoting autonomy and not at creating dependency.

As shown above, Italy has a twofold system (crèches and kindergartens). With respect to the 0-3 year old, the share of places available in 2020 was 27.2%, 50% of which were

¹⁴ Melhuish, Petrogiannis 2006.

¹⁵ Sabatinelli, 2016.

¹⁶ Bosoni, 2024.

private institutions with high costs for families. In the 3-6-year-old group, the share of places available, mainly in public facilities, was 94%.

Alongside public services, private services (managed by private or third sector organisations) are also becoming more widespread, especially in the 0-3 group, which differ from public ones in being more flexible and more capable in answering families' specific needs. For example, family-crèches (or Tagesmutter) are innovative services, managed by third-sector or private organizations, alternative to the public crèche, characterised by a domestic and family dimension (they are usually located in real flats) with the possibility of accommodating a limited number of children, up to 5, between 0 and 3 years of age, and with a more customised and flexible service.

There are also supplementary services, which partially replace the above-mentioned facilities and provide for non-continuous attendance (a few hours during the day). These are playgrounds, recreational centres, and mother-child spaces, often organised by the private or third sector, which may also envisage the collaboration and participation of families, to encourage the socialisation of children and parents.

The most recent legislation concerning the ECEC system is Law No. 65 of 2017, which moves towards a more unified perspective of the education system in the early years, aligning it with the systems already in place in many European countries, where pre-school services are part of the Early Childhood Education and Care System. In particular, Law No. 65 of 2017 established the Integrated System of Education (called 'Integrated 0-6 years system'), which provides an educational pathway from birth to 6 years as a fundamental tool for the enhancement of childhood and the prevention of educational poverty.¹⁷ The purpose of the reform is to guarantee all children equal opportunities to access services and to develop their social, cognitive, emotional, affective and relational potential in a high-quality environment, with adequately trained and qualified professionals.

The integrated 0-6 years system promotes, according to a logic of educational continuity, the integration of crèches, pre-schools and other educational services (playgrounds, recreational centres, mother-child spaces), which may also be located close to each other. The creation of such an integrated system is aimed at networking services that have previously worked separately or mainly through informal collaborations. The expansion of places in childcare services helps to reduce social disadvantage, offering children contexts for developing their skills, but also a concrete help for parents in bringing up their children. The promotion of quality childcare services, characterised by excellent educational practices and qualified staff, is therefore a challenge in which Italy is investing.

¹⁷ Sabatinelli, Pavolini 2021.

The expansion of early childhood education services is one of the elements that can help to promote families' use of such services, which is also strongly influenced by the economic aspect, the costs of services, but both the leave system (described above) and the cultural beliefs and expectations associated with child-rearing must be taken into account. With regard to cultural beliefs, in particular, a culture oriented towards home-based care is particularly evident in Italy, whereby many families do not enroll their children in a daycare centre because it is believed that the child develops better at home with parents or grandparents. Moreover, the cost of the services is also a very important variable in the family's choice: as mentioned before, in the Italian context, most of the places in the 0-2 age group are in private facilities, which, although they offer a service that is often more flexible, they also have higher costs.

The reform introduced in 2017 is part of a policy intervention to decrease the initial socio-economic disparity in access to early childhood education, supporting equal opportunities for inclusion in formal education. Another fundamental aspect recalled by the legislator is the collaboration with families, which is also mentioned in the law, calling for the need to foster the participation of children and their families in educational processes, giving an important boost to the logic of participation and co-production in services. Alongside a broadening of services offered, however, the capacity of the early childcare system to be an interlocutor for families and the local communities, promoting virtuous and generative educational alliances, appears increasingly important.¹⁸

5. Future challenges

Moving from an institutional welfare perspective to a plural welfare, which characterises the Italian model, the political system and the private system are called upon to work together to support family choice, in a partnership logic context. Future challenges are related to:

1. the contribution of companies and employers in supporting parents' reconciliation such as company measures and policies like working from home, flexible working hours,
2. the recognition and support of fathers' involvement in family care,
3. the implementation of family policies and interventions in the local communities to support parental skills and well-being.

¹⁸ Bosoni, 2024, Boccacin, 2017.

The role and contribution of companies and employers

Reconciliation is an issue that concerns not only women and mothers, but involves a plurality of actors, including institutions, families (mothers, fathers and parental networks) and private companies, according to a plural welfare perspective.¹⁹ The contribution of companies in reconciliation is fundamental and is part of the Corporate Social Responsibility (CSR), according to which the relationship between business and economic activities and the social environmental context where companies operate is becoming increasingly important. Within this context, the company shows how it's positively rooted in the local community and able to operate responsibly not only for itself but also for society in general. The concept of CSR takes on a particular dimension in the Italian context, where it is associated not only with environment protection but also with the well-being of workers and their families.

Companies that embrace CSR demonstrate a commitment to make a contribution to society that is not limited to economic development, but that promotes social advancement and shows increasing attention for the living conditions of people, often exceeding the limits set by law.

The company's commitment to support, using appropriate ad hoc measures and tools, the possibility to reconcile work with families needs, should therefore not be understood as a philanthropic or welfarist choice, but should rather be framed within a win-win approach, that allows to generate benefits both for workers and their families and for the company (i.e. to achieve business objectives, reducing absenteeism rates or increasing worker motivation and satisfaction). CSR is, therefore, a factor of innovation and competitiveness for companies.

Enhancing a culture of fatherhood in the workplace

Transformations related to maternal and paternal identity highlight, on the one hand, a greater presence of mothers in the labour market and, on the other hand, a desire of fathers to be more involved in raising and caring for their children. These changes reveal how family and work reconciliation is a relevant issue also from the fathers' perspective.

Recent studies in particular have highlighted how this challenges cultural ideas about parental identity and gender roles (the breadwinner model is still very strong in Italy). The role of companies also appears crucial with respect to paternity, as the work context strongly influences fathers' practices and strategies to balance work and family care.

A qualitative research conducted in the Italian context with some companies highlights the fundamental contribution of companies in this sense.²⁰ The propensity

¹⁹ Boccacin, 2005, 2023.

²⁰ Bosoni, 2013.

of companies to favour reconciliation in general, through family-friendly policies and the availability of supports for employees (such as company creches, permits and leave beyond legal obligations, part-time work, and training opportunities for parents), is also a promotional factor for paternity.

Promoting reconciliation as a life-long task

Demographic transformations and the ageing of the population, associated with changes in the labour market (extension of careers following pension reforms) determine, on the professional side, a considerable presence of an ageing workforce and an unprecedented coexistence of different generations. Senior workers are people in middle age, over 50 years that, while not engaged in childcare, could have other reconciliation needs (the care of young or teenagers or elderly family members). This generation of workers over 50 years represents the so-called sandwich generation, middle-aged women and men who simultaneously take care of both their children (who are no longer young, but still require care tasks) and elderly family members who are no longer in good health. The impact of this care burden on personal well-being is significant: sandwich women have higher stress due to the pressures they receive on several fronts (care responsibilities for children, ageing parents and work).

The reconciliation needs that open up after the age of 50 push towards a renewed understanding of work-life balance, which thus appears to be a life-long task, linked to the family life cycle and broadly concerning the exchange of care between generations. In this sense, there is a need for integrated and wide-ranging family policies, taking into account the needs of all family members and their change over time.

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Promoting labour market participation of parents with young children in Latvia

This article is peer-reviewed.

Abstract

The aim of the article is to reflect the legal regulation and statistical data on the employment of young parents in Latvia. Within the framework of this publication, various protection mechanisms for new parents established in Latvian regulatory acts are analysed sequentially – starting from the moment when the employment relationship is just being established until the moment when the employment relationship is terminated. The article discusses various social guarantees of new parents, including maternity leave, parental leave and other benefits for parents provided in Latvian law. The publication also reflects the importance of court practice in the field of social-economic protection of young parents.

Keywords: employment relationship, labour law rights of parents, pregnant and breastfeeding mothers, parental leave, part-time employment

1. General overview of employment and the regulatory framework for parents with young children

The Latvian Labour Law Code (hereinafter referred to as LL)² adopted in 2001 contains several legal provisions that provide various benefits and protection mechanisms for expectant mothers (pregnant women) and new parents in the employment relationship. Over time, the framework for the protection of the rights of new parents has become more extensive through amendments to the LL. The main purpose of providing such benefits is the need to balance work and family life, to ensure fair and equal working conditions for all employees, which, of course, has an impact on the demographic and economic indicators of the country.³ Despite the advantages provided for in the legislation, in practice pregnant women and new parents are often the most vulnerable group of workers, who find it harder to find work or are sometimes even encouraged to leave their jobs because their employment places an additional burden on the employer.

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² Labour Law. 20.06.2001., in force since 01.06.2002. Available at: <https://likumi.lv/ta/en/en/id/26019-labour-law>

³ Ministry of Welfare of Latvia, Priekšrocības darbiniekiem ar bērniem [Benefits for workers with children]. 13.09.2022. Available at: <https://www.lm.gov.lv/lv/prieksrocibas-darbiniekiem-ar-berniem>

According to Eurostat data, 79,6% of the population aged 20-49 has been employed in Latvia in 2023, and a large share of this age group have been people with young children.⁴ At EU level, the rate is slightly lower at 78,4%, and when compared with 2014, the employment rate for this age group has increased both in Latvia and in the EU. Not all of the parents choose to be employed and, according to statistics, in 2023, 7,5% of children aged 0-17 lived in unemployed households down from 8,3% in 2014.⁵ Undoubtedly, families without a regular income are at greater risk of poverty, and this also affects their children's access to quality health care and education.

The Constitution of the Republic of Latvia (hereinafter referred to as Satversme)⁶, adopted in 1922 and supplemented in 1998 with a more comprehensive framework of fundamental rights, provides a number of fundamental rights that are also related to employment aspects of young parents. For example, Article 91 provides for the equality of all people before the law and the prohibition of any discrimination. Article 110 states that the State shall protect and promote the family, the rights of parents and the rights of the child. Also related to the subject of this study are fundamental rights mentioned in the Satversme such as freedom of occupation (Article 106), the right to fair pay (Article 107), the right to social security (Article 109).

As a member of international institutions and the EU, Latvia is bound by the standards set out in the laws of these institutions, and therefore Latvia and the EU regularly approximate their laws. As can be seen from the final chapter of the LL "Informative reference to EU directives", the LL contains, among others, provisions deriving from directives closely related to the subject of this study, including, Directive (EU) 2019/1158 on work-life balance for parents and carers⁷ and Directive (EU) 2019/1152 on transparent and predictable working conditions in the EU.⁸

The employment rights of new parents are mainly regulated by the LL. However, it is also regulated by other special laws and regulations, such as laws on specific benefits paid in connection with the birth and care of a child, or other laws related to specific areas of employment like the State Civil Service Law Act⁹.

⁴ Eurostat (2024), Employment rate by sex, age groups, educational attainment level and household composition. Available at: https://ec.europa.eu/eurostat/databrowser/view/lfst_hheredy__custom_12531860/default/table?lang=en

⁵ Eurostat (2024), Employment and unemployment (LFS), Population, activity and inactivity- LFS Adjusted series, Jobless households – children. Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00181/default/table?lang=en>

⁶ The Constitution of the Republic of Latvia. Available at: <https://www.satv.tiesa.gov.lv/en/2016/02/04/the-constitution-of-the-republic-of-latvia/>

⁷ 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. OJ L 188, 12.7.2019, p. 79-93.

⁸ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union. OJ L 186, 11.7.2019, p. 105-121.

⁹ State Civil Service Law. 07.09.2000. Available at: <https://likumi.lv/ta/en/en/id/10944-state-civil-service-law>

The so-called employment framework for new parents will be analysed in the following points, starting with an outline of the rights of new and expectant parents when the employment relationship is still being established. The paper will then analyse the rights of new and expectant parents during the employment relationship. This part is the most comprehensive as it covers the different types of leave, the benefits of new parents and the employer's obligations. This will be followed by an overview of the LL provisions on the legal protection that pregnant women and new parents enjoy against loss of employment. The paper will conclude with key findings and potential solutions to improve the employment rates of new parents and the possibilities to balance family life with employment. Due to the limited scope of the publication, specific procedural issues and problematic situations will not be analysed.

2. Protecting new parents at the establishment of an employment relationship

Employers sometimes have a negative attitude towards employing pregnant women and new parents. The reluctance to employ young parents, especially young mothers, is often due to the fact that employees with young children often have to miss work when the children are ill, have less access to flexible working hours, and are entitled to various additional benefits under the law. These impose additional obligations on employers, including limiting the right to terminate employment (see point 6 for more details).

To ensure that an employer does not reject a knowledgeable applicant due to their family circumstances, the LL already provides protection for potential employees. Article 33(2) of the LL provides that the employer's questions during the job interview which are not relevant to the performance of the job, as well as questions which are directly or indirectly discriminatory, in particular questions about the applicant's pregnancy and marital or family status, shall not be admissible. As practice has shown, sometimes the employer's seemingly friendly neutral questions (e.g. about hobbies, leisure activities) may conceal a desire to know more specifically about the employee's family life or the age of their children.

If, in the process of establishing an employment relationship, the employer violates the prohibition of unequal treatment and therefore does not hire the employee, the potential employee has the right to bring an action in court, claiming damages, possible moral compensation, but it should be emphasised that the employee does not have the right to request the establishment of an employment relationship by compulsion (see Article 34 (2) of the LL). If, during the course of the job interview, the employee suspects that they might not be hired precisely because of their family status, it should be permissible for the applicant to have the right to answer such questions falsely.¹⁰

¹⁰ Slaidiņa V., Skultāne I. Darba tiesības. [Labour law] Rīga: Zvaigzne ABC, 2011, p. 57.; Halbach G., Paland N., Schwedes R., Wlotzke O. Arbeitsrecht. Bonn: Bundesministerium für Arbeit und Sozialordnung, 1997, S.50.

3. Protection of pregnant women and new parents during the employment relationship

3.1. Protection of pregnant women in the labour law

The LL does not include the employee's obligation to inform the employer of her pregnancy and the procedure for notifying the employer of this fact. This means that an employee can notify her employer of her pregnancy both verbally and in writing. The form of notification is irrelevant – the most important thing is that the pregnant woman has informed her employer of her condition. In practice, notification is often verbal in small companies, but in large companies, it is often done by providing the employer with a certificate from the treating doctor (gynaecologist). While it may be understandable that a pregnant woman may initially wish to withhold such information, it is in the employee's own interest to inform the employer, for example if changes in employment, easier working conditions, etc. are needed.

To protect the health and safety of pregnant women and their future children, the LL provides several rights for pregnant women:

1. An employer shall ensure an opportunity for a pregnant woman to leave the workplace in order to undergo health examination in the prenatal period if it is not possible to undergo such examination outside of working time (see Article 147 (1)). However, the pregnant woman should inform her employer in sufficient time (unless it is an emergency due to a sudden deterioration in health or an unforeseeable course of the pregnancy).
2. In order to ensure that pregnant women have sufficient rest time and are not overworked, the LL lays down various rules on the working time of pregnant women. For example, a pregnant woman may only take overtime work if she has given her written consent (Article 136 (7)). Pregnant women, as a specially protected category, are also not allowed to be employed at night, i.e. between 10 pm and 6 am (Article 138 (6)). Also, an employer is not entitled to order the employment of pregnant women during rest periods in order to prevent force majeure or to complete urgent unforeseeable work (Article 143 (5)). The employer is also obliged to set part-time working hours at the request of the pregnant woman (Article 134 (2)). This is an absolute right, the employer can not reject the request of the employee.
3. The LL contains a mandatory general prohibition to employ a pregnant woman two weeks before the expected time of childbirth and a woman two weeks after childbirth (the expected time of childbirth and the fact of childbirth are confirmed by a doctor's opinion) (Article 37 (7)).
4. It is important to emphasise that if a doctor's opinion has been obtained that the existing work poses any risk to the pregnant woman, the employer is obliged to provide the pregnant woman with such working conditions and working hours so that her exposure to that risk is eliminated (Article 99). In order not to worsen

the employee's financial situation, the LL provides that in such cases the amount of the remuneration after the amendment of the terms of the employment contract may not be less than the woman's previous average earnings. It should be noted that the employer may not always be able to objectively transfer the pregnant woman to another job, as the employer may be a small company or even a natural person, and if the employer has no other job suitable for the pregnant woman, the employer is obliged by the legislator to temporarily grant the pregnant woman a leave of absence with the retention of her previous average earnings.¹¹ Thus, this article of the LL essentially imposes an obligation on the employer, which can be potentially expensive.

A woman who has initiated pregnancy-related medical care at a preventive medical institution by the 12th week of pregnancy and has continued for the whole period of pregnancy shall be granted a supplementary leave of 14 days, adding it to the prenatal leave and calculating 70 calendar days in total. In case of complications in pregnancy, childbirth or post-natal period, as well as if two or more children are born, a woman shall be granted a supplementary leave of 14 days, adding it to the maternity leave and calculating 70 calendar days in total. It should be noted that leave granted in connection with pregnancy and childbirth shall not be included in annual paid leave.

3.2. Maternity leave and benefits

The right to maternity leave is a very important right for pregnant women. It is mainly regulated by Article 154 of the LL. The duration of pregnancy leave is 56 calendar days and maternity leave is also 56 calendar days – these are calculated together, and 112 calendar days of leave are granted, regardless of how many days of pregnancy leave have been taken before the birth.

As regards the place of performance of the work, the LL provides that a woman during the period following childbirth up to one year and a breastfeeding woman may be sent on official trip or a work trip if she has given her written consent (Article 53 (3)).

It is essential that a woman who makes use of paternal or maternity leave keeps her previous position at her workplace. If this is not possible, the employer shall ensure the woman similar or equivalent work with no less favourable working conditions and employment provisions (see Article 154.p. (5)).

The Labour Protection Law also contains a general indication that pregnant women (as well as women in the post-natal period) are entitled to supplementary reliefs stipulated

¹¹ Note: the same rules also apply to women during the post-natal period up to one year, and throughout breastfeeding if the woman is breastfeeding.

by the employer, according to a risk assessment of the working environment and a doctor's opinion.¹²

It is important to note that the LL prohibits an employer from employing pregnant women and women after childbirth for up to one year, and, if the woman is breastfeeding, for the entire breastfeeding period, after obtaining a doctor's opinion, if it is determined that the performance of the work poses a risk to the safety and health of the woman or her child. In any case (even if the work is harmless, or even if the woman herself had expressed a wish to continue working).

Several articles of the LL provide various protection mechanisms and benefits for breastfeeding women, similar to those provided for pregnant women. These mainly relate to working time and health protection aspects for the woman and the nursing child including part-time working hours, prohibition of night work, restrictions regarding business trips (Article 134(2), Article 138(6), Article 37(7) of the LL). The obligation of the employer to provide safe working conditions or to transfer the breastfeeding woman to another safe job is also not limited to the age of the child (see Article 37 (7),

However, a number of benefits are available for breastfeeding mothers until the child reaches 2 years of age. For example, protection in the event of termination of the employment contract is granted until the breastfeeding child reaches the age of 2 (Article 109 (1)), and the restriction imposed on the employer to employ a breastfeeding woman overtime if she does not agree to work overtime also applies until the child reaches the age of 2 (Article 136 (7)). To verify that a woman is breastfeeding and thus enjoys the additional protection of the law, the employer is entitled to request a doctor's statement to that fact.

The state's social (benefit) responsibilities are set out in Law on State Social Insurance¹³ and in more detail in the Law on Maternity and Sickness Insurance.¹⁴ Section 5 to Section 10 of the Law on Maternity and Sickness Insurance provide for the granting of maternity benefit. The amount of the maternity benefit is 80% of the recipient's average insurance contribution salary (in the amount of 80% of the average insurance contribution wage of the benefit recipient). Maternity benefit is granted and paid for the entire period of maternity leave (if the woman does not go to work and thus loses income from paid employment or if a self-employed woman loses income).

¹² Article 22. Labour Protection Law. 20.06.2001. Available at: <https://likumi.lv/ta/en/en/id/26020-labour-protection-law>

¹³ On State Social Insurance. 01.10.1997. Available at: <https://likumi.lv/ta/en/en/id/45466-on-state-social-insurance>

¹⁴ On Maternity and Sickness Insurance. 06.11.1995. Available at: <https://likumi.lv/ta/en/en/id/38051-on-maternity-and-sickness-insurance>

Most newborns in Latvia are born when the mother is aged 29-35. The average age of a mother when her first child is born in 2023 was 28 years.¹⁵ The age at which women give birth to their first child varies considerably according to the level of education acquired: if a woman has no education at all or less than primary school education, the average age at first birth is 21,5 years; if a woman has secondary general or vocational secondary education, the average age at first birth is 26,4 years; and if a woman has higher education, it is already 30,6 years.¹⁶

4. Leave to father of a child, adopters and other persons

Pursuant to Article 155(1) of the LL “The father of a child has the right to a leave of 10 working days. The leave to the father of a child shall be granted immediately after birth of the child, but not later than within six months from the birth of the child.”

In 2019, the regulation of this leave in the LL was appealed before the Constitutional Court of Latvia (Satversmes tiesa) as being unconstitutional, in particular breaching Article 110 (1) of the Satversme, which provides for the protection of the family: “The State shall protect and support marriage – a union between a man and a woman, the family, the rights of parents and rights of the child”). The constitutional complaint¹⁷ was submitted by the applicant, whose partner had given birth to two children, whose birth had been planned jointly by the applicant and her partner, both children living in the same household as the applicant and her partner. Immediately after the birth of her youngest child, the applicant, based on Article 155 of the LL, wanted to take a leave of 10 calendar days to be present with her newborn child during the first moments of its life and to provide support to her partner. However, the contested provision provided for the right to 10 calendar days leave after the birth of the child only for the father of the child, without providing such a right for the partner of the mother of the child, who, according to the applicant, was in fact considered to be one of the parents of the newborn child.¹⁸

¹⁵ Mātes vidējais vecums bērnam piedzimstot [Average age of mother when child is born]. Available at: <https://stat.gov.lv/lv/statistikas-temas/iedzivotaji/dzimstiba/241-mates-videjais-vecums-bernam-piedzimstot?themeCode=ID>

¹⁶ Mātes vidējais vecums pēc bērna dzimšanas secības un izglītības līmeņa – Izglītības līmenis, Dzimšanas secība un Laika periods [Average age of mother by birth order and education level – Education level, Birth order and Time period]. Available at: https://data.stat.gov.lv/pxweb/lv/OSP_PUB/START__POP__ID__IDM/IDM050/table/tableViewLayout1/

¹⁷ Par Darba likuma 155. panta pirmās daļas atbilstību Latvijas Republikas Satversmes 110. panta pirmajam teikumam. Satversmes tiesas 2020. gada 12. novembra spriedums lietā Nr. 2019-33-01 [On Compliance of Article 155 (1) of the Labour Law with the First Sentence of Article 110 of the Satversme of the Republic of Latvia. Constitutional Court Judgment of 12 November 2020 in Case No 2019-33-01] Available at: <https://likumi.lv/ta/id/318716-par-darba-likuma-155-panta-pirmas-dalas-atbilstibu-latvijas-republikas-satversmes-110-panta-pirmajam-teikumam>

¹⁸ Ibid, para 2.

When examining the mentioned constitutional complaint, the Constitutional Court, assessing the issue also in the context of the findings of international and EU law, as well as in the context of the principle of equality, held that “the first sentence of Article 110 of the Satversme requires the legislator to ensure legal protection and social and economic protection and support measures for every family, including the family of same-sex partners”.¹⁹ The Constitutional Court noted that the obligation of the State to protect every family by establishing and maintaining a system of social and economic protection of the family follows from the first sentence of Article 110 of the Satversme. To fulfil this obligation, the legislator is required to specify the family’s right to protection in normative acts and to determine various family protection mechanisms which a person is entitled to request from the State. Accordingly, the Constitutional Court ruled that “Article 155 (1) of the LL, in so far as it does not provide for protection and support for the mother’s partner in connection with the birth of a child, is incompatible with the first sentence of Article 110 of the Satversme of the Republic of Latvia”.

The Constitutional Court’s judgment was viewed in different ways – it was strongly condemned by the most conservative political forces, but at the same time it was a significant step forward in the regulation of same-sex partners. In 2022, based on the findings of the Constitutional Court, the legislator supplemented Article 155 of the LL with a new paragraph 1.1: “(1) If paternity of the child has not been acknowledged (determined) or the father of the child has died, or the child custody right of the father has been terminated, another person who is not the mother of the child has the right to a leave of 10 working days to be involved in the care for the child upon request of the mother of the child. Such a leave shall be granted immediately after birth of the child, but not later than within six months from the birth of the child.”²⁰ The social and economic protection of new parents (including same-sex parents) under the LL has thus been extended.

This judgment also highlighted the need for partnership regulation in general. Starting from 1 July 2024 the institution of partnership was introduced in Latvia, allowing both same-sex and different-sex couples to register their cohabitation with a notary public,²¹ thereby enjoying greater social and economic protection by the State.

As mentioned above, payment of both maternity and paternity leave is beyond the employer’s responsibility, these leaves are paid from the state social insurance budget.²² Chapter IIA of the Law on Maternity and Sickness Insurance provides that the paternity benefit is granted in the amount of 80% of the average insurance

¹⁹ Ibid, para 12.

²⁰ Grozijumi Darba likumā [Amendments to the Labour Law]. 16.06.2022. Available at: <https://likumi.lv/ta/id/333711-grozijumi-darba-likuma>

²¹ It should be noted that the regulation of partnership is not codified in one law, but in several laws (most detailed in the Notariate Law and the Law on the Register of Natural Persons).

²² Law On Maternity and Sickness Insurance.

contribution wage of the benefit recipient.²³ If the child's father is not involved in the child's care (e.g. he has died, paternity rights have been terminated), the paternity benefit is granted to another person who, at the request of the child's mother, becomes involved in the child's care.²⁴

The 2018 Eurobarometer on work-life balance shows that paternity leave is less frequently used in Latvia than in the EU on average.²⁵ However, the number of men taking parental leave while also receiving the benefit has been gradually increasing since 2013. According to the State Social Insurance Agency, 42% of fathers in Latvia received paternity benefits in 2013, and 56% in 2020.²⁶

5. Parental leave (Article 156 of the LL)

Parental leave is generally regulated in Article 156 of the LL it states that every employee has the right to parental leave in connection with the birth or adoption of a child. Such leave shall be granted for a period not exceeding one and a half years up to the day the child reaches the age of eight years. If you have twins or more than one child, this does not extend the duration of the leave, i.e. it is still 18 months.²⁷ The right of new parents to one-and-a-half years of paid parental leave under Latvian legislation is to be welcomed, and not many other developed countries have such friendly provisions for new parents.

Parental leave is granted either on a full-time basis or in partial periods at the request of the employee. Article 156 (6) of the LL also provides that an employee has the right to request possibilities to use the parental leave flexibly and the employer has the obligation to assess such request from the employee and, not later than within one month from receipt of the request of the employee, to notify the employee of the possibilities to use the parental leave flexibly.²⁸

An employee who takes parental leave keeps his previous job. If this is not possible, the employer shall provide a similar or equivalent job with working conditions and terms of employment no less favourable to the employee. An employee's right to take parental leave may in no way be the basis for termination of the employment contract

²³ Article 10. regarding Maternity Benefit and Article 10.³ regarding Paternity Benefit.

²⁴ Labour Law, Article 155 (1).

²⁵ Ko darba tirgū paredz gaidāmās izmaiņas vienlīdzības veicināšanai [What the forthcoming changes to promote equality mean for the labour market]. Available at: <https://www.kurzemesregions.lv/ko-darba-tirgu-paredz-gaidamas-izmainas-vienlidzibas-veicinasanai/>

²⁶ Likumprojekta "Grozījumi Darbalikumā" anotācija [Annotation to the draft law "Amendments to the Labour Law"]. Available at: <https://tapportals.mk.gov.lv/annotation/4d7b0194-d2fb-4cf6-aaa8-0cad1337a9ba#>

²⁷ Bērna kopšanas atvaļinājuma piešķiršana un izmantošana [Granting and using parental leave]. 15.02.2024. Available at: <https://lvportals.lv/skaidrojumi/360294-berna-kopsanas-atvalinajuma-pieskirsana-un-izmantosana-2024>

²⁸ Article 149 (6) of the LL.

or any other restriction of the employee's rights. If the employee wishes to return to work earlier than originally planned, they should review the terms of their employment contract or other internal policies and request approval from the employer to return before the end of the parental leave they had initially requested.

When a parent is on parental leave, the State budget pays a benefit called paternity benefit. Paternity benefit was introduced as a social insurance benefit on 1 January 2008 and is regulated in Chapter II B of the Law on Maternity and Sickness Insurance. Paternity benefit is payable to a parent who is socially insured (employed or self-employed). The recipient of paternity benefit can change during the period of payment – the mother or the father of the child can receive it alternately.

Over time, the law has been amended in various ways to determine the amount of the benefit. Under the current version, the benefit is granted based on the person's average contributory wage and depends on how long the parent wishes to receive it, i.e. the benefit is paid at 60% of the person's average contributory wage if the parent chooses to receive the childcare benefit for 13 months or at 43,75% if the parent chooses to receive the benefit for 19 months.²⁹

In recent years, the law has been amended in a way that is favourable to families in situations where there is a small age difference between the children. If a woman caring for a child under the age of 3 gives birth to another child, the paternity benefit cannot be less than the benefit granted for the previous child.³⁰

The amount of paternity benefit for working parents has been regulated differently over time. Under the current rules, if the parent receiving paternity benefit is employed (not on parental leave) and earns an income, the benefit is paid at 50%.³¹ Initially, when the benefit was introduced, the amount of the working parents' benefit was not regulated by law, i.e. working parents could receive 100% of the benefit, but from 2014 to 2023, working parents received only 30% of the benefit. In practice, fathers are the most likely to choose to receive the paternity benefit while continuing to work.³² Interestingly, at a time when there were no restrictions on the benefit for working parents, almost half of the beneficiaries were men. Families negotiated this to receive more paternity benefit, as men were often paid more than women, but in

²⁹ Article 10.⁶ (with Amendments since 01.01.2023) of the Law on Maternity and Sickness Insurance.

³⁰ Article 10.⁶ (4) of Law on Maternity and Sickness Insurance.

³¹ Article 10.⁶ (3) of Law on Maternity and Sickness Insurance. Currently, a draft law is being considered in the Latvian Parliament, which stipulates that starting from 2025 working parents will be paid a benefit in the amount of 75%.

³² Dārziņa L. Vecāku pabalstu strādājošais saņems 50% apmērā [The worker will receive 50% of the paternity benefit.]. 21.10.2022. Available at: <https://lvportals.lv/skaidrojumi/345830-vecaku-pabalstu-stradajosais-sanems-50-apmera-kada-ir-otra-vecaka-situacija-2022>.

reality, this left women at home with a child without income or social protection.³³ In comparison, in 2023, women accounted for 81% of parental benefit recipients, while men made up 19%.³⁴

In accordance with Directive (EU) 2019/1158 on work-life balance, to ensure that both parents are involved in the child's care, from 2023 each parent must take parental leave for at least two months.³⁵ In practice, women tend to take the two months consecutively, after a long period of parental leave, while fathers take it in different ways, also by splitting it into weeks.³⁶

The time spent on parental leave is counted as part of the total length of the worker's service period for pension purposes. Parental leave does not give entitlement to annual leave, but the recipient of paternity benefit is insured by the State for pension, unemployment and invalidity.

In addition to paternity benefit, Latvian legislation also provides for the payment of a so-called childcare benefit until the child reaches the age of 2. It is paid at the same time as the paternity benefit. Unlike paternity benefit, which depends on the contributions paid by the parent, childcare benefit is the same for all parents – its amount depends only on the age of the child.³⁷

The above-mentioned findings lead to the conclusion that new parents enjoy adequate social protection during parental leave and that Latvia meets the criteria of a socially responsible country. Parents who have considered that their rights have been violated

³³ Data shows that in 2023, for example, the pay gap between men and women in Latvia was 16.5%. Compared to previous years, the pay gap has narrowed, but there are still differences. See: <https://stat.gov.lv/lv/statistikas-temas/labklajibas-un-vienlidzibas-raditaji/dzimumlidztiesiba/preses-relizes/20895?themeCode=GE>

³⁴ Dzimumu līdztiesība: sociālā drošība [Gender equality: social security]. Available at: <https://stat.gov.lv/lv/statistikas-temas/labklajibas-un-vienlidzibas-raditaji/dzimumlidztiesiba/6299-dzimumu-lidztiesiba>

³⁵ Grozījumi likumā “Par maternitātes un slimības apdrošināšanu” [Amendments to the law On Maternity and Sickness Insurance]. 15.09.2022. Available at: <https://likumi.lv/ta/id/335867-grozijumi-likuma-par-maternitates-un-slimibas-apdrosinasanu>

³⁶ Tētu obligātais atvaļinājums jeb vecāku pabalsta nenododamā daļa – kā vecāki to izmanto? [Compulsory parental leave or the non-transferable part of parental allowance – how do parents use it?] Available at: <https://www.lsm.lv/raksts/dzive--stils/vecaki-un-berni/08.06.2024-tetu-obligatais-atvalinajums-jeb-vecaku-pabalsta-nenododama-dala-ka-vecaki-to-izmanto.a556765/>

³⁷ See. Noteikumi par bērna kopšanas pabalsta un piemaksas pie bērna kopšanas pabalsta un vecāku pabalsta par dvīņiem vai vairākiem vienās dzemdībās dzimušiem bērniem apmēru, tā pārskatīšanas kārtību un pabalsta un piemaksas piešķiršanas un izmaksas kārtību. Ministru kabineta noteikumi Nr.1609 [Provisions on the amount of childcare allowance and supplement to childcare allowance and parental allowance for twins or more children born in the same confinement, the procedure for its review and the procedure for granting and paying the allowance and supplement. Cabinet of Ministers Regulation No 1609]. 22.12.2009. Latvijas Vēstnesis, 204, 29.12.2009.

have also appealed to the judicial authorities, including the Constitutional Court, which has adopted several judgments on issues related to benefits paid to parents.³⁸

6. Protection in the event of termination of employment

6.1. Protection for pregnant women and new mothers in the event of termination

The LL provides special protection for pregnant women and new mothers in the event of termination of employment. Article 109 (1) of the LL provides that an employer is prohibited from terminating the employment contract of a pregnant woman, as well as of a woman in the post-natal period for up to one year, or, if the woman is breastfeeding, during the entire breastfeeding period, but not longer than until the child is two years old.

However, there are six exceptions to this prohibition, listed below, when this group of women may also be dismissed. Five of these cases relate to serious misconduct by the pregnant woman or new mother herself in the performance of her duties. In particular, the first paragraph of Article 109 of the LL states that an employer may terminate an employment contract if 1) the employee has significantly violated the employment contract or the specified working procedures without a justifiable reason; 2) the employee, when performing work, has acted illegally and therefore has lost the trust of the employer; 3) the employee, when performing work, has acted contrary to moral principles and such action is incompatible with the continuation of employment relationship; 4) the employee, when performing work, is under the influence of alcohol, narcotic or toxic substances; 5) the employee has grossly violated labour protection regulations and has jeopardised the safety and health of other persons. The sixth case is an objective reason beyond the employee's control – a situation where the employer is being liquidated. However, if, for example, the company is reorganised or the workforce is downsized, this group of women will be protected and the employer will not be able to terminate their contract.

The prohibition on termination of employment in Article 109 of the LL aims to prevent the risks that a possible termination of employment may pose to the mental and physical state of the pregnant woman or the new mother, including, for example,

³⁸ See: Satversmes tiesas 19.11.2020. spriedums “Par likuma “Par maternitātes un slimības apdrošināšanu” 10.4 panta ceturtais daļas 2. punkta un Valsts sociālo pabalstu likuma 7. panta 1.1 daļas atbilstību Latvijas Republikas Satversmes 91. panta pirmajam teikumam un 110. pantam” [Constitutional Court Judgment of 19.11.2020 “On Compliance of Article 10 (4)(2) of the Law on Maternity and Sickness Insurance and Article 7 (1.1) of the Law on State Social Allowances with the First Sentence of Article 91 and Article 110 of the Satversme of the Republic of Latvia”]. Available at: <https://likumi.lv/ta/id/318882-par-likuma-par-maternitates-un-slimibas-apdrosinasanu-10sup4sup-panta-ceturtais-dalas-2-punkta-un-valsts-socialo-pabalstu-likuma-7-panta-1sup1sup-dalas-atbilstibu-latvijas-republikas-satversmes-91-panta-pirmajam-teikumam-un-110-pantam>

the very serious risk of encouraging the pregnant woman to voluntarily terminate the pregnancy.³⁹

6.2. Families with children as a more protected group in the event of worker downsizing

In the event of a reduction in the workforce, Article 108 of the LL determines which employees are entitled to continue working, and one of the groups that enjoys greater protection is families with children. It should be clarified here that in the event of reduction in the number of employees, the employer is obliged under Article 108 of the LL to assess which workers performing similar work have the advantage of continuing their employment. As stated in Article 108 (1) of the LL, the preference for continuation of employment is primarily given to those employees who have better performance and higher qualifications. However, if the assessment of performance and qualifications leads to the conclusion that there is no significant difference in the performance and qualifications of the employees, then Article 108 (2) of the LL sets out 11 criteria under which employees have an advantage in remaining at work. The list of these advantages includes, among others, employees who have a child under the age of 14 or a disabled child under the age of 18,⁴⁰ also lists also employees with two or more dependants.⁴¹ It should be noted that Article 114 of the LL provides for the possibility of concluding a termination agreement, and there are no restrictions on the conclusion of such an agreement. If the parent who enjoys protection in the event of the employer's dismissal agrees to conclude a termination agreement, it becomes binding and the employee has to bear all the resulting legal consequences.

7. Other benefits for parents provided for in the labour law

The LL provides various additional rights for employees with children. These mainly relate to aspects of the right to rest.

One of the benefits for parents is the right to additional paid leave (in addition to the minimum 4 weeks annual leave that every employee must take). Article 151 of the LL provides that employees who have three or more children under the age of 16 or a disabled child under the age of 18 shall be granted three additional days of leave and employees who have fewer than three children under the age of 14 shall be granted not less than one working day. In addition, the collective agreement or employment contract may provide for other cases in which employees are to be granted additional leave, for example, quite often employers provide in collective agreements or other internal company sources for additional days off in connection with the

³⁹ Darba likums ar komentāriem [Labour law with commentary]. Rīga: Latvijas Brīvo arodbiedrību savienība, 2020, p. 305. Available at: https://arodbiedribas.lv/wp-content/uploads/2020/02/new_dl_ar_kom.pdf

⁴⁰ Article 108 (2) 3) of the LL.

⁴¹ Article 108 (2) 4) of the LL.

start of a child's schooling, graduations at educational institutions, etc.⁴² These leaves are granted to both mothers and fathers, even if both parents are employed by the same employer. If the employee wishes to take additional leave, he should inform his employer that he is entitled to such additional leave. If the employer is aware that the employee has a child in his care, but the employee has not requested additional leave, the employer should act in good faith and find out whether the employee will take such additional leave.⁴³ In essence, applying this finding to the said situation, it could be concluded that the employer should explain to the employee his right to request additional leave, as well as assist him in exercising it.⁴⁴

As part of the care of young children, the law also regulates how a worker with a young child can take a break to feed the child. Article 146 (2) of the LL states that: "Breaks of not less than 30 minutes for feeding a child shall be granted not less than every three hours. If an employee has two or more children under one and a half years of age, a break of at least one hour shall be granted. The employer shall determine the length of breaks after consultation with the representatives of employees." The employee shall in good time inform the employer of the necessity for such breaks. It should be noted that breaks for feeding the child (unlike other breaks⁴⁵) shall be counted as working time, with pay being retained for that time. The arrangements for taking a break shall take into account as far as possible the wishes of the employee concerned, including that breaks for feeding the child may be added to the work break or, if the employee so requests, moved to the end of working time, with a consequential reduction in the length of the working day.

