

PARENTAL LEAVE

In an international prospective



01.

ITALY



02.

SOUTH KOREA



03.

SPAIN



04.

UNITED KINGDOM





“According to the latest Istat data, there are 10 million women who, in the course of their lives, have given up working, or have not been able to invest in work to take on family commitments. The debate on equality is reopened.”

–Vanity Fair



ITALY

The Italian Constitution came into force on January 1, 1948

Article 37

“La donna lavoratrice ha gli stessi diritti e, a parità di lavoro, le stesse retribuzioni che spettano al lavoratore.

Le condizioni di lavoro devono consentire l'adempimento della sua essenziale funzione familiare e assicurare alla madre e al bambino una speciale adeguata protezione.”

Female maternity was introduced by the Law of 30 December 1971

The law sanctioned:

- the prohibition of dismissal of female workers from the beginning of the period of pregnancy until the end of the period of prohibition from work, as well as until the child reaches one year of age.
- the worker made redundant during that period, submitted within 90 days appropriate certification showing the existence of the conditions that prohibited it, was entitled to have the employment relationship restored.



MATERNITY TODAY

It is governed by Legislative Decree 151/2001



Maternity consist → a period of 5 months of compulsory abstention from work, of which 2 months shall be taken before the expected date of confinement and 3 months after confinement. The worker is also allowed to leave work for a further six months within the first year of the child's life, during which the job must be kept. The daily allowance is 80% of the salary for the entire period of compulsory abstention, and for a daily allowance of 30% of the salary for the period of optional absence.

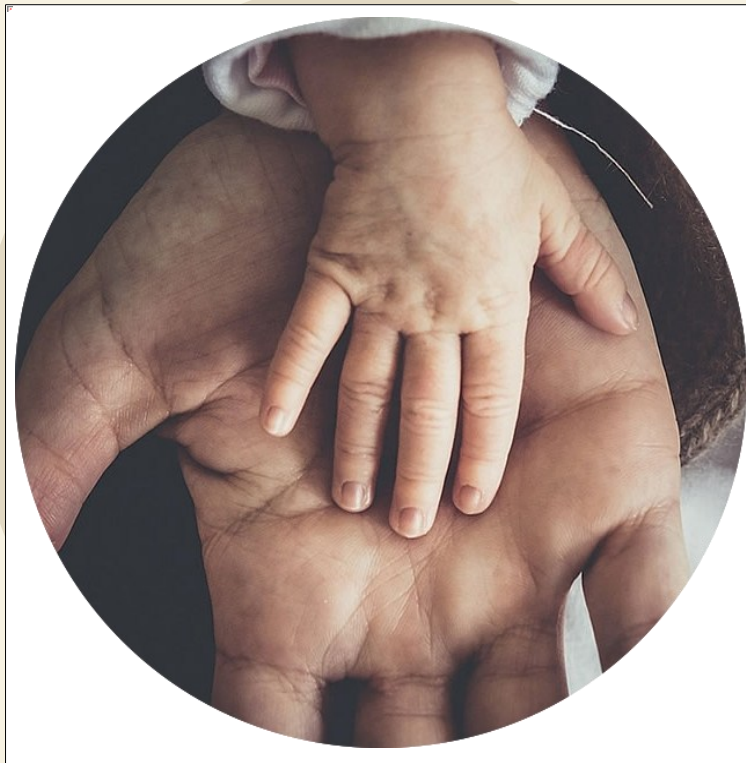
NOT ONLY MATERNITY BUT ALSO PATERNITY

At the end of 2012, The Minister of Labour, Elsa Fornero:

- Introduced a «symbolic measure», but innovative for our country.

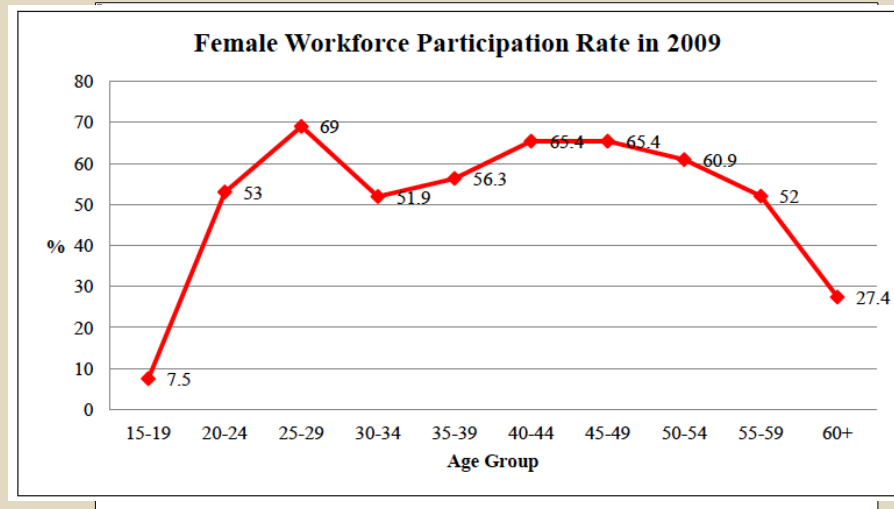
The measure provided for fathers , one day of compulsory leave and two days of optional leave - in place of the mother, in the period of compulsory abstinence.

This measure has been increased from one day for 2013 to 7 days for 2020.