In addition to ensuring that parents are able to visit their child's doctor or receive other temporary medical care, Article 147 (3) of the LL provides that: "An employee having care of a child under 18 years of age has the right to temporary absence in the

⁴² The collective agreement is concluded by the employer and the employees' union or authorized representatives of the employees. The regulation on the conclusion and termination of collective agreements is stipulated in the LL, but the law does not regulate the content of collective agreements. Article 17 of LL states: "Parties to a collective agreement shall reach agreement on the provisions regulating the content of employment relationship, in particular the organisation of remuneration and labour protection, establishment and termination of employment relationship, further education, and also working procedures, social security of employees and other issues related to the employment relationship, and shall determine mutual rights and duties." There are no exact statistical data on the number of collective agreements in Latvia, but it is believed that collective agreements cover approximately 20% of employees. Currently, signatures are being collected in Latvia through the collective submission procedure, which encourages the expansion of collective agreements. See: Vairāk labu kopīgumu Latvijā [More good collective agreements in Latvia]. Available at: <https://manabalss.lv/vairak-labu-kopligumu-latvija/show>

⁴³ Augstākās tiesas Civillietu departamenta 2017. gada 18. maija spriedums lietā Nr. SKC-769/2017 [Judgment of the Supreme Court, Civil Cases Department of 18 May 2017 in Case No SKC-769/2017]. See also: Darba likums ar komentāriem. [Labour law with commentary]. Rīga: Latvijas Brīvo arodbiedrību savienība, 2020, p. 409.

⁴⁴ Ibid, p. 409.

⁴⁵ Article 145 of the LL.

case of the child's illness or accident, as well as for the purpose of participating in the child's health examination when it is not possible to undergo this examination outside working time." In such a case, of course, the employee should give the employer reasonable time notice, and such a temporary absence cannot be grounds for the employer to terminate the employment contract. In the event of a dispute, the burden will be on the employee to prove that the absence meets the criteria of this Article and that it does not constitute an unfair delay. Additionally, "child in the care of the employee" includes not only biological and adopted children, but also children in the care of the employee as a foster family, as well as children under guardianship and children who are actually cared for and brought up by the employee in accordance with the decision of the orphanage court.⁴⁶

Of course, if a child falls ill, working parents are entitled to sick leave to care for the sick child, with sick pay (if they have no other income at the time). The number of fathers staying at home with a sick child has increased in recent years, but it is still much more often women. For example, in 2023, 66.7% of those receiving benefits for caring for a sick child were women and 33.3% were men.⁴⁷

In the context of childcare, it should also be mentioned that Article 148(4) of the LL provides that an employee who has a child under eight years of age or who needs to care for a child who, for a serious medical reason, requires substantial care or support, has the right to request his employer to make appropriate adjustments to his working time, such as individual working time, remote working, etc. The employer is obliged to assess such a request from the employee and to inform the employee of the possibilities of such an adaptation within the undertaking within one month of the date of the request at the latest.

8. Examples of parental rights in public service relationships

Latvian regulation on employment relationships of new parents has been considered above. However, persons who are employed in public service relationships and are not considered employees have certain rights provided for in special normative acts. The State Civil Service Law provides for the protection of the private family life of civil servants, that civil servants with children under the age of three and pregnant women may not be transferred to another place of residence without their consent, pursuant to Article 37(7) of the State Civil Service Law. Similarly, civil servants with children under one year of age, pregnant women and breastfeeding women may not

⁴⁶ Darba likums ar komentāriem [Labour law with commentary]. Rīga: Latvijas Brīvo arodbiedrību savienība, 2020, p. 396. Available at: https://arodbiedribas.lv/wp-content/uploads/2020/02/new_dl_ar_kom.pdf

⁴⁷ Note: In 2014, the proportion was around 75% women and 25% men. See Dzimumu līdztiesība: sociālā drošība. [Gender equality: social security.] Available at: <https://stat.gov.lv/lv/statistikas-temas/labklajibas-un-vienlidzibas-raditaji/dzimumlidztiesiba/6299-dzimumu-lidztiesiba>

be sent on mission without their consent (Article 38 (2) of the State Civil Service Law). The Law on Remuneration of Officials and Employees of State and Local Government Authorities also provides for certain benefits, like the right to determine in the internal acts of State and local government institutions a paid leave at the start of school in grades 1-4, at the graduation from an educational institution or an annual benefit for a dependent child with disabilities.⁴⁸ A benefit for the stay of children abroad, school and pre-school expenses is provided for certain officials mentioned in the law who are serving abroad. In the past, the legislation provided for more extensive benefits for parents employed in the various public services, but over time, primarily with the aim of ensuring equal opportunities for all parents, some benefits have been withdrawn.⁴⁹

9. Key findings and possible mechanisms for active employment of young parents

Surveys show that some young parents would like to continue working part-time (no more than half-time) while bringing up a young child.⁵⁰ This is due to the desire not to lose skills and not to be isolated from the usual working environment, to socialise and to increase family income.

The State Foundation – Society Integration Foundation,⁵¹ which aims to promote the integration of society in its various aspects, also implements various projects to identify and improve mechanisms for balancing family life and work. For example, the “Family Friendly Workplace” programme has carried out research and formulated recommendations to improve the employment of employees with children.⁵² The study concludes that small companies and organisations often have more flexibility to adapt work schedules to the individual needs of each employee than large companies or public administrations. With the development of IT applications, especially after the COVID pandemic, many companies have adopted remote working or hybrid working models. In particular, the hybrid working model successfully combines onsite and remote working, and often represents a compromise between the need for the employee to be present in the office and the possibility of being able to do the work

⁴⁸ Law on Remuneration of Officials and Employees of State and Local Government Authorities. Article 3. 01.12.2009. Available at: <https://likumi.lv/ta/en/en/id/202273-law-on-remuneration-of-officials-and-employees-of-state-and-local-government-authorities>

⁴⁹ For example, the 1991 Law on Police (Article 25) stipulated that police officers had the right to place children in pre-school educational institutions (kindergartens) as a matter of priority, but over time this provision was removed from the law.

⁵⁰ For example, in a 2018 survey, 84% of new parents said they would be happy to work during parental leave. See: LTRK aptauja: 84% jauno vecāku labprāt strādātu bērnu kopšanas atvaļinājumā [LTRK survey: 84% of young parents would be willing to work while on parental leave]. Available at: <https://lvportals.lv/dienaskartiba/298213-ltrk-aptauja-84-jauno-vecaku-labprat-stradatu-bernu-kopsanas-atvalinajuma-2018>

⁵¹ About Society Integration Foundation and its competence see: <https://www.sif.gov.lv/lv>

⁵² Darba un ģimenes dzīves līdzsvars: kā pielāgot darba laiku dažādos uzņēmumos [Work-life balance: how to adapt working time in different companies]. 27.11.2023. Available at: <https://vietagimenei.lv/uncategorized-lv/darba-un-gimenes-dzives-lidzsvars-ka-pielagot-darba-laiku-dazados-uznemumos/>

from somewhere else. Both remote working and the hybrid models are good ways for young parents to successfully combine family life and work. Employers could further consider allowing employees to work remotely (of course, in jobs where this is possible) from a location convenient to them, thus saving time that would otherwise be spent, for example, travelling to the office.

Part-time work is also one of the ways to encourage young parents to become more actively involved in the working relationship⁵³ or flexible working arrangements for employees. A four-day working week is also sometimes suggested as a possible solution. By being flexible and accommodating in working hours, companies demonstrate their commitment to employee well-being, promote awareness of employee mental health and provide resources for employees' personal and professional development.⁵⁴ There are sometimes examples of good practice in workplaces, e.g. employers have invested resources and set up children's rooms so that employees can take their children to work, including hiring babysitters to look after them. Children are most often in the children's rooms of workplaces in the afternoons after school or during school holidays. However, there are not many such family-friendly workplaces, which are a great motivation for employees.⁵⁵ But in general, there has been a greater willingness to embrace such ideas in recent years.

In fact, the situation in workplaces varies greatly according to the personal views of business owners and management, as there are employers who are responsive to their employees, even if no specific benefits are provided for in the collective agreement or legislation – employers tend to negotiate with employees mutually acceptable flexible solutions in situations where a parent cannot come to work because of childcare needs – in these situations, for example, parties tend to agree on remote working, or taking leave days.

The LL generally provides favourable regulation for new parents, and over time amendments have been made to the LL and social legislation that have only extended the rights of new parents. It should be noted that members of the board or supervisory board of companies (capital companies) are at a comparative disadvantage, as according to recent findings, members of the board are not subject to employment contracts, but to a contract of authorisation, the termination of which is quite simple – it is not protected by the mechanisms of the LL on employees, and the supervisory

⁵³ Statistics show that in 2023, 6.8% of people aged 15–64 work part-time. Of these, 4.7% are men and 8.9% are women. See: Eurostat, Part-time employment as percentage of the total employment, by sex, age and citizenship (%). Available at: https://ec.europa.eu/eurostat/databrowser/view/lfsa_eppgan__custom_12540886/default/table?lang=en

⁵⁴ Darba un ģimenes dzīves līdzsvars: kā pielāgot darba laiku dažādos uzņēmumos [Work-life balance: how to adapt working time in different companies]. 27.11.2023. Available at: <https://vietagimenei.lv/uncategorized-lv/darba-un-gimenes-dzives-lidzsvars-ka-pielagot-darba-laiku-dazados-uznemumos/>

⁵⁵ Zalāne L. DB aplūko bērnu istabas Latvijas uzņēmumos [DB looks at children's rooms in Latvian companies]. Available at: <https://www.db.lv/zinas/db-apluko-bernu-istabas-latvijas-uznemumos-444534>

board or members of the company may dismiss members of the board at any time by terminating the contract of authorisation. Pregnant women and new parents working in the scientific field also tend to be subject to relatively unfriendly regulations, for example, the Ombudsman, in the context of an inspection carried out in 2023, had found that the right to take pregnancy-related leave and benefits was more problematic for women scientists in EU Structural Fund-funded projects, as the rules and deadlines of these projects made it difficult to exercise pregnancy and maternity rights and the scientist's work-life balance.⁵⁶ Also for lecturers elected to scientific academic positions at universities, on re-election⁵⁷ are accountable for their scientific activity, and these laws and regulations do not provide for reservations on how parental leave affects the requirement to meet the quantitative indicators.

One of the cornerstones of work-life balance is the possibility for partners to share equally the caregiving responsibilities of children, and in this area, too, important steps have been taken in recent years. If the legislator initially did not have the courage to decide on some steps to regulate this issue, the courts have set a clear direction with their case-law.

It is evident that the public perception of the role of both parents in the care and upbringing of children and the equality of family members is developing in a positive direction, moving away from the stereotypes of the roles of men and women in child-rearing that were stuck during the Soviet era. For example, the Ombudsman, whose task is to promote the prevention of discrimination of all kinds, has carried out a study on the employment of young mothers, which concluded that the number of cases of unlawful practices by employers towards female employees who are mothers of young children is relatively small.⁵⁸ The above-mentioned allows to draw a general conclusion that the situation for parents of young children in the Latvian employment market is generally quite favourable. The legislation provides for the protection of parents' interests, the LL is in line with the fundamental human rights enshrined in the Constitution and the values of a democratic state, and the principle of harmonisation of Latvian and EU law is regularly observed when amending legislation.

⁵⁶ Tiesībsargs: Kas paliks nesaņemts: ar grūtniecību saistīti atvaļinājumi vai samaksa par darbu projektā? Valsts uzspiež sievietēm-zinātniecēm šādu negodīgu izvēli [Ombudsman: What will be left unpaid: pregnancy-related leave or payment for project work? The state is imposing this unfair choice on women scientists]. Available at: <https://www.tiesibsargs.lv/news/ar-grutniecibu-saistiti-atvalinajumi/>

⁵⁷ Note. The Law on Higher Education Institutions provides that docents are elected for a fixed term, i.e. for six years.

⁵⁸ See: Tiesībsargs atbild: Vai drīkst uzteikt darbu uzreiz pēc bērna kopšanas atvaļinājuma? [The Ombudsman answers: is it possible to terminate work agreement immediately after parental leave?] Available at: https://www.tiesibsargs.lv/news/tiesibsargs-atbild_berna_kopsanas_atv/

Family and work balance in Lithuania

This article is peer-reviewed.

Abstract

The article explores the legal framework and practical aspects of balancing family responsibilities and work in Lithuania. It provides an overview of the protections offered under Lithuanian labour law, including rights to childbirth and maternity leave, paternity leave, childcare leave, flexible working arrangements, and teleworking options. It also outlines specific provisions regarding entitlements for additional rest days, flexible working hours and other adjustments for parents and caregivers. Recent changes in Lithuanian labour laws, influenced by EU directives, are highlighted, particularly regarding non-transferable parental leave months. The publication further reviews statistical data on how childcare responsibilities affect employment in Lithuania and underlines the necessity for more consistent measures to support employees in balancing work and family life.

Keywords: employment of parents; work-life balance; labour law protection; social protection; childcare services

1. General context

The State Labour Inspectorate of Lithuania indicated that after conducting the analysis, it is observed that both Lithuanian and foreign companies are increasingly concerned with employees' psychological health, which ensures job satisfaction and personal life balance, ultimately leading to higher employee productivity.

It is noted that companies in foreign countries are paying more attention to the importance of balancing work and family life and identify several aspects that reflect this principle:

- Balance of time dedicated to work and family;
- Balance of psychological engagement in both family and work;
- Balance of satisfaction in both areas.

Evaluating these aspects, it is observed that employees who spend significantly more time at work, think about work issues after hours, and dedicate less time to family,

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and over time become increasingly dissatisfied with their job. This deterioration in psychological health leads to decreased productivity and worsened work outcomes.²

2. Labour law protection

Employees with family commitments are entitled to certain additional guarantees and the employer must take steps to support them in fulfilling their family commitments. The Labour Code of Lithuania (hereinafter – LC)³ regulates the right to unpaid family leave, part-time work, teleworking, flexible and individual working time arrangements, and a variety of employment contracts, such as job-sharing agreements. Article 28 of the LC regulates the obligation of the employer to respect the family responsibilities of the employee. It states that the employer must take measures to assist the employee in fulfilling their family responsibilities; in cases specified in the LC, furthermore employee requests related to the fulfilment of family responsibilities must be considered by the employer and responded to in writing with a reasoned decision. The employee’s conduct and actions at work must be assessed by the employer with the aim of practically and comprehensively implementing the principle of work-family balance.

Firstly, it should be noted that in the context of the abovementioned principle of work-family balance, the current LC contains the concept of “family members,” but the LC does not provide a clarification as to who is considered a family member. A systematic analysis of the individual provisions of the LC leads to the conclusion that family members include spouses, children (adopted children), mother (stepmother), father (stepfather), grandmother, grandfather, other relatives who are actually raising a child or a person appointed as the child’s guardian, partners raising children, a single parent raising children, persons with elderly/disabled relatives, etc. In other words, these are people facing problems reconciling family and work.⁴

Furthermore, Article 1 of the International Labour Organization (ILO) Convention No. 156 “Concerning Equal Opportunities and Treatment for Men and Women Employees with Family Responsibilities”⁵ states that this convention applies to female and male employees who have responsibilities for their dependent children or who have responsibilities for other close relatives who are in obvious need of care and support. Therefore, it can be concluded that under ILO legal regulation, the family is understood not only as spouses and their children but also as close relatives.

² State Labour Inspectorate of the Republic of Lithuania, ‘Informacija darbdaviams’ (Information to the employers) 2024, < https://www.vdi.lt/Seima_ir_darbas/darbdaviams2.aspx >

³ Lietuvos Respublikos darbo kodeksas (Labour Code of the Republic of Lithuania), TAR, 2016-09-19, No. 23709, Article 28.

⁴ State Labour Inspectorate (Information to the employers) 2024.

⁵ Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (Entry into force: 11 Aug 1983, No. 156), Article 1.

Neither Article 28 nor any other articles of the LC define what constitutes the employee's family responsibilities, so both parental responsibilities towards children or a spouse (e.g., the ability to care for a sick child or attend their event at kindergarten or school) and responsibilities towards other close relatives (e.g., the need to care for elderly sick parents or take care of another close relative living together) should be understood as the employee's family responsibilities.⁶

2.1. Different types of leaves in the Lithuanian system

Pregnancy and childbirth leave

A woman who is pregnant is entitled to pregnancy and childbirth leave, which is 70 calendar days before birth and 56 days after birth⁷. They are calculated together, and the total amount of days is granted, no matter how many actual days were used before giving birth. To receive the payment for the leave, a woman must have coverage of maternity insurance for 12 months out of the last 24 months. The maternity insurance covers employees, persons working on individual basis and a certain number of other categories of persons who carry out a certain type of economic activity.⁸ Employees who are appointed as guardians of newborn babies shall be granted leave for the period from the date the guardianship is established until the baby reaches 70 days.⁹ The benefit paid by the state, after taxes, amounts to about 90% of the former salary.

Paternity leave

Furthermore, fathers are entitled to paternity leave of 30 calendar days after the birth of a child, which may be divided into up to two parts. This leave shall be granted at any time from the birth of the child until the child reaches the age of one year¹⁰. The benefit, after taxes, amounts to about 90% of the former salary.

Childcare leave

The family may choose the paid childcare leave of 18 or 24 months, and the total length of childcare leave in Lithuania is 36 months¹¹. This leave can be taken all at once, in instalments or in shifts. After the end of pregnancy and childbirth leave, during the first 18 or 24 months of child's life, the father and mother are given two non-transferable months each. Each parent or guardian can take their non-transferable two-month parental leave either all at once or in parts, alternating with the other parent or guardian. The non-transferable two-month leave cannot be taken by both

⁶ State Labour Inspectorate (Information to the employers) 2024.

⁷ Article 132 of the Labour Code.

⁸ Lietuvos Respublikos valstybinio socialinio draudimo įstatymas (Law on State Social Insurance of the Republic of Lithuania), Lietuvos aidas, 1991-05-31, Nr. 107-0.

⁹ Article 132 of the Labour Code.

¹⁰ Article 133 of the Labour Code.

¹¹ Article 134 of the Labour Code.

parents or guardians simultaneously. The benefit during those two non-transferable months, after taxes, amounts to about 90% of the former salary (78 percent of wage before taxes).¹²

Other months of childcare leave (besides the non-transferable ones) may be granted to the mother (stepmother), father (stepfather), grandmother, grandfather or other relatives who are actually taking care of the child, as well as to the employee appointed as the child's guardian. Based on Law on Sickness and Maternity Social Insurance, if the family chooses the leave of 18 months, the benefit is 60% of the salary before taxes. If the family chooses the leave of 24 months, the benefit is 45% of the wage before taxes in the first year of care and 30% in the second.¹³

Starting from 1 January 2023, significant changes to parental leave and childcare benefits have been implemented in Lithuania while implementing Directive (EU) 2019/1158 on work-life balance for parents and carers¹⁴. Two key changes are:

1. Non-transferable months: each parent (mother, father, adoptive parent, or guardian) is required to take at least two non-transferable months (60 calendar days) of parental leave. These non-transferable months can be taken flexibly, either all at once or in parts. If one parent does not use their non-transferable months, the other parent cannot use them. The allowance during these months is higher (78% of the parent's compensatory income) compared to the remaining period.
2. Duration and amount of benefits: Parents can choose to receive child care benefits until the child is either 18 or 24 months old (earlier it was 12 or 24 months). If opting for 18 months, the benefit is 60% of the compensatory income. If choosing 24 months, the benefit is 45% of the compensatory income for the first 12 months and 30% for the

¹² Lietuvos Respublikos ligos ir motinystės socialinio draudimo įstatymas (Law on Sickness and Maternity Social Insurance of the Republic of Lithuania), Valstybės žinios, 2000-12-29, Nr. 111-3574.

¹³ Law on Sickness and Maternity Social Insurance: "Article 24. Amount of childcare allowance

1. If the insured person chooses to receive the childcare benefit until the child reaches the age of 18 months, the childcare benefit shall be granted and paid to the insured person until the child reaches the age of 18 months, except for the case provided for in Article 22(3) of this Law, of which the amount of the childcare benefit shall be 78 per cent of the recipient's compensatory earnings during the periods provided for in Article 22(2) and 22(4) of this Law, and 60 per cent of the recipient's compensatory earnings during the remaining periods until the child reaches 18 months.

2. If the insured person chooses to receive the childcare benefit until the child reaches the age of 24 months, the childcare benefit shall be granted and paid to him/her until the child reaches the age of 24 months, except as provided for in Article 22(3) of this Law, of which the amount of the childcare allowance granted and paid to him/her shall be 78 per cent of the amount of the recipient's compensable earnings for the periods specified in Article 22(2) and (4) of this Law, 45 per cent for the remaining months until the child reaches the age of 12 months, and 30 per cent of the recipient's compensable earnings from the age of 12 months until the child reaches the age of 24 months."

¹⁴ 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, OJ L 188, 12.7.2019, p. 79–93.

remaining 12 months. Additionally, parents can alternate receiving the benefits, but the other parent must stop their benefit period when the switch occurs¹⁵.

Distance work

Pregnant employees, those who have recently given birth or are breastfeeding, employees with children under eight, single parents of children under 14 or disabled children under 18, and employees who need teleworking due to medical conditions, disabilities, or caring for a family member or cohabitant, based on a healthcare institution's report may request to work remotely. The employer must comply with this request unless they can prove it would cause excessive costs due to production needs or work organization.¹⁶

Annual vacation and additional rest days

Parents with children are given priority to schedule annual vacation in a particular workplace. The LC indicates that "the priority order for annual vacation at the workplace is based on the preferences of the following employees (in order of priority):

1. pregnant employees and employees with at least one child under three years of age;
2. employees with at least one child under the age of 14 or a disabled child under the age of 18;
3. employees with two or more children;
4. employees who have taken less than ten working days' leave in the last calendar year;
5. employees with unused annual leave for the previous working year.¹⁷

Employees who are single parents of a child under 14 or a child with a disability under 18 are entitled to 25 working days' annual leave (regular length of the annual leave is 20 working days).¹⁸ The employer must grant annual leave to pregnant employees before or after maternity leave; to employees during, before or after the maternity leave of the mother of their child; to employees caring for sick family members and disabled persons.¹⁹

According to Article 138(3) of the LC, employees with a child with disability under 18 or two children under 12 are entitled to one additional rest day per month (or a reduction in working time by two hours per week), and employees with three or more children under 12 to two rest days per month (or a reduction in working time by four hours per week), at the employee's average wage. Meanwhile, employees who

¹⁵ State Social Insurance Fund Board (Sodra), 'Vaiko priežiūros išmokos: kas keičiasi nuo 2023 metų' (Childcare benefits: what changes from 2023) <<https://www.sodra.lt/lt/naujienos/vaiko-prieziuros-ismokos-kas-keiciasi-nuo-2023-metu?lang=lt>> .

¹⁶ Article 52(2) of the Labour Code.

¹⁷ Article 128(4) of the Labour Code.

¹⁸ Article 126 of the Labour Code.

¹⁹ Article 128 of the Labour Code.

are not entitled to the additional rest days and who have a child up to the age of 14 years and who is enrolled in pre-primary, primary or basic education shall be granted at least one half day of time off from work per year, on the first day of the school year, at the employee's average wage.

Nonpaid leave

The employee must be granted nonpaid leave if he/she is:

1. an employee with a child under 14 years of age - up to 14 calendar days;
2. an employee with disability, or an employee raising a child with disability under the age of 18, or an employee caring for a person with disability who has been assessed as needing permanent nursing care, up to 30 calendar days;
3. during the mother's maternity leave and the father's parental leave, at the father's request (the mother during the father's parental leave), up to 3 months;
4. an employee caring for a sick family member or a person living with him/her, or an employee who has submitted a medical report on his/her state of health to a health care institution, for the period recommended by the health care institution;
5. an employee attending the funeral of a deceased family member, up to 5 calendar days;
6. for the celebration of a marriage - up to 3 calendar days.

During the working day (shift), unpaid time off for the employee's personal needs shall be granted at the employee's request, subject to the employer's agreement. The employer shall be obliged to grant unpaid time off to the employee if the employee's request is related to a family emergency in the event of sickness or an accident in which the employee is required to be directly present. In such a case, the parties to the contract of employment may agree to postpone the working time to another working day.

2.2. Provisions regarding working hours

Reduced working hours

Since 2023, parents of children under 3 working in Lithuanian state institutions and state-owned enterprises, including the Bank of Lithuania, are granted a reduced workweek of 32 hours (down from 40 hours). This is granted to one of the parents.²⁰ This legal regulation was adopted to encourage employees to return to work earlier, without losing their qualifications and connection to the workplace, while also allowing them to effectively care for their young child.

²⁰ Article 112 of the Labour Code.

Breaks for breastfeeding

Article 37(9) of the Law on Safety and Health of the Republic of Lithuania stipulates that a breastfeeding employee shall, in addition to the general rest and meal break, be given a break of at least half an hour for breastfeeding at least every three hours.²¹ At the request of the employee, breastfeeding breaks may be combined with or added to the rest and meal break, or moved to the end of the working day, with a corresponding reduction in the working day. Breastfeeding breaks shall be paid at the employee's rate of pay.

If a person's working time is calculated in the way of cumulative working time accounting, persons raising a child up to three years old have the right to choose their shift within two working days of notification, and persons raising a child up to seven years old have this right if it is feasible.²²

Opportunity to work part-time

The employees who have the need to care for or look after a family member or a person living with the employee, as well as if the request is made by a pregnant employee, an employee who has recently given birth or is breastfeeding, an employee with a child under eight years of age, or an employee who is a single parent of a child under fourteen years of age or a disabled child under eighteen years of age may request to work part time (other persons may make such request only after three years of working for a particular employer²³). The LC indicates that an employer can only refuse an employee's request for temporary part-time work for important reasons. These employees may return to full-time work by giving two weeks' written notice to the employer, unless the employer agrees to waive this time limit.

Children's rooms

According to the amendments to the Law on the Framework Law on the Protection of the Rights of the Child, as of 1 January 2023, the state and other institutions where 100 or more civil servants or employees working under employment contracts are employed and where these civil servants or employees work in one or more adjacent buildings will have to set up children's rooms for short-term childcare.²⁴ Children's rooms must be located within the premises of the establishments and comply with the accessibility requirements for people with disabilities. Children's rooms must contain toys, games, books, magazines, drawing materials or other educational materials for children of all ages. Toys and other equipment shall not pose a health risk to children (due to the risk

²¹ Lietuvos Respublikos darbuotojų saugos ir sveikatos įstatymas (Law of the Republic of Lithuania on Safety and Health at Work), Valstybės žinios, 2003-07-16, Nr. 70-3170, Article 37(9).

²² Article 115(3) of the Labour Code.

²³ Article 40(5) of the Labour Code.

²⁴ Lietuvos Respublikos vaiko teisių apsaugos pagrindų įstatymas (Law on the Framework for the Protection of the Rights of the Child of the Republic of Lithuania), Valstybės žinios, 1996-04-12, Nr. 33-807, Article 18.

of ingestion, inhalation or injury to skin, mucous membranes or eyes). Children's rooms shall have furniture suitable for children of different ages and designed for children. Equipment, furniture, toys and other items in the rooms shall be kept clean, maintained, tidy and cleaned. Children's rooms shall be located on the same floor as the sanitary facilities and shall have facilities adapted to the height of the children.

The State Labour Inspectorate stresses that "Employees with young children often face difficulties balancing work and family commitments when it is not possible to send their children to pre-school, including during the summer when they are not attending pre-school or primary education, and often have nowhere to leave their children. To address this issue, the State Labour Inspectorate recommends, among other things, that a children's room be set up in the workplace that meets the hygiene requirements for such rooms, where employees can leave their children if they need to, and where they can visit their child at any time during working hours. This would allow parents on childcare leave to return to work more quickly and to fit it in with their family commitments."²⁵

3. Statistics regarding work – family balance

The Statistics Department has data from 2018 regarding the influence of child care to work activities. According to these, 70% of women and 14% of men aged 18-64 have used childcare leave together with pregnancy and childbirth leave or paternity leave, alternatively²⁶, and 11% of women and 1% of men were at childcare leave or other leave due to family reasons at the time of survey in 2018²⁷. 7% of women and 1% of men have had reduced work hours due to childcare responsibilities. 4% of women and 2% of men have changed employers due to childcare responsibilities. 5% of women and 7% of men have enacted changes in order to earn more money for the family.²⁸ About 30% of men and women aged 18-64 state that they had difficulties in reconciling their family and work life (due to long working hours, unpredictable or difficult work schedule, long travel time to work, demanding and tiring job, lack of support from employee or colleagues, and other reasons).²⁹

²⁵ Ministry of Social Security and Labour of the Republic of Lithuania, 'Šeima ir darbas'2024, (Family and work) <<https://socmin.lrv.lt/lt/veiklos-sritys/darbo-rinka-uzimumas/darbo-teise/seima-ir-darbas/>>

²⁶ Official Statistics Portal, '18–64 aged persons, made use of child care leave provisions' <[https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=03dfa230-b24b-4dc8-9279-33175f76e84e#/>](https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=03dfa230-b24b-4dc8-9279-33175f76e84e#/)>

²⁷ Official Statistics Portal, '18–64 aged persons whose employment was affected by child care responsibilities' <[https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=03dfa230-b24b-4dc8-9279-33175f76e84e#/>](https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=03dfa230-b24b-4dc8-9279-33175f76e84e#/)>

²⁸ Official Statistics Portal, '18–64 aged persons whose employment was affected by child care responsibilities' <[https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=03dfa230-b24b-4dc8-9279-33175f76e84e#/>](https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=03dfa230-b24b-4dc8-9279-33175f76e84e#/)>

²⁹ Official Statistics Portal, '18–64 aged persons having difficulties to reconcile the main job and care responsibilities' <[https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=03dfa230-b24b-4dc8-9279-33175f76e84e#/>](https://osp.stat.gov.lt/statistiniu-rodikliu-analize?hash=03dfa230-b24b-4dc8-9279-33175f76e84e#/)>

4. The good practice in Lithuanian enterprises and suggestions for improvement of family-work balance

The study concluded in 2022 by the associations “Lyderė” and “Personalo valdymo profesionalai” titled “Reconciling family and career: practices and recommendations” has summarized the examples of good practices by enterprises and provided suggestions to the employers on how to reduce the conflict between family and work life.³⁰ The authors of the study have stressed that “Family-friendly initiatives in the workplace reduce stress for employees, avoid conflicts in balancing the challenges of different areas of life, increase employee engagement and productivity, and directly feed back to the organisation in financial terms. Studies have shown that the practical implementation of such recommendations brings positive financial benefits to organisations, such as increased return on investment, reduced costs or increased revenues.”

The recommendations are structured around the timeline of the child’s age, starting with pregnancy. It also includes recommendations on good practices in periods of taking care of adult relatives and in cases of loss. Regarding the period of pregnancy, the guidelines encourage the positive attitude towards pregnancy – to congratulate the employee announcing the pregnancy, to form customs and traditions around the announcement of pregnancy in a particular workplace. During pregnancy it is important to give career opportunities for the pregnant employee, include them in training, or give additional free time if the employee needs it.³¹

During childcare leave, the study encourages the employers to congratulate the employee on becoming a parent and agree on further communication. During childcare leave, the study encourages employers to maintain contact with the employee, according to his/her choice, to allow the employee to keep his/her working tools, including company ID account and email address, to ensure that the employee can participate in various training and development programmes, to involve the employee in the talent pool by providing internal career opportunities, and to invite the employee to company events and celebrations. Employers are also encouraged to maintain as many of the employee’s benefits as possible throughout the period of parental leave and ensure that the employee’s remuneration is kept under review in accordance with the overall salary and benefits policy.³²

When the employee returns from childcare leave, employers are encouraged to welcome the returning employee, provide clear information to him/her, introduce

³⁰ ‘Karjeros ir šeimos derinimas – nauda darbuotojams ir darbdaviams’ (Reconciling career and family – a win-win for employees and employers), BNS.lt, Press Release <<https://sc.bns.lt/view/item/449267>>

³¹ Božena Petikonis- Šabaniėnė, ‘Šeimos ir karjeros derinimas: praktikos ir rekomendacijos’ (Reconciling family and career: practices and recommendations) 2022, p. 8 <<https://mukis.lt/uploads/documents/files/Patarimai%20ir%20rekomendacijos%20mokiniams/%C5%A1eimos%20ir%20karjeros%20derinimas.pdf>>

³² Ibid, p. 9.

the return-to-work plan, designate a colleague to assist. Regarding the reintegration after parental leave, it is important to ensure that the employee has access to all the necessary equipment, and to provide all the relevant information on the changes, as well as to provide additional training.³³

Regarding preschool children, the study encourages the establishment of a separate room for mothers and children, as well as a place for employees to change nappies, to allow workers to use the company's catering facilities to feed their children and provide a playroom. Another possibility is to set up a kindergarten or cooperate with a nearby kindergarten.³⁴ Furthermore, employers are encouraged to allow employees to plan their own agenda individually; provide flexibility in terms of the start and end time of the working day; offer performance-based employee evaluation; offer to work remotely if there is a need or request; provide an environment of trust³⁵.

In case of illness of the child, it is recommended to notify all staff that parents do not have to provide details; provide supplementary health insurance; allow children to participate in video interviews. Further possibilities include allowing a few days off, and allowing staff to work from home.³⁶

Speaking about children in school, employers are encouraged to allow older children to come to the office after school; to provide a playroom or other type of facilities; to organise after-school clubs when the company hires a childcare provider; to offer children of employees the opportunity to attend summer camps or summer school; and to provide all the services available to children at the site, taking into account the age restrictions.³⁷ Similar suggestions are provided for summertime³⁸, and in general for everyday parenting.³⁹

Speaking about adult relative care, the study noted that they could not find a real case of employee caring for an adult, but this might be due to the unwillingness of people to share this information with their employer. The main initiative in this category is to inform employees that they can contact their supervisor or an HR professional in cases where they need help or additional opportunities to take care not only of their children but also of their elderly family members.⁴⁰

³³ Ibid, p. 9.

³⁴ Ibid, p. 11.

³⁵ Ibid, p. 13. Figure 8. Daily childcare and working.

³⁶ Ibid, p. 12.

³⁷ Ibid, p. 14.

³⁸ Ibid, p. 14-15.

³⁹ Ibid, p. 15.

⁴⁰ Ibid, p. 16.

In case of loss, the employers are encouraged to express condolences; to ask the employee when he/she would like to return to work; to offer additional or paid time off; to reimburse counselling; to provide financial support to the employee; to provide the employee with accident insurance.⁴¹

5. Conclusions

The legal framework in Lithuania regarding work-family balance has undergone changes in recent years, reflecting both national priorities and European Union directives. A key development is the introduction of non-transferable parental leave months for both parents, which aims to encourage shared responsibility in child-rearing. This policy, alongside relatively long parental leaves of up to 36 months, offers families greater flexibility and support during early childhood, with benefits structured to incentivize a more balanced approach between professional and family life.

The Lithuanian Labour Code includes several other family-friendly provisions to support employees with caregiving responsibilities. Parents of children under three who work in state institutions can now work a reduced 32-hour week, helping them balance professional and childcare duties. Breastfeeding employees are entitled to paid breaks every three hours, which can be adjusted to suit their schedule. Additionally, employees with caregiving responsibilities, including parents of young children or those caring for disabled family members, can request part-time work, with employers obligated to accommodate these requests unless there are significant reasons not to. These measures aim to promote a better work-life balance while maintaining professional continuity. In addition, Lithuania has introduced innovative measures, such as the establishment of children's rooms in workplaces with 100 or more employees. This initiative provides short-term childcare solutions, helping parents manage their professional responsibilities while ensuring that their children are cared for in a safe and accessible environment.

Furthermore, various good practices have emerged in Lithuanian enterprises. These practices include flexible working hours, the possibility of teleworking, and priority for parents in scheduling annual leave. Employers are encouraged to foster a family-friendly environment, recognizing the benefits of such initiatives for employee well-being and productivity. Together, these legal changes and workplace innovations mark an important step forward in improving the work-life balance for families in Lithuania.

⁴¹ Ibid, p. 16-17.

Promoting labour market participation of parents with young children – situation in the Netherlands

This article is peer-reviewed.

Abstract

Paid work by young families is an important theme in the Netherlands. Taking care of children and performing household tasks is of course also work, but my topic concerns external, paid work. The theme is important because there is a major labour shortage in the Netherlands. With a working population of more than 10 million people, there have been more than 450,000 unfilled vacancies for a long time. This does not only have an adverse effect for the economy, it also hinders the well-being of the population, when it comes to unfilled vacancies in, for example, education, healthcare and childcare. There is also still a difference in the distribution of household, care and child-rearing tasks between men and women. On the one hand, women's labour participation has been steadily increasing for many years, on the other hand, it is mainly women who work part-time, even if they do not yet have children.

Keywords: work-life balance; part-time work; labour law protection; social protection; childcare systems

1. General context, history

At the beginning of the twentieth century, the breadwinner model was popular in the Netherlands: only 25% of all women and 10% of married women worked.² Women were seen as guardians of family life. The policy actively monitored these expectations: in the public sector (government and education) married women were prohibited from working until 1955. Despite the lifting of this ban, this morality remained dominant for a long time. For example, in the second half of the twentieth century there was no activation policy to employ women. There were also few or no facilities for outsourcing care for children. In the 1950s and 1960s, there was a greater need for female workers, but the work should not have been at the expense of their 'primary task': caring for the children and the household. For this purpose, employers created part-time jobs especially for women. However, the number of working women lagged behind compared to surrounding countries. In addition, social norms were also shifting – between the 1960s and 1990s it became increasingly accepted for married women and

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² Social and Cultural Planning Office (2023). Are you participating?! Perspectives on 'meaningful' participation.

mothers to work outside the home, even if this was combined with the use of some form of childcare. During this period, the (part-time) labour participation of women increased steadily. Given the need for more childcare places, the government encouraged the creation of more daycare centres and after-school care. From the 1990s onwards, childcare was mainly seen as an instrument to increase women's participation in the labour market. An increase in women's labour participation required a redistribution of care tasks at home. Concrete instruments were limited to the expansion of partner leave in 2019 and the introduction of additional maternity leave in 2020, which was enforced by European Law.

In practice, parents do not have an equal division of their tasks at home. More than 40% of parents would like to divide paid work and childcare equally, but in practice only 10% do so.³ An important precondition for making choices is the financial consideration. Part of this is, for example, the question of whether someone finds childcare too expensive or affordable. The costs of childcare are often compared with the mother's possible income. If that income is small compared to the childcare costs, the mother sacrifices paid work. In practice, there is a clear difference (around 10%) between the income of women and men, even for equivalent work.⁴ This means that women are even more likely to work less and perform care tasks.

Childcare is often looked at as an important solution for increasing labour participation, especially among women. The idea is that if this is improved and becomes more accessible, labour participation will increase. At the same time, there is already a shortage of workers in childcare, so if childcare is expanded, who will work there and who will take care of the children of those working in the childcare system? How can the profession of creche worker be made more attractive? This then touches on problems such as the lack of affordable housing in the big cities.

2. Labour market situation

The Netherlands has approximately 18 million inhabitants, with the working population between 15 and 75 years comprising 10.2 million people in 2024.⁵ The remaining 8 million inhabitants are younger than 15 or older than 75 years old, or between the ages of 15 and 75 and are ill or in full-time study. Of this working population of 10.2 million, 9.8 million are employed and 373,000 are unemployed who are often difficult to employ, long-term unemployed people. Of the 9.8 million employed, 5.1 million work full-time, more than 35 hours per week, and 4.7 million work part-time. This ratio fluctuates somewhat due to seasonal influences: for example, there is more work to be done in the catering industry in the summer, and that work is usually done part-time.

³ Emancipatiemonitor 2022, Centraal Bureau voor de Statistiek.

⁴ Emancipatiemonitor 2022, Centraal Bureau voor de Statistiek.

⁵ Emancipatiemonitor 2022, Centraal Bureau voor de Statistiek.

Despite a growing attention to more full-time work, the number of part-timers is increasing. In the first quarter of 2013, the number of full-time employees was 4,495,000 (53.1%) and the number of part-time employees was 3,968,000. In the first quarter of 2023 these numbers were 5,048,000 (52.0%) and 4,655,000 and in the first quarter of 2024 5,088,000 (51.9%) and 4,713,000.⁶

The reasons for working part-time do not only have to do with caring for children. Research by De Nederlandse Bank in 2022 shows that 21% of workers indicate 'care for the children' as the main reason for working part-time (and among parents this is even 38%), but a very large group also cites other reasons, such as 'time for yourself' and 'study'.⁷ Part-time working has therefore become 'normal' in the Netherlands. The large-scale part-time work in the Netherlands instead of full-time work is often cited as an important cause of the labour shortage.⁸ At the same time, young parents in particular experience a lot of work pressure. Burnout is an important cause of absenteeism due to illness.⁹ And even without burnout, young parents often feel heavily burdened.

The lower labour participation of women compared to men is also related to educational level. To determine the highest level of education achieved, the highest level at which a diploma has been obtained is considered, or the highest level of education fully completed (if no diploma is awarded for the course). If a course has not been completed, the level required to enroll in that course is taken into account. Of mothers with children living at home, 83.5% work outside the home at least 1 hour per week, compared to 94.3% of fathers. However, only 60% of poorly educated mothers work (if the youngest child is younger than 6 years old their share amounts to 55.1%), while for highly educated mothers this is 90% (even if the youngest child is younger than 6 years old).¹⁰ The reason for this could be the earning capacity of these mothers compared to the costs of childcare: if a poorly educated mother has a low income, it does not 'pay' to work compared to the costs of childcare. The situation is different for well-paid mothers with a high level of education.

⁶ Emancipatiemonitor 2022, Centraal Bureau voor de Statistiek.

⁷ De Nederlandse Bank 30 mei 2022, available at: www.dnb.nl/algemeen-nieuws/achtergrond-2023/wat-mensen-prikkelt-om-meer-of-minder-te-werken/#:~:text=Mensen%20willen%20ook%20meer%20uren,er%20simpelweg%20om%20zou%20vragen.&text=Dat%20blijkt%20uit%20een%20enquête%20van%20DNB%20onder%201.300%20werkenden.

⁸ Portegijs, W. (2022). Eens deeltijd, altijd deeltijd. Waarom vrouwen in deeltijd blijven werken als ze 'uit' de kleine kinderen zijn. Den Haag: Sociaal en Cultureel Planbureau.

⁹ Bakel, H. van, M. van Engen en P. Peters (2018). Validity of the parental burnout inventory among Dutch employees. In: *Frontiers in Psychology*, Available at: <https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2018.00697/full>

¹⁰ Information available at:

www.ocwincijfers.nl/sectoren/emancipatie/arbeid/netto-arbeidsparticipatie-van-vrouwen-met-kinderen

In Table 1. relevant data regarding employment and educational attainment is summarised.

Table 1. Net labour participation of (married) cohabiting women with children living at home by educational level, 2022 (excluding those following education) in percentages

Education level	Youngest child 0 till 6 years	Youngest child 6 till 12 years	Youngest child 12 till 18 years	Youngest child 18 years or older
Low	55,1	60,1	60,3	66,1
Middle	80,6	84,1	89,2	84,1
High	89,1	90	92,5	83,2

Source: CBS (Enquête Beroepsbevolking)

Net labour force participation is defined as the share of the employed labour force within the population (working and non-working population). This definition relates to persons living in the Netherlands.

There may also be a cultural reason too that less-educated mothers think more 'traditionally' (and regard childcare as a task for the mother) than highly educated mothers.¹¹ This is reflected in a difference in ambition level. Table 2. shows net labour force participation by age groups and sex.

Table 2. Net labor force participation by age group and sex, first quarter 2024 (%)

	Men, 2024 Q1	Men, 2023 Q1	Women, 2024 Q1	Women, 2023 Q1
Total (15 till 75 years)	77,1	76,7	68,9	68,6
15 till 25 years	75,1	76,0	75,4	74,5
25 till 35 years	89,9	89,3	84,6	84,8
35 till 45 years	91,5	92,1	82,6	83,5
45 till 55 years	88,6	90,1	83,3	82,6
55 till 65 years	82,2	81,1	68,4	67,6
65 till 75 years	27,0	22,9	12,5	11,8

Source: Published in the CMS: December 20, 2023

The net labour participation rate was 73.0% in the first quarter of 2024. In the same quarter a year earlier, the share of workers was 0.3 percentage points lower, namely 72.7%, so labour participation is growing. In all age groups except young people, women work less than men. The biggest difference can be seen among people over 55. A larger proportion of men work than women. In the first quarter of 2024, the net labour participation rate among women was 68.9%, and among men it was 77.1%. The difference in labour participation between men and women varies per age group. Among young people under the age of 25, labour participation among men is 0.3 percentage points lower. Above that age, women's labour participation lags behind that of men.

¹¹ SCP/Netherlands Institute for Social research, Is everyone participating? Parents and childcare, September 2023.

A relatively large proportion of women do not work due to caring responsibilities for their family or household. The difference was greatest among people over 55. Between the first quarter of 2023 and the first quarter of 2024, labour participation among men increased slightly more than among women (0.4 versus 0.3 percentage points). Labour participation among 35 to 54 year olds decreased. That difference is so small that it cannot be concluded that rise in women's labour participation is stagnating. Net labour participation increased among men and women in all age groups in the period 2013-2023, but most strongly among 55 to 64-year-old women: from 49.3% in 2013 to 68.3% in 2023 (+19.0 percentage points). There was also a significant increase among men in that age group (+14.1 percentage points). In 2020 – the first year of corona – labour participation fell among both men and women, but especially among young men and women up to the age of 25. In the following years, labour participation rose again.

Net labour participation increased among men and women in all age groups in the period 2013-2023, but most strongly among 55 to 64-year-old women: from 49.3% in 2013 to 68.3% in 2023 (+19.0 percentage points). There was also a significant increase among men in that age group (+14.1 percentage points). In 2020 – the first year of corona – labour participation fell among both men and women, but especially among young men and women up to the age of 25. In the following years, labour participation rose again.

2.1. Once part-time, always part-time?

In the 1980s, the government began to embrace part-time employment as a tool to increase women's participation in the labour market.¹² These efforts have proved successful. The labour participation rate of women rose rapidly and is now higher than in most other EU countries.¹³ However, this increase has resulted almost exclusively from a rise in part-time employment. Part-time employment, which was once seen and promoted as an ideal solution for working mothers with young children, has become the norm in our country for women in all stages of life. The proportion of women with a full-time job (35 hours or more per week) is barely higher than it was fifty years ago. It also became clear that working part-time is not limited to women with young children, despite this association commonly being made. Even before they have children, young women often start working part-time.¹⁴ But the largest group of women who work part-time consists of older women who are not raising children any more. These mothers frequently still work as much as, or only slightly more than they did when their children were young: once part-time, always part-time. These norms

¹² Merens, A. (2008). Vijftig jaar deeltijdwerk in Nederland: ontstaan en ontwikkeling van deeltijdbanen. In: W. Portegijs, M. Cloin, S. Keuzenkamp, A. Merens en E. Steenvoorden (red.), *Verdeelde tijd: waarom vrouwen in deeltijd werken*. Den Haag: Sociaal en Cultureel Planbureau, pp. 22-41.

¹³ Brakel, M. van den, W. Portegijs en B. Hermans, (2020). *Emancipatiemonitor 2020*. Den Haag: Centraal Bureau voor de Statistiek en Sociaal en Cultureel Planbureau.

¹⁴ Merens, A. en F. Bucx (2018). *Werk aan de start; jonge vrouwen en mannen op de arbeidsmarkt*. Den Haag: Sociaal en Cultureel Planbureau.

and habits mean that women (more so than men) experience the freedom to only work as much as they like and have time for other activities¹⁵. So part-time employment has become the standard working pattern for women. Women's modest working hours are actually affecting the Dutch economy negatively.¹⁶ If the Netherlands wishes to break free of the part-time trap, a further expansion of paid parental leave would be desirable.¹⁷

2.2. Income differences between men and women

The Wage Differences Monitor 2022¹⁸ shows that the unadjusted hourly wage of women in the business community is on average 16.4% lower than that of men. In 2014 this difference was 19.2%. In government jobs the differences are smaller, but still to the disadvantage of women. In 2022, women earned on average 5.1% less than men. A halving of the difference in hourly wages compared to 2014. The corrected wage differences (corrected on the basis of comparable jobs and comparable characteristics such as age and education level) are lower. Yet women still earn on average 6.9% less in business and 1.8% less in government jobs than men with comparable background characteristics and jobs.

Government policy is aimed at reducing or even eliminating these differences.¹⁹ This is done, among other things, by encouraging women to continue working after having children (because stopping paid work afterwards causes a permanent income gap) and encouraging men to take on more care responsibilities, including by expanding care leave for fathers. The Minister of Social Affairs and Employment wrote to the House of Representatives on 7 December 2023 that she was committed to the creation of the EU Pay Transparency Directive and that work is underway to implement this directive. At the same time, it can be noted that not very concrete measures (like for example the equal pay system which exists in Iceland²⁰) have been taken to date to resolve this pay gap.

¹⁵ Portegijs, W (2018). *Ons geld; vrouwen en mannen over het belang van inkomen en economische zelfstandigheid van vrouwen*. Den Haag: Sociaal en Cultureel Planbureau.

¹⁶ Kingma, A. en A. Vandeplas (2022). Genderkloof schaadt Nederlandse economie. *ESB*, 8 maart 2022.

¹⁷ Portegijs, W. (2022). *Eens deeltijd, altijd deeltijd. Waarom vrouwen in deeltijd blijven werken als ze 'uit' de kleine kinderen zijn*. Den Haag: Sociaal en Cultureel Planbureau.

¹⁸ Rik van der Vliet, Femke Bosman, Bram Hogendoorn, Jeanine van Wissen-Floris, Jochem Zweerink (Wage Differences Monitor 2022) ('Monitor Loonverschillen 2022'), available at: www.cbs.nl/nl-nl/longread/aanvullende-statistische-diensten/2023/monitor-loonverschillen-mannen-en-vrouwen-2022

¹⁹ T. van der Valk, *ESB*, 6 March 2024 with reference to: Goldin, C. (2014). A grand gender convergence: Its last chapter. *The American Economic Review* 104(4), pp. 1091–1119.

²⁰ Information available at: www.government.is/topics/human-rights-and-equality/equality/equal-pay-certification/

2.3. Unemployment

In the first quarter of 2024, 373 thousand people were unemployed, 3,7% of the labour force (seasonally adjusted). The number of unemployed increased compared to the previous quarter (+13 thousand). The unemployed labour force consists of all 15 to 75 year olds who live in the Netherlands and do not have paid work, but have recently looked for work and are immediately available for it. The number of unemployed increased by 13 thousand in the first quarter of 2024. Previously, this number increased sharply by 141 thousand in the second and third quarters of 2020 – at the start of the corona crisis – to 528 thousand. Thereafter, the number of unemployed fell almost every quarter to 350 thousand (3,5%) in the second quarter of 2023. As in the third quarter of 2022, unemployment increased in the third quarter of 2023. Unemployment fell in the fourth quarter of 2023, only to rise again a quarter later.

3. Labour law protection

Until 2020, the Netherlands had a limited scheme regarding parental and other care leave. As a result of Directive 2019/1158 on work-life balance,²¹ which contains a number of measures to better enable parents and informal caregivers combine work and care, these arrangements have been extended. The Paid Parental Leave Act was introduced on 1 August 2022.

The most drastic measure for the Netherlands is that every parent is entitled to at least four months of parental leave, two months of which are paid. The Directive further establishes minimum requirements for family-related leave (paternity leave, parental leave and care leave) and flexible working arrangements. The aim is greater participation of women in the labour market and a better division of care tasks between men and women. Before the introduction of the Directive, the Work and Care Act (Wazo)²², the Flexible Working Act (Wfw)²³ and a number of other laws were amended.

Recently both the social partners as the Ministry of Social Affairs agreed (10 April 2024)²⁴ that the regulations regarding taking leave are too complicated: there are too many regulations that are not transparent. They therefore proposed to simplify the arrangements. According to the government there are 10 different statutory leave schemes that contribute to a good balance between work and care for children or other loved ones. However, people do not always know what they can use, because

²¹ 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, OJ L 188, 12.7.2019, pp. 79–93.

²² Wet van 16 november 2001 tot vaststelling van regels voor het tot stand brengen van een nieuw evenwicht tussen arbeid en zorg in de ruimste zin (Wet arbeid en zorg), Stb. 2021, 627. Available at: <https://wetten.overheid.nl/BWBR0013008/2020-01-01/>

²³ Wet van 19 februari 2000, houdende regels inzake het recht op aanpassing van de arbeidsduur (Wet aanpassing arbeidsduur), thans genaamd Wet flexibel werken, Stb. 2015, p. 464. Available at: <https://wetten.overheid.nl/BWBR0011173/2022-08-02.>

²⁴ Minister of Social Affairs, 10 April 2023, ref. 2024-0000094136.

the leave system has become complex and unclear over the years. The statutory leave system has been increasingly expanded in recent years. The expansions have led to a confusing leave system. Furthermore, current arrangements are complex and funding is uneven. Bottlenecks are also experienced when taking leave, in particular around taking parental leave. The government therefore proposes to reduce the various regulations to 3 types of leave for: 1) care for children, 2) care for loved ones and 3) care for personal situations. Care for children includes maternity leave, paternity leave, parental leave and adoption and foster care leave. Care for loved ones concerns the current arrangements for short-term and long-term care leave, and also offers options for taking leave for informal care. Due to the aging population, more and more workers will be required to provide informal care tasks. It is proposed to merge the current short-term and long-term care leave also to include informal care. This creates one leave right for the necessary care for 'loved ones' in the event of illness or in need of care.

When caring for children, the question is how long that leave should be and how high the benefit should be. The policy variants are ranging from an amount of the benefit of 70% to 100% of the last earned salary and a duration from 19 weeks to 25 weeks. The question is also whether this should apply equally to both parents. These arrangements can be deviated from in a collective labour agreement in favour of the employee.

Working from home has become very common in many sectors in the Netherlands, especially after the COVID-19 pandemic. In 2023, more than 5 million people worked from home sometimes or most of the time, 52% of all workers. This percentage is not higher in any EU Member State. Most people who work from home do so for part of their working time, i.e. at most half of their usual working hours.

4. Social protection

Parents receive different types of compensation related to the costs of having children. All parents are entitled to child benefit. € 3.6 billion is spent to cover these benefits. A parent receives per child (depending on the age of the child) € 220 to 320 per quarter. 1.8 million families receive this and it concerns 3.3 million children. Families with a low or middle income are also eligible for an allowance under the Child Budget Act (WKB). 2.7 billion € is spent on this. This concerns 1 million households and 2 million children. For the first child the parent receives an extra € 1,200 per year, for the second child € 1,000 per year and for the following children € 300 per year. A single parent receives an extra € 3,200 per year.

Furthermore, reimbursement is made for students and for school costs. When it comes to children up to the age of 18, this is effectuated by local municipalities.

5. Early childhood education

In practice, an important obstacle for young parents is the uncertainty about finding a childcare place. That childcare place is sometimes only found after the birth of the child and when parental leave is almost over, and parents face challenges because the law requires that the employee informs the employer much earlier how many hours of leave the employee wants to take and on which days.

Compulsory education for children exists from the age of 4. There is increasing attention for preschool education, i.e. for children aged 2.5 to 4 years. This is especially important for children who would otherwise fall behind in their learning, for example because the families where they live read little and the Dutch language is not spoken well. The early childhood programs vary per community. In Amsterdam for example, the program is as follows. Children between 2 and 4 years of age often attend a playgroup (half day care) or full day care centre. If the parents wish, or if they have been advised that their child would benefit from extra developmental help, their child can attend a special playgroup or day care centre that offers play-based education. This is known as preschool. Preschool is intended to prepare children for primary school, which begins at age 4 (group 1), and to help children with a risk of language delays to catch up to their peers. Some children receive extra language education when they begin primary school at age 4 (group 1). This is known as early childhood education (vroegschoolse educatie).

From age 5 (group 2), children are required to attend school. During the child's 14-month check-up, the Parent and Child team may recommend that the parents enrol their child into preschool if they believe that their child is at risk of language delays or developmental delays. This advice is known as a preschool advice (voorschooladvies). All Amsterdam children between the ages of 2 and 4 are entitled to 16 hours per week of preschool. Parents are required to pay an income-dependent contribution. They can apply for childcare allowance. If the parents are not entitled to childcare allowance, the City will pay the compensation next to their income-dependent contribution.

6. Future challenges

Intensive discussions are taking place about the future of the labour market in the Netherlands. It is feared that there will be a continued shortage of workers in some sectors, such as healthcare and education. This is a reason to encourage everyone, including women, to work more. There is also a discussion about what kind of economy the Netherlands should have. There is still room for some sectors, such as intensive agriculture, which often employ low-skilled workers. This discussion is also being held in the context of migration.

Recently, a law that allowed steel workers to work even more at the times and places they wanted was rejected by parliament. This means that employees can submit

a request to their employer to work less or more than initially agreed, or to work from home instead of in the employer's company, but the employer may refuse that request. At the same time, collective labour agreements are concluded that give employees in those companies that extra freedom. For example, the collective labour agreement of one of the four largest banks in the Netherlands stipulates that employees are completely free to work from home.

Promoting labour market participation of parents with young children in Poland

This article is peer-reviewed.

Abstract

Poland – undergoing intensive socio-economic transformation since 1989 – has achieved extraordinary economic growth, but at the same time its demographic conditions have gradually been worsening since at least the 1990's. It is mainly caused by profound changes in marriage and family conditions, especially the decrease in number of marriages, and the increase in divorces and family breakdown accompanied by low fertility. Polish authorities have started to address these challenges in 2016 and initiated the development of complex family policy, also in the area of labour market activity of parents. Since that time numerous measures and tools have been implemented in order to help mothers and fathers to reconcile their parenting and family life with professional activity. The article presents measures and tools in family and social policy which address parents within the labour market.

1. General context

Poland has started its socio-economic transformation in 1989 after partly free elections which radically changed the political situation established after the end of the Second World War in 1945. Since that time Poland has become included in the group of the satellite countries under control and influence of Soviet Union. Until 1989 the topic of family or demographic policy has not been regularly stressed or signalled and the family-work relations within the framework of socialist economy and society were organized similarly to other countries of the communist block. Due to the centrally controlled command-and-distribution economic system and so called “full-employment” policy the pressure for effectiveness and competition was almost absent. In the context of the households and private life in general, this period can be described as involuntary existence in conditions of permanent crisis and strongly limited freedom by the repressive regime. In the context of labour market it translated into lack of economic freedom on both sides of the work contract – employer and employee. It resulted e.g. in level of wages being rather standardized and controlled by state authorities than connected with effectiveness and quality of outcomes. During this period, marked by chronic deficits of numerous first necessities, Polish families functioned as buffering institutions and mitigating the effects of the economic crisis.

¹ Michał A. Michalski, Adam Mickiewicz University, Institute for Family and Society Studies Foundation, Poznań, Poland, michal.michalski@iworis.pl This study was prepared largely on the basis of information available in publications of the government administration and public institutions.

The years after 1989 were the scene of rapid economic growth and improvement in the general standard of living though not distributed equally. It means that there have been social and professional groups which experienced the decrease in stability and standard of living. The consequences of the profound multidimensional changes which started in 1989 were also visible in the demographic statistics. The dynamics of the demographic growth have decreased – the average number of child births each year reached 700,000 in the 1980s, while at the turn of the second and third decades of the 21st century it was below 400 thousand. This is why in the period of 1989-2018 Polish society has grown only by 400 thousands (from 38 million to 38,4 million). Negative population growth has been recorded between 2002-2005 and since 2013. This has been caused by decline of fertility, decreasing of subpopulation of women in reproductive age and growing number of deaths being the symptom aging of the population². At the same time the marriage rate started to fall and the divorce statistics began to grow. The age of first marriage has increased, as has the age of first childbirth. Accordingly, there has been five-fold increase in the percentage of out-of-wedlock births – from approximately 5% in the 1980s to over 25% at the turn of the second and third decades of 21st century. Single parenthood – related to increase in the number of divorces – becomes more common and refers to approximately 25% of Polish families.

During the last 30 years life expectancy in Poland has increased and actually is about 80 years for women and 74 for men. At the same time, mainly due to the decrease in fertility, the size of households has also decreased, which means that most households in Poland have at most one child, and a percentage of families without children reaches 25% of all households in Poland³. The demographic landscape, also in terms of economic context of forming families, having children and combining family and work, has been influenced by growing (and before unknown) unemployment which has reached highest level of 20,6% in 2003 and 2004. The rate above 10% has been present for almost 25 years from 1992 to 2016⁴.

² Panek T., (ed.) *Statystyka społeczna. Procesy społeczne, źródła danych i metody analizy* (Social statistics. Social processes, data sources and analysis methods), Polskie Wydawnictwo Ekonomiczne, Warszawa, 2020, p. 124.

³ Michalski, M. A., (ed.) *Nieodpłatna praca domowa – niedostrzegane źródło dobrobytu i rozwoju społeczno-gospodarczego* (Unpaid domestic work – an overlooked source of prosperity and socio-economic development), Fundacja Edukacja do Wartości, Warszawa, 2023, p. 38-39.

⁴ Statistics Poland, Główny Urząd Statystyczny (GUS), *Labour force survey in Poland – quarter 4/2023*, available at: <https://stat.gov.pl/en/topics/labour-market/registered-unemployment/unemployment-rate-1990-2024,3,1.html>

2. Labour market situation

One of the biggest problems of Poland after 1989, the beginning of political and economic transformation has been unemployment which has been effectively reduced after 2016. Since that time unemployment has gradually fallen down from 10,2% in 2016 through 8,5% in 2017, 6,8% in 2018, 6,1% in 2019, 5,5% in 2020, 6,5% in 2021, 5,9% in 2022, 5,5% in 2023 to 5,4% in 2024⁵. This means that for about three decades since 1989 unemployment has been one of the most serious social problems and challenges shaping the context in which people were making decisions about starting a family and becoming a parent.

According to national statistics, in the 4th quarter of 2023, economically active people constituted 58.9% of the population aged 15-89. This indicator was higher than in the 3rd quarter of 2023 (by 0.4 percentage points), as well as in the 4th quarter of 2022 (by 0.2 percentage points). Among men the economic activity rate was 66%, and among women it was 52.3%. In the 4th quarter of 2023, the number of professionally active people aged 15-89 was 17,870 thousand, out of which 17,323 thousand were employed and 547 thousand were unemployed. There was an economically inactive population in this age group of 12,492 thousand people. The professionally active population increased both in comparison to the 3rd quarter of 2023 by 103 thousand, i.e. by 0.6%, as well as in the 4th quarter of 2022 by 51 thousand, i.e. by 0.3%⁶. More than half of economically inactive persons in the labour market were women, their percentage was 60.3% (7,537 thousand). Taking into account the division between urban and rural areas, the majority of economically inactive were residents of the cities (60.4%; 7,546 thousand), which is related to a larger population in cities than in rural areas (3/5 and 2/5 respectively). Economically inactive women constituted 47.7% of all women aged 15-89, while the corresponding rate among men was 34%. Share of economically inactive among all urban residents was 41.2%, and among rural residents 41.1%. Regarding the 3,798 thousand economically inactive people of working age (women aged 18-59 and men aged 18-64) the most common reasons for inactivity were: learning and improving qualifications – 30.2%, illness, disability – 24.6% and family responsibilities – 19.1%. Retirement as a reason for passivity in the labour market were indicated by 8.1% of people of working age, and people discouraged by the ineffectiveness of looking for a job constituted 1.3% of this group⁷.

In 2024 the rising costs of energy, pressure for implementing the EU “Green Deal”, uneasy geopolitical situation and government policy gave grounds to expect an increase in unemployment.

⁵ GUS, Labour force survey in Poland – quarter 4/2023.

⁶ GUS, Labour force survey in Poland – quarter 4/2023.

⁷ GUS, Labour force survey in Poland – quarter 4/2023.

3. Labour law protection of and employment incentives for parents with young children

Polish labour law contains the following solutions and regulations connected with parenthood:

3.1. Maternity leave, maternity benefit and paternity leave

This is compulsory leave that every women employee is entitled to after she has given birth to a child, regardless of the type of her employment contract⁸. Its length depends on the number of children born at one delivery and amounts to 20 weeks – in the case of the birth of one child at one delivery, 31 weeks – in the case of two children at one delivery, 33 weeks – in the case of three children at one delivery, 35 weeks – in the case of four children at one delivery and 37 weeks in the case of five or more children at one delivery (a week of maternity leave corresponds to 7 days counted from the first day of this leave). An employee may use no more than 6 weeks of maternity leave before the expected date of childbirth. If she did not take it before giving birth, her maternity leave begins on the day of giving birth. After giving birth, the mother must take at least 14 weeks (out of the whole period she is entitled to) of leave to be with a child. She may resign from the remaining 6 weeks of leave (out of the basic 20 weeks leave) and return to work, provided that the remaining part of the leave is used by an employee – the father of the child, or for a period corresponding to the period remaining until the end of the maternity leave, the child will be personally cared for by the insured person – the child's father, who interrupted earning activity in order to provide this care.

The regulations also assume protection of pregnant women as well as woman who gave birth. During pregnancy and maternity leave, as well as from the date of submission by the employee of an application for maternity leave or part thereof until the end of this leave, the employer may not (1) prepare for termination without notice of the employment contract and may not (2) terminate the employment relationship with this employee, unless there are reasons justifying termination of the contract without notice due to the fault of the employee and the trade union representing the employee has consented to the termination of the contract. If the employee submits the application for maternity leave, earlier than the deadlines specified in the provisions of the labour law, the protection of the employment relationship comes into force 14 days before the commencement of the use of part of the maternity leave⁹. After the end of maternity leave, the employer shall allow the employee to work in the same position, in case it is not possible, in a position equivalent to the one held before the start of the

⁸ Ustawa z dnia 26 czerwca 1974 r. – Kodeks pracy (Dz. U. z 2023 r. poz. 1465), art. 180-182 (Act of 26 June 1974 – Labour Code (Journal of Laws of 2023, item 1465), art. 180-182).

⁹ Ministry of Family, Labour and Social Policy, 2024a, available at: <https://www.gov.pl/web/rodzina/urlop-macierzynski>

leave, on terms and conditions no less favourable than those that would apply if the employee did not take the leave.

For the whole period of parental leave the employee is entitled to maternity benefit,¹⁰ in the amount of 70% of the benefit calculation basis. However, the employed mother may submit an appropriate application no later than 21 days after giving birth to ensure that the monthly maternity allowance for the period of maternity and parental leave amounts to 81.5% of the allowance assessment basis. In case of the employed father of the child, he is entitled to an allowance amounting to 70% of the allowance calculation basis for the period of the non-transferable 9-week part of the leave¹¹.

Paternity leave is used by the employed father until the child is 12 months old. The duration of paternity leave is 2 weeks and can be taken in two weekly parts or once. The father of an adopted child may take paternity leave within 12 months from the date the decision on the adoption of the child becomes legally binding, but no longer than until the child turns 14 years old¹².

3.2. Parental leave and upbringing leave

Employed parents are entitled to parental leave to care for a child, as a rule, for 41 or 43 weeks. After the end of parental leave, the employer shall allow the employee to work in the same position, and if this is not possible, in a position equivalent to the one held before the start of the leave, on terms and conditions no less favourable than those that would apply if the employee did not take the leave¹³. In special situations, such as severe and irreversible disability or incurable life-threatening disease that occurred during the prenatal period of the child's development or during delivery, the length of parental leave is 65 weeks, if there is only one child, and 67 weeks in case of multiple births. Both employees – the child's parents – are entitled to parental leave in the above amounts. The parental leave – in general – may also be shared by both parents, in this case the total amount of parental leave may not exceed the total amount of the weeks of the leave available¹⁴.

¹⁰ Ustawa z dnia 26 czerwca 1974 r. – Kodeks pracy (Dz. U. z 2023 r. poz. 1465), art. 184 (Act of 26 June 1974 – Labour Code (Journal of Laws of 2023, item 1465), art. 184; Ustawa z dnia 25 czerwca 1999 r. o świadczeniach pieniężnych z ubezpieczenia społecznego w razie choroby i macierzyństwa, (Dz. U. z 2022 r. poz. 1732, z późn. zm.), Rozdział 6 (Act of June 25, 1999 on cash benefits from social insurance in the event of sickness and maternity, (Journal of Laws of 2022, item 1732, as amended), Chapter 6. Cf. Ministry of Family, Labour and Social Policy, 2024a, available at: <https://www.gov.pl/web/rodzina/urlop-macierzynski>

¹¹ Ministry of Family, Labour and Social Policy, 2024b, available at: <https://www.gov.pl/web/rodzina/urlop-rodzicielski>

¹² Government of Poland, *Urlopy i świadczenia związane z macierzyństwem i rodzicielstwem (Leaves and benefits related to maternity and parenthood)*, 2024, available at <https://www.biznes.gov.pl/pl/portal/00136#9>

¹³ Ministry of Family, Labour and Social Policy, 2024, available at: <https://www.gov.pl/web/rodzina/urlop-rodzicielski>

¹⁴ Ministry of Family, Labour and Social Policy, 2024b.

The employed parent has the possibility to combine the paternity leave with providing work not more than half of full-time working time for the employer granting the leave. In such case the duration of parental leave is extended in proportion to the working time performed by the employee while taking the leave or part of it, but no longer than 82 weeks – in the case of the birth of one child at one delivery, and 86 weeks – in case of simultaneous birth of more than one child in one delivery. For employees who have adopted a child or who care for the child while having been applied for the guardianship court to initiate proceedings regarding the adoption of the child have similar rights: they are entitled to parental leave only until the child turns 14¹⁵.

Upbringing leave lasts up to 36 months in total and is generally unpaid. Only low-income employees may receive any benefits in the form of parental allowance during the upbringing leave. This leave is granted to an employee with at least 6 months of employment, which also includes the period of receiving unemployment benefits. This leave can be used until the end of the calendar year in which the child turns 6 years old.

Care allowance is payable only to one of the parents or the guardian in situations when there is no other family member who could take care of the sick child. The employed parent is entitled to be released from the obligation to work if he or she takes care of another family member: spouse, parent, parent of his or her child, stepfather, stepmother, parents-in-law, grandparents, grandchildren, siblings and children who are over 14 years old, if during the time of care they live in a shared household¹⁶.

3.3. Flexible working time schedules

An employee raising a child until the child is 8 years old is entitled to apply for flexible work arrangement. The application has to be submitted no later than 21 days before the planned start of using this option. Flexible work arrangement includes, for example, reduced working hours, remote work, or a weekend work¹⁷ system and should fit to the employee's needs. An employee requesting this option is entitled to apply for returning to the previous work arrangement at any time. The work contract with an employee who has requested flexible work arrangement cannot be terminated or dissolved without notice¹⁸.

The employment contract with an employee cannot be terminated or dissolved, as well as the preparations for the employee's dismissal cannot be made, during pregnancy, during maternity leave, and from the date of submission of the application for

¹⁵ Ministry of Family, Labour and Social Policy, 2024b.

¹⁶ Ministry of Family, Labour and Social Policy, 2024.

¹⁷ It is regulated by Article 144 of the Labour Code: "At the employee's written request, a working time system may be applied to him, in which work is performed only on Fridays, Saturdays, Sundays and holidays. In this system, it is permissible to extend the daily working time, but not more than to 12 hours, in a settlement period not exceeding 1 month".

¹⁸ Government of Poland, 2024.

granting by the employee maternity leave, parental leave or part thereof, until the date of completion.

Termination of an employment contract by notice during pregnancy, maternity leave, leave under the terms of maternity leave, paternity leave or parental leave may only occur in case of bankruptcy or liquidation of the employer¹⁹.

3.4. Active Parent initiative

On 12 June 2024, the Act on supporting parents in labour market professional activity and raising children 'Active Parent' was introduced.²⁰ The Act offers three new benefits for parents raising small children who will be entitled to apply for the benefits from 1 October 2024: 'active parents at work' benefit, 'actively in the nursery' benefit and 'actively at home' benefit. The parent will have the chance to choose one of the three above benefits, assuming that only one of the benefits can be given for the same child in a given month. The option of changing the benefits multiple times will also be available – provided that in a given month the family will receive only one of the benefits for a given child. The 'actively at home' benefit will replace the 'Family Care Capital' program (Act of 17 November 2021 on Family Care Capital), while maintains acquired rights, i.e. guarantees the parent the right to retain the previously granted Family Care Capital with the possibility of choosing and switching to a new benefit only if it is more beneficial.

The 'active parents at work' benefit is addressed to professionally active parents of a child aged between 12 to 35 months. This benefit will amount to € 349 per month²¹ for a period of 24 months from the 12th to the 35th month of the child's age. In the case of disabled children with the need for permanent or long-term care or assistance from another person the benefit will be increased to € 440 per month.

The 'actively in the nursery' benefit – this benefit is supposed to replace the currently existing co-financing for reducing the fee for a child's stay in a nursery, children's club or day care provider, which is available in the amount of up to a maximum of € 93 per month. It is available for parents of children attending institutions caring for children up to 3 years of age – i.e. a nursery, children's club or day care provider. The amount of the benefit is up to € 349 per child per month and up to € 440 per month for a disabled child. The amount cannot be higher than the fee that is paid by parents for the child's stay in a care institution.

¹⁹ Government of Poland, 2024.

²⁰ Ministry of Family, Labour and Social Policy, 2024c, Active Parent, available at: <https://www.gov.pl/web/family/dziemianowicz-bak-family-and-work---they-go-hand-in-hand-applications-for-benefits-under-the-active-parent-scheme-may-be-submitted-starting-from-1-october>

²¹ Exchange rate 1 € = PLN 4,3 based on the Narodowy Bank Polski (Polish National Bank).

The 'actively at home' benefit is eligible for each child in the family aged 12 to 35 months and is paid in the amount of € 116 per month for 24 months. This benefit is addressed to those parents of children aged 12 to 35 months who are not entitled or will not voluntarily decide to use the 'active parents at work' or 'actively in the nursery' benefit, because of their inactive professional status or because their child is not attending a care institution²².

3.5. Parental supplementary benefit – “Mama 4+” program

This benefit is a special non-contributory benefit, financed from the state budget, intended to provide income to people who have given up employment or have not taken up employment due to raising children in large families, and for this reason they have not acquired the right to a pension, or their pension is lower than the minimum pension. It is intended for parents who have raised at least four children and when retired, they are not entitled to benefits even at the minimum level. This benefit provides these persons with basic means of living. This benefit may be granted to a mother who gave birth and raised or brought up at least four children, and in the event of the death of the child's mother or the mother abandoning the children or cessation of raising them for a long time – to the father who raised at least four children²³.

4. Social protection of parents with young children

Generally, the family is at the centre of social policy of the government. It is the main potential necessary for the development of the country. That is why the Ministry undertakes numerous activities in the field of state policy for children and families²⁴.

In Poland the following forms of care for children under the age of 3 are laid down in social policy regulations:²⁵

1. Nursery
2. Kids club
3. Daycare provider
4. Nanny

Parents are entitled to apply for supplementary financing which reduces for them the cost of the fee for a child's stay in a nursery, children's club or day caretaker. The subsidy is available to parents for a child attending a nursery, a children's club or under

²² Ministry of Family, Labour and Social Policy, 2024c.

²³ Ministry of Family, Labour and Social Policy, 2024d, Mama 4+ program, available at: <https://www.gov.pl/web/rodzina/program-mama-4-krok-po-kroku> and <https://www.gov.pl/web/rodzina/mama-4-plus-rodzicielskie-swiadczenie-uzupelniajace>

²⁴ Cf. <https://www.gov.pl/web/rodzina/co-robimy-wsparcie-dla-rodzin-z-dziecmi>

²⁵ Regulated by the “Act on care for children under the age of 3” published on of 4th February 2011. Available at: <https://www.gov.pl/web/family/care-for-children-under-the-age-of-3>

the care of a day care provider and who does not benefit from 'Family Care Capital'²⁶ program. The subsidy is transferred to the bank account of the entity running a nursery, children's club, employing a day care provider or to the bank account of a self-employed day care provider, intended to reduce the parent's fee for the child's stay²⁷.

There are strict standards for the care of children up to 3 years of age which are defined in the Act on care for children under the age of 3, including

1. working with a child;
2. children's safety;
3. organization of work, development and safety of staff employed in a nursery or children's club or a day care provider, respectively;
4. monitoring and evaluation;
5. cooperation of persons providing care with parents²⁸.

In Poland the following policies are available in the field of social protection.

“Family Care Capital” (“Rodzinny Kapitał Opiekuńczy”) program

“Family Care Capital” is a benefit for parents for the second and subsequent children in the family. The benefit is payable from the month in which the child turns 12 months old until the end of the month in which the child turns 35 months old. The maximum amount of capital available is as much as € 2,790 per child. This benefit offers additional support for combining family life with professional activity, as well as to encourage decisions to enlarge the family and improve fertility rates. It was also expected that this program will also facilitate reduction of poverty among families with children. It has been designed as an investment in the family and tool for strengthening social human capital. The program offers two options for paying this benefit monthly – either a payment of € 116 for a period of 2 years or € 232 for a year. The parent makes a decision in which of these two amounts he will receive the benefit²⁹.

“Family 800+” (“Rodzina 800+”) program

The program (initially introduced as 500+ in 2016) program is dedicated to support families in compensating the expenses related to raising a child, including caring for the child and meeting his or her life needs. Families with children are entitled to this benefit for each child up to 18 years of age. From 1 January 2024, the amount of the parental benefit has been increased from € 116 to € 186 per month per child³⁰.

²⁶ Cf. <https://www.zus.pl/baza-wiedzy/rodzinny-kapital-opiekunczy>

²⁷ Cf. <https://www.gov.pl/web/rodzina/dofinansowanie-pobytu-w-zlobku>

²⁸ Cf. <https://www.gov.pl/web/rodzina/standardy-opieki-sprawowanej-nad-dziecmi-w-wieku-do-lat-3>

²⁹ Cf. <https://www.gov.pl/web/rodzina/rodzinny-kapital-opiekunczy-pytania-i-odpowiedzi>

³⁰ Cf. <https://www.gov.pl/web/rodzina/rodzina-500-plus>

„Good Start” („Dobry Start”) program

This program is an investment into the education and human capital of Polish children and offers € 70 of one-time support for all pupils starting the school year. Families receive the benefit regardless of their income and it is granted once a year for a child attending school until the child turns 20. In case of disability of the child studying at school the benefit is available until the child turns 24³¹.

„Toddler+” program

The „Toddler+” („Maluch+”) program – initiated in 2011 – supports the creation and development of care institutions for children up to 3 years of age, such as nurseries, children’s clubs and day care providers. The recipients of the funding may receive financing for the creation and operation of care places. The latest version of the program will cover the years 2022-2029³².

Large Family Card (KDR)

This is a system of discounts and additional entitlements for numerous families with three kids and more (3+). The Large Family Card („Karta Dużej Rodziny”) – initiated in 2014 – operates both in public institutions and private companies. Families – participants of the program – have the opportunity to use cheaper offers from entities including: food, fuel, public transport, banking, services and recreational industries. KDR supports the budgets of large families and facilitates access to various goods and services³³.

Family benefits

These benefits include family allowance and supplements to family allowance, care benefits (care allowance, care benefit), one-off allowance for the birth of a child (so-called “cradle” („becikowe”) baby allowance), parental benefit, the right to which is acquired in the manner specified in the Act of 28 November 2003 on family benefits³⁴. A parent entitled to family allowance (depending on, among other things, on the income criterion) may apply for the following supplements:

- Child birth allowance
- Child care allowance during parental leave
- Allowance for raising a child alone
- Allowance for raising a child in a large family
- Allowance for education and rehabilitation of a disabled child
- Allowance for the child’s studies at school outside the place of residence
- Allowance for the beginning of the school year

³¹ Cf. <https://www.gov.pl/web/rodzina/dobry-start>

³² Cf. <https://www.gov.pl/web/rodzina/wsparcie-program-maluch>

³³ Cf. <https://www.gov.pl/web/rodzina/karta-duzej-rodziny-ogolne>

³⁴ Cf. <https://www.gov.pl/web/rodzina/rodzaje-i-wysokosc-swadczen-rodziny-kryteria-uzyskania>

Alimony fund

Benefits from the alimony fund are granted under the conditions specified in the Act of 7 September 2007 on assistance to persons entitled to alimony. The fund ensures material support to persons entitled to alimony who do not receive it due to the ineffectiveness of execution process. This support is provided by granting benefits from the alimony fund to people who meet statutory criteria (e.g. income criterion)³⁵.

Support for a family experiencing difficulties in fulfilling care and educational functions

A family experiencing difficulties in fulfilling care and educational functions is provided with support by the local government unit. The support for the family can be offered through the activities of institutions and entities acting for the child and family, day care centres or supporting families. The actions provided by local authorities may be oriented towards strengthening the role and functions of the family, developing care and upbringing skills, increasing awareness of family planning and functioning, assistance in family integration, counteracting marginalization and social degradation of the family and striving for family reintegration³⁶.

5. Early childhood education and child care systems

Early child education, partly organized in child care institutions is an important area for preparing young generations to function in social groups and undertake different social roles. It creates conditions for children development and their activity in family and institutional environment, it supports satisfying their basic needs, through early interventions it reduces or eliminates risk factors and equalizes development/educational opportunities and strengthens the child's resources³⁷.

The early childhood education and child care system in Poland is not uniform. It consists of two subsystems: the care system supervised by the Ministry of Family, Labour and Social Policy and the education system subordinated to the Ministry of National Education. Early care and education in Poland is divided into two stages:

1. for children aged 0-3 in a nursery, and from 2011 also in a children's club (in-centre care), may also be provided by day carers and nannies (home care),
2. for children aged 3-6/7 years in kindergarten, kindergarten section in primary school and other forms of pre-school education, i.e. pre-school education complex and pre-school centre (care only in the facility).

³⁵ Cf. <https://www.gov.pl/web/rodzina/wiadczenia-z-funduszu-alimentacyjnego>

³⁶ Government of Poland, available at: <https://www.gov.pl/web/rodzina/wsparcie-rodziny-przezywajacej-trudnosci-w-wypelnianiu-funkcji-opiekunczo-wychowawczych-podstawowe-informacje>

³⁷ M. Czub, A.I. Brzezińska, T. Czub, K. Appelt, Wczesna edukacja i opieka nad dzieckiem jako wyzwanie dla polityki społecznej i oświatowej (Early childhood education and care as a challenge for social and educational policy) „Polityka Społeczna”, nr 1/2012, p. 21.

Care in the nursery, as well as by day carers and nannies, is provided to children from the age of 20 weeks, and in the children's club – to children from the age of 1 year. Preschool education is available to children from the beginning of the school year in the calendar year in which the child turns 3, until the end of the school year in the calendar year in which the child turns 7. In particularly justified cases, children over 2.5 years of age may also benefit from preschool education. According to the Act of 14 December 2016, Education Law, a child aged 6 is obliged to undergo one year of pre-school preparation. Children aged 3 and older have the right to pre-school education guaranteed by law³⁸. The right to a place in kindergarten is available to all willing 4- and 5-year-olds (from 2017 also to 3-year-olds). Actual legal regulations, along with the increasing number of available places in institutions and the decreasing number of children in different age groups, promote the gradual dissemination of pre-school education.

According to data from 2020, 93% of children over 4 years of age are covered (slightly less than the EU average), while in 2010 it was 76%. The participation of the youngest eligible group of children in preschool education – aged 3 – also increased significantly. Taking into account this group, the level of participation in early education and care among children below the starting age of compulsory schooling is currently 88% (in 2013 it was 76%), compared to 93% in EU³⁹.

Tasks related to the care of children up to 3 years of age fall within the local community's own responsibility. In Poland, the legislation does not guarantee a place in an institution for children under 3 years of age. The aim of the changes introduced in 2011 in the care of children up to 3 years of age was to create conditions for the development of various forms of care and to improve their standards⁴⁰. Since 2011, the government program "Maluch" ("Toddler", later renamed to "Toddler+") has been implemented in the country to provide financial support to entities willing to create institutional forms of care for children up to 3 years of age (nurseries, children's clubs and day care providers)⁴¹.

During recent years, the number of small child care facilities has significantly increased, although COVID-19 pandemic has halted this growth. Interest in institutional care for children up to 3 years of age has decreased. That is why in 2021, the number of

³⁸ Polska na drodze zrównoważonego rozwoju Raport 2020 (Poland on the path to sustainable development Report 2020) <https://eurydice.eacea.ec.europa.eu/pl/national-education-systems/poland/wczesna-edukacja-i-opieka-ecec>

³⁹ Cf. <https://raportsdg.stat.gov.pl/2020/cel4.html>

⁴⁰ Eurydice, available at: <https://eurydice.eacea.ec.europa.eu/pl/national-education-systems/poland/dostepnosc-placowek>

⁴¹ E. Subocz, Wczesna edukacja i opieka nad dzieckiem jako wyzwanie dla polityki społecznej z perspektywy Unii Europejskiej (Early childhood education and care as a challenge for social policy from the perspective of the European Union), "Problemy Wczesnej Edukacji" / "Issues in Early Education" 1 (44) / 2019, available at: <https://doi.org/10.26881/pwe.2019.44.10>, p. 110.

children staying in nurseries, children's clubs and nursery departments decreased by 58.6 thousand compared to 2020. In 2021, there were 170.5 thousand kids in care facilities for children under 3 years of age, including 1.3 thousand disabled children. Similarly, compared to 2020, in 2021 the number of early care facilities increased by only 6%. For example, in 2021, nurseries run by municipalities accounted for only 25% of all nurseries (an increase of 1 percentage point compared to 2020). The rest are private nurseries (75%). Municipalities also run only 17% of all children's clubs (an increase of 4 percentage points compared to 2020) – 83% are non-public institutions⁴². In the end of 2022, 177.1 thousand children used nurseries and children's clubs – the vast majority of whom (almost 92%) were in nurseries⁴³.

Regarding institutional care for small children, it is useful to present some findings from the report published in 2023 by Polish Generations Institute (Instytut Pokolenia). According to the report: “many parents decide to use institutional care for small children after the end of paid parental leave. In 2022, nationwide, 18% of children under three years of age were covered by such care. So we asked parents what the advantages and disadvantages of their children's stay were in the nursery. The most frequently mentioned advantages were the ability for both parents to work (49.0%), and in terms of benefits for the child's development – the opportunity to learn independence (43.6%) and development of communication skills (42.6%). However, the most common disadvantages were: the need to take care of a sick child, who among peers are more likely to get sick (57.7%), high costs of nursery fees (53%) and the stress of a child who experiences separation from his or her parents (45.9%).”⁴⁴

In case of preschool education, in the 2022/2023 school year, the popularization rate of preschool education for children aged 3-5 covered by preschool education was 90.2%, and it was an increase by 0.5% compared to 2021/2022. In 2022, the number of children receiving pre-school education increased to 1,533.4 thousand, compared to 2021 – an increase by 61.7 thousand children. When it comes to difference between cities and villages, more children aged 3-5 years old (97.8%) attend kindergartens in cities than in rural areas (80.8%). The difference – and relatively low rate of popularization of pre-school education in rural areas is due to, among others, the fact that some children living in rural areas commute and use pre-school education facilities located in cities⁴⁵.

⁴² Eurydice, available at: <https://eurydice.eacea.ec.europa.eu/pl/national-education-systems/poland/dostepnosc-placowek>

⁴³ GUS, *Żłobki i kluby dziecięce w 2022 r.* (Nurseries and children's clubs in 2022), available at: https://stat.gov.pl/files/gfx/portalinformacyjny/pl/defaultaktualnosci/6000/3/10/1/zlobki_i_kluby_dzieciece_w_2022_r.pdf (published 31.05.2023), p. 2.

⁴⁴ Instytut Pokolenia (Generations Institute), *Rodzice wobec wyzwań opieki nad małymi dziećmi* (Parents facing the challenges of caring for young children), Warszawa 2023, p. 12.

⁴⁵ Ibidem.

6. Future challenges

In Poland there are still some challenges regarding combining parenthood and labour market activity. In the context of society, it seems to be some kind of balancing between being active on the labour market and increasing GDP at the moment or devoting time and energy for parenting which is necessary to create human and social capital of next generations – and future GDP – in the long run. Even though it seems obvious that it is important to take care of both, as a society Poles seem to value labour market activity more, which is visible in the alarming family and fertility statistics.

There seems to be a lack of balance and justice within society which means that the burden of costs seems to be bigger for parents that for those who do not choose family and parenthood⁴⁶. That is why there is space for improvement within the tax system, pension solutions and other areas of social and economic policy, even though since 2016 some important improvements and programs have been implemented.

One of the challenges is the sharing of the care and work within households. According to a report which analyses the problems of combining family life with labour market activity, there is unequal division of responsibilities between mothers and fathers: “in as much as 68% of families with small children aged 1-9, where both parents work, it is mothers who perform the greatest caregiving responsibilities. The opposite situation, where it is mainly the working father who takes care of the children, concerns only 11% of families. Similar proportions occur in relation to all household chores and care – in 55% of families, more work is done by the mother, and only in 10% it is father. Similarly, when a child is sick, it is primarily those who work who stay with him – mothers (50%), and much less often fathers (14%)”⁴⁷.

Other challenges in Poland cover: flexible forms of work in maternity duties, and employers’ facilities for mothers and fathers, parents expectations of employers regarding reconciliation professional work with motherhood, employers’ behaviour towards women during pregnancy and motherhood, women’s dilemmas related to returning to work after giving birth, consequences of an imbalance between work and motherhood, professional development of women and men during motherhood, factors facilitating or hindering parent’s professional development during parenthood, discrimination against parents by employers.

⁴⁶ M.A. Michalski, Family policy and social justice – or why invest in human capital?, “Scientific Papers of Silesian University of Technology. Organization and Management Series”, no. 164, 2022, p. 299-309. Family policy and social justice – how responsibly and effectively invest in human capital?, “Kapocs”, 2022/3-4, Maria Kopp Institute for Demography and Families (KINCS), p. 132-140.

⁴⁷ Polski Instytut Ekonomiczny (Polish Economic Institute), Komunikat prasowy nt. raportu *Praca a dom. Wyzwania dla rodziców i ich konsekwencje* (Press release of the report *Work and home. Challenges for parents and their consequences*), available at <https://pie.net.pl/38-proc-matek-dzieci-w-wieku-1-3-lata-jest-nieaktywnych-zawodowo/>, p. 1.

When it comes to stakeholders and areas of intervention which can be identified in terms of positive impact on the labour market participation of parents of young children it is certainly the state as the source of regulations, local governments, employers as well as civil society organizations.

As a summary of the current situation, and opinions and preferences of parents in Poland it is useful to refer to another report dealing with the problems and challenges parents are facing when caring for young children. According to the report “the issue of caring for small children has always been a challenge for parents, but especially today – with the low fertility rate and all its causes – the concern for creating favourable conditions for families to care for and raise children seems to be particularly important. As never before, achieving the reproductive goals of women and men encounters many obstacles, so it is important to look for space and propose solutions that will help achieve these goals. One of such spaces is support for families – institutional, social and familial – in caring for children, especially those up to three years of age.”⁴⁸

The conclusions drawn from the conducted research include that the surveyed parents would like, mainly mothers, to be able to continue direct care of their small children until the child turns two or, less often, three years of age, which is longer than currently available paid childcare leave allows;

- in the first place they would like grandparents to take care of children up to the age of three, in the second place – they choose institutional care – public nurseries;
- declare that returning to work after maternity or parental leave is very rarely connected with loss of job or demotion, which gives an increasing sense of security when planning offspring;
- state that women give up work to care for children much more often than men;
- the majority, women and men equally, declare their readiness to resign from work in a situation where the husband/partner or wife/partner provides support for the family, but women are more often ready to agree to reduced working hours;
- most of them are satisfied with the involvement of grandparents in the care of their grandchildren, and their insufficient involvement in the care of their children is explained by objective circumstances, such as too big distance from the grandparents, professional work or poor health.

Generally speaking, we see many different challenges in Poland in this area, but besides legal or institutional solutions there seem to be also important cultural issues which should be addressed. First of them is the perspective accepted in social and economic policy: too much stress seems to be put on equality and not enough on justice. This leads us to the second issue which is connected to deficit in valuing care and household work performed everyday by parents in families, which most often is invisible for

⁴⁸ Instytut Pokolenia, *Rodzice wobec wyzwań opieki nad małymi dziećmi (Parents facing the challenges of caring for young children)*, Warszawa 2023, s. 29.

economists and public opinion, yet produces goods and services amounting to even 50% of GDP. Third issue is that social and cultural image and perception of parenthood do not seem to reflect the real and full picture. The way parenthood is often perceived is too often one-sided – reduced to tiredness, stress and busyness. Not enough is being said and discussed about the positive aspects and impacts of parenthood – not only on children – but on society and parents themselves are mentioned.

In the new report of the Institute for Family and Society Studies based on survey of Polish parents one can find a lot of interesting findings, such as these:

- vast majority of respondents say that parenthood is a positive experience for them.
- children make life better. The arrival of a child has the most positive impact on improving the lives of respondents in terms of the sense of meaning in life (70%) and life in general (69%). Only 3% notice deterioration.
- children give their parents a lot of joy. 83% of surveyed parents spend nice time with their children. Only 2% expressed the opposite opinion.
- parenting does not cause poverty. Most parents claim that parenthood does not worsen the financial situation – 53% of respondents say that it had no impact on their wealth, and 23% declare that this impact was positive. Only 21% said the impact was “somewhat negative” and 2% said it was “definitely negative.” The older parents are, the more often they claim that the birth of the child had no impact on economic situation.
- parenthood does not harm the career. 82% of respondents state that parenthood does not have a negative impact on career development. With age, parents increasingly state that the appearance of a child had no impact on their career – from 38% of parents aged 18-24, through 54% for the group 25-24, over 60% in the group 35-44 and 45-54 years, up to 70% for those aged 55 and over.
- parenthood does not negatively affect health. The vast majority of parents (90%) claim that the arrival of a child has not changed their health in any way, and has even improved it.
- parenthood increases the sense of security for the future. This is indicated by the high degree of acceptance (over 70% of positive responses) of the statement relating to parents’ sense of security – “parenthood makes me look into the future with a greater sense of security.”
- parents experience personal development through children – according to 84% of respondents, parenting promotes the development of competences and skills in organizing time, distinguishing important from unimportant matters (81%), greater sensitivity to the needs of other people (79%), and better financial management (79%)⁴⁹.

⁴⁹ Cf. D. Gizicka, M.A. Michalski, K. Szwarc, *Plusy Rodzicielstwa. Doświadczenia polskich rodziców (Advantages of Parenthood. Experiences of Polish Parents)*, Instytut Wiedzy o Rodzinie i Społeczeństwie (Institute for Family and Society Studies), Poznań 2024, available at: <https://iworis.pl/raport-plusy-rodzicielstwa>

It seems that exploring the topic of parenthood and its different dimensions – including the relationship between having children and being active on labour market – combined with dissemination of good quality knowledge should be seen as an urgent and necessary task to be done in order to create the best possible climate, regulations and solutions which would foster win-win synergy between parenthood and professional activity. Labour market is important, but it has no future without the fundamental work and effort that parents perform every day within their families.

Promoting labour market participation of parents with young children – the labour market challenges for families with young children, especially for parents who wish to return to work in Portugal

This article is peer-reviewed.

Abstract

The present report analyses the Portuguese regime *vis-à-vis* the reconciliation of parenthood with employees' participation in the labour market (more specifically, the measures aiming at the return of parents of young children to work). It provides an overview of the most recent political discourse on this domain, the general characteristics of the Portuguese social and labour fabric, as well as the labour and social security framework and the available childcare options. As it is explained, despite recent advances and the tools that have been created towards this end, there are still several difficulties regarding such reconciliation, which can be traced to the persisting sociological gender inequalities present to this day within the Portuguese society.

1. General context

In Portugal, work-life balance is a constitutional imperative (Articles 59-1-b, 67-2-h, and 68² of the Portuguese Constitution). Consequently, the national legal order enshrines several mechanisms to promote this goal (as well as more gender equality *regarding* childcare), some of which were recently tuned into the latest reform of the Portuguese Labour Code (PLC) by Act No. 13/2023, of 3 April 2023, known as the 'Decent work agenda'.

Unsurprisingly, this issue is present in the recent political discourse, which was visible not only in the recent amendment to the PLC and to the corresponding social security regulation, but also in the latest measures concerning nurseries and kindergarten. In

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² Portugal has also ratified the ILO Convention No. 183, on Maternity Protection (2000), through Resolution of the Assembly of the Republic No. 108/2012, of 8 June, and Decree of the President of the Republic No. 137/2012, of 8 August.

fact, despite some recovery³ (heavily influenced by the waves of immigration), Portugal displays low birth rates and an aging population (in 2023, there was an average of 1.44 births per woman)⁴. It means that, aside from the constitutional requirement, there are also economic and demographic incentives regarding action in this domain.

Naturally, although it would be simplistic to blame work-life difficulties and childcare challenges as the sole drivers of the low Portuguese fertility rates, their impact should not be underestimated⁵. The instability and the persisting inequalities present in the Portuguese labour market are also very relevant. Furthermore, culturally and socially speaking, there are also gender inequalities. According to a 2019 survey, from Statistics Portugal, women are the ones predominantly responsible for domestic tasks, such as laundering (77,8%), food preparation (65%), and cleaning (59,3%)⁶. This means that while Portugal presents the highest rate of female employment in southern Europe⁷, care responsibilities within the family are shared in an unbalanced way between male and female employees and the traditional gender role model is prevalent.

2. Labour market situation

Despite its growing attraction regarding migrants, the Portuguese labour market presents many imbalances and inequalities. Namely, there are gender inequalities⁸, visible in several indicators, and despite their decreasing trend, unemployment rates are always higher when it comes to women (6,5% in 2022, against 5,5% for men)⁹. The rates of employment are higher among men (60,9%, against 52,6% for women in 2022)¹⁰, even though Portugal boasts a high participation of women in the labour market. Still, it should be noticed that this high labour force participation rate for women might be explained by the often-practised low salaries¹¹. And even though Portugal presents low rates of part-time work (in comparison with other EU countries),

³ Available at: <https://www.dn.pt/94213873/taxa-de-natalidade-recua-na-ue-e-sobe-em-portugal/>

⁴ Growing for the fifth consecutive year – available at: https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=645507713&DESTAQUESmodo=2

⁵ A study has ascertained that the barriers faced by younger employees, regarding stable employment, as well as the gender pay gap are among the main reasons behind this phenomenon – Januário *et al.* (2023), p. 67.

⁶ Statistics Portugal, Inquérito à Fecundidade – 2019. Available at: https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_publicacoes&PUBLICACOESpub_boui=6358344&PUBLICACOESmodo=2. In Portugal, as of 2016, women invested 55 minutes more in care work and 1 hour and 12 minutes more in household chores, on a daily basis. The average total unpaid time, on a daily basis, for women stood at 4 hours and 23 minutes, while for men it stood at 2 hours and 38 minutes; in sum, 1 hour and 45 minutes less – see Heloísa Perista *et al.* (2016), p. 61.

⁷ Eurofound (2015), p. 34.

⁸ Portugal ranks 15th on Gender Equality Index, 2.8 points below the score for the EU as a whole. Available at: https://www.cig.gov.pt/wp-content/uploads/2023/10/PT_2023_factsheet.pdf

⁹ Comissão para a cidadania e igualdade de género (2023), p. 60.

¹⁰ Comissão para a cidadania e igualdade de género (2023), p. 63.

¹¹ Eurofound (2015), p. 34.

the number of women in this kind of contractual arrangement is double that of men (9,1% against 4,7% in 2022)¹². Furthermore, despite being the majority of specialists being in intellectual and scientific activities (59,3% as of 2022), women only represent 38,5% of members of legislative and executive organs, administrators, and directors¹³. And, in spite of the efforts implemented to reduce the gender pay gap, medium and basic remuneration levels are higher for men, irrespective of qualification levels and seniority, and in all professional groups¹⁴.

This scenario is aggravated by the fact that there are several cultural and social dynamics at play that create a scenario in which most women still sustain the lion's share of household work, despite their full participation in the labour market¹⁵. This not only leads to more propensity regarding psychosocial risks (burnout, stress, among others), but may also create a boomerang effect – leading to a lower productivity of women, since they might refuse to invest either time or economic resources in their own professional training, when they realize that the financial return will not be compensatory¹⁶.

Another trait of the Portuguese labour market is its high segmentation¹⁷. This leads to a separation between stable and precarious employees, since while the former will be able to fully have access to the protection conferred by labour law, the latter will not despite often enjoying from employment contracts. For instance, when workers are subject to fixed term contracts, this places them in a precarious position and prevents them from invoking and enjoying their employment rights due to the fear of non-renewal of the contract¹⁸.

The phenomenon of in-work poverty should also be stressed. In fact, in 2022, one out of 10 employees was poor. And the risk of poverty was three times higher regarding employees with precarious contracts (by comparison with employees with permanent ones)¹⁹.

Another source of inequality in the Portuguese labour market stems from the difficulties faced by younger employees. In fact, younger employees are subject to higher rates of unemployment (in the fourth trimester of 2023, the percentage of

¹² Comissão para a cidadania e igualdade de género (2023), p. 64.

¹³ Comissão para a cidadania e igualdade de género (2023), p. 70.

¹⁴ Comissão para a cidadania e igualdade de género (2023), p. 73.

¹⁵ The pandemic was quite telling regarding this reality – see Catarina Carvalho (2022), pp. 21-22.

¹⁶ Milena Rouxinol/Ana Teresa Ribeiro (2022), pp. 137-138.

¹⁷ Organização Internacional do Trabalho (ILO) (2018), p. 20.

¹⁸ Ilona KOVÁCS/Maria da Conceição Cerdeira (2021) Desigualdades no mercado de trabalho: segmentação, polarização e precarização. Available at: <https://www.publico.pt/2021/07/29/opiniao/opiniao/desigualdades-mercado-trabalho-segmentacao-polarizacao-precario-1972162>

¹⁹ Susana Peralta *et al.* (2023), p. 4.

unemployed persons, between 16 and 24 years, was 20,3%)²⁰ and are often relegated to precarious employment contracts and low salaries (despite possessing, in many cases, high qualifications) – a scenario that has turned many younger persons towards emigration²¹.

Finally, regarding the participation of parents of children in the labour market, according to Eurostat²², overall, in the EU (in 2020), 72.2% of women and 90.0% of men with children aged 25-54 were employed. Regarding the same age category, but for people with no children, women had a higher employment rate (76.8%), while men had a lower employment rate (80.9%). Portugal contradicts this trend, displaying, after Slovenia (86.2%) and Sweden (83.5%), the third highest share (83%), in the EU, of employed women with children²³.

3. Labour law protection and employment incentives for parents with young children

3.1. Legal regime

The PLC²⁴ provides several mechanisms that aim at promoting work-life balance, which are the following²⁵:

1) Leaves

There is the initial parental leave, applicable to working mothers and fathers following the child's birth, consisting of 120 or 150²⁶ consecutive days, which may be shared (in observance of the mother's initial exclusive parental leave, of 42 days)²⁷ (Articles 40-1 and 41-1). This leave may be simultaneously enjoyed by both parents between the 120 and 150 days (Article 40-2). And it will be increased by 30 days when each of the parents enjoys, by themselves, a consecutive period of 30 days, or two periods of 15

²⁰ Statistics Portugal, Estatísticas do Emprego. Available at:

https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=593942664&DESTAQUESmodo=2

²¹ Margarida Rodrigues *et al.* (2022), pp. 11-14.

²² EUROSTAT, available at: <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210809-1>

²³ In addition, the lowest gender gaps for people with children were found in Lithuania (6.8 pp), Slovenia (8.8 pp) and Portugal (9.3 pp). For people without children, Portugal (0.1 pp), Belgium (0.8 pp) and Germany (1.0 pp) recorded the lowest employment gender gaps – EUROSTAT, available at: <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210809-1>

²⁴ These provisions are also applicable to employees with a public employment relationship – see Article 4-1-f of Act No. 35/2015, of 20 June.

²⁵ Any discrimination stemming from the exercise of parental rights is forbidden – see Article 35-A.

²⁶ The concrete amount depends on the employee's choice – see Catarina Carvalho (2023), p. 205.

²⁷ This leave is integrated in the initial parental leave and its aim is to ensure the mother's physical and psychological recovery (hence its exclusive enjoyment by the mother).

consecutive days (Article 40-3) – to promote a shared enjoyment of this leave²⁸. In the cases enshrined in Article 40-1 and 3, parents may, after enjoying the 120-day period, cumulate the remaining days of leave with part-time work (Article 40-4)²⁹.

The father also has a mandatory exclusive leave of 28 days, which may be enjoyed consecutively or in separated periods of seven days minimum, in the 42 days following the child's birth. The compulsory nature of this mechanism can be considered a positive action to promote the role of fathers in the care of young children³⁰. In addition, the father shall be entitled to a non-compulsory leave of seven days, consecutively or separately enjoyed, insofar they are invoked during the mother's initial parental leave (Article 43-2). In the case of adoption³¹ of a child under 15 years of age, the regime is similar to that of biological parenthood. Therefore, the applicants shall enjoy the previously analysed initial parental leave, as well as the father's exclusive leave (Article 44-1 and 2). There is also a complementary parental leave³² (Article 51-1) to provide assistance to a child (either biological or adopted) under six years of age³³. This leave has five different varieties³⁴:

- Extended parental leave, for three months,
- Part-time work for 12 months, with a daily working period equal to half of the comparable full-time situation,
- Part-time work for three months, with a daily working period equal to half of the full-time, insofar the leave is totally enjoyed by each of the working parents,
- Interspersed periods of extended parental leave and of part-time work, in which the total duration of the absence and the reduction of working time is equal to the working time periods of three months,
- And interspersed absences to work of equal duration to the working time periods of three months, as long as enshrined in collective agreements.

²⁸ Catarina Carvalho (2023), p. 206.

²⁹ This allows a softer return to work, preventing an abrupt interruption of the employee's caring responsibilities and facilitating their adjustment to their new and more demanding personal circumstances – see Catarina Carvalho (2023), p. 207 and Luísa Gonçalves (2023), p. 291.

³⁰ J. Gomes/ C. Carvalho (2011), p. 25; Rosário Ramalho *et al.* (2015), p. 11. Seven days shall be enjoyed immediately after the birth (Article 43-1).

³¹ This leave also applies to foster families (Article 44/14).

³² This leave corresponds to the one enshrined in Article 5 of Directive 2019/1158. There was an amendment of the PLC, in 2009, that led to the adoption of gender-neutral language. Therefore, there is a common “initial parental leave” (*licença parental inicial*), which can be shared between the mother and the father, thus eliminating the previously titled “maternity leave”. Consequently, several types of leave concerning childbirth and care of young children are called ‘parental leave’ (including the maternity leave). This modification brings about some frequent confusion in the identification of the different national leaves, since their designation does not correspond to the European one.

³³ The Directive allowed this mechanism to reach the child's eighth birthday, and such solution would have been more in line with the promotion of parenthood and the sharing of parenting responsibilities – see Catarina Carvalho (2023), p. 209.

³⁴ Which meets the goal enshrined in Directive 2019/1158 of allowing flexible ways of enjoying this mechanism – see Catarina Carvalho (2023), p. 210.

Any of these modalities is personal and non-transferable and can be enjoyed consecutively or up to three interspersed periods (Article 51-2). Once this leave is exhausted, employees are entitled to a (non-paid) leave for assistance to a child, to be enjoyed either consecutively or interspersed, up until two years (Article 52-1). There is also a similar leave restricted to the assistance of a child with disability, chronic disease, or cancer, which may be enjoyed for a period up to six months (renewable up to four years) (Article 53-1)³⁵.

2) Flexible working arrangements

Working parents with children up to 12 years of age or, irrespective of age, with disabilities or chronic disease, who live in the same household, are entitled to work part-time (Article 55-1). This right may be enjoyed by either parent, or by both, in consecutive periods, after the complementary parental leave (Article 55-2). And it may be renewed up to two years, or, in the case of a third child, up to three years, or, even still, in the case of a child with disability or chronic disease, up to four years (Article 55-4).

Additionally, employees with children up to three years or, irrespective of age, with disability, chronic disease, or cancer, who live in the same household, have the right to perform their activity via telework³⁶, insofar it is compatible with the work performed and the employer possesses the necessary resources and means for that effect (Article 166-A-2). This right may be extended up until when the child is eight years old when both parents are able to perform their activity through telework, insofar both do it in successive periods of equal duration in a maximum reference period of 12 months³⁷. Or in the case of single parents or when it is established that only one of the parents gathers the necessary conditions for this kind of work (Article 166-A-3-a) and b)).

Working parents (either one or both), with children up to 12 years of age, or, irrespective of age, with disabilities or chronic disease, who live in the same household, are entitled to work under a flexible schedule scheme (Article 56-1). Meaning that the employee will be able, within certain limits, to choose the hours in which their daily working period begins and ends (Article 56-2), and also, according to the case-law, the rest days³⁸. The employer can only refuse the employee's request on the grounds of compelling operational reasons or on the impossibility of replacing the worker. Moreover, this justification must be considered valid by the entity in charge of promoting equal opportunities between men and women (Commission for Equality in Labour and Employment – CITE). If the CITE does not agree, the employer must challenge the

³⁵ It may be renewed up to six years when there is such need, attested by a medical report (Article 52-6). And this limit shall not be applicable to terminal cases, attested by a medical report (Article 52-7).

³⁶ Catarina Carvalho (2022), pp. 19 and ff.

³⁷ This provision intends to promote a more balanced sharing of parental responsibilities – see Catarina Carvalho (2023), p. 198.

³⁸ STJ Judgement, 12-10-2022, Proc. 423/20.9T8BRR.L1.S1.

decision before the court in order to obtain a ruling recognizing the justification for the refusal of the employee's request.

3) Time off

Following ILO Convention No. 183, working mothers who breastfeed are entitled to time off for that effect (while it lasts) (Article 47-1). When there is no breastfeeding and both parents work, either of them or both are entitled to a work dispensation for nursing, until the child reaches one year of age (Article 47-2). Time off for breastfeeding or nursing does not entail the loss of any rights and is considered as an effective provision of labour (Article 65-2).

In addition, employees are entitled to time off work to provide unavoidable and indispensable assistance, in case of illness or accident, to a child under 12 years of age or, irrespective of age, to a child with a disability or chronic disease, up until 30 days per year or during the whole time of hospitalization (Article 49). Employees are also entitled to time off work up until 15 days per year to provide unavoidable and indispensable assistance, in case of illness or accident, to a child of 12 or more years of age (as long as, when they are of age, they belong to their household) (Article 49-2)³⁹.

4) Work exemptions

Employees who have recently given birth or who are breastfeeding have the right to be exempted from certain working regimes deemed to be more burdensome (adaptability, bank of hours, and concentrated schedule). This right shall also be applicable to parents who are nursing, when such regimes affect its regularity (Article 58-1 and 2). Furthermore, employees with children under 12 months of age are not obliged to do overtime work. And an employee who is breastfeeding is not, during this period, obliged to do overtime work when that is necessary for her health or that of the child (Article 59-2).

3.2. Collective bargaining

Regarding the scope of collective bargaining in this domain, Article 3-3-b) states that legal provisions on parenthood may only be derogated *in mellius*. In 2023, out of a total of 299 collective agreements, 101 (either new or revised) referred to reconciliation⁴⁰. There is a clear concern with working time, given the impact it has in this domain. And while, in some subjects, collective agreements either repeat or refer to the legal regime, without innovating, in others they go beyond the legal regime, conferring extra rights (namely monetary, such as birth allowances) or enshrining new regimes⁴¹ (e.g. unpaid leave for up to one year after giving birth; time-off for up to two days

³⁹ These absences cannot be simultaneously enjoyed by both parents (Article 49-4). Furthermore, grandparents can prevail themselves on this time off when the parents cannot (Article 50-3).

⁴⁰ Whereas, in 2022, there had been 86.

⁴¹ Centro de Relações Laborais (2024), pp. 203-205. Available at: <https://www.crlaborais.pt/inicio>.

each month, without loss of rights, within 12 months after birth; time-off on their children's birthday day).

Finally, while the transposition of Directive 2019/1158 on work-life balance for parents and carers began with Act No. 83/2021 (which introduced Article 166-A regarding the right to telework), it was concluded only with Act No. 13/2023⁴². A significant part of the rights enshrined in the Directive were already present in the Portuguese legislation which, in several domains, goes beyond the EU minimum legal standards (namely regarding parental leaves and protection against contract termination)⁴³. Still, the national regime does not comply with Article 5 of the Directive, since the standard complementary parental leave does not reach the four months imposed therein⁴⁴.

4. Social protection of parents with young children

Decree-law (DL) No. 91/2009, of 9 April, enshrines the legal regime applicable to the social security protection of parenthood, pertinent both to employees and to independent workers⁴⁵ (Article 4-1 DL No. 91/2009)⁴⁶. As noted by Literature, this regime holds crucial importance regarding work-life balance. Firstly, a replacement income is vital to ensure the efficacy of the abovementioned rights (since they often lead to loss of the employee's salary). And, furthermore, given that such balance presupposes the sharing of responsibilities, the social security system may prove to be an important tool towards the promotion of said goal⁴⁷.

Specifically aiming at the post-birth scenario, this Decree-law enshrines several benefits (Article 7-1 DL 91/2009):

- the parental allowance,
- the extended parental allowance,
- the adoption allowance,
- the allowance for assistance to a child,
- the allowance for assistance to a child with disability, chronic disease, or cancer.

The parental allowance encompasses four modalities (Article 11 DL No. 91/2009):

- the initial parental allowance,
- the mother's initial exclusive parental allowance,

⁴² Article 1-b of Act No. 13/2023, of 3 April.

⁴³ Catarina Carvalho (2023), p. 199.

⁴⁴ For further developments, see Catarina Carvalho (2023), pp. 202-203.

⁴⁵ In order to enjoy from these benefits, beneficiaries must present a record of six civil months of salaries, consecutive or interspersed. However, regarding the exclusive initial parental allowances (for the mother and the father), they must present a record of one month's salary, in the six months prior to the fact that determines the benefit – Article 25-1 and 2 DL 91/2009.

⁴⁶ Most of the employees with a public employment relationship prior to 1 January 2006 benefit from the regime provided for in DL No. 89/2009, of 9 April 2009.

⁴⁷ Luísa Gonçalves (2023), p. 287.

- the initial parental allowance attributed to a parent in the case of inability of the other,
- the father's initial exclusive allowance.

Regarding the initial parental allowance, this benefit is provided during the periods encompassed in the (aforementioned) initial parental leave, enshrined in Article 40 of the PLC (Article 12 of DL No. 91/2009). However, the amounts vary. The daily amount of this allowance (Article 30-1 and 2 of DL No. 91/2009)⁴⁸:

- in the case of the 120 days' initial parental leave, corresponds to 100% of the employee's salary;
- in the case of the 150 days' initial parental leave, corresponds to 80% of the employee's salary;
- in the case of the 150 days' initial parental leave, when both parents enjoy, at least, 30 consecutive days, or two periods of 15 consecutive days, corresponds to 100% of the employee's salary;
- in the case of the 180 days' initial parental allowance, when both parents enjoy, at least, 30 consecutive days, or two periods of 15 consecutive days, corresponds to 83% of the employee's salary;
- in the case of the 180 days' initial parental allowance, when the father enjoys, at least, a period of 60 consecutive days, or two periods of 30 consecutive days (from the total amount of 180 days, beyond the father's initial exclusive parental leave), corresponds to 90% of the employee's salary – the intent behind this regime is to promote the sharing of this leave by both parents and, consequently, more gender equality⁴⁹ – and
- when working parents cumulate the initial parental allowance with part-time work, corresponds to half of the previously analysed amounts.

The mother's initial exclusive parental allowance is paid for 42 consecutive days after childbirth (which are integrated in the period of concession of the initial parental allowance) (Article 13 DL No. 91/2009). While the father's initial exclusive parental allowance is paid during the periods encompassed by the father's initial exclusive parental leave (Article 15 DL No. 91/2009). Both their amounts correspond to 100% of the employee's salary (Article 31 DL No. 91/2009). There is also the allowance for adoption, which corresponds *mutatis mutandis* to the initial parental allowance, the father's initial exclusive parental allowance, and the extended parental allowance (Article 17-1 DL No. 91/2009).

Furthermore, it should be stressed that, until recently, the complementary parental allowance (Article 16 DL No. 91/2009) was only awarded in situations of extended

⁴⁸ The salary reference for this effect is determined by the following formula: $R/180$. R represents the total amount of salaries pertaining to the first six civil months that precede the second month before the event that triggers the benefit – Article 28-1 DL No. 91/2009.

⁴⁹ Luísa Gonçalves (2023), pp. 292-293.

parental leave for three months, and even then, only if the leave was taken immediately after the initial parental leave or the other parent's additional parental leave. This allowance would not be provided when the leave was not taken at such chronological moments, or to those who opted for a part-time work leave. In addition, the rate was only of 25%.

This panorama was changed with the regulation of Act No. 13/2023 (which, as previously noted, transposed Directive 2019/1158 into the Portuguese legislation), operated by DL No. 53/2023 of 5 July 2023⁵⁰ which made the necessary adjustments to fully implement the Directive within in the scope of the social security system.

Consequently, nowadays, for cases of extended parental leave, there is a variable rate depending on how it is invoked. The rate will be 30% if only one of the parents takes the leave, or even if both parents do it, but not in full (Article 33-1 DL No. 91/2009). But it will increase to 40% if each parent takes the entire extended parental leave (Article 33-2 DL No. 91/2009).

On the other hand, if the complementary parental leave is taken as part-time work for three months, with a working time period equal to half the full-time period, provided that the leave is taken in full by each parent (Article 51 PLC), the employees will be entitled to social benefits with a 20% replacement rate (Article 33-3 DL No. 91/2009), unlike what happens with the 12 months part-time arrangement, which lacks any social benefit⁵¹. This solution aims to promote the sharing of parental responsibilities, towards a more complete work-life balance. In fact, once the enjoyment of the part-time additional parental leave is accompanied by social benefits, there is an impetus towards sharing parental responsibilities, since the enjoyment of this type of leave implies its use, in full, by both parents⁵².

Additionally, the option for interspersed periods of extended parental leave and part-time work also entitles parents with a social benefit (with a 30% replacement rate).

Articles 5 and 8(3) of Directive 2019/1158 determine that each employee is entitled to four months of parental leave, at least two of which are non-transferable to the other parent. And the payment or allowance for this (non-transferable) period must be set in a way as to facilitate the take-up of parental leave by both parents. However, it is doubtful that the rate of 30%, or even 40%, in the Portuguese reality, is considered enough to satisfy that purpose⁵³, which may raise problems of compliance with the Directive.

⁵⁰ DL No. 53/2023, of 5 July 2023, came into force on 6 July 2023 but took effect on 1 May 2023.

⁵¹ The difference between these modalities can only be understood when examined in conjunction with the social protection regime introduced by DL No. 53/2023.

⁵² Luísa Gonçalves (2023), p. 289.

⁵³ Luísa Gonçalves (2023), p. 294.

In turn, the allowance for assistance to a child is granted when there is an impediment to the performance of work deriving from the need to provide unavoidable and indispensable assistance to a child, in the cases where this allows for time off work to provide assistance to a child (Article 49 PLC)⁵⁴. In this case, the amount of the allowance corresponds to 100% of the employee's salary (Article 35 DL No. 91/2009).

There is also the allowance for assistance to a child with disability, chronic disease, or cancer (Article 20 DL No. 91/2009), applicable to the previously mentioned cases of leave for assistance to a child with disability, chronic disease, or cancer. The daily paid amount corresponds to 65% of the employee's remuneration (with a maximum monthly amount of two times the amount of the social index support (*indexante dos apoios sociais*)⁵⁵. But no similar allowance is provided to the leave for assistance to a child. In the case of employees with a public employment relationship, the subsidies and the associated amounts are the same, despite being enshrined in a different legal instrument (DL No. 89/2009, of 9 April). Due to their amounts and duration, it is highly unlikely that the Portuguese benefits create a scenario of welfare trap.

5. Early childhood education and childcare systems

In Portugal, the early childhood education and childcare system is divided into two phases: children under three years old and those of three and more years of age.

Regarding the first segment, their education and care is not part of the education system. This means that Portugal does not possess a State provided system of nurseries. Therefore, until children reach three years of age⁵⁶ (when they become eligible to be enrolled in kindergartens – of which there is a public system, aside from private ones), parents must turn to the social, solidarity, and private systems (such as nurseries from private institutions of social solidarity, nurseries from the Santa Casa da Misericórdia, private for-profit bodies, among others), which can be expensive and are also insufficient to accommodate all of the children.

⁵⁴ This regime is applicable only in case of sickness or accident, for children until the age of 12, or irrespective of age in case of disability or chronic illness. In these scenarios, the employee is entitled to 30 days per year or to all the hospitalization period if the child remains at the hospital. When the child reaches 12 years of age, the employee is only entitled to 15 days per year.

⁵⁵ In 2024, the amount of the social index support is of 502,26 € – see Ordinance No. 421/2023, of 11 December.

⁵⁶ Article 3-1 Act No. 5/97, of 10 February (available at: <https://diariodarepublica.pt/dr/detalhe/lei/5-1997-561219>)

For this effect, there are three different kinds of structures:

- “*Creches*” (Ordinance No. 262/2011, of 31 August, and Ordinance No. 411/2012, of 14 December), that is, nurseries;
- “*Amas*” (Childminders), a social service (DL No. 115/2015, of 22 June) provided by a person duly licensed by the Institute for Social Security, I.P. (*Instituto da Segurança Social, I. P. – ISS, I.P.*), who is paid to take care of children up to three years of age at his/her place of residence;
- “*Creche familiar*” (family nursery) (Ordinance No. 232/2015, of 6 August), that consists of a group of no fewer than four childminders, who work within an institution like Santa Casa da Misericórdia de Lisboa or in private social solidarity institutions (IPSS) or legally equivalent institutions. These places are designed to care for children aged up to three years old⁵⁷.

Since 2020, the State has been progressively implementing free access (free of costs) to nurseries (Article 146 Act No. 2/2020), a program that, in the meantime, has been dubbed as “*Creche Feliz*”⁵⁸. Its goal is to promote a better work-life balance, to answer the demographic challenge, and to fight child poverty.⁵⁹

At first, it aimed only children already benefiting from State’s aid and it only applied to “*creches*” and “*creches familiares*” from the private social solidarity system, with a cooperation agreement with the State (Article 2-1 Ordinance No. 271/2020, of 24 November). In the meantime, due to severe vacancy constraints⁶⁰, this benefit has been progressively extended. Nowadays, it is applicable to children born after 1 September 2021, irrespective of their socio-economic background⁶¹, and it may also be invoked regarding adhering private nurseries and nurseries from public entities (such as local councils, higher education institutions, among others), when there are no vacancies in the private social solidarity system, with a cooperation agreement with the State, located in their city of residence, the city of the parents’ workplace, or the respective neighbouring cities (Article 2 of Ordinance No. 305/2022, of 22 December). These gradual extensions were required by the program’s growing demand and the inability for the nurseries from the private social solidarity system to provide a sufficient answer.

⁵⁷ More information is available at: <https://eurydice.eacea.ec.europa.eu/national-education-systems/portugal/early-childhood-education-and-care>

⁵⁸ See <https://www.seg-social.pt/rede-de-creches-gratuitas>.

⁵⁹ See the preamble of Ordinance No. 271/2020, of 24 November.

⁶⁰ The number of insufficient vacancies has been a constant problem. Information available at: <https://expresso.pt/sociedade/ensino/2023-09-05-Nao-ha-vagas-nas-creches-e-pais-ja-equacionam-despedir-se-para-ficar-com-filhos-7d51356c> and <https://cnnportugal.iol.pt/pre-escolar/criancas/sem-vaga-no-pre-escolar-publico-centenas-de-familias-terminam-o-creche-feliz-e-nao-sabem-o-que-fazer-aos-filhos-a-partir-de-setembro/20240726/66a2506ad34ea1ac626ca5f3>

⁶¹ Nevertheless, there are preference criteria to accede to this benefit and, for this purpose, the socio-economic conditions of the household (among other elements are considered) – see the Annex of Ordinance No. 198/2020.

Furthermore, it has already been announced that this benefit will now also extend to kindergartens. Indeed, it is estimated that children that, so far, have enjoyed the “Creche Feliz” program will progress to kindergartens. And the public network of kindergartens will not be sufficient to accommodate all demand⁶².

Regarding kindergartens, children of three and more years of age are covered by the (optional) pre-primary education (before moving to compulsory schooling, when they reach six years of age), which is the first stage of basic education in the lifelong education process (Act No. 5/97, of 10 February 1997). In this case, there is a public network, complemented by a private one.

There is, of course, a very clear connection between childcare and the possibility of parents returning to work⁶³. In fact, as previously noted, the standard duration of the initial parental leave (which corresponds to the usually called maternity leave) is 120 days. After that, parents must go back to work and have to find a place to leave their children. Hence, without comprehensive measures provided by the State, the lack of appropriate answers is an overwhelming challenge. Particularly since, nowadays, due to the changes to the social fabric, with the consequent disintegration of family networks, many parents see themselves without a support net to raise their children. It is common for grandparents to still work, when their grandchildren are born (which prevents them from helping), or to live far away (again, preventing them from helping in child-rearing). This means it falls mostly on the parents, by themselves, to ensure their children’s care. And the lack of public responses can be daunting and expensive.

6. Future challenges

A true reconciliation between parental responsibilities and work (and, therefore, the positive participation of parents of young children in the labour market) requires a balanced approach from a gender perspective. As mentioned above, since 2009, the Portuguese legislator has been developing efforts in that sense. This was visible, for example, in the adoption of a gender-neutral nomenclature and the equal consecration, regarding men and women, of rights that are not biologically connected. And, as well,

⁶² Joana Morais Fonseca, Ministério da Educação acusa anterior Governo de falta de planeamento nas creches. Estão “em falta mais de 19.600 lugares” (2024), Available at: <https://eco.sapo.pt/2024/06/11/ministerio-da-educacao-acusa-anterior-governo-de-falta-de-planeamento-nas-creches-estao-em-falta-mais-de-19-600-lugares/> and <https://www.portugal.gov.pt/pt/gc24/comunicacao/comunicado?i=acesso-a-educacao-pre-escolar-por-criancas-de-3-anos>

⁶³ In fact, faced with the difficulty of getting a vacancy in the childcare system for their children, some parents face the possibility of having to quit their jobs or requiring a leave without pay. Information is available at: <https://sicnoticias.pt/pais/2024-05-17-video-falta-de-creches-7-em-cada-10-criancas-nao-tem-acesso-2431c47e>.

by the previously underscored promotion of a greater sharing of leaves, through social security incentives⁶⁴.

However, there is still work to be done, since, both in households and regarding parental rights, women are still perceived as playing the predominant role⁶⁵. This circumstance (along the difficulties regarding adequate childcare) hinder an adequate work-life balance. Namely, the social security incentives could be extended to other leaves and time off work, to try and make this sharing more appealing⁶⁶. Naturally, there are also social and cultural dynamics at stake. But this is one situation in which legal incentives can contribute to change perceptions and promote evolution.

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⁶⁴ Luísa Gonçalves (2023), pp. 291-293. And the effects of these measures have been largely positive. In fact, while in 2009, the number of men who shared the initial parental leave was of 8.593, in 2022, it was of 38.233 – Comissão para a Igualdade no Trabalho e no Emprego (2023), p. 77.

⁶⁵ The effects of this inequality were particularly visible during the COVID-19 pandemic, which affected men and women differently. Available at: <https://ces.uc.pt/publicacoes/palavras-pandemia/?lang=1&id=30082>

⁶⁶ In the sense, despite commending the recent advances in this sense, brought by the Decent work agenda, Luísa Gonçalves (2023, p. 303) believes the Legislator could have been more ambitious.

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Promoting labour market participation of parents with young children. The Romanian case.

This article is peer-reviewed.

Abstract

In the article the employment situation of parents raising children in the context of the Romanian labour market and regulatory framework is analysed. As a preliminary statement it should be noted that although the legal framework is favourable, parents with children face several other factors that make it difficult for them to participate in the labour market. The situation of women, and especially women with children, is also made more difficult by the fact that traditionally in Romania they are the ones who do most of the invisible work and childcare. In this paper, we outline the situation of the labour market and the labour law instruments for the protection of parents raising children, the early childhood education and childcare system, and finally the social protection of the parents with young children, in our attempt to give the most comprehensive picture of the labour market participation of parents with young children in Romania.

Keywords: employment of parents; work-life balance; labour law protection; social protection; childcare systems

1. The general context of the labour market situation for parents with young children in Romania

Based on the current development trends of labour law, it should be noted that the keyword of Romanian labour law in the last one or two decades has clearly been flexibility, the objective of labour law to move beyond the traditional boundaries of very strict mandatory norms, and thus better meet the needs of the 21st century labour market. The underlying assumption was, of course, that it was useful and necessary for both the employer and the employee to have such a more flexible framework for the employment relationship between them, and to give the parties a greater role in the drafting of the employment contract. In this context, the narrative that more flexible working arrangements are a priority for women and families with (young) children is not unfamiliar. Taking the Romanian labour law background as a starting point, the need for a shift towards more flexible regulation is also explained by the

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fact that a relatively rigid, traditional approach and regulation of labour law is in force in Romania, despite the clear legislative focus on the implementation of more flexible regulation following the 2011 amendment of the Labour Code.

The need for and the shift toward flexible working arrangements must necessarily be analysed within a broader context, considering labour market realities, development trends and demographic data that have an impact on the labour market situation. The phenomenon of an aging society is a general problem in many countries, including Romania. The demographic situation in our country is further complicated by the fact that it has one of the lowest life expectancy indicators in the EU², and the demographic crisis is exacerbated by the process of emigration, which primarily affects the working-age population³.

The participation of parents in the labour market should be examined within this context, and its thematization by public decision-making should be framed accordingly, as it is a fundamental interest for the functioning of the economy and the sustainability of the social care system. The Romanian legal framework is in many respects supportive of parental labour market participation, but at the same time, especially for women, there are various other factors that counteract this participation. As the literature suggests, “The factors that have an influence on the work-family balance are related to the personal characteristics and priorities of the individual, the organization, social status as well as the support of those around him. (...) Therefore, in the context of demographic aging in Romania, the full participation of the available labour force has become an economic necessity, imposing measures to support parents and caregivers to enter the labour market, by supporting their ties with children or relatives in a state of need due to serious illnesses, allowing parents and people with caring responsibilities to reconcile professional life with family life. In our country, women continue to be the main ones responsible for family and household care activities, given that the social services dedicated to the care of children and dependent people are not sufficient to meet the needs, in terms of achieving a balance between professional and family life.”⁴

As a preliminary statement it should be noted that although the legal framework is favourable, parents with children face several other factors that make it difficult for them to participate in the labour market.

² Eurostat (2024), available at: https://ec.europa.eu/eurostat/databrowser/view/demo_mlexpec/default/table?lang=en

³ National Institute of Statistics: 2023 Romanian Statistical Yearbook, București, 2024, p. 82. Available at: https://insse.ro/cms/sites/default/files/field/publicatii/anuarul_statistic_al_romaniei_carte_ed_2023.pdf

⁴ Boghirnea, Iulia: Legislative Mechanisms of the European Union and of Transposition into the Romanian Legislation Concerning the Problem of Work-Life Balance for Parents and Caregivers – Sociological Aspects, Athens Journal of Law – Volume 9, 3/2023, pp. 481-485.

2. The situation of the labour market in Romania

Recent researches on the Romanian labour market has repeatedly pointed out many imbalances that jeopardise its proper functioning. While the COVID-19 pandemic has undoubtedly had a negative impact on the labour market situation, the reported problems extend beyond the extreme crisis situation caused by the pandemic.

Most authors compare the situation of the Romanian labour market with the situation in EU countries. Romania became a Member State of the EU in 2007. The first decade after the accession was characterised by the following: “activity and employment rates in Romania are lower than the EU28 average for both women and men. In the last ten years, especially after the economic crisis, it appears that the gap between the values recorded for these indicators in Romania toward the average EU28, increased for women, while for men fell. This is explained by the fact that activity and employment rates of women in Romania had a slightly decreasing trend, while in the EU28 had an upward trend, which led to the widening gap as against EU28 average. Also, in the period under review, the gender gap for the same indicators increased in the case of Romania, while for EU28 fell.”⁵ Another study analysed the causes of the outlined crisis of the Romanian labour market and emphasized that “Among the causes of the emergence and persistence of the labour shortages are the unfavourable demographic trends, the massive external migration of the skilled and high skilled labour force, the low level of the participation rate and the high inactivity rate, the limited internal geographical mobility, the size of undeclared work that continues to distort the labour market, the fact that the minimum wage is set in a discretionary manner, the lack of cooperation between employers and institutions with responsibilities in the field of employment and training. Many studies and reports of prestigious authors and international institutions have drawn attention to the serious challenges facing Romania’s labour market, which represent obstacles to potential growth and competitiveness improvement, as evidenced by the increase in the unit cost of labour on the account of faster increase in wages compared to labour productivity. The poor performances of the educational system were also highlighted, which contributed to major discrepancies and inequalities in terms of employment opportunities.”⁶

Regarding the current situation, however, we believe that labour market data and trends in Romania are in many respects catching up with those in the EU.

Since the regime change in 1989, Romania’s population has been on a steady downward and aging trend. According to official figures for 2022, Romania’s current population

⁵ Pasnicu, Daniela: Comparative Statistical Analysis of Gender Equality on the Labour Markets of Romania and EU28 (15 June 2015). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2682449

⁶ Chivu, Luminița – Georgescu, George – Bratiloveanu, Alina – Băncescu, Irina: Under Pressure: Romania’s Labour Market Review. Landmarks of Labour Shortages. Working Paper. Romanian Academy, National Institute of Economic Research, București, 2020, p. 40.

was just over 19 million (of which 51.5% were women and 48.5% men⁷), compared with over 23 million in the period of regime change.⁸ Life expectancy is relatively low, at 78.03 years for women and 70.76 years for men, although there is a slight upward trend⁹. From a contextual point of view, it is also important to note that the average age of mothers at first birth has remained relatively high for the period from 2017 to 2022, ranging from 27.3 to 27.8 years.¹⁰

During the same period, the average number of employees has shown a steady slight increase, with the only exception being 2020, which should be seen as a particular crisis year due to the COVID-19 pandemic. Compared to 4,945,868 employees in 2017, their number rose to 5,209,493 in 2022.¹¹ The registered unemployment rate in 2022 was 3%, only slightly higher, 3.1% in case of women. That means that from a total of 239.000 registered unemployed persons 112.000 were female.¹² However, an interesting picture emerges if we also look at the age distribution of the unemployed. In this case, while the unemployment rate for women aged 15-24 is 3.3% higher than for men, the trend is reversed at later ages, with unemployment rates 1.4% lower for the age group 25-34, and 1% lower for the age group 35-44, while 0.6% lower for the age group 45-54 and 1% lower for those aged 55 and over.¹³

This relatively positive picture is overshadowed by the worrying phenomenon of labour market inequalities, which is clearly reflected in the employment rate in terms of the participation of women and men in the labour market. The employment rate, calculated for the working-age population (15-64 years) shows a significant difference

⁷ National Institute of Statistics: 2023 Romanian Statistical Yearbook, Fig. 2.G2. Usually resident population, by sex and area, Bucureşti, 2024, p. 46. Available at: https://insse.ro/cms/sites/default/files/field/publicatii/anuarul_statistic_al_romaniei_carte_ed_2023.pdf

⁸ National Institute of Statistics: 2023 Romanian Statistical Yearbook, Fig. 2.1. Usually resident population, by sex and area, Bucureşti, 2024, p. 52. Available at: https://insse.ro/cms/sites/default/files/field/publicatii/anuarul_statistic_al_romaniei_carte_ed_2023.pdf

⁹ Idem. Fig. 2.G5, p. 48.

¹⁰ Idem. Fig. 2.G6, p. 49.

¹¹ Idem. Fig. 3.G4, p. 100.

¹² Idem. Fig. 3.G5, p. 100.

¹³ Idem. Fig. 3.G6, p. 101. However, we would like to point out here that, according to a clarification of the official statistical yearbook on pp. 91-94, the registered unemployment rate from Fig. 3.G5 is the ratio of the number of unemployed (registered at the agencies for employment) to the civil economically active population (the unemployed + civil employment, defined according to the methodology of the labour force balance), and the data from Fig. 3.G6 is based on the ILO definition of unemployment considering that, the unemployed are persons aged between 15 and 74 (in completed years, at the end of the reference week) who were not employed, during the reference week, according to the definition of employed persons, were willing to work, namely they were willing to have a paid job or to perform an independent activity within two weeks of the reference week, and were actively searching for a job, namely they took concrete action, in the four-week period that ended with the reference week, to find a paid job or to perform an independent activity or they found a job where they were to start work no later than 3 months after the end of the reference week.

between women and men. The employment rate for men is 71.5% compared to only 54.4% for women.¹⁴

Although the phenomenon of significantly lower labour market participation compared to men is fundamentally the same, there are variations in the employment rates of women based on their place of residence and level of education. Looking at education, the data for 2022 show that 23.5% of women with low education, 55% of women with medium education and 87.8% of women with tertiary education have participated in the labour market. A recent analysis has concluded that “the availability of childcare could be a major factor contributing to Romania’s low labour force participation of women. The percentage of children from age 3 to school entry in formal childcare is low in Romania (...).¹⁵ While private provision of (formal) childcare services can be expected to respond to rising demand, their higher price – when compared to public services – would alter the cost-benefit calculation of working for mothers. Women with higher education – and hence higher earnings potential – may still opt to work, while the net benefit of working for women with lower earnings potential is reduced. Indeed, there is some evidence suggesting that the labour force participation of women with tertiary education is not correlated with the proportion of young children cared for solely at home, while that of women with lower education levels is correlated with this factor.”¹⁶

As regards the distribution by place of residence, there is a difference of a few hundredths of a percentage point for all data, indicating that labour market participation is higher in urban areas than in rural areas.¹⁷

However, the analysis of women’s participation in the labour market also includes a factor that points to a very positive situation in the Romanian labour market. The so-called gender pay gap, which shows the difference between the average gross hourly earnings of men and women expressed as a percentage of the average gross hourly earnings of men, is particularly low in Romania, being only 2,4% in comparison with the EU average of 13%.¹⁸

¹⁴ Idem. Fig. 3.1, p. 101.

¹⁵ European Institute for Gender Equality, “Survey on gender gaps in unpaid care, individual and social activities (CARE)”, available at https://eige.europa.eu/gender-statistics/dgs/browse/eige/eige_gap

¹⁶ Misch, Florian – Pitt, Alexander: Labor Force Participation in Romania. International Monetary Fund, *Selected Issues Papers*, 2023 (062), p. 7. Available at: <https://www.elibrary.imf.org/view/journals/018/2023/062/article-A001-en.xml>

¹⁷ Idem. Fig. 3.2, p. 103.

¹⁸ Eurostat (2022), available at: <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/edn-20220307-2> and https://ec.europa.eu/eurostat/databrowser/view/sdg_05_20/default/table?lang=en&category=t_labour.t_earn

Although there is relatively little official data on the share of parents with young children in Romania in the labour market, the National Employment Strategy for 2021-2027, prepared by the Government of Romania, provides some significant data: "although women's participation in the labour market is supported in Romania, they continue to be primarily responsible for family and household care activities, while social services dedicated to child and dependent care are not sufficient to meet the needs, and about 12% of women were inactive due to family responsibilities in 2018. Gender disparity in employment among people with a child under six years was 29 percentage points in 2018."¹⁹

3. Labour law protection of and employment incentives for parents with young children in Romania²⁰

In Romania, even before the implementation of Directive 2019/1158 on work-life balance,²¹ there were numerous provisions in the Labour Code²² that were important for mothers and parents in general. Examples include the regulation of working hours and rest periods, the prohibition of night work for pregnant or breastfeeding women and, thanks to the recent amendment on 3 June 2024, for parents raising a child alone, or even the possibility of switching to reduced working hours. The provisions of the Labour Code are supplemented by various separate legal acts, on the one hand, in relation to certain atypical forms of employment (such as teleworking, day work or domestic work), and on the other hand, in relation to employment protection rules, collective labour law provisions or social allowances, which also contain specific provisions for parents raising a child.

The transposition of the provisions of Directive 2019/1158 into Romanian law has been effectuated by amending and supplementing several laws: the Labour Code, the Law on public administration (No. 57/2019), the Law on paternity leave (No. 210/1999), the Law on equal opportunities and equal treatment between women and men (No. 202/2002) and Government Emergency Decree No. 111/2010 on childcare. In addition, Emergency Government Decree No. 158/2005 on health insurance benefits has been adopted, which introduced a benefit for the carer of a patient with oncological disease.

From the point of view of parents with young children, the implementation of Directive 2019/1158 into Romanian law has, apart from the introduction of some few

¹⁹ Government Decision No. 558/2021 of 19 May 2021 on the approval of the National Employment Strategy 2021 – 2027 and the Action Plan for the period 2021 – 2027 for the implementation of the National Employment Strategy 2021 – 2027. Available at: <https://mmuncii.ro/j33/index.php/ro/minister-2019/strategii-politici-programe/6333-sn-ocupare-forta-munca-2021-2027>

²⁰ The findings in this chapter are based partly on the results of a research funded by the Domus Programme of the Hungarian Academy of Sciences.

²¹ 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, OJ L 188, 12.7.2019, p. 79–93.

²² Law No. 53/2003, the Labour Code. Available at: <https://www.codulmuncii.ro/integral.php>

new institutions, resulted in rather parametric changes to the existing protection instruments. A new instrument is the introduction of carers' leave. According to Article 152fl of the Labour Code²³, the employer, upon written request of the employee, is obliged to grant the employee 5 working days of carer's leave per calendar year in order to provide care or personal assistance to a relative or a person living in the same household who needs care or assistance due to a serious health problem. A longer period of carer's leave may be introduced by a separate law or agreed by the parties through a collective agreement. Carer's leave is not included in annual rest leave. Employees on carers' leave are considered to be insured under the health insurance scheme for that period, but they are not obliged to make contributions during that period.²⁴ A similar provision existed previously in Romanian legislation and has continued to exist in parallel. Articles 26-30 of the above-mentioned Government Emergency Decree No. 158/2005 state that every parent with sufficient length of service is entitled to sickness benefit if they have to care for a sick child under the age of 12. In the case of a disabled child, this benefit may be claimed up to the age of 18. The maximum number of days of leave for caring for a sick child per calendar year, calculated separately for each child, is 45 days. Longer leave may be taken for illnesses and medical interventions as defined by law.

Another novelty for parents is the addition of Article 152fj into the Labour Code listing the cases of absence from work for which it is possible to request time off. These are unforeseeable cases of family emergencies due to illness or accident, which require the immediate presence of the employee. If such a situation arises, the employee has the right to be absent from work, subject to prior notification to the employer and full compensation in accordance with the normal work schedule.

The extension of flexible working arrangements is also important for the long-term goal of reconciling work and private life. As a result of the addition of Article 118 into the Labour Code, the employer is now obliged to state the reasons for refusing an employee's request to change to an individual working pattern. The employer must give reasons in writing within 5 working days of receipt of the request. Where the individual work programme is for a fixed period, the legislation in force gives the employee the right to return to the original work schedule after the fixed period. However, the employee also has the right to return to the original work schedule before the end of the fixed period if the circumstances that triggered the introduction of the individual work programme have changed.

Among the forms of work classified as atypical, the Labour Code contains provisions on fixed-term and part-time contracts, temporary agency work and working from

²³ Available at: https://www.codulmuncii.ro/titulul_3/capitolul_3/sectiunea_1/art_152.1_1.html

²⁴ Oprescu, Elena Daniela: Concediul de îngrijitor și problemele determinate de reglementarea necorespunzătoare a acestuia, *Revista Română de Dreptul Muncii* 2023/3, pp. 69-85.

home. Separate legislation addresses teleworking, day work and domestic workers²⁵ out of which part-time work, working from home and teleworking are the most relevant for our topic.

A clearly stated advantage of part-time employment is that it can be particularly suitable for workers with young children, especially women. At the same time, preamble 35 of Directive 2019/1158 itself points out that this type of employment relationship also has disadvantages: “While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children or caring for relatives with care or support needs, long periods of reduced working hours can lead to lower social security contributions and thus reduced or non-existing pension entitlements.”

The Romanian Labour Code contains few provisions on part-time work that could be specifically linked to the promotion of employment for parents with young children, but it is clear that more flexible organization of working hours and work schedules can provide an opportunity to achieve a work-life balance.²⁶ According to Article 105 of the Labour Code, part-time employment contracts must include provisions on working hours and the organization of working time and the conditions for modifying the work programme. Similarly, a provision on the prohibition of overtime is a mandatory element of such employment contracts.

The scheduling of working time is essentially at the discretion of the employer in the case of part-time contracts. Part-time employment has never been particularly widespread in Romania, moreover, initially it was more widespread among men than among women, who are traditionally more engaged in parenting. At EU level women with childcare responsibilities tend to work more frequently part-time (38%) than men (19%), which can have long-term implications for their careers and financial prospects.²⁷ In the case of Romania the proportion of part-time workers in total employment was relatively low regardless of the presence of children and was lower than 10% for employed men or employed women, with or without children.²⁸ As a whole, 283.1 thousand persons,

²⁵ Law 81/2018 on the regulation of teleworking activity, Law no. 52/2011 on the exercise of occasional activities carried out by day laborers, Law no. 111/2022 on the regulation of the activity of the domestic worker.

²⁶ Sántha Ágnes: Work-Family Balance in the Active Age Ethnic Hungarian Population in Romania, *Social Sciences* 8 (2), 59. Available at: <https://www.mdpi.com/2076-0760/8/2/59>

²⁷ European Institute for Gender Equality: A Better Work-Life Balance: Bridging the gender care gap, available at https://eige.europa.eu/publications-resources/publications/better-work-life-balance-bridging-gender-care-gap?language_content_entity=en

²⁸ Eurostat: Part-time and full-time employment. Statistics. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Part-time_and_full-time_employment_-_statistics#Part-time_employment_and_children

representing 3.6% of total employment, worked part-time in 2022 in Romania. Most of the part-time workers were working in agriculture (73.6%).²⁹

The low uptake of part-time work is primarily due to financial and legal constraints. Starting from August 2022, under Government Decree No. 16/2022, employers are obliged to pay the employee social contributions for part-time employment contracts, based on the minimum wage rather than in proportion to the actual income earned by the employee. As a single exception, the tax legislation has established that this over-taxation of part-time employment does not apply when the employee has multiple employment contracts and the total income from all these contracts is at least equal to or exceeds the amount of one minimum wage in the economy. In such cases it is still allowed to pay contributions based on the employee's actual income from each of the part-time contracts. In these circumstances, part-time employment is clearly not an attractive alternative for both employees and employers. According to official figures of the Ministry of Labour and Social Solidarity, in 2023 only 446,177 employees were working part-time, and 241,672 of these were women.³⁰

The Labour Code provides more opportunities in terms of work-life balance for parents with children in the area of working from home. Under Article 118(2) of the Labour Code, employees who work from home determine their own working hours to carry out their duties at work, although the employer has the right to monitor this work under the conditions laid down in the employment contract. Telework is regulated by Law No. 81/2018. In the case of teleworking, the employee does not have the legal possibility to determine his/her own work programme, but it is organised jointly with the employer in accordance with the provisions of the individual employment contract, internal regulations and/or the applicable collective employment agreement. In this sense, working from home as regulated by the Labour Code may be more in the interests of parents with children. However, these two types of work are fundamentally different as teleworking requires the use of communication technology, the legal regulation of home working does not require this condition, and it is therefore more applicable to some form of simple physical work or other office work.

Collective bargaining and agreements are not a prominent feature of the Romanian system. Employers are obliged to ensure the rights of the employees, such as flexible working arrangements or other rights provided for by the legislation. Nevertheless, the employer of course plays a key role in creating and ensuring a working environment that aligns the interests of parents in terms of work-life balance.

²⁹ National Institute of Statistics, https://insse.ro/cms/sites/default/files/com_presa/com_pdf/somaj_2022e.pdf

³⁰ Ministry of Labour and Social Solidarity (2023), available at: https://www.mmuncii.ro/j33/images/buletin_statistic/Pensii_2023.pdf

4. Social protection of parents with young children

The legal framework for parental participation in the labour market and access to social benefits in Romania is quite developed and extensive. The system includes different leaves and benefits for maternity, paternity, childcare, sick childcare and even maternity risk. Entitlement to these benefits is subject to preliminary insurance periods but given that in such cases the child's best interests are at stake, in addition to the rights of the parents, some benefits may be claimed even without prior insurance. Under Government Emergency Decree No. 96/2003, maternity risk leave may be granted to pregnant or nursing women who are not on maternity leave and whose employer is unable to provide them with working conditions without risk to their health or that of their child. The maternity risk benefit is 75% of the mother's average monthly income in the 10 months preceding the claim, and it is payable for a maximum of 120 days.

Maternity care is regulated by Government Emergency Decree No. 158/2005. Insured persons are entitled to maternity leave and benefit for a period of 126 days. The same entitlement also applies to women who, for reasons beyond their control, are no longer insured, if they give birth within 9 months of losing their insurance. Maternity leave is compulsory for 42 days after childbirth. The gross monthly amount of the maternity benefit is 85% of the average of the gross monthly earnings of the last 6 months of the 12 months of the insurance period. Maternity benefit is paid in whole from the budget of the National Health Insurance Fund.

In parallel with maternity benefits, Romanian law also regulates paternity leave. Law No. 210/1999 on paternity leave has seen only minimal changes following the implementation of the Directive on work-life balance. However, Article 1 now literally states that the aim of the law is to create a better work-life balance for fathers. Men who are insured in the state social security system are entitled, based on a request to this end, to a paternity leave of 10 days or, if they graduate a childcare course, of 15 days within the first eight weeks following the birth of their child.

According to Article 7 of the Methodological Norms of 10 April 2000 for the application of the Parental Leave Law No. 210/1999, the childcare course consists of the presentation of basic theoretical and practical notions necessary for the care of the small child, in order to enable the father to effectively participate in the care of his own newborn child. The childcare courses may be held during the mother's pregnancy or after the birth of the child in the father's family doctor's surgery or in health establishments or other establishments organizing such courses. Following a check of the knowledge acquired, the family doctor or, where appropriate, the specialized staff of the health units or other specialist units will issue a certificate of completion of the childcare course. If the father has specialized studies, i.e. he is a doctor or a nurse, it is no longer necessary to complete the childcare course, but only to obtain the certificate under the conditions provided by law.

What in our view has a very positive effect is that the amount of paternity leave allowance, paid from the employer's salary fund, is equal to the salary for the period in question and the employer cannot refuse the employee's request for this leave.

Parental leave is regulated by Government Emergency Decree No. 111/2010. In the Romanian system, men and women have equal rights to parental leave and benefits. Article 2. specifies that "persons who, in the two years preceding the date of the child's birth, have earned for at least 12 months income from wages and salaries, income from self-employment, income from intellectual property rights, income from agricultural, forestry and fish farming activities, subject to income tax, are entitled to parental leave for children up to the age of 2 years, or 3 years in the case of disabled children, and a monthly allowance." The amount of the monthly allowance is 85% of the average net income in the last 12 months of the last 2 years before the child's birth. The minimum amount of the monthly allowance may not be less than the amount resulting from the application of a multiplication coefficient of 2.5 to the value of the social reference indicator³¹, and the maximum amount may not exceed 8,500 RON.

The regulation of the so called "insertion bonus" is of particular importance for the labour market participation of parents. According to Article 7 of Government Emergency Decree No. 111/2010, persons who, during the period in which they are entitled to parental leave, earn taxable income are entitled to an insertion bonus. The amount is 1,500 RON, if the entitled persons obtain income before the child reaches the age of 6 months, or 1 year in the case of a disabled child. The monthly amount is 1,500 RON until the child reaches the age of 2 years or 3 years in the case of a child with disabilities; the amount is 650 RON if the entitled person earns income after the child reaches the age of 6 months or 1 year in the case of a disabled child. Moreover, if the parent chooses to return to work after the child turns 2, the amount of the bonus is 650 RON until the child reaches 3 years old. The insertion bonus can be received simultaneously with the state child allowance, the amount of which varies according to age and specific conditions of the child. According to the most recent statistics published in April 2024 by the National Agency for Payments and Social Inspection of the Ministry of Labour and Social Solidarity, the number of beneficiaries receiving the insertion bonus reached 84,943, representing a total amount of 65,787,056 RON.³²

Literature does not present a unified view on the effectiveness of all these social benefits in stimulating the labour market participation of parents, especially women with

³¹ The Social Assistance Law No. 292/2011 defines the social reference indicator as the unit expressed in RON at the level of which the social assistance benefits, paid from the state budget, granted both to ensure the protection of persons within the social assistance system and to stimulate the beneficiaries of the social assistance system to take up employment, are reported. At present the social reference indicator has a value of RON 500.

³² Ministry of Labour and Social Solidarity (2024). Available at https://www.mmanpis.ro/wp-content/uploads/2024/05/STIM_Aprilie_2024.pdf

young children. As stated for instance “The policy’s impact on mothers’ participation in the labour force is ambiguous because it affects two categories of women who participate in the labour force. The first category consists of women who would have continued to work but are incentivized by the policy to stay at home longer (or possibly permanently). In the second category are women who would quit but maternity leave incentivizes them to return to work.”³³ Another article states that “More than one third of mothers return to work before the end of the maximum parental leave period. This is partly due to the payment of the insertion incentive (...), but also to labour flexibility policies (...). A return to work by mothers before the end of parental leave period takes place especially in big cities, where there is a demand for work in the services sector and in work related to new technologies.”³⁴

Regardless of how the present framework of parents’ social protection is perceived by some authors, I believe that the Romanian system, which is relatively generous both in terms of the amount and duration of benefits, can be assessed positively, if we take into consideration the need for work-life balance. The fact that parents do not intend to return to the labour market or do not do so too soon is not necessarily due to the welfare trap, but rather points to systemic problems such as those we will address in the next subsection. Examples of such barriers to re-entering the labour market include the lack of an adequate network of childcare facilities, or even the fact that grandparents who traditionally provide assistance are often unavailable, either because of the distance from their place of living or because of their working age. However, the regulation of the social care system described above and the introduction of more flexible working arrangements could assist parents with young children who wish to re-enter the labour market.

5. Early childhood education and childcare systems

The institutions of early childhood education and child care systems are firmly linked to the presence of parents with young children in the labour market. In this respect, Romanian legislation has room for improvement to better facilitate the employment of parents with young children. The recognition that early childcare and parents’, especially women’s’, decisions to work are closely linked is not new and is not specific to Romania: “The state plays a key role in the protection and promotion of its citizens’ economic and social well-being and, particularly, in mediating the demands of family and caregiving responsibilities. Family policies focused on care and education of young children have become more relevant in Europe since the increase in women’s employment. One of them is public investment in childcare services, as it has a positive impact on female participation and even fertility rates. Consequently, and

³³ Hiriscău, Andra: The Effect of Paid Maternity Leave on Fertility and Mothers’ Labor Force Participation. *Journal of Labor Research*, 2024. 10.1007/s12122-024-09361-0.

³⁴ Șoitu, Daniela – Șoitu, Conțiu Tiberiu: Romania. IN: Aine Ni Léime et alii, eds.: *Extended Working Life Policies. International Gender and Health Perspectives*, Springer Open, 2020.

following the European Commission guidelines, all EU countries have undertaken initiatives to increase the availability – and quality – of these services. However, the configuration of social policies differs across countries in the extent and form to which these care services are provided, as do the patterns of socio-economic and labour market outcomes.³⁵ The same study points out that in order to promote female labour participation, the European Union has fostered the expansion of public childcare provision. In 2002, the Barcelona European Council set objectives for the availability of formal and informal child care: ‘The Member States should remove disincentives to female labour force participation, taking into account the demand for child care facilities and in line with national patterns of provision, to provide child care by 2010 to at least 90% of children between three years old and the mandatory school age and at least 33% of children younger than three years old.’³⁶

With this objective in mind, it is worth considering the data published by the Romanian National Institute of Statistics for 2023. The data on enrolment of school-age children are as follows. For the 0-2 age group, the enrolment rate is 8.8%, and for the 3-5 years age group the rate is 76.2%. Looked at another way, based on Table 8.5 showing the school population by level of education and type of school, children in early childhood education represent 0.8% and children in pre-primary education represent 15% of the total of children enrolled in the educational system. These figures represent about 27,000 children in early childhood education and 521,826 kindergarten children.³⁷

The lack of an adequate nursery network is a persistent problem in Romania. The extent of the shortage is illustrated by the justification for the draft law that has been submitted to Parliament in 2021 to regulate the childminder profession. The draft has not been adopted in the end.³⁸ The explanatory memorandum to the draft law pointed out that: “While the statistics for kindergartens are normal, Romania is one of the worst countries in the EU in terms of nurseries, with only 350 nurseries in Romania’s large cities. They serve 22,000 children out of a total population of 550,000 children aged 0-3. The remaining more than 90% (10% of 2-3 year olds go to kindergarten) of children keep their parents or grandparents at home, with no early education. (...)”³⁹

³⁵ Inmaculada Cebrián, María A. Davia, Nuria Legazpe, Gloria Moreno: Mothers’ employment and child care choices across the European Union, *Social Science Research*, Volume 80/2019, p. 68.

³⁶ Presidency Conclusions: Barcelona European Council 15 and 16 March 2002. Available at: https://ec.europa.eu/invest-in-research/pdf/download_en/barcelona_european_council.pdf

³⁷ National Institute of Statistics: 2023 Romanian Statistical Yearbook. Available at: https://insse.ro/cms/sites/default/files/field/publicatii/anuarul_statistic_al_romaniei_carte_ed_2023.pdf

³⁸ Available at: <https://senat.ro/legis/PDF/2022/22L032EM.pdf?nocache=true>

³⁹ Expunere de motive. Available at: <https://senat.ro/legis/PDF/2022/22L032EM.pdf?nocache=true>

The situation for nursery places is similarly poor, according to other official documents⁴⁰, and a report published by the Ministry of Education in 2022.⁴¹ It is important to highlight two data that characterize the situation in Romania in terms of early childhood education. On the one hand, the report shows that two thirds of the participants in nursery education are children over 2 years old, meaning that they start early childhood education after the end of parental leave. On the other hand, the number of children attending nursery school in rural areas is practically negligible, accounting for only 3.2% of all children in nursery school. The main reason for this is most probably the lack of nurseries.

However, it is worth looking behind the dry statistics and comparing them with the regulatory framework, because although the return to work of parents, and usually mothers, is ultimately an individual decision, these individual decisions are made in the light of their options and their rights. On the one hand, as it has been shown above, in Romania parental care is available up to the age of two years (3 years for children with disabilities). The allowance is relatively high, amounting to 85% of previous earnings. Thus, there is no major financial constraint to return to work. On the other hand, it should also be noted that, according to the Law No. 198/2023 on pre-university education, compulsory education starts at the age of 3 years, with pre-primary education, whereas under the previous law it was compulsory only from the age of 4. Enrolment in early childhood education can start at the age of 3 months, but is not compulsory, therefore it is entirely at the discretion of the parents. But at the same time, in Romania the parents' access to early childcare is extremely limited, and this obviously has an impact on the return to work.

In this context, the introduction of the so-called „nursery vouchers” could be an incentive for parents to return to the labour market. According to Law No. 165/2018, the nursery vouchers are value tickets granted monthly to employees who do not receive parental leave and allowance for children up to 2 years of age, or up to 3 years of age in the case of disabled children. Whether or not to grant these vouchers is left to the employer's discretion, as it is not an obligation, only a possibility. Nursery vouchers can only be used to pay fees at the nursery where the child is enrolled. The maximum amount of nursery vouchers may not exceed 600 RON per month for each child in nursery. An impediment to the use of these vouchers is that they can only be used at nurseries that have a contract with the issuer of these vouchers, and ultimately, even if the employer is willing to grant such benefits to the employee, there should be a sufficient number of nurseries for all those who want them, which is not the case

⁴⁰ Pop, Luana Miruna: Investing in Children: Breaking the cycle of disadvantage. A Study of National Policies. Country Report – Romania. European Commission, 2014, pp. 28-30. Available at: <https://ec.europa.eu/social/main.jsp?catId=89&langId=en&newsId=2061&moreDocuments=yes&tableName=news>

⁴¹ Ministerul Educației: Raport privind starea învățământului preuniversitar din România, București, 2022, pp. 13-16. Available at: https://www.edu.ro/sites/default/files/_fi%C8%99iere/Minister/2022/Transparenta/Starea_invatamantului/Raport-Starea-invatamantului-preuniversitar-2021-2022.pdf

at the moment. However, the regulation of nursery vouchers should, in our view, be noted as a positive development.

6. Future challenges

The presence of parents with young children in the labour market is in the fundamental economic and social interest of the state, while for the worker, achieving work-life balance is one of the most important objectives. Romania has an adequate and extensive legal framework to allow parents to return to the labour market after the birth of a child or children, on the basis of their own choice. The types of leaves and benefits currently available are quite extensive, both in terms of value and duration. Paternity leave is generously regulated. The Romanian system also regulates some unique institutions to promote fathers' involvement in the family, such as the childcare course, which entitles applicants to longer paternity leave.

Labour law protection of parents is extensive, and the regulatory context has been further finetuned through the transposition of Directive 2019/1158 on work-life balance into Romanian law. The employers' attitude to the employee's need for flexible working arrangement is also of particular importance in which field the growing usage of part-time work and the recently introduced 'nursery vouchers' can be mentioned as incentivization measures.

This does not mean, however, that there are no challenges which, if eliminated, could significantly impact the return to work of parents, especially mothers. As presented earlier in our study, this relatively positive picture is overshadowed by the worrying phenomenon of labour market inequalities, which is clearly reflected in the employment rates of women and men in terms of labour market participation. One of the possible and probable reasons for this is that child-rearing, housekeeping and caregiving for elderly family members are predominantly performed by women in Romania, as the literature has consistently emphasised.

The primary constraint remains the inadequate coverage of early childhood education. In this respect public policy decision-makers have an important role to play. Private institutions place a financial burden on parents and are therefore not an option for many. Public action in this area is therefore urgent and desirable.

From another perspective, however, supporting individual decision-making is in the best interest of parents raising young children. The social reality in Romania is that child-rearing is traditionally the responsibility of mothers, and this mentality does not change easily, especially in rural areas. The sharing of family responsibilities between mother and father varies. From this point of view, paternity care and the possibility of equal access to parental care for both parents is important and can stimulate this process.

Work-life balance for parents and carers through implementation of the Directive 2019/1158 in Slovakia

This article is peer-reviewed.

Abstract

This article presents the legislative framework of parental and carers' rights and related social benefits provided to parents of small children and carers in Slovakia. The implementation of Directive 2019/1158 on work-life balance was realized through a series of amendments to the existing social and labour legislation, with a major innovation regarding the introduction of paid paternity leave. This consists of fourteen calendar days to be enjoyed by the father together with the mother after the birth of a child, and an additional twenty-six weeks to be taken after the exhaustion of maternity leave by the mother, anytime until the child reaches three years of age. Many more fathers have been motivated to participate in childcare and related responsibilities, however, obstacles stemming from material realities such as the actual level of income, deficits in social infrastructure – especially subsidized childcare and long-term care facilities – and employers' reliance on the state as the main provider of support and welfare remain. The article argues that addressing these issues is of great importance yet presents a systemic difficulty, so that the full potential of the relatively generous legislative foundation in the area of work-life balance for parents of young children and other persons with caring responsibilities in the Slovak Republic can be achieved.

Keywords: employment of parents; work-life balance; labour law protection; social protection; childcare systems

1. General overview

The Slovak Republic as one of the countries that has undergone a complex post-1990 socio-economic transition, replaced its former „population policy” by “family policy” with a goal of introducing family welfare as a legitimate and important part of the transforming system of social security. This was realised by adoption of „The Concept of the State Family Policy” in June 1996, since when Slovakia is officially one of the countries with explicit family policy, meaning that family as such and family as a social unit has become an object of public policies and social security law.

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Slovakia is one of the successor countries representing about one third of former Czechoslovakia and belongs to a category of small states, with very high human development index, yet ranking only as 45th in this respect, currently on the same level with Turkey, one place above Hungary, but more than ten places below the Czech Republic and more than twenty places below the highest ranking country of the Central East European region, Slovenia, now ranking *on par* with Austria². It has 5 449 270 inhabitants, with negative population growth as of 2020 and prevailing share of women at 51.1%, yet only 21% of top political positions belonging to women. According to Slovak Statistical Office the proportion of economically active population recently reached nearly 2 618 000, with an increasing trend and employment rate of 78.1%, with 85% predominance of dependent labour of 2 220 000 employees and less than 390 000 of the self-employed persons.³ 63% of the employment is in services. Regional differences follow the West-East dynamics, with Bratislava and Žilina regions overreaching 80% of employment rate, while Košice and Prešov regions in Eastern Slovakia score at around 72%.

The difference between male and female employment rates recorded by Eurostat in 2021 at 78.9% and 70.4% respectively,⁴ points at structural inequality stemming from unequal division of family and caring responsibilities being an obstacle in women's access and position on the labour market. This is exaggerated when caring for small children – with employment rate of women between 25 and 49 years with at least one child younger than six years being below 40%, while the employment of fathers in the same position and phase of parenthood at 83%, proving that the vast majority of persons on parental leave are women.⁵ Neither the Statistical Office nor the Ministry of Labour, Social Affairs and Family, however, collect specific statistics of employment and unemployment of parents with small children. Unemployment in Slovakia in the second quarter of 2024 was 5.2%, which is at record low,⁶ leading the government to promote labour immigration especially to sustain industrial production that recently created at least 7000 new jobs.

Conversely, there is a substantial and continuing decrease of employed persons in the healthcare and social services sector, with 4.4% decline in 2023, amounting to a loss of 9 000 employees, which is a concerning trend. This is obviously due to the low

² UN, Human Development Index (2022), available at:

<https://hdr.undp.org/data-center/human-development-index#/indicies/HDI>

³ Statistical Office of the Slovak Republic (2024), Employment in the 4th quarter and in 2023, available at: <https://slovak.statistics.sk>

⁴ EUROSTAT, Employment statistics, available at:

https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Employment_-_annual_statistics

⁵ Ministry of Labour, Social Affairs and Family, National Employment Strategy of the Slovak Republic until 2020, p. 19. available at: <https://www.employment.gov.sk/files/slovensky/praca-zamestnanost/podpora-zamestnanosti/national-employment-strategy-slovak-republic-until-2020.pdf>

⁶ Statistical Office of the Slovak Republic (2024), Unemployment in the SR (according to the methodology of the Labour Force Survey), available at: <https://slovak.statistics.sk>

attractivity of these positions *vis-à-vis* emigration opportunities especially for young generations, with higher level of salaries typically in the Czech Republic, Austria and Germany, being the main destination countries for qualified Slovak labour force, from doctors through nurses to private caregivers. The average nominal salary of an employee in Slovakia in 2022 reached 1 304 EUR and in 2023 it was 1 430 EUR, meaning that salaries grew at rate of 7.7% but due to record-high inflation, the average real salary fell by 4.5%. The gender pay gap has a slightly improving trend, however, remains at around 18%.⁷

In the Gender Equality Index Slovakia ranks 23rd in the EU, and despite the slightly improving trend, most challenges are constant in the area of economic and social decision-making.⁸ This means that formulating, implementing and improving of social and economic policies requires greater share of “female power” to shape a fair and equitable society. Also, unpaid work on a domestic level, as researched by the Institute for the Work and Family Research remains to be the domain of women, approximately at 38 hours a week, i.e. 5 hours and 25 minutes a day, or 247 days a year, in addition to their eight-hour working time.⁹

The demographic trends have been impacted by the covid-19 pandemic, with the highest recorded decrease of population since the Second World War.¹⁰ The expectation of normalisation of this situation in 2022 was only partially met, with 52 668 children born, which was still the lowest number recorded since 2004. Of that total, 41.2% – equivalent to 21,703 children – were born out of wedlock, which also has an increasing trend. 29 172 couples got married, with the average age of brides exceeding 30 years, while the average age of single men getting married was 32.6 years. The number of children under the age of 14 reached 873 452, which represents 16.1% of the population, while the number of children under 18 being at 1 100 000 represents about a fifth of the population. This indicates that while the number of children in the population is steadily increasing, the same applies to the senior population. As a result, the decline in the working-age population is occurring at a faster rate, further accelerating the overall aging of the population.

Two-thirds of families based on marriage have children, out of which one-child families represent 19.8%, two-children’s families 34.7%, three and more children 13.4% and families without children account for 32.1%. Families of unmarried couples

⁷ Statistical Office of the Slovak Republic (2024), Employment in the second quarter of 2024.

⁸ European Institute for Gender Equality, Gender Equality Index for Slovakia for 2022, available at: <https://eige.europa.eu/gender-equality-index/2022/country/SK>

⁹ Institute for Work and Family Research in Slovakia, Prevention and Elimination of Gender Discrimination project (2021), available at: <https://ivpr.gov.sk/neferovo-rozdelena-neplatena-praca-v-domacnostiach-drvi-ucast-zien-na-trhu-prace-ale-aj-ich-psychieke-zdravie-analytickyy-komentar-ivpr-1-2022-andrej-kuruc-miroslava-knapkova-mariana-povazanova-a/>

¹⁰ Slovak Statistical Office: Demography and Social Situation (2022), available at: www.slovakstatistics.sk

have children in about 63% of cases, out of which one child in 26.5%, two children in 23.8%, three or more children in 12.6% of families, and 37% of cohabiting partners do not have children. Due to the 2021 census of the Statistical Office, Slovakia has approximately 2 380 000 households, with increasing trend in their numbers and decreasing trend as for their size.¹¹ One-member households registered the most rapid increase and represent over 36% of all households, followed by the two-member ones at 30%, three-member ones at 18%, four-member representing 12.2% and larger ones accounting for a fragment of about 5% of total number of households. The households without dependent children also form a majority of over 55% of households, followed by households with one dependent child at 23%, two dependent children representing 17% and three and more children accounting only for 5.3% in total. A dependent child is a person younger than 25 years of age that is still materially and financially dependent on his or her parents or another member of a shared household usually due to continued full-time study or other type of training or preparation for future occupation.

The composition of families in Slovakia has been also changing – complete families of couples with or without children keep decreasing in numbers, while the proportion of single-parent families has increased to over 357 000. The majority of these are single-mother households, which make up more than one-fifth of all family households in Slovakia. About half of these households include young or dependent children, totalling nearly 160,000 households across the country. Single-father households represent in total 3.6% and are mostly without dependent children, yet in total, over 20 000 of these households consist of a single father with dependent children.

2. Labour protection of parents and carers (and remaining challenges)

Slovakia as a successor state of former Czechoslovakia as one of the founding members of the ILO, has ratified and codified a number of international documents enshrining the principles of equality between women and men, protection of pregnant and breast-feeding mothers, parents and quasi-parental and other carers decades ago. Such principles form an integral part of the Labour Code.¹²

The principle of equal treatment and non-discrimination is enshrined in Article 1 of Fundamental Principles and in Section 13 of the Labour Code. This is based, among other, on the EU anti-discrimination Directives 2000/43/EC on Implementing Equal Treatment between Persons Irrespective of Racial or Ethnic Origin and Directive 2000/78/EC Establishing General Framework for Equal Treatment in Employment and

¹¹ Statistical Office of the Slovak Republic, Results of the 2021 census (Population), available at: https://www.scitanie.sk/en?utm_source=susr_portalHP&utm_medium=banner_sodb2021&utm_campaign=susr_portal_horny_banner

¹² Act No. 311/2001 of the Collection of Laws, as amended by other laws, available at: https://www.ip.gov.sk/wp-content/uploads/2022/03/Act-No.-311_2001-effect-from-01-03-2022.pdf

Occupation, including prohibition of discrimination on the grounds of sex, marital and family status, sexual orientation, race, colour of skin, language, age, unfavourable health state or health disability, genetic traits, belief or religion, political or other conviction, trade union activity, national or social origin, national or ethnic group affiliation, property, lineage or other status.

According to Article 6 of Fundamental Principles of the Labour Code women and men in Slovakia have the right to equal treatment when it comes to access to employment, remuneration and work progress, vocational training and working conditions. Pregnant women, mothers up to the end of the ninth month after childbirth and breastfeeding women are guaranteed working conditions that protect their health and status in relation to pregnancy, childbirth, child-care and their special relationship with the child. Women and men shall be provided with working conditions enabling them to perform a social function of raising and caring for children. This protective framework in relation to pregnancy, childbirth and working conditions for employees with family and caring responsibilities is further elaborated in Sections 160 – 170 of the Labour Code. Article 8 of Fundamental Principles of the Labour Code states that labour relations deserve higher level of protection by law in cases of the employees ‘incapacity to work due to illness, injury, pregnancy or maternity and parenthood’. It also guarantees the right of employees to material security in the event of incapacity to work, old age and in relation to pregnancy and parenthood, in line with social security legislation. This follows from a constitutional guarantee enshrined in the Article 39 of the Constitution of the Slovak Republic¹³, according to which citizens have the right to adequate material security in the old age, situations of incapacity to work, and an event of a loss of the breadwinner. Article 41 para. 2 of the Constitution contains guarantees of ‘special care, protection in working relations and corresponding working conditions’ to pregnant women, and Article 41 para. 5 of ‘the right to assistance from the state’ to parents who take care of the children. Further details are then specified by other laws, especially the Law No. 461/2003 Coll. on Social Insurance.

Special types of rights and legal protection are tailored to address specific life situations or vulnerabilities. The definition of these terms is crucial, and in the Labour Code, they are outlined as follows: a pregnant employee pursuant to Section 40 para. 6 is defined as one who informed her employer in writing about her condition and submitted a medical certificate. A nursing employee, within the meaning of Section 40 para. 7 is an employee who informed her employer about this fact in writing. A single or lone employee or parent, in accordance with Section 40 paras. 1 and 2 of the Labour Code is an employee who lives alone and is a single, widowed or divorced man, or a single, widowed or divorced woman. Single or lone employee is also a person who lives alone for other serious reasons, such as having a partner who is undergoing a long-term

¹³ Act No. 460/1992 of the Collection of Laws, as amended, available at: <https://www.nrsr.sk/web/Static/en-US/NRSR/Constitution%20of%20the%20Slovak%20Republic%202023.pdf>

medical treatment, a partner serving a prison sentence, a partner in custody or on a military mission etc. Such single or lone employees taking care of small children are subject to special labour protection. This, in the context of working conditions of women and men caring for children, includes reassignment to another job pursuant to Section 55 of the Labour Code and temporary adjustment of working conditions in accordance with Section 162 para. 1, but especially adjustments of the working time, nightshifts and over-time work are regulated in Sections 164 and 165 of the Labour Code. According to these, the employer – when assigning the work shifts – is obliged to take into account the needs of employees taking care of small children.

If a pregnant woman or a woman or man permanently caring for a child under the age of fifteen requests shorter working hours or another appropriate adjustment of the weekly working hours or, in justified cases, an earlier return to the previous scheduling of work, the employer is obliged to comply with their request, if serious operational reasons do not prevent it. In the opposite case, the employer must justify the rejection of the application in writing. The same applies to carers, defined as employees who personally take care of a close person. Pursuant to Section 116 of the Civil Code¹⁴ this includes a relative in a direct line such as a parent, sibling, marital or other partner, but also any other person whose emotional or other suffering would be felt and considered as one's own. In current Slovak society it is usually the elderly relative who is substantially or completely incapacitated and is not placed in a medical or social service facility or institutional care. If an employee who is permanently caring for a child under the age of eight requests telework or work from home, according to Section 52 of the Labour Code, for the purpose of childcare, the employer shall comply with their request, and in the opposite case it is obliged to provide written justification within a reasonable period of time. Protection against dismissal is guaranteed by the Section 64 of the Labour Code stating that employees caring for small children are protected from dismissal. The same applies to pregnant women, employees on maternity leave and employees entitled to paternity leave according to Section 166 para. 3, and single or lone employee taking care of a child under the age of three. These protective measures equally apply to adoptive parents and the so-called substitute parental care, as daily care performed by non-biological, substitute parents of a child. The increased legal protection does not apply to the termination of the employment relationship during the probation period nor to the termination of a fixed-term employment contract upon its expiration.

The Labour Code also enlists various forms of flexible forms of employment, such as part-time employment in Section 49, job-sharing in Section 49a, work from home and teleworking in Section 52, in accordance with Article 9 of the work-life balance

¹⁴ Civil Code: Act. No. 40/1964 of Collection of Laws, as amended, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1964/40/20240701>

Directive 2019/1158 (EU).¹⁵ In addition to the abovementioned flexible forms of work, the Labour Code in its Sections 223 to 228a regulates agreements on work performed outside the employment relationship – namely agreement on the performance of *ad hoc* work (Section 226), an agreement on (quasi-regular or repeated) work activities (Section 228a) as well as an agreement on part-time work by students (Section 227-228). The exact figures of these arrangements, however, due to their short-term or time-limited nature are not statistically recorded, which makes it challenging to determine the size of this group of workers difficult. This group surely includes parents caring for small children who may be employed on the basis of the aforementioned arrangements during their parental leave, and availability of this information could certainly contribute to a more truthful and plastic picture of work-life balance of persons with caring responsibilities.

Despite sufficient legislative provisions as well as evidence that flexible working arrangements have positive impact on work-life balance of parents with small children and carers, flexible forms of employment continue to pose a challenge in Slovakia. According to the OECD for instance, the proportion of part-time employment in Slovakia is generally very low – between 3-5%, with decrease in recent years, out of which male part-time employment being only at 2% of all male employment and female part-time employment being at 4.5% of all employment in 2021.¹⁶ This is less than a quarter of the EU average, which marks more than 18% of women with children in part-time work. The reasons vary, but generally include reluctance of the employers to hire people with caring responsibilities and to adapt the established organisation of work to the needs of individual employees. They also state the presumably “high cost of the labour force” associated with health-insurance and social security contributions which, for part-time employees, they consider economically inefficient.

On the other hand, the main challenge for parents with small children seems to be the low level of salaries, with Slovakia reaching only 71% of the purchasing power of the EU average in 2022, ranking it the second lowest after Bulgaria, *on par* with Greece.¹⁷ This means that a part-time work can seldom offer enough income to cover childcare expenses and the fulfilment of basic needs of a family with small children. Except for high-paying jobs that can be partially performed from home – such as those in the arts, media, accounting, IT, medicine, research, or academia – where many young women choose to stay connected to their profession for career development, the

¹⁵ 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, OJ L 188, 12.7.2019, p. 79–93.

¹⁶ OECD, Labour Force Statistics 2022, Slovak Republic, available at: https://www.oecd-ilibrary.org/employment/labour-force-slovak-republic_26601b65-en

¹⁷ Hlaváč M., Is Slovakia still converging to richer EU countries at Purchasing Power Parity? A diagnosis of the unfavourable trend in official statistics 2010-2022, Social Policy Institute (2023), available at: https://www.employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/analyticke-komentare/komentare_2023/hlavac_2023_slovakia_convergence_eu_ppp.pdf

dominant social model remains one where one parent, typically the mother, chooses to provide full-time care for small children at home. This often involves relying on a combination of social benefits and a second income typically provided by a partner or other family members.

3. Maternity, paternity and parental leave

Implementation of Directive 2019/1158 on work-life balance in Slovakia was most notably marked by the adoption of the National Action Plan for Employment of Women for the Years 2022-2030¹⁸ and by the introduction of paid paternal leave, known also as „father’s leave“. As of 1 November 2022, Slovak law gives fathers of small children until 3 years of age the right to 14 calendar days of paid leave until the sixth week from the child’s birth. Social security payments provided during this leave are independent and additional to maternity allowance received by the mother and paid from the fathers’ sickness benefits social insurance scheme. It means that fathers on paternity leave, just like mothers on maternity leave, each receive allowance or benefits out of their sickness-benefits scheme of the social security proportionate to their previous contributions. Those who do not qualify due to lack of employment or previous payment of contributions are entitled to uniform parental allowance currently at €345.20 per month from the date of birth of a child till the child reaches three years of age. This public social benefit, paid irrespective of parent’s social security to a mother or father of a child, is to secure that no small child is left without full-time day care provided by at least one responsible adult.

Introduction of the paid paternity leave pursuant to Article 4 of the work-life balance Directive replaced paternal leave without any pay or compensation, provided only in the form of justified absence from work, which was previously in place, as a transposition of former Directive 2010/18/EU. Previously, even though the length of paternal leave in Slovakia was set equally with women at standard length of 34 weeks, the actual usage of this provision by fresh fathers was relatively rare in its unpaid form.¹⁹ The recent introduction of paid paternity leave has certainly raised the level of motivation and actual implementation and share of childcare responsibilities, which equalises the position of men and women and helps to create emotional bond between fathers and their children at an early age.

In the field of parental leave Slovakia has been substantially exceeding the requirements of the four months period enshrining in Article 5 of the work-life balance Directive. Since 2017 the possibility of simultaneous maternity and paternity allowance has been established provided that the conditions established by law are met. This includes the

¹⁸ Ministry of Labour, Social Affairs and Family, National Action Plan for Employment of Women for the Years 2022-2030. available at: https://www.employment.gov.sk/files/sk/ministerstvo/spolocny-sekretariat-vyborov/vybor-rodovu-rovnost/dokumenty-udalosti/nap_zamestnanosti_zien_22-30.pdf

¹⁹ Act No. 571/2009 of the Collection of Laws.

father's sickness insurance contributions, which must cover at least 270 calendar days within the last two years.²⁰ The paternal or father's leave has been extended to 28 weeks in case of caring for one child, 31 weeks in case of single fathers or 37 weeks for fathers taking care of two or more children simultaneously. The paternal allowance, however, cannot be received sooner than six weeks after the date of birth of a child, when the mother is receiving maternity allowance or parental allowance for the same child. The basic condition therefore is that each parent provides care for a different child in cases of consecutive or so-called "chain births" when a second child is being born within the three years of age of the first or a previous child.

Since the same year of 2017 the amount of maternity allowance in Slovakia rose from 70% to 75% of the previous salary, technically accounting to the previous net salary.²¹ As for the length, from January 2011 the basic maternity leave in Slovakia was extended from 28 weeks to 34 weeks.²² The maternity leave of a single woman remained unchanged at 37 weeks and the leave of a woman who gave birth to two or more children simultaneously, taking care of two or more children, was extended from 37 weeks to 43 weeks, which can be combined with the abovementioned provisions on father's or paternal leave – representing at least 28 weeks, or 31 weeks if he is a single father, or 37 weeks if he takes care of two or more children simultaneously. However, he cannot take it sooner than six weeks after the date of birth or while the mother of a child is receiving her maternity leave for the same child. Consequently, a mother can receive her allowance during the maternity leave, after which the child's father is entitled to paternity leave for a period of 26 weeks, or, if he used up two weeks or 14 calendar days before the expiration of six weeks from the date of birth, a total of 28 weeks, until the child turns three years of age. And while both parents cannot receive maternity or parental allowance simultaneously for the same child, the mother often receives maternity or parental allowance for another child than a father in the context of the so-called „chain births“ – i.e. having two children consecutively within a period of three years.

The paid parental leave in Slovakia, if taken consecutively by both parents, can therefore be unusually long – with a standard duration of 60 weeks or 62 weeks in the case of caring for one child – consisting of codified 34 weeks of the maternity leave, plus additional 26 weeks of the father's or paternal leave, after his two weeks used after the birth, up to three years of age of the child. This goes up to 78 weeks, or 80 weeks in cases of caring for two or more children – i.e. 43 weeks from the mother's side, plus another 35 weeks from the father's side, up to three years of age of the respective child.

²⁰ Until 2017 the father of a newborn child was entitled to receive allowance only in cases when the mother died or was unable to take care of the child due to her unfavourable health condition.

²¹ Based on the adoption of Act No. 85/2017 of Collection of Laws amending Act No. 461/2003 of the Collection of Laws on Social Insurance.

²² Section 166 para. 1 of the Labour Code.

The impact of this legislative framework on the participation in the labour market, especially in case of professions that give entitlement to maternity and paternity allowances at 100% of their regular salary – as is the case of judges, prosecutors and members of the armed forces, and employees of multinational corporations with high salaries – has often resulted in a frequent combination of maternity and paternity leave for the longest possible duration, allowing parents to stay home with their young children. But in case of underpaid professions in education, health care and social services, for instance, with standard level of maternity and paternity allowances at 75% of the previous salary, the majority of parents use their leave only “once”, still mostly in the form of a maternity leave for the basic period of 34 weeks, 37 weeks in case of a single parent and 43 weeks when caring for more than one child, after which they are entitled to a flat social benefit called “parental allowance” till the child turns three years of age, and combine it with second income – still usually in the form of the father’s salary.

However, when fathers go on parental leave, mothers tend to return to work earlier. And if in 2019, for instance, half of the mothers returned to work within 33 months after giving birth, in cases when father took parental leave and was truly engaged in childcare and household work, mothers were entering the labour market as early as 25 months after giving birth. The parental leave for fathers therefore contributes to gender equality in a sense of mitigating imbalance between paid and unpaid work and a fairer distribution of childcare and household care in the long term.²³

4. Social benefits – parental allowance and allowance for childcare

Regardless of the parent’s participation in the labour market – meaning employment – parents of small children until the three years of age, continue to receive the state social benefit called „parental allowance “. As of January 2024, this amount is set at €345.20 per month if the parent has not fulfilled conditions for maternity or parental allowances and starts receiving this very allowance from the date of birth of a child. If the parent has been receiving maternity or paternal benefits and was economically active before the birth of the child, the amount is €473.30 per month. If more than one child is born simultaneously, the amount of the parental allowance increases by 25% in case of every subsequent child. The amount of the allowance can also be reduced to 50% of its value if a parent neglects the obligatory school attendance of another child in their care. As already mentioned, with the payment of the „parental allowance “, the child may be and is often taken care of by a grandparent or other caregiver, or the child attends a crèche or a kindergarten. Such possibility of simultaneous reception of the parental allowance and income from employment or other economic activity or being in full-time study, with the daily care for a child entrusted in another physical or legal

²³ CEDAW/C/SVK/7, 6 Oct. 2021, para 69-71, available at: <https://documents.un.org/doc/undoc/gen/n21/273/96/pdf/n2127396.pdf>

person was introduced from 1 January 2010 in line with Directive 2010/18 on work-life balance. Even standard eight-hour work or other gainful occupation activity of a parent caring for a child under the age of three has been allowed. Parents of children with a long-term adverse health condition have been entitled to corresponding allowance and protection, while allowed to work, to six years of age of the child. This applied to provision of childcare by a parent or by a daycare centre or kindergarten.²⁴

However, the latter option has posed a challenge; for instance, in 2021, nearly 20,000 children under the age of five were unable to secure a place in kindergarten. This is a legacy of the post-1989 developments, when a large number of childcare and pre-school facilities ceased to exist as a result of withdrawal of state subsidies and the process of liberalisation, leading to reduction and even dismantling of a number of public services, including crèches and kindergartens. Through the following three decades, attempts for improving the situation have often been more declaratory than actual as well as unsystematic, creating a situation of chronic deficits especially in areas with high employment rates such as the capital of Bratislava. The consequences are quite predictable – the deficits in availability of pre-school facilities make it difficult for parents, and especially mothers, to find employment both during and after the end of their maternity or parental leave. So, despite legal provisions on the right to childcare from the age of three, and compulsory pre-primary or pre-school education for all children from the age of five, many parents of small children opt for reception of parental allowance and take the daily care of their children themselves at home.

To improve the situation, in 2022, the government approved a proposal of the Ministry of Labour, Social Affairs and Family to increase the capacity in crèches by 10%, with the aim to expand the number of places for children of working parents. To support the reconciliation of family life and work, the prerequisites for establishment and operation of daycare nurseries and other childcare have been simplified, with a possibility to set up the so-called „children’s group”. This form of daily childcare is provided in a small-group setting consisting of a maximum of four children in a home or quasi-home environment, for children between 0 to 6 years of age – i.e. from birth to the beginning of compulsory pre-primary education provided in kindergartens. Parents placing their children in such children’s group are entitled to childcare allowance²⁵. This amounts to €160 per month, out of which the parent pays for care in the aforementioned children’s group, while the monthly amount for running a children’s group is agreed between the parent and the person providing this new type of social service.

Childcare allowance as a new social benefit for parents with small children was introduced on 1 January 2009 in response to the global financial crisis, to partially compensate the expenses spent on the care of a child up to three years of age or up to

²⁴ Act No. 571/2009 of Collection of Laws, as amended.

²⁵ Act No. 561/2008 of Collection of Laws on Childcare Allowance as amended by other laws.

six years of age for a child with a long-term adverse health condition. The main purpose of this social benefit has been reconciliation of family life with work, improving mobility and access to the labour market, increase in the employment of parents of young children – especially mothers, and promotion of equal opportunities for men and women caring for young children at work and in professional life. According to the law, childcare can be carried out in a family environment, such as care provided by the grandmother or the grandfather, in an environment purposely created and adapted for provision of childcare, typically a crèche or a kindergarten, or a family environment of another person, such as professional caregiver or pedagogue providing daily care for a child. To have the allowance the parent must be in employment or in other economic activity or in full-time education, and use a childcare established by providers on the territory of the Slovak Republic, and both parent and their child must permanently or temporarily reside within the territory of the Slovak Republic. The amount of the contribution per calendar month depends on type of childcare – in case of individual provider of childcare – as agreed between the individual provider and parent currently up to €280 per month, or as monthly allowance – currently up to €80 a month when childcare is provided by a kindergarten established by a municipality or a local state administration, or in the amount of no more than €160 for care in the so-called children’s group, and at €41.10 for a childcare provided by a grandparent or another relative who is not authorised to engage in self-employment, or a parent herself when taking care of a child, not using services of the aforementioned providers.

5. Carer’s leave and allowance

Carer’s leave, stipulated in Article 6 of the work life balance Directive, has been codified in (Czecho)Slovakia already in 1965. Since then, the length has substantially multiplied and can reach to 14 days for the so-called short-term carer’s leave – generally used in cases of infectious or other short-term sickness of a child, or up to 90 days when long-term care is required –, nowadays more frequently used to care for the elderly relatives, especially (grand)parents. The need for treatment or care may last even longer than the abovementioned period of entitlement for the carer’s or nursing allowance, when from the point of view of labour relations, daily care becomes a legitimate personal obstacle to work on the side of the employee.

As of January 2004, this additional caregiving period is no longer factored into retirement calculations, meaning that employees caring for elderly parents or other relatives may need to extend their retirement age. The periods of 14 and 90 days mentioned represent carer’s leave, during which the caregiver receives a carer’s or nursing allowance paid from their sickness-benefits-insurance as part of their social security whether as an employee or a self-employed person. This allowance is typically granted to those caring for a sick or dependent family member, such as a child, adopted child, spouse, sibling, or parent. For parents caring for children, the provision applies to those taking care of a child younger than 11 years old, or up to 18 in cases where the child has a long-term health condition. Due to the loss of income from providing

full-time care, the caregiver is entitled to an allowance amounting to 55% of their net salary. Since January 1, 2004, the requirement of living in a shared or common household for receiving the allowance has been removed.

6. Conclusion

Slovakia belongs to a group of EU countries with the longest periods of parental leave and other social security benefits linked to parenthood and childcare. And while these substantially supplement disposable income of families with small children, they also contribute to the persisting rigidity of “either childcare – or employment” social reality. Introduction of paternal leave almost *on par* with maternity leave – at equal length and allowance levels – motivates especially higher-income parents to opt for and enjoy their parenting role, contributing also to consecutive births of having more than one child. A possibility of staying connected with one’s profession on a part-time or other flexible basis, as is the case for accountants for instance, and life-long security of employment (as is the case for judges or prosecutors) certainly has a reinforcing effect. But for most professions and Slovak employees in industry, agriculture, services or in professions with direct contact with people – such as nurses, teachers or social workers – prolonging of periods of reception of social benefits, even in combination with their rising amounts, does not enhance parents’ and especially women’s motivation to have more children. This is linked to prolonged career breaks and loss of opportunities especially for middle and highly educated women, including future precarity in their employment status and negative implications on their salary levels.

Slovakia’s reliance on foreign investment, which often prioritizes profit generation over the enhancement of workers’ rights, including those of parents with young children, means that employers tend to have a short-term outlook. In this context, pregnancy and childcare are frequently viewed as reasons for substitution or replacement, rather than opportunities to offer part-time or flexible employment options that would help retain a skilled workforce. This power dynamic, characteristic of Eastern Europe’s semi-peripheral status, places the government in the role of the primary or sole provider of welfare, often compensating for reduced public services such as affordable childcare. For long-term systemic improvement, a more proactive approach is needed in integrating economic and social policies, investing in public services – including childcare and elder care – and promoting the dignity of labour through higher wages and better working conditions.

In Western European countries, most parents – both women and men – return to work much earlier than their Slovak counterparts and are typically employed for shorter working hours. This is largely due to the significant gap between their employment income and social benefits, such as maternity, parental, and child allowances. In Slovakia, where salaries and purchasing power are lower, especially as childcare costs begin to follow market principles, part-time work often fails to cover the associated expenses. Additionally, unpaid domestic childcare and housework – still primarily performed

by women – combined with welfare allowances, remain the norm. As a result, viable institutional and material frameworks that enable parents of small children to balance childcare with professional fulfilment on a large scale are still lacking.

Trade unions and collective bargaining focus to date on the area of salaries and protection from lay-offs, should also more frequently and vehemently voice issues of work-life balance and reiterate employers' role in provision and support of affordable childcare. These efforts could be reinforced by the Union of Women of Slovakia as organisation covering the entire country, the Slovak National Centre of Human Rights as Slovak Equality Body, and other civil actors. And while Directive 2019/1158 on work-life balance and its transposition is of legislative importance, materialisation of its objectives on a broad social scale is likely to take time and require resources, willingness, and genuine active contribution from all relevant stakeholders.

Promoting labour market participation of parents with young children in Slovenia

This article is peer-reviewed.

Abstract

Slovenia is an example of a country that has already successfully implemented measures in different areas to promote labour market participation of parents with young children. This is reflected in the fact that Slovenia has the highest employment rate of parents with young children among EU Member States. Its public childcare system, together with a well-developed social security system for families, including a long parental leave policy, has played a central role in supporting the high labour market participation of parents with children. The dual career family model prevails. However, despite the relatively positive data and the good labour and social security framework, parents with young children still face several problems. In practice, discrimination, especially against young women, when entering the labour market, unequal sharing of care responsibilities and domestic tasks between men and women, and the attitude (of employers and society as a whole) towards fathers taking on more care responsibilities are perceived as the main problems. This shows that there is still room for improvement and that additional measures are needed to ensure that good legislation is translated into practice and that equality before the law reflects into equality in society.

1. Introduction – general context

Slovenia's public childcare system together with a well-developed social security system for families, including long parental leave policies,² have played a central role in supporting the high labour market participation of parents with children. The dual career family model has predominated, with a high proportion of women in

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² In the 1970s, the leave policy in Slovenia followed the Swedish model of short maternity leave and long parental leave, with the possibility of leave being shared between partners (Korintus & Stropnik (2009); Humer & Hrženjak, 2016). Slovenia was also the first European country to introduce one-year long parental leave in 1986 with 100% compensation benefit (Resolution on the Family Policy 2018-2028 “A Family Friendly Society for All” (ReDPI8-28).

full-time employment since the 1960s.³ It is therefore not surprising that Slovenia has the highest employment rate of parents with young children among EU Member States.⁴ Furthermore, work-life balance in its broadest sense has been attracting a lot of attention in Slovenia for a long time now. It has been a long-standing issue on the policy agenda, both from the perspective of promoting employment and from the broader perspective of gender equality, which play an important role in its development.⁵

However, although official figures may not show it,⁶ parents with young children report that they are still disadvantaged on the labour market because of their care responsibilities, as they represent “less desirable” workers.⁷ We could assume, that the problem is (at least partly) reflected in the falling birth rate⁸ and the fact that young people are choosing to start families later in their lives.⁹ Furthermore, although discrimination on the grounds of parenthood in employment is prohibited, it is mainly young women who have problems entering the labour market, maintaining their employment status, and motherhood makes it more difficult for them to progress in their careers. In practice, several cases have been reported of young women being asked in a job interview if they are planning to have a baby soon, or even being told that they will not be hired or will be hired on temporary basis because they have young children. Moreover, although paternity leave is well established and taken by the vast majority of fathers who are entitled to it, employers are not supportive to fathers who take part of their parental leave.¹⁰ Gender inequalities in the division of domestic tasks also persist, with research showing that childcare responsibilities and tasks such as cleaning, tidying up and cooking remain mainly the domain of women.¹¹

³ These policies originated in the socialist period of the former Yugoslavia and aimed to enable women to enter the labour market to offset the shortage of working men after the Second World War under conditions of rising industrialization, but they were also motivated by an ideology of women’s economic emancipation, independence, and gender equality (Humer & Hrženjak, 2016).

⁴ The average employment rate of adults aged 25-49 with children in the EU countries was 82.4% in 2023. Slovenia (91.7%) ranked first, before Sweden (91.0%); (Eurostat, Employment rate by sex, age groups, educational attainment level and household composition (%)).

⁵ See Kresal & Zbyszewska (2017), Bagari (2020).

⁶ In Slovenia, the employment rate for people with children is even higher than for people without children, as shown in the next chapter.

⁷ Delo (2014); Resolution on the Family Policy 2018-2028 “A Family Friendly Society for All” (ReDP18-28).

⁸ According to preliminary data from the Statistical Office, 16 800 children were born in Slovenia in 2023, a decrease of 5% compared to the previous year and the fewest since data collection began in 1922. The natural increase, which has been continuously negative since 2017, was negative for all months of the year for the first time last year. Available at: <https://www.stat.si/StatWeb/en/News/Index/11673>.

⁹ On average, women gave birth at the age of 31.1 years in 2022. Those who gave birth for the first time last year were 29.6 years old.

¹⁰ Findings from the project »Fathers and Employers in Action« from 2015 showed that fathers often did not take both paternity and parental leave because their employer was reluctant to do so, and even more often because their jobs would suffer. Available at: <https://www.mirovni-institut.si/enakopraven-oc/>.

¹¹ Möller-Slawinski & Calmbach (2016).

In 2023 Slovenia scored 69.4 out of 100 on the Gender Equality Index, and its progress towards gender equality is slower than that of other Member States of the EU.¹²

This shows that legal frameworks and family-oriented policies, while adequate, may not be totally effective in practice. In this respect, all stakeholders need to ensure that the legal frameworks designed to provide special labour and social protection for parents with children, together with other family-oriented policies, are effective in practice and that different measures promote not only the employment of parents with young children, but also gender equality in terms of labour market position and working conditions.

2. Labour market situation

In 2023, around 941,300 people were in employment in Slovenia, 19.0% more than ten years ago, when there were around 791,300 of them. The average age of persons in employment in Slovenia was 42.0 years in 2013, rising to 43.6 years in 2023. The average age of both men and women in employment increased. It increased by 1.3 years for men and by 2.0 for women. The higher average age of women in employment is the result of longer education and, therefore, later entry into the labour market. The 2012 pension system reform also brought gradual gender parity by raising the retirement age to 65 and providing bonuses for staying in work beyond the minimum retirement age. Furthermore, 54.2% of persons in employment had completed upper secondary education, which is 3.1 percentage points less than a decade ago. Similarly, the share of persons with only basic education or less decreased by 2.9 percentage points to 9.3%. On the other hand, the share of persons in employment with tertiary education increased by 6.0 percentage points compared to 2013 (to 36.5%). More significant changes in the educational structure occurred among women. Almost half of them had completed tertiary education (48.4%), which is 8.8 percentage points more than ten years ago. The share of women with completed upper secondary education decreased by 5.4 percentage points in the same comparison (to 44.2%) and the share with basic education or less by 3.3 percentage points (to 7.4%).¹³

At 3.7%, the unemployment rate in 2023 was the lowest in the last decade (10.1% in 2013), slightly higher among women (3.7%) than among men (3.6%).¹⁴ The employment rate for people aged 18-64 years was 75.7%. While the employment rate for men stood at 78.6%, the employment rate for women was 72.6%, resulting in a gender employment gap of 6 percentage points.

¹² Human Rights Ombudsman of the Republic of Slovenia (2023).

¹³ STATISTICAL OFFICE OF THE REPUBLIC OF SLOVENIA (SURS) (2024a).

¹⁴ Eurostat (2024), Employment and unemployment (LFS), Database, Unemployment – LFS Adjusted series, Total unemployment rate.

The data on the employment rate of adults with and without children is interesting. The employment rate for people aged 25-49¹⁵ without children in Slovenia was 86.2% in 2023, and even higher for people aged 25-49 with children (91.7%). The employment rate for people aged 25-49 with children has increased from 86.6% in 2014 to 90.9% in 2018 and has remained stable (with minor changes) since then (91.5% in 2019, 90.5% in 2020, 91.2% in 2021, 92% in 2022).¹⁶ Additionally, the share of children aged 0-17 living in households where no one is working in Slovenia is the lowest in the EU (2.7% in Slovenia, 8.0% in the EU-27).¹⁷ However, looking at the gender gap, men with children have a significantly higher employment rate than women with children. While the employment rate for men aged 25-49 with children stood at 96.2% in 2023, the employment rate for women aged 25-49 with children was 87.7%, resulting in a gender employment gap of 8.5 percentage points.

The share of persons employed part-time in Slovenia (8.5%) in 2023 was much lower than the EU average (17.8%). Among these 8.5%, a significantly higher number of women work part-time: 12.2% of women aged 15-64, compared to just 5.4% of men in the same age group.¹⁸ While 17.2% of women worked part-time because of caring for disabled adults or children as the main reason, this was the main reason for only 3.7% of men in 2021.¹⁹ This points to the problem of unequal gendered caring responsibilities which has traditionally existed in Slovenia.

Furthermore, although a few years ago it could be argued that gender equality in Slovenia, especially in the area of work, was one of the best in Europe, trends are not that promising, and the pay gap is widening. It is especially worrying that gender pay gap has increased in Slovenia from a low of 0.9% in 2010 to around 8% in recent years (8.2% in 2022).²⁰ While this is still well below the EU average (12.7% in 2022), the pay gap is not growing as fast in any other Member State. Moreover, in 2019, Slovenia was found to be in breach of the right to equal pay for equal work or work of equal value without discrimination on grounds of sex, as guaranteed by the European Social Charter (revised).²¹

¹⁵ This group has been chosen because it includes people at an age when they are more likely to have young children.

¹⁶ Eurostat (2024), Employment rate by sex, age groups, educational attainment level and household composition (%).

¹⁷ Eurostat (2024), Employment and unemployment (LFS), Population, activity and inactivity- LFS Adjusted series, Jobless households – children.

¹⁸ Eurostat (2024), Part-time employment as percentage of the total employment, by sex, age and citizenship (%).

¹⁹ Eurostat (2024), Main reason for part-time employment – Distributions by sex and age (%). 2021 is the last year for which data are available for both sexes regarding caring for adults with disabilities or children as the main reason for part-time work.

²⁰ Eurostat (2024), Gender pay gap in unadjusted form.

²¹ Kresal (2021), pp. 190-192.

3. Labour law protection of and employment incentives for parents with young children

Protection of parents with young children in Slovenian legislation can be divided into two groups of rights. The first group consists of rights arising from the employment relationship, which are usually guaranteed only to workers in employment relationship (employees). The second group includes rights derived from the Slovenian social security system, which is based on compulsory public social insurance schemes for different social risks (one of which is parental protection insurance), supplemented by social assistance and family benefits schemes.²² Labour protection rights (first group) are regulated by the Employment Relationship Act 2013 (Zakon o delovnih razmerjih; hereinafter: ZDR-1)²³, and social security rights that address parenthood are regulated by the Parental Protection and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih; hereinafter: ZSDP-1)²⁴ and, with regard to child benefit, partly also by the Act on the Exercise of Rights from Public Funds (Zakon o uveljavljanju pravic iz javnih sredstev; hereinafter: ZUPJS).²⁵

3.1 General rules that protect and promote employment of parents with young children

ZDR-1 recognises parents as a protected category. According to ZDR-1 workers have the right to special protection in employment relationship (and even before, in the process of concluding an employment contract)²⁶ due to pregnancy and parenthood (Article 182(1) of ZDR-1). In case of a dispute regarding the exercise of special protection due to these circumstances, the burden of proof lies with the employer (Article 182(2) of ZDR-1). The general right to special protection is further reflected in various rights.

Firstly, the employers are obliged to enable employees to easily reconcile their family and employment responsibilities (Article 182(3) of ZDR-1) and may not request or seek any information on employee's pregnancy unless the employee concerned allows this in order to exercise her rights during pregnancy (Article 183 of ZDR-1). Another view of labour law protection of parents with young children protection is the prohibition of carrying out particular working tasks (Article 184 of ZDR-1) and working overtime or at night (Article 185(2) of ZDR-1). Both apply to employed mothers during pregnancy and breastfeeding period if the risk assessment of such work indicates risk to her

²² Bagari & Sagmeister (2022).

²³ Official Gazette RS, No. 21/13 with amendments.

²⁴ Official Gazette RS, No. 26/14 with amendments.

²⁵ Official Gazette RS, No. 62/10 with amendments.

²⁶ When concluding an employment contract, the employer may not require applicants to provide information on their family and/or marital status, pregnancy, family planning or other information unless it is directly related to the employment relationship. Furthermore, the employer may not make the conclusion of an employment contract conditional on obtaining this information or on additional conditions relating to the prohibition of pregnancy or postponement of maternity (Article 28 (2)(3) of ZDR-1).

and her child's health. Furthermore, a worker caring for a child under three years of age and a single-parent worker who is caring for a child under seven years of age or a seriously ill child or a child in need of special care and protection may be required to work overtime or at night only with his or her prior written consent (Article 185(1)(3) of ZDR-1).

Upon completion of parental leave,²⁷ the employer must enable the worker to start performing work under the conditions of the employment contract and grant him or her the rights that have improved during the worker's absence from work due to parental leave including raises in wages (Article 186 of ZDR-1).²⁸ Moreover, special protection of pregnant women and parents applies to the protection against dismissal. An employer may not terminate the employment contract with an employee during the period of pregnancy, breastfeeding, nor in the period of uninterrupted parental leave in the form of full absence from work and for one month after the end of such leave (Article 115 of ZDR-1).²⁹

Furthermore, a worker has the right to paid absence from work of up to seven working days in an individual calendar year due to personal circumstances, which are specifically listed (Article 165 of ZDR-1). The right to escort a child to school on the first school day was introduced with the amendment of the ZDR-1 in December 2019 as one of the personal circumstances that entitles workers to a paid absence.

3.2 Atypical employment and flexible working arrangements

Atypical employment and flexible working arrangements are one of the most important measures to facilitate work-life balance, which is a key prerequisite for employees' well-being. Research shows that the potential impact of flexible working arrangements on work-life balance depends on the extent to which employees can choose when and where to work, their level of autonomy at work, self-management skills, workload, and workplace attitudes and support.

In Slovenia, the most widely used flexible working arrangements in practise, designed to facilitate the reconciliation of work and private life, are part-time work and telework. Part-time employment for the purposes of work-life balance may be based on the

²⁷ Parental leave is used in ZDR-1 as an umbrella term for all three; maternity, paternity and parental leave.

²⁸ The provision has been included in the ZDR-1 under the influence of EU law, as it implements requirements arising from EU directives. See, for example, Article 15 of the Directive 2006/54 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation and Article 10 of the Directive 2019/1158 on work-life balance for parents and carers.

²⁹ The protection is not absolute, as the law provides for exceptions to the prohibition on dismissal, whereby protected workers (pregnant workers, workers who are breastfeeding and workers on maternity, paternity or parental leave and for one month after the expiry of such leave) may be dismissed by their employer, but these exceptions are very limited and strict.

interest and will of the employee and the employer, or on a right of the employee arising from the ZSDP-1.³⁰ The legal basis for part-time work also determines the employee's legal position. If one parent exercises the right to work part-time on grounds of ZSDP-1 due to childcare the employer guarantees the right to a wage according to the actual working time, and the budget of the Republic of Slovenia guarantees the payment of social security contributions to the employee up to his full working time. This means that the worker in this case has social security rights as if he were working full-time (since he also has contributions paid for full-time insurance) and is closer to full-time employment in terms of labour law rights. However, part-time employment can also be based on the interest and will of the contracting parties (the employee and the employer). In this case, the worker does not have the right to part-time employment nor is he entitled to the payment of social security contributions for the hours he or she is not working (Article 65 of ZSDP-1), but he may propose to the employer to conclude a contract of part-time employment for the purposes of reconciling his professional and private life. The employer must respond to the employee's proposal and give reasons for its decision in writing within 15 days.

Furthermore, under Slovenian law, telework is not an absolute right of the worker, but the worker may, at any time during the employment relationship, request telework for the purposes of reconciling work and private life, and the employer must give the employer reasons for its decision in writing within 15 days at the latest. Articles 68 to 72 of ZDR-1 regulate telework as a special form of employment contract where the worker and the employer agree that the worker will perform work (partly or wholly) at the worker's home or at a place of the worker's choice outside the employer's business premises. Slovenia is also a signatory to the Framework Agreement on the application of Article 16 (1) of Regulation (EC) No. 883/2004 in cases of habitual cross-border telework,³¹ which can be beneficial for parents working across borders.³²

3.3 Implementation of Directive 2019/1158 (WLB Directive)

Although the Slovenian legal framework was already in accordance with Directive 2019/1158 on work-life balance for parents and carers³³, its implementation has brought some novelties. The amendment to the Employment Relations Act (ZDR-1D, Official Gazette of the Republic of Slovenia, No. 114/2023) implementing Directive

³⁰ The right to work part-time due to childcare and payment of social security contributions is described in Chapter 4 – Social protection of parents with young children.

³¹ Available at:

<https://socialsecurity.belgium.be/en/internationally-active/cross-border-telework-eu-eea-and-switzerland>.

³² The framework agreement facilitates between the signatory states the conclusion of individual derogations in the interest of a category of employed teleworkers and their employer(s), provided that certain conditions are met.

³³ 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, OJ L 188, 12.7.2019.

(EU) 2019/1152 on transparent and predictable working conditions³⁴ and Directive (EU) 2019/1158 entered into force on 16 November 2023. Among others, it introduces the right of workers to request³⁵ part-time work (Article 65a of ZDR-1) and telework (Article 68(5) of ZDR-1) for reasons of work-life balance. Although this right already existed before, since under Article 148(3) of ZDR-1, an employee may propose a different working time arrangement at any time for reasons of work-life balance, and the employer must justify its decision in writing, taking into account the needs of the work process. The novelty of Article 65a of ZDR-1 is therefore, in particular, the fifteen-day time limit within which the employer must respond to the employee's proposal.

3.4. The role of collective agreements

Although collective bargaining in Slovenia has a long history and collective agreements are traditionally an important legal source for the regulation of relationships between employees and employers,³⁶ collective agreements in Slovenia are rather reluctant to include measures to facilitate the reconciliation of work and family commitments. There is no systematic inclusion of this topic into collective agreements. While some measures to adjust working time to family commitments and measures to facilitate work-family reconciliation related to place of work, annual leave and absences from work due to family commitments can be found in some collective agreement, the topic of special measures for parents of with young children is more or less overlooked.³⁷ An example of good practice can be found in the Collective agreement for Slovenia's trade sector, which prohibits night work, work on Sundays and public holidays for parents of young children, unless the parent agrees to different working arrangements. Furthermore, according to the Collective agreement for police officers, parents enjoying special parental protection may be ordered to work only until 15.30 hours, unless the parent agrees in writing to a different working arrangement.³⁸

4. Social protection of parents with young children

In addition to labour law protection rights, social security rights that address social risks of maternity, paternity and parenthood can be recognised in the compulsory social insurance scheme for parental protection, like parental protection insurance and family benefits schemes, which are regulated in ZSDP-1. Furthermore, the rights to health services required for the purpose of pregnancy, preparation for childbirth, childbirth and postnatal care are guaranteed under the compulsory health insurance, which also covers sickness cash benefit, paid for nursing sick children. In case of absence

³⁴ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, OJ L 186., 11.7.2019.

³⁵ It would be more correct to use the term "propose", as it is not an absolute right of the worker. Bagari (2020).

³⁶ Senčur Peček (2019).

³⁷ Kresal Šoltes & Kresal (2015); Kresal et al. (2016).

³⁸ For details, see European Trade Union Confederation, *Rebalance – final report, Trade unions' strategies and good practices to promote work-life balance* (2019), pp. 58-63.

from work due to care for sick immediate family members,³⁹ workers are entitled to a sickness cash benefit that amounts to 80% of the average basis for the payment of contributions in the previous calendar year. During this period the person is fully covered by all social insurance schemes. The right to absence from work may not last longer than ten working days in each case (20 days for children up to seven years of age or older children with severe disabilities), but for medical reasons the competent health commission may extend this duration. There is no yearly upper limit of how many times the parent can exercise the right to absence. This right is particularly important in the case of young children who cannot go to childcare centres when they are ill and cannot stay at home alone.

For an unemployed person living alone in a household with a child up to the age of 15, the conditions for the obligation to accept suitable or appropriate employment are somewhat relaxed. According to the Labour Market Regulation Act (*Zakon o urejanju trga dela; ZUTD*),⁴⁰ suitable and appropriate employment for such persons is employment that does not exceed a total travelling time of two hours from the worker's place of residence and back by public transport or by transport organised by the employer.

With numerous and generous rights, the Slovenian social security system for families can be described as well-developed and therefore plays an important role in promoting the labour market participation of parents with young children. Recent amendments to the ZSDP-1 have further improved the legal position of parents and, by making part of parental leave non-transferable (as a result of the implementation of the WLB Directive), encourage a more equal sharing of care responsibilities between both parents.⁴¹

4.1 Parental protection insurance

Out of parental protection insurance parents have the right to three types of leave: maternity leave, paternity leave and parental leave. All leaves are paid during the entire period. The entitled person receives a salary compensation in the amount of 100% of the average salary received over twelve months prior to leave. The ceiling, the maximum amount of this compensation, may not exceed 2.5 times the average salary in Slovenia for paternity and parental leave compensation benefit, while the compensation benefit during maternity leave is not limited. The number of people entitled to parental leave compensation benefit is linked to the number of births in the current year, as well as the proportion of young parents who are employed and

³⁹ Immediate family members include the insured's partner and their children (the insured's children and the children of the partner for whom the insured is responsible, as well as children placed with the family for adoption or foster care).

⁴⁰ Official Gazette RS, No. 21/13 with amendments.

⁴¹ Before that, only the mother had 30 days of non-transferable leave.

self-employed (insured for parental care). The share of beneficiaries is more or less constant at 88% of all births.⁴²

Maternity leave lasts 105 calendar days (15 weeks), of which 28 days have to be used before the expected date of delivery and the rest (77 days) after the expected date of delivery. Only 15 days of maternity leave are obligatory (Article 19 of ZSDP-1).

Paternity leave was first introduced into the Slovenian legal order by the Parental Protection and Family Benefits Act in 2001 according to which a father had the right to paternity leave in the amount of up to 90 days, but only 15 out of those 90 days were fully compensated. The Parental Protection and Family Benefits Act from 2014 has substantially changed the legal regime of paternity leave: instead of 90 days of paternity leave (of which only 15 days were compensated and 75 were not), the new Act introduced the right to a fully paid paternity leave in the duration of 30 days. Take-up of paternity leave in Slovenia is relatively stable, with around 80% of fathers taking the first 15 days of leave. There are several reasons why some fathers choose not to take paternity leave (especially the further 15 days) and why most fathers choose not to take parental leave at all. One is the lack of information available to fathers about their rights following the birth of their child. Another is a lack of understanding from employers, supervisors and colleagues about the use of leave. There is also a lack of understanding of the meaning and objectives of paternity and parental leave on the part of parents themselves. A survey of Slovenians' views on family issues and family needs found that fathers would be most encouraged to take paternity leave if employers were more supportive.⁴³ Since April 2023, as a result of the implementation of the WLB Directive, the paternity leave lasts 15 days and is an individual non-transferable right of the father or the second parent and it is fully compensated (Article 25 of ZSDP-1).

In the past, parental leave in Slovenia was the mother's right that was transferable to the father. This arrangement changed and became a family entitlement, meaning that parents had to agree in writing on how to take it (from 2002 to 2014).⁴⁴ Since 2014 parental leave was an individual right of each parent in the duration of 130 calendar days. The mother could transfer 100 days to the father, while 30 days were non-transferable. The father could transfer his entire leave, all 130 days, to the mother. Although in practice fathers usually transferred all their parental leave to mothers, the proportion of fathers taking part of the leave is (slowly but still) increasing.⁴⁵ Slovenian research literature suggests that the reason for low take-up rates of parental leave by fathers reflects the traditional division of tasks within the family, attitude in society,

⁴² Social Protection Institute of the Republic of Slovenia (2017), p. 31.

⁴³ Resolution on the Family Policy 2018-2028 "A Family Friendly Society for All" (ReDP18-28).

⁴⁴ Stropnik (2018).

⁴⁵ According to the data provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities in 2020, of 25,628 people who took parental leave in 2019, only 1,261 (4.9%) were fathers.

a rather negative perception of fathers, who take over more family responsibilities, and employers' expectations of their male employees. As fathers generally take only part of the leave (if any), women's careers continue to be affected by their absence from the workplace as a direct result of taking parental leave.⁴⁶ From April 2023, as a result of the implementation of the WLB Directive, each parent had an individual right to parental leave in the duration of 160 calendar days, of which 60 days are non-transferable by either of the parents or entitled persons (Article 29 of ZSDP-1).

Furthermore, one of the parents is entitled to work part-time if he/she cares for a child younger than 3 years of age. If a parent cares for a child with severe disabilities, this right to work part-time due to childcare is prolonged until the child reaches the age of 18 and in cases of two (or more) children, the right to work part-time due to childcare is prolonged until the younger child reaches 8 years. If one parent exercises the right to work part-time on grounds of ZSDP-1 due to parenthood, the employer guarantees the right to a wage according to the actual working time, and the budget of the Republic of Slovenia guarantees the payment of social security contributions to the employee up to his full working time. This is a right of the employee which cannot be denied by the employer, but the employer is not obliged to comply with the employee's request regarding the allocation of working time. However, according to the case law of the Slovenian Supreme Court, it is not sufficient for an employer to provide a formal justification for its decision on the working time arrangements of employees exercising their right to part-time work on grounds of parental care. The employer must make its decision by weighing the needs of the work process against the needs (family needs) of the employee, with the protection of the employee's parental rights being the initial priority.⁴⁷

The original regulation in the ZSDP-1, according to which the contributions for the time when a worker (parent) did not work were calculated on the basis of the minimum wage, was inappropriate, as it resulted in significantly lower income replacement benefits (sickness cash benefits, unemployment benefits, pension), since they are calculated on the basis of the social security contributions paid. Furthermore, given that the right to part-time work is still mainly taken up by women, these rights could lead to indirect discrimination on the grounds of gender.⁴⁸ This was changed by the important amendment to the ZSDP-1C, which entered into force in 2020. The new regime provides that the worker is guaranteed social security contributions on a pro rata share of his/her past salary until the end of his/her full-time employment (Article 43(1) of ZSDP-1). If parents care for four or more children, one of them has a right to cease working (voluntary termination of employment or voluntary termination of the

⁴⁶ Stropnik (2020).

⁴⁷ Supreme Court Decisions No. VIII Ips 86/2019, 30. 6. 2020.

⁴⁸ Bagari (2020).

status of unemployed person) due to childcare; in this case, the state covers the cost of social security contributions until the youngest child reaches 8 years.

Furthermore, a worker who is breastfeeding a child under 18 months of age and who works full-time is entitled to a breastfeeding break during working hours of at least one hour a day and has the right to compensation and payment of the social security contributions during the breastfeeding break. This measure has not proved to be important in Slovenia, as only a small number of beneficiaries take advantage of it (less than 10 per year). This is probably due to the length of parental leave, which is mostly taken by mothers.⁴⁹

Parents are entitled to these rights if they are employed or self-employed (or have certain status equivalent to it) and thus insured on the basis of their work or employment or another equivalent status. There is no qualifying period required to be eligible for paid maternity, paternity, and parental leave; a person must be covered by parental protection insurance prior to the beginning of the leave. If the insured person has been covered by parental protection insurance for a shorter period than twelve months (average salary received over twelve months prior to leave represents a basis for the assessment of the benefit), the sum of the adjusted amount of the basic amount of the minimum income as provided for by the law governing social security benefits and the law governing the coordination of transfers to individuals and households in the Republic of Slovenia shall be taken into account as the insured person's base for the missing months. From 1 April 2024, the basic amount of the minimum income amounts to €484.88 net. Furthermore, even if a person is no longer insured on the day before the first day of leave, he/she is entitled to compensation for the duration of maternity, paternity, or parental leave, if he/she has been insured for parental protection for at least 12 months within the last three years (Article 41(2) of ZSDP-1).

4.2 Family benefits

In addition to rights under parental insurance, parents may be entitled to different family benefits financed from the state budget (tax-funded). Parents are entitled to them regardless of their employment status. Firstly, if parents do not qualify for a compensation benefit during leaves related to parenthood parental allowance (starševski dodatek) is granted to them. These are parents who are not covered by the parental insurance since they are not employed, self-employed or in certain similar status which is the basis for the affiliation to the compulsory social insurance scheme for parental protection, i.e., the unemployed who are not eligible for unemployment benefits, students and others. Parental allowance is paid for 365 days after the birth of a child and the parent is entitled to the parental allowance only if she or he (for the first seventy-seven days the mother, for the rest of it the parent who is exercising the right)

⁴⁹ Resolution on the Family Policy 2018-2028 "A Family Friendly Society for All" (ReDP18-28).

and the child have a permanent residence in Slovenia, and they are actually living in Slovenia. The amount of a parental allowance is around € 484.88 monthly (in 2024).

Secondly, every father or mother is entitled to a birth grant upon the child's birth (*pomoč ob rojstvu otroka*) if she or he has permanent residence in Slovenia and actually lives in Slovenia, whereby the nationality of the parents or the child plays no role. The amount of a birth grant amounts (in 2024) to € 421.97 and is adjusted periodically. It is not a means-tested benefit; meaning that the income of the family is not important (Articles 68 and 69 of ZSDP-1).

Child benefit (*otroški dodatek*) is a supplementary means-tested benefit of the parents for the maintenance, upbringing and education of the child. The amount of child benefit is determined by the family's income bracket, which are set in nominal limits. Depending on the number of children, the total amount of child benefit is determined for all children entitled to child benefit by adding together the individual amounts of child benefit for each child (Article 70-76 of ZSDP-1). Child benefit is paid to families whose average monthly income per family member is less than € 1,269.24 and amounts (in 2024) from € 24.55 to € 169.36 per child (depending on the level of income of the family). The higher the income, the lower the child benefit will be. Nevertheless, the amount of the benefit itself is not so high to stop parents from working. In 2023, there were 329 500 children entitled to child benefit in the average amount of € 68.⁵⁰

Large family allowance (*dodatek za veliko družino*) is a universal non means-tested benefit that is granted to all families with three or more children and that amounts (in 2024) to € 487.66 per year for families with three children and € 592.60 per year for families with four or more children.

Another family benefit is special childcare allowance (*dodatek za nego otroka*) for children requiring special care and treatment to help cover the increased living expenses which the family faces due to the child's condition. The allowance can be claimed with a medical certificate. It is paid for the period during which the child is granted special care due to medical reasons, but not longer than until the child reaches 18 years of age or, after that age, if they have the status of an apprentice, a pupil or a student, but no longer than until the child reaches the age of 26. The special childcare allowance amounts (in 2024) to € 123.46 per month and is increased to € 246.92 per month for children with severe mental or physical disabilities or illness. It should be adjusted regularly (Article 79-82 of ZSDP-1). Additionally, partial compensation for the loss of income for children requiring special care (*delno plačilo za izgubljeni dohodek*) is a personal income paid to one of the parents who has terminated his/her employment or has started to work part-time to be able to provide nursing and care for a child with severe mental or physical disabilities. The amount of partial compensation

⁵⁰ Child benefit is the social transfer with the highest government expenditure (around € 270.2 m 2023).

is 1.2 times the monthly gross minimum wage. If one of the parents works part-time than full-time, he is entitled to a proportional part of the partial payment for the lost income and if he cares for and looks after two or more children, the amount of the partial payment for loss of income is increased by 30% (Article 83-86 of ZSDP-1).

5. Early childhood education and childcare systems

The high level of availability, accessibility and affordability of organized childcare represents an important precondition for parents with young children to participate in the labour market. Through organized early childhood education and childcare (ECEC) systems, parents are provided with the conditions whereby they can take employment and still manage to harmonise their work and family obligations. Furthermore, high quality early childhood education and childcare also plays an important part in tackling possible social disadvantages of children and offers children an opportunity for socialization, personality development and education outside the family environment. The shortage of childcare facilities may either limit the possibility of having a job outside home or force parents of young children to search for informal childcare.⁵¹

Slovenia's early childhood education and childcare system can be described as very good.⁵² The current ECEC system grew out of three main influences: recognition of the interrelation between care and education, major political change (independence) which stimulated debate about policy reform, and consensus that early childhood services should fall under education.⁵³ Preschool education is aimed at children aged eleven months to six years or until children start primary education. It is not compulsory, meaning that parents decide whether to enrol their child in a childcare centre (kindergarten) or not. However, although enrolment rate in childcare centres continues to improve and the number of childcare units and places available have increased, not all children are covered. In school year 2022/2023 84,6% of all children aged 1–6 years was included in preschool institutions. The share is higher among children aged 3 to 6 years (93,1%), while informal care is still present among youngest children with (only) 71,1% of children aged 1 to 3 years in preschool institutions.⁵⁴

ECEC services in Slovenia are predominantly publicly provided. Publicly provided childcare centres may be organised as independent units or may be attached to primary schools. Childcare centres can also be provided privately and are eligible for public

⁵¹ Stropnik (2001). With this in mind, the Barcelona targets on childcare were set by the European Council in 2002 with the aim of increasing female labour-market participation by enhancing the provision of ECEC. See European Commission (2022).

⁵² Stropnik points out that Slovenia is an example of a country which has managed to retain most of its former social policy advantages and achievements while, at the same time, it adapted (particularly) childcare services according to principles of the market economy and increased the diversity and quality of its services (Stropnik, 2001).

⁵³ Kaga, Bennett & Moss (2010).

⁵⁴ SURS (2024b), Filipovič Hrast & Rakar (2021).

funding. According to the Ministry of Education there are currently 412 childcare centres in Slovenia, of which 77% are public and 23% are private.⁵⁵ The childcare centres employ 12,593 preschool teachers and preschool assistant teachers, of which 98% are women and 2% are men.⁵⁶ On average, one teacher looks after 7 children. The preschool programme is usually available for nine hours a day, but centres may operate longer. As working hours are increasingly based on constant availability, with work on Saturdays, Sundays and public holidays, overtime, and shift work, this can be a problem as parents do not have a guarantee that their child will be looked after during (full) working hours. With the exception of a few large cities, there are no childcare centres in Slovenia whose opening hours meet the needs of parents working afternoon shifts, Saturdays, Sundays and public holidays. Furthermore, in cities with a high population density, the lack of places in child care centres is still a pressing problem.

Local authorities are responsible for ensuring adequate provision of preschool places, either through direct provision or providing funding to private providers and subsidising the cost to parents. The ECEC system is financed by the municipalities for the first child, while the difference is covered by the parents depending on their income bracket (from 0% to 77% of the programme price). Fees are set by the childcare centres, but they are set and approved by the municipal councils, so they can vary widely between municipalities. In September 2023, the average fee for enrolling a child in a public childcare centre was € 585.37 for the first age group (from 1 to 3 years) and € 451.91 for the second age group (from 3 to 6 years) per month.⁵⁷ Private childcare centres tend to be even more expensive. Most parents are in income bracket 5 and pay 35% of the regular price for childcare centre.⁵⁸ Despite this, the inclusion of a child in a childcare centre represents a significant financial burden for parents, leading them to opt for other forms of childcare (mainly through a network of relatives). In this context, an important measure has been (re)introduced in September 2021: free childcare for the second and subsequent children. If parents have two or more children enrolled in a childcare centre, they are exempt from paying fees for the second and subsequent children. The cost of childcare for the second and subsequent children is covered by the state budget.

6. Conclusion – future challenges

The labour market situation of parents with young children in Slovenia shows that not everything is black and white. On the one hand, the employment rate is very high and the unemployment rate for both parents with young children is very low (especially compared to other EU countries), the work-life balance legislation is seen as generous,

⁵⁵ The development of publicly organized educational and care services for preschool children was particularly intensive in the 1970s. For the historical development of the Slovenian childcare system see Stropnik (2001).

⁵⁶ Ministry of Education (2023).

⁵⁷ Governmental information is available at: <https://www.gov.si/teme/vpis-otroka-v-vrtec/>.

⁵⁸ Ministry of Education (2023).

the gender pay gap is below the EU average and the enrolment rate in childcare centres is high. On the other hand, parents, both mothers and fathers, still face difficulties in the labour market because of parenthood. Furthermore, there is still a problem of gender inequality, especially with regard to working conditions and the burden of care responsibilities and household chores.

While we can identify many positive legislative changes that have increased the employment and labour market participation of parents with young children in recent decades and the legislation already provides relatively good opportunities for work-life balance, practice shows that there are problems in exercising some rights, as employers do not take sufficient account of the rights and needs of parents. It is therefore crucial to point out certain areas that require further attention to improve their situation in Slovenia.

Firstly, from a family policy perspective, secure employment is the most important factor in starting and maintaining a family and in the decision to start a family, so it is important that the state and employers ensure not only high employment rates, but also quality and secure employment for both parents. In the long term, secure jobs enable young people to make the decision to start a family and ensure the material and social security of families, while at the same time improving the quality of life of families. Secondly, although the legislation is clear, discrimination on the grounds of parenthood and family responsibilities, as well as violations of labour rights at work on the grounds of parenthood, are still present in the labour market. This requires stricter labour inspection and possibly tougher sanctions for employers who violate employment rights. Furthermore, as regards the unequal take-up of parental leave (as explained above, in practice it is still mothers who take the majority of parental leave) and the use of other rights for caring responsibilities (such as flexible working arrangements or sick leave for childcare), one of the solutions is certainly to raise the level of information among parents. At the same time, it would be useful to work on raising employers' awareness of the importance of work-life balance and respecting labour protection rights related to parenthood. It is important for employers to recognise needs of parents-workers and offer them the possibility of flexibility if they express the need and desire for it. Moreover, despite a generally well-developed public childcare system, there is still room for improvement to achieve available and affordable early childhood education and childcare systems for all families. It is also important to maintain measures that have proven to be effective, such as exemption from childcare centres fees for the second and subsequent children if more than one child is enrolled in childcare centre at the same time. Lastly, it is important to ensure that good legislation reflects in practice and equality before the law is reflected in equality in society.

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Promoting labour market participation of parents with young children – country note for Spain

This article is peer-reviewed.

Abstract

The following country note reviews how Spain encourages the participation of parents with young children in the labour market while encouraging their involvement with caregiving responsibilities. The case of Spain is characterized by significant advancements in its legal framework to support parents in both work and home domains, along with other programs and measures, as well as a positive shift in the public discourse around work-family balance. However, social, cultural, and organizational challenges persist, creating an environment where not all initiatives can fully flourish. We suggest developing an integral approach, including all the stakeholders involved, to facilitate the contemporary needs of working parents with young children. This should consist not only of developing a solid legal framework – which is a necessary condition – but also of creating elements that facilitate family-friendly environments in the workplace and enhanced support for early childhood education.

Keywords: employment of parents; work-life balance; labour law protection; social protection; childcare systems; Spain

1. General context

Work-family balance is an unresolved issue in Spain, especially among parents with young children. Despite recent rankings placing Spain among the top countries for work-family balance², the perception of a lack of work-family balance among working parents is prevalent. In the last European Quality of Live Survey, 51% of the Spaniards reported that it is very difficult or rather difficult to combine work and

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²For example, the variables included in the [Global Life-Work Balance Index 2024](#) were “statutory annual leave,” “minimum statutory sick pay percentage,” “paid maternity leave and payment rate,” “minimum wage,” “healthcare system,” “happiness index,” “average hours per week per employed person,” “LGBTQ+ inclusivity” and “Safety Global peace index ranking.” Some of these elements clearly impact the work-family balance, while others have a less significant impact. However, there are many nuances that are not covered in such indexes, such as the costs associated with early education, the impact of extended breaks during the workday (e.g. long lunch breaks), and the legitimacy (or lack thereof) of utilizing the flexible work arrangements offered by organizations.

care, compared to 36% of Europeans overall.³ These findings align with other studies showing that achieving a balance between work and care is a persistent challenge for Spanish working couples (Escriva, Bermúdez Figueroa, & Minguela, 2024; García Faroldi, 2023). Traditionally, this issue has been more pronounced for Spanish working mothers (Chinchilla & León, 2005; Tobío Soler, 2005), although an increasing number of working fathers also highlight the need for more work-family balance (Martínez-Pastor, Jurado-Guerrero, Fernández-Lozano, & Castellanos-Serrano, 2022; Tanquerel & Grau-Grau, 2020)

This lack of balance, which has important consequences on fertility (Bueno, 2020), cannot be attributed to a single cause but rather to a complex set of elements. For instance, the work domain is still largely characterized by a culture of presenteeism, where the traditional notion of the ideal worker prevails (Las Heras, Chinchilla, & Grau-Grau, 2019). In such a context, flexible work arrangements are not necessarily rare, but the organizational culture often discourages their use. Additionally, long lunch breaks extend the workday, resulting in difficulties in finding a work-family balance.

Moreover, this situation is exacerbated by a challenging economic situation, including a housing market with increasing prices, a persistent – thought declining – informal economy⁴, and heavy reliance on the service and tourism sectors⁵, which are more vulnerable to economic crisis and offer less standard working hours. Additionally, the prevalence of dormitory town forces many workers into long commutes (Gutiérrez-Domènech, 2008). This situation adds extra difficulties and fatigue to working parents, especially with young children.

A potential solution to this reality is implementing strong family policies, supported by a comprehensive network of early childhood education systems. However, as we will discuss later, despite some improvement, this is not yet the case. The current school system is not only marked by a limited public choice for children aged 0-3 but also by significant schedule mismatches – between work and school hours, between primary and secondary schedules and between private and public schools. Such a situation, which is especially complicated during the long summer breaks, forces some working parents to rely on grandparents for childcare, over-schedule their children, readjust their careers, or leave some children unsupervised⁶. When care is provided we can find

³ Eurofound Survey (2016). Available at: <https://www.eurofound.europa.eu/en/data-catalogue/european-quality-life-survey>

⁴ According to the European Labour Authority the undeclared work in Spain declined from 8.8% in 2013 to 6.7% in 2019. Source: Factsheet on undeclared work – Spain. March 2023. Available at: https://www.ela.europa.eu/sites/default/files/2024-02/ES-UDW_factsheet-2023-fin.pdf

⁵ Only the tourism sector employed 12.6% of the Spanish labour force, resulting in 2.67 million people in 2023. Information available at: <https://www.lamoncloa.gob.es/lang/en/gobierno/news/paginas/2024/20240208-tourism-employment.aspx>

⁶ A recent report highlighted that 9.1% of children under 12 are left home alone: <https://www.fundacionmapfre.org/publicaciones/todas/informe-accidentes-en-la-poblacion-infantil-espanola/>

important gender differences regarding time and types of activities (Gimenez-Nadal, Molina, & Ortega, 2017; Gracia & García-Román, 2018), despite the outbreak of COVID-19 which reduced some of such differences (Farré & González, 2021).

The lack of work-family balance has implications not only for fertility intentions but also for the quality of couple relationship (Fellows, Chiu, Hill, & Hawkins, 2016), feelings of parental guilt for not being present (e.g., mala madre [bad mother]), and some critical health outcomes (Frone, Russell, & Cooper, 1997), such as sleep quality. This affects family dynamics, which in turn might affect the work domain by reducing efficiency.

To address the challenges faced by working parents in Spain, the government has passed different bills, royal decrees, and implemented various initiatives. Among such laws, the Royal Decree-Law 6/2019⁷ has significantly reformed the parental leave system, by equalizing paternal and maternal leave. The main goal is to promote shared parental responsibilities at home and reduce the motherhood penalty in the workplace, understood as the disadvantages that women often face when they become mothers. Additionally, the Royal Decree-Law requires companies with over 50 employees to develop equality plans and maintain detailed salary records.

The Statute of Workers⁸ is a fundamental legal framework in Spain that provides the right for parents with children under 12 years old to reduce their working hours by between one-eighth and one-half, facilitating labour market participation, while enabling care for family members. Another important legislative instrument is the recent Royal Decree-Law 28/2020 on remote work,⁹ which establishes the right to request remote working arrangements, a measure particularly beneficial for parents with young children. In addition to these political advancements, there has been a positive shift in the public discourse around work-family balance, along with the rise of new associations or local programs from city halls that aim to facilitate a balance between work and family.

⁷ Royal Decree-Law 6/2019 of 1 March on urgent measures to guarantee equality of treatment and opportunities between women and men in employment and occupation. Information available at: <https://www.equalitylaw.eu/downloads/4865-spain-spain-approves-the-royal-decree-6-2019-of-01-march-2019-of-urgent-measures-to-guarantee-equality-of-treatment-and-opportunities-between-women-and-men-in-employment-and-occupation-pdf-104-kb>

⁸ Estatuto de los trabajadores, Royal Decree-Law 2/2015 of October 23 on approving the consolidated text of the Statute of Workers' Law. Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2015-11430#ddunica>

⁹ For further information visit the European Labour Authority, available at: <https://www.ela.europa.eu/sites/default/files/2021-09/ES%20-%20Telework%20regulation.pdf> and the legal database of Spain, available at: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-11043

2. Labour market situation

This section aims to provide a general overview of the current labour market situation in Spain. It focuses on key statistics related to employment, educational attainment levels, and gender differences, with a particular focus on the specific situation of parents with young children.

In 2024, the number of employed persons was 21,684,700 in Spain. As Table 1. shows, the female labour participation rate was 70.8%, compared to 79.1% for males. Unemployment also affects women more significantly (13.9%) than men (10.4%). Additionally, women experience higher levels of involuntary part-time work (10.5%) than men (3.4%). According to recent data, the percentage of patents registered by women in Spain is 14.6%. Furthermore, 2.9% of employed women are also employers, in contrast to 5.7% of employed men.

Table 1. Labour market situation in Spain

Female labour force participation rate (%)	70.8
Male labour force participation rate (%)	79.1
Unemployment rate for women (%)	13.9
Unemployment rate for men (%)	10.4
Involuntary part-time work among women (%)	10.5
Involuntary part-time work among men (%)	3.4
Percentage of women inventors (%)	14.6
Share of employed who are employers - women (%)	2.9
Share of employed who are employers - men (%)	5.7
Women in managerial positions (%)	37.4
Women on boards of directors	36

Source: OECD 2022, except unemployment rate (2023, Q2), labour force participation (2021), and the percentage of women inventors (2019).

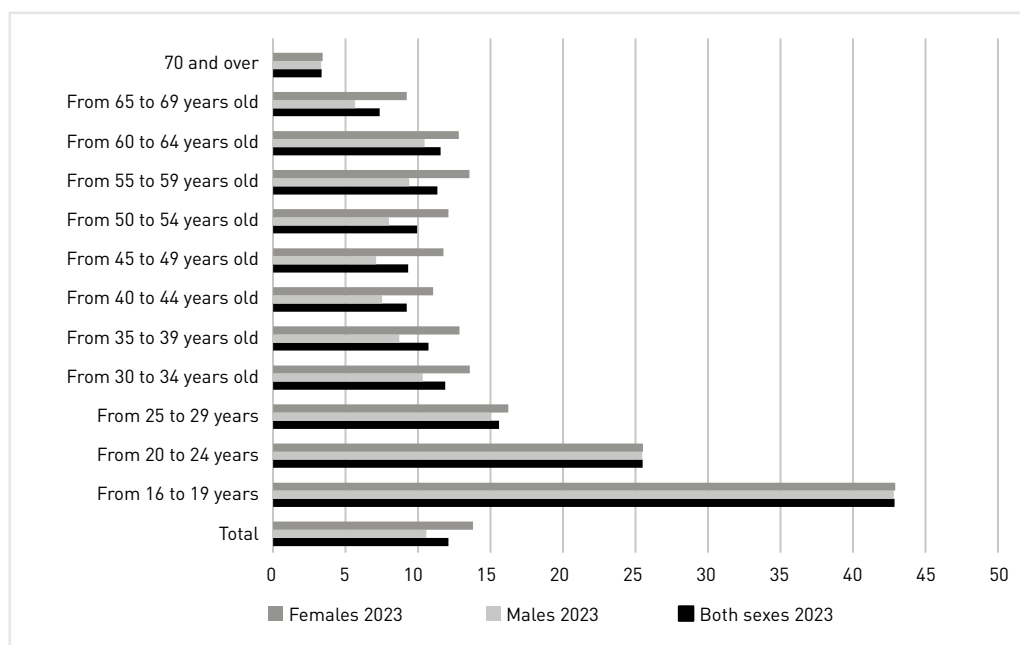
Part of the present labour force, and more predominantly the future one, is highly educated. In 2022, 57% of women aged 25 to 34 had a university degree, compared with 44.1% of men of the same age. In the older cohort we can find similar trends, but with a slightly lower number: half of the women aged 35 to 44 had a university degree, compared to 39% of men as Table 2. shows. 78.7% of women aged 25 to 34 have secondary education compared with 68.3% of men. School dropout is an issue within the education system, which contrasts with the high levels of university education, generating, in some sense, a dual society.

Table 2. Education level by age groups in Spain

Women aged 25 to 34 with university education (%)	57.0
Men aged 25 to 34 with university education (%)	44.1
Women aged 35 to 44 with university education (%)	50.0
Men aged 35 to 44 with university education (%)	39.0
Women aged 25 to 34 with secondary education (%)	78.7
Men aged 25 to 34 with secondary education (%)	68.3

Source: OECD 2022.

Table 3. Unemployment rates by age in Spain

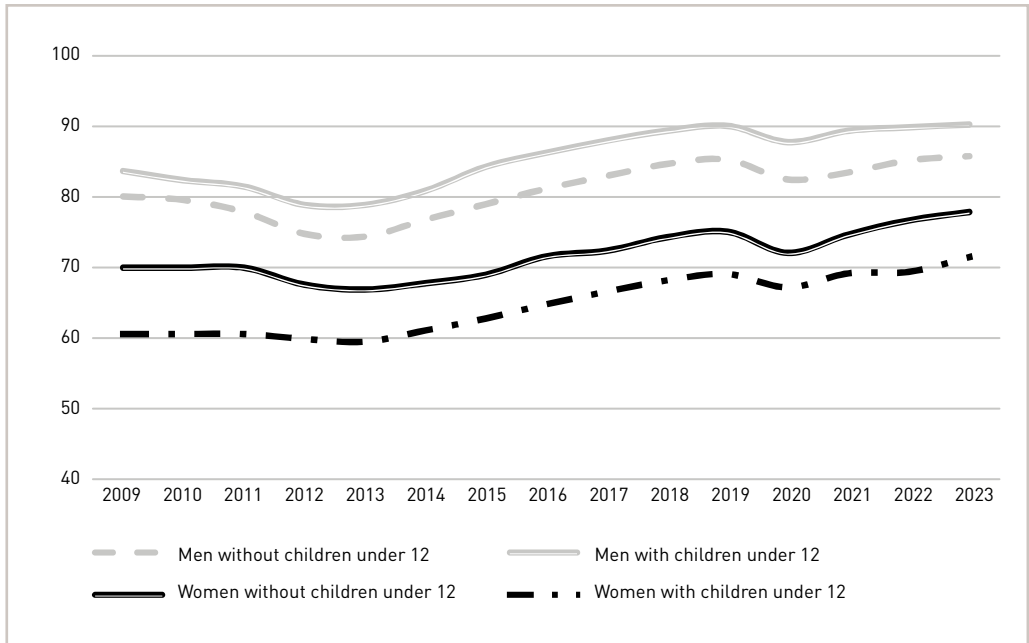


Source: Instituto Nacional de Estadística, (National Institute of Statistics) INE (2023).

Unemployment has always been a critical aspect of the Spanish economy, partially explained by its high reliance on two sectors hit strongly by economic cycles and crises: construction and tourism. As Table 1. shows, the unemployment rate was 13.9% for women and 10.9% for men, higher than the average of the European Union (around 7%). The unemployment rate by age (Table 3.) reveals a fundamental problem of the Spanish economy, namely high unemployment rate of young people which has important implications for access to housing, independence from the family, and family formation.

Figure 1 illustrates the employment rate of Spanish people aged 25 to 49 with and without children under 12 from 2009 to 2023. A contrasting trend is evident: for men, having children under 12 is associated with a higher employment rate compared to men without children under 12, while for women, the opposite is true, having children under 12 is associated with a lower employment rate. Across all the groups, the effects of the 2008 financial crisis and the outbreak of the COVID-19 pandemic are noticeable, but the employment rate within each group have remained relatively stable over time.

Figure 1. Employment rate of adults with/without children under 12 in Spain

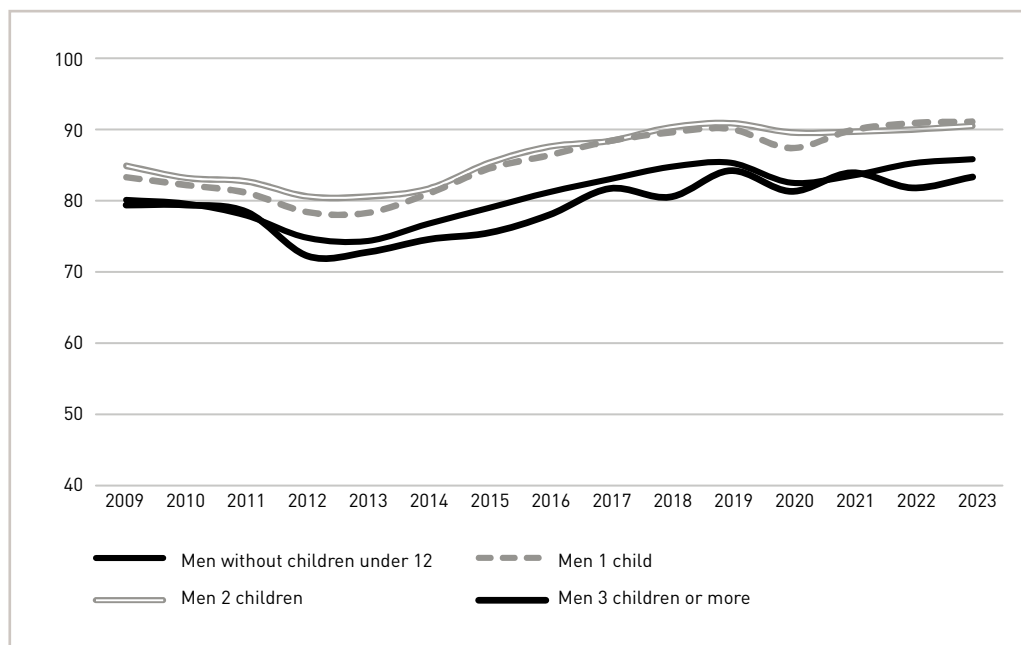


Source: INE (2023).

Focusing on men, those with two children traditionally had the highest employment rate. However, in the past three years, men with one child under the age of 12 have the highest employment rate, as illustrated in Figure 2. The group with a lower employment rate consisted of men with three children or more.

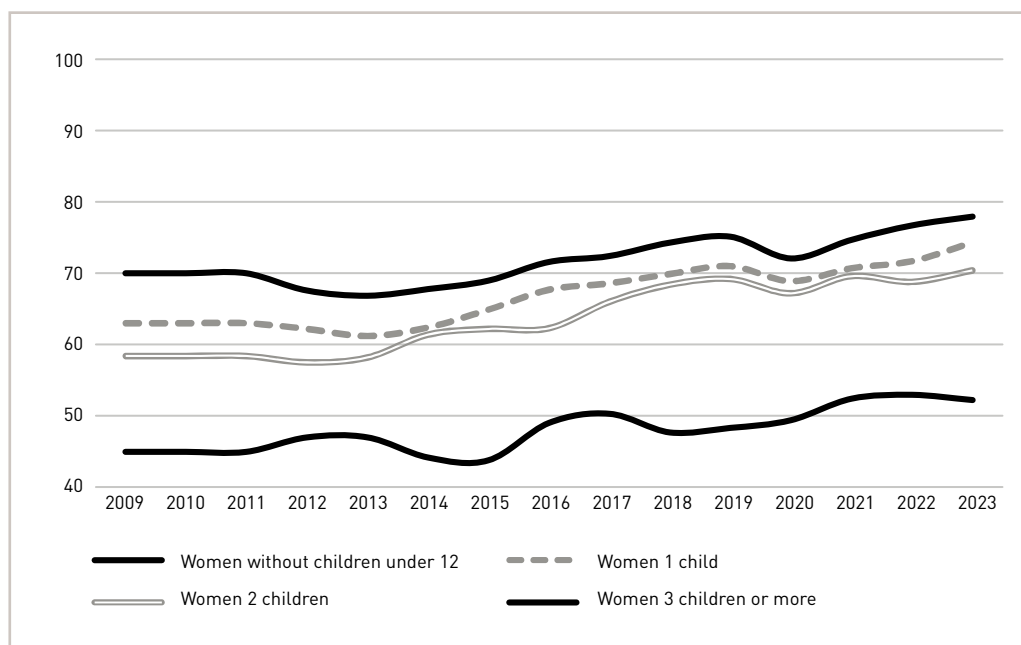
Generally, male groups have a 10-point difference in employment rates as compared with Figure 3. on women. Also, for women, the data presents a higher disparity based on family size. As shown in Figure 3, women without children under 12 are the group with the highest employment rate, followed by those with one child. In short, more children are associated with a lower employment rate, a trend that does not necessarily apply to men. Moreover, the disparity of women with three children or more with the other three groups is much higher than the differences between male groups.

Figure 2. Male employment rate, by number of children under 12 in Spain



Source: INE (2023).

Figure 3. Female employment rate, by number of children under 12 in Spain



Source: INE (2023).

Table 4. Average number of children by mother's level of education in Spain, 2018.

Autonomous Community	Total	Lower Secondary Education and Below	Upper Secondary and Non-Tertiary Education	Higher Education
Spain	1.09	1.51	1.03	0.94
Murcia	1.33	1.77	1.13	1.13
Melilla	1.41	2	1.15	1.04
Navarra	1.15	1.74	0.98	1.02
Balearic Islands	1.18	1.52	1.16	1.02
Andalusia	1.12	1.47	0.98	0.98
Valencia Community	1.12	1.45	1.1	0.98
Catalonia	1.1	1.58	1.02	0.96
Madrid	1.08	1.49	1.11	0.96
Basque Country	0.98	1.25	0.86	0.96
Ceuta	1.29	2.02	1.09	0.93
La Rioja	1.09	1.68	1.06	0.93
Extremadura	1.18	1.62	1	0.91
Canary Islands	1.1	1.51	1.1	0.91
Castile-La Mancha	1.16	1.67	1.09	0.9
Aragon	1.1	1.57	1.14	0.89
Galicia	0.99	1.35	0.98	0.83
Cantabria	0.96	1.27	1.03	0.83
Asturias	0.89	1.21	0.8	0.79
Castile and León	0.93	1.5	0.82	0.77

Source: INE (2018) and Fundación BBVA (Esenciales 41: Evolución de la natalidad en las regiones y municipios españoles, evolution of birth rates in Spanish regions and municipalities).

As illustrated above, there is a clear relationship between the number of children and employment levels. Furthermore, Table 4. demonstrates that educational attainment is also linked to family size. Generally, higher education levels are associated with fewer children. For instance, in Spain, mothers with lower secondary education or below have an average of 1.51 children, whereas this number decreases to 1.03 for those with upper secondary and non-tertiary education, and further drops to 0.94 for those with higher education. This trend is consistent across most autonomous communities, although exceptions can be seen in regions like Navarra and the Basque Country.

Gender differences exist not only in participation in the paid labour market but also in earnings. According to Eurostat, there is on average a 12.7% gender pay gap across

the EU¹⁰. In the case of Spain, this gender pay gap is a bit lower (8.7%), with important age differences, as Table 5 shows. In the first group, the gender gap is in favour of women, who earn slightly more than their male counterparts, but the gender pay gap shifts in favour of men between employees aged 25 to 34 and increases in each age group to arrive at its peak at 27.6% for persons over 65 resulting in a gender pension gap (Chinchilla, Jiménez, & Grau-Grau, 2014).

Table 5. Gender pay gap in unadjusted form by age in Spain

Less than 25 years	-3.8
From 25 to 24 years old	2.3
From 35 to 44 years old	6.2
From 45 to 54 years old	11.7
From 55 to 64 years old	13.5
Over 65	27.6

Source: EUROSTAT (2022).

3. Labour law protection of and employment incentives for parents with young children

The aim of this section is to examine the legal framework, policies, and practices designed to protect and promote the employment of parents with young children in Spain. To achieve this, this section is divided between general laws and legal frameworks, the impact of Directive 2019/1158 on work-life balance¹¹ atypical employment forms, the role of employers and collective agreements, and good practices and initiatives.

3.1. General laws and legal frameworks

In order to address the rising issues and work-family challenges presented at the beginning of the chapter, the Spanish government, especially moved by the gender equality perspective, approved a new Royal Decree-Law 6/2019 regarding urgent measures to guarantee equal treatment and opportunities between women and men in work and employment.¹² Among others, this Royal Decree-Law require companies

¹⁰ Unadjusted gender pay gap, defined by Eurostat as “difference between average gross hourly earnings of male and female employees as% of male gross earnings.” Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Gender_pay_gap_statistics

¹¹ 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, OJ L 188, 12.7.2019, p. 79–93. Spain has failed to comply with this obligation, as it is not compensating the last two weeks of the parental leave. consequently, the country would face different penalties: a fixed fine for the delay, along with an additional daily fine until compliance with the directive’s requirement.

¹² Real Decreto ley 6/2019, de 1 de marzo, de medidas urgentes para garantía de la igualdad de trato y de oportunidades entre mujeres y hombres en el empleo y la ocupación, available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2019-3244>

with more than 50 employees to implement an equality plan, together with new articles that require a registry of equality plans. It also modifies the Statute of Workers¹³ to give part-time workers the same rights as full-time employees. Another article requires employers to pay the same salary for work of equal value without discrimination based on sex. Additionally, employers must keep records of average salaries, wage supplements, and other extra-salary benefits categorised by sex and professional groups. This Royal Decree-Law also offers a new egalitarian parental leave system, where paternal leave has the same conditions as maternal leave: 16 weeks of leave, non-transferable, paid at 100% of the salary, and it is obligatory to take six weeks of leave following the birth (Meil, Escobedo, & Lapuerta, 2024).

The government also aims to protect working parents with other regulations. For example, the Statute of Workers allows working parents with children under 12 years old to reduce their working hours by one-eighth and one-half. Also, the Royal Decree on Social Security Benefits¹⁴ establishes specific social security benefits for parents, such as economic allowance for maternity and paternity leave and subsidies for large families and families with disabled children. Finally, two new Royal Decree-Laws must be mentioned: one regulates teleworking Royal Decree-Law 28/2000¹⁵ as a right that can be beneficial for parents with young children. The other introduces several measures aimed at promoting the work-life balance for parents and caregivers¹⁶, including the expansion of existing leaves, new rights for adapting work hours, and more protection against discrimination and job loss related to these rights, which can be considered a political strategy to promote labour market participation of parents with young children.

3.2. Atypical employment forms

Despite the introduction of a new Royal Decree-Law on remote work and the emergence of advanced telecommunication systems, remote work remains limited in the Spanish labour market. According to the INE, only 14% of workers reported having worked remotely, with the highest percentages found in Catalonia (21.8%) and Madrid (24.9%). Furthermore, 67.1% of respondents indicated that they had not worked remotely because their jobs did not permit it as Table 6. shows which takes into account the self-perceived employment status of the interviewees.

¹³ Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores, available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2015-11430>

¹⁴ Real Decreto 295/2009, de 6 de marzo, por el que se regulan las prestaciones económicas del sistema de la Seguridad Social por maternidad, paternidad, riesgo durante el embarazo y riesgo durante la lactancia natural. available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2009-4724>

¹⁵ Real Decreto ley 28/2020, de 22 de septiembre, de trabajo a distancia, available at: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-11043 European Labour Authority (2021), available at: <https://www.ela.europa.eu/sites/default/files/2021-09/ES%20-%20Telework%20regulation.pdf>

¹⁶ Real Decreto ley 5/2023, de transposición de Directivas de la Unión Europea en materia de modificaciones estructurales de sociedades mercantiles y conciliación de la vida familiar y la vida profesional de los progenitores y los cuidadores, available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2023-15135>

Table 6. Teleworking in Spain (%)

	Total number	Have worked remotely	Have not worked remotely although their job would allow it	Have not worked remotely because their job would not allow it
Total National	20,498,176	14.0	18.9	67.1
Andalusia	3,410,920	9.4	17.8	72.8
Aragon	578,091	7.7	18.3	74.0
Principality of Asturias	387,874	7.6	17.6	74.9
Balearic Islands	623,256	6.7	16.9	76.5
Canary Islands	992,323	10.5	13.4	76.2
Cantabria	262,434	8.3	17.8	73.9
Castile and León	994,298	12.2	15.9	71.9
Castilla-La Mancha	921,228	5.2	15.9	78.8
Catalonia	3,543,506	21.8	22.1	56.1
Valencian Community	2,147,792	11.5	23.0	65.5
Extremadura	409,191	6.0	18.0	76.1
Galicia	1,034,810	8.8	20.3	70.9
Community of Madrid	3,150,283	24.9	16.2	59.0
Region of Murcia	621,262	8.7	22.0	69.3
Community of Navarre	305,313	10.5	25.2	64.4
Basque Country	904,769	13.6	20.2	66.3
La Rioja	147,106	7.5	19.1	73.4
Ceuta	28,382	7.4	17.1	75.4
Melilla	35,337	3.8	16.1	80.1

Source: INE. Survey on equipment and use of information and communication technologies in households 2021.

Other studies in Spain found that 36% of the employees teleworked at least one day per week. The prevalence of remote work was higher among high-skilled professionals (54%), those living with a partner (38%) and individuals with dependent children (38%) (Curull & Maynou, 2024).

Table 7. Employed part-time by the reason for the part-time working day, sex and age group in Spain (2023)

		Total (Thousand persons)	Following educational or training courses	Sickness or incapacity	Care of children or sick adults, disabled or the elderly	Other family or personal obligations	Have not been able to find a full- time job	Does not wish to work full-time	Other reasons	Does not know the reason
Males (age)										
From 16 to 19 years	54,8	66.8%	1.1%				21.2%	4.7%	5.3%	0.7%
From 20 to 24 years	163,4	49.7%		0.5%		2.7%	35.0%	2.3%	8.6%	1.0%
From 25 to 29 years	112,3	26.2%	0.8%	1.4%		4.0%	53.0%	3.7%	10.9%	
From 30 to 34 years	75,2	6.8%	0.3%	6.0%		2.5%	70.9%	4.7%	8.8%	
From 35 to 39 years	53,2	6.8%	0.8%	12.0%		7.3%	52.8%	8.1%	12.4%	
From 40 to 44 years	68,9	0.9%	3.5%	10.7%		11.8%	58.2%	6.5%	8.6%	
From 45 to 49 years	54,9	0.4%	4.7%	6.7%		2.7%	59.6%	9.8%	16.0%	
Females (age)										
From 16 to 19 years	51,7	72.5%				0.8%	16.2%	5.4%	5.0%	
From 20 to 24 years	228,0	48.0%	0.5%	1.7%		2.5%	39.7%	2.3%	4.9%	0.3%
From 25 to 29 years	203,1	18.0%		5.9%		4.0%	58.7%	4.9%	8.2%	0.3%
From 30 to 34 years	181,6	3.6%	1.4%	25.0%		4.1%	51.2%	7.7%	7.1%	
From 35 to 39 years	232,0	2.1%	0.3%	35.6%		6.1%	43.4%	6.6%	5.8%	
From 40 to 44 years	265,1	0.9%	0.7%	36.8%		5.3%	43.9%	7.5%	5.0%	
From 45 to 49 years	275,2	0.6%	1.7%	17.6%		8.7%	53.1%	8.5%	9.6%	0.2%

Source: INE, 2023QIV

Part-time work in Spain is a gendered phenomenon, with a higher proportion of women than men engaged in this type of employment. Furthermore, there are significantly more women in involuntary part-time positions compared to their male counterparts, as previously mentioned. The reasons for working part-time also differ between genders. For instance, among individuals aged 30 to 44, women report being three times more likely than men to work part-time due to caregiving responsibilities for children, sick adults, individuals with disabilities, or the elderly.

3.3. The role of employers, collective agreements and initiatives.

While achieving work-family balance often appears to be a struggle for employees, some employers in Spain are actively working to enhance this balance for their workforce. For instance, there is an organization¹⁷ that certifies companies for their commitment to corporate family responsibility. Fundación Másfamilia is a private, professional, independent, non-profit and charitable organization which is active in developing actions to promote work-life balance.

A recent study also compares over 200 collective agreements from Spain and the Netherlands and examines the inclusion and types of flexible working arrangements (Brega, Besamusca, & Yerkes, 2024). The findings revealed that more flexibility clauses are found in Spanish collectives' agreements, probably due to more limited legal provision compared to those in the Netherlands.

Other initiatives, such as the ARHOE, the National Commission for the Rationalization of Spanish Schedules,¹⁸ and the Time Agreement at Barcelona City Hall¹⁹, serve as excellent examples of active efforts to encourage parents in achieving a better work-family balance. Additionally, resources like Concilia.org²⁰ and El Club de Malas Madres²¹ provide valuable support for families. Furthermore, several specific companies²² also exemplify effective practices in promoting work-family balance.

4. Social protection of parents with young children

As we presented before, new parents enjoy nowadays 16 weeks of leave which is non-transferable, paid at 100% of the salary, and it is obligatory to take six weeks of leave following the birth (Meil, Escobedo, & Lapuerta, 2024). Additionally, working

¹⁷ Fundación Másfamilia, available at: <https://masfamilia.org/certificacion-efr/>

¹⁸ ARHOE available at: <https://horariosenespana.com/>

¹⁹ Barcelona website, available at: <https://ajuntament.barcelona.cat/usosdeltemps/en/time-agreement/what-time-agreement>

²⁰ Concilia, a territorial project, available at: <https://concilia.org/>

²¹ The Community of Women and mothers, available at: <https://clubdemalasmadres.com/>

²² <https://quinton.es/sobre-nosotros/premios>

parents with children under 12 years old to reduce their working hours by one-eighth and one-half.

In Spain, working mothers may receive € 1,200 per year for the first three years if they continue working²³. Additionally, large and single-parent families can benefit from an extra €1200 until the oldest child turns 18 years old²⁴.

In this situation, the welfare trap, understood as the financial disadvantage of returning to work due to the loss of benefits, is not clear, but the hidden costs of childcare during the first infancy may be a form of welfare trap because some parents decide to stay home instead of paying for private nurseries.

5. Early childhood education and child care systems

In 2021, Spain's public expenditure on education reached €59.77 billion, representing 4.89% of the national GDP. Education is a regional competence, with 84.6% of funding coming from Autonomous Communities. A significant concern for the Spanish education system is early childhood education, with limited number of public nurseries, which imposes high costs for families with children under three. However, some critics argue that instead of expanding nursery options, the focus should shift to creating family-oriented spaces that offer limited, flexible hours for parents and children to engage together (de Febrer, 2021)

Table 8. shows the net enrolment rate at the age of 2. The data reveals significant variations in the total percentages over the years from 2011-12 to 2021-22, with an overall increase from 49.8% to 65.3%. Notable improvements are observed in regions such as Andalusia, which rose from 55.9% to 77.2%, and Cantabria, which increased from 57.9% to 78.6%. Conversely, regions like Asturias and Castile and León show more modest growth, with percentages of 39.5% and 38.1%, respectively, in 2021-22. The Basque Country consistently maintains the highest percentage, showing a slight increase from 91.3% to 92.3% over the same period. Other regions, such as Extremadura and Ceuta, display substantial growth, particularly in Extremadura, which jumped from 5.5% in 2011-12 to 57.2% in 2021-22. Overall, these figures suggest a trend of increasing participation or success rates across many regions, although the pace of improvement varies significantly among them. The increase in enrollment can be more attributed to a combination of factors, including a growing awareness of the importance of early education, the need for parents to secure childcare and work full-time at the same time, and shifts in social norms, than to a proliferation of public centers, despite their increasing number.

²³ State Tax Administration Agency, available at: https://sede.agenciatributaria.gob.es/Sede/en_gb/ciudadanos-familias-personas-discapacidad/deducciones-relacionadas-hijos-descendientes/deduccion-maternidad.html

²⁴ State Tax Administration Agency, available at: https://sede.agenciatributaria.gob.es/Sede/en_gb/ciudadanos-familias-personas-discapacidad/deducciones-relacionadas-hijos-descendientes/deduccion-familia-numerosa/importe-deduccion.html

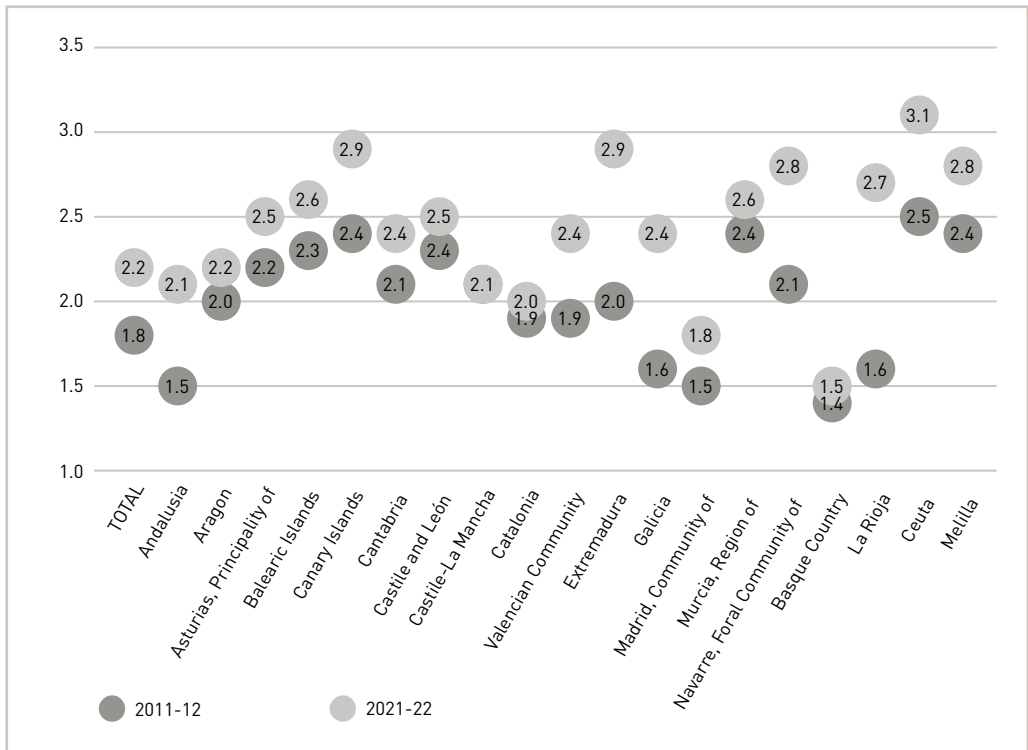
Table 8. Net enrolment rate at the age of 2 in Spain

	2011-12	2016-17	2021-22
TOTAL	49.8	60.0	65.3
Andalusia	55.9	67.2	77.2
Aragon	51.3	57.6	58.4
Asturias, Principality of	24.4	32.8	39.5
Balearic Islands	33.2	40.1	43.6
Canary Islands	12.3	33.0	38.9
Cantabria	57.9	70.1	78.6
Castile and León	28.0	35.3	38.1
Castile-La Mancha	54.4	56.2	55.1
Catalonia	58.8	61.2	62.7
Valencian Community	39.5	54.3	67.3
Extremadura	5.5	45.6	57.2
Galicia	36.0	69.4	72.7
Madrid, Community of	67.3	73.3	76.2
Murcia, Region of	27.0	31.8	36.8
Navarre, Foral Community of	16.3	44.3	49.5
Basque Country	91.3	91.6	92.3
La Rioja	24.6	57.6	71.5
Ceuta	7.0	26.3	38.9
Melilla	37.2	37.9	56.0

Source: Las cifras de la educación en España Estadísticas e indicadores Edición 2024.

In the same line, the data on the average age on entry into early childhood education shows an overall decrease from 2.2 years in 2011-12 to 1.8 in 2021-22. Regions like La Rioja or Extremadura experienced significant declines, probably reflecting socioeconomic factors, parental preferences or educational policies.

Figure 4. Average age of entry into early childhood education, 2011 (white grey) vs 2021 (grey)



Source: Las cifras de la educación en España Estadísticas e indicadores Edición 2024.

Some recent studies in Hungary and Spain show that subsidized childcare increases maternal labour force participation (Lovász & Szabó-Morvai, 2019; Nollenberger & Rodríguez-Planas, 2013). Other research found no effects on mothers with high or low education (Müller & Wrohlich, 2020).

6. Summary and future challenges

Despite the unresolved issue of work-family balance among parents of young children in Spain, we are witnessing promising developments to address this challenge. For example, the legal framework is evolving to protect parents in the labour market while encouraging their participation at home. Additionally, the Spanish government continues to increase the number of childcare institutions to help parents improve their work and care demands.

In the workplace, we are observing a democratization of flexible working arrangements explained by various reasons, including a growing corporate awareness aimed in some cases at talent retention and addressing employee needs in others, reinforced significantly by collective agreements. Additionally, private certifications have emerged

to support this trend. While these flexible working arrangements are not always fully used due to a culture of presenteeism, they represent a new opportunity for workers.

From a societal perspective, there is a clear shift in favor of work-family balance for parents with young children, reflected in the media and supported by a good number of local initiatives. The challenge is now to ensure that these changes are implemented effectively and consistently across all sectors.

The challenge of addressing social problems lies in how to offer integral solutions rather than fragmented ones, which sometimes lead to undesired effects, such as welfare traps. Solving this issue implies a commitment between different sectors, areas, and levels of work. For example, the successful family police in Quebec involved collaboration across multiple ministers in areas such as work and education.

From a political perspective, work-family balance cannot be delegated to a specific minister; it involves multiple areas and ministers, including work, education, families, housing, health, migration, and others. Therefore, it would be positive for this challenge to be led by the presidency, in coordination with the respective ministers in Spain. Even in this scenario, work-family balance is an ongoing challenge that will never be fully resolved. Still, the government should aspire to facilitate a legal framework accompanied by measures and services designed to support families in this new contemporary need. This support must be coordinated with the respective political ministers and various stakeholders, including organizations, academia, media, and local institutions. Achieving such coordination would be a significant step.

In this context, we can anticipate the following challenges. Organizations need to change their paradigms to understand the benefits of flexible working arrangements for families and organizations themselves. Collaboration between organizations and academia could provide valuable insights that might help companies recognize the importance of supporting working parents.

Another challenge for Spain is the vulnerability of its economy in critical times, which might destabilize families. At the same time, the high dependence of the Spanish economy on tourism and services, which often employs workers with non-standard hours, adds to the complexity of the issue of work-life balance. It is essential to develop specific and innovative solutions for these workers to address their unique needs.

Furthermore, despite Spain's progress on gender egalitarianism, micromachismos still exists, generating significant gender inequality, especially at home, but also in other contexts. Increasing awareness to reduce such micromachimos is another essential task and challenge.

On a personal and familial level, the lack of balance -though often perceived as a soft issue- has hard implications for health and mental well-being. The inability to fully realize one's potential, which is a crucial aspect of life, can lead to anxiety and a pervasive sense of guilt for not being an adequate parent or employee. Therefore, initiatives aimed at addressing this lack of balance are vital.

Finally, Spain's demographic trends are quite clear: the fertility rate remains low, and combined with high life expectancy, results in an aging society, with some positive implications but with some challenges like the sustainability of the pension system. Additionally, the desired fertility rate is, on average, one child higher than the real fertility rates, reinforcing the need to keep developing an integrative approach towards working parents with young children.

In short, Spain is moving into the right direction to protect parents with young children in the labour market while encouraging their participation in caregiving responsibilities. However, significant challenges remain, making it essential to develop an integral solution involving key stakeholders to keep advancing.

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Published by:
Kopp Mária Institute for Demography and Families (KINCS)

Responsible Publisher:
Tünde Fűrész

Editors:
Éva Lukács Gellénné, Árpád Mészáros, Tünde Fűrész

Copy editor:
Réka Szász

Graphic Design and Layout:
György Protzner

Printing:
Gelbert Eco Print Ltd.

ISBN 978-615-6447-25-8

The Book has been submitted to a peer review process.

This publication is not for commercial sale.
The Publisher's books (in print and e-book formats)
are available for purchase at the KINCS bookstore:
www.ekonyv.koppmariaintezet.hu



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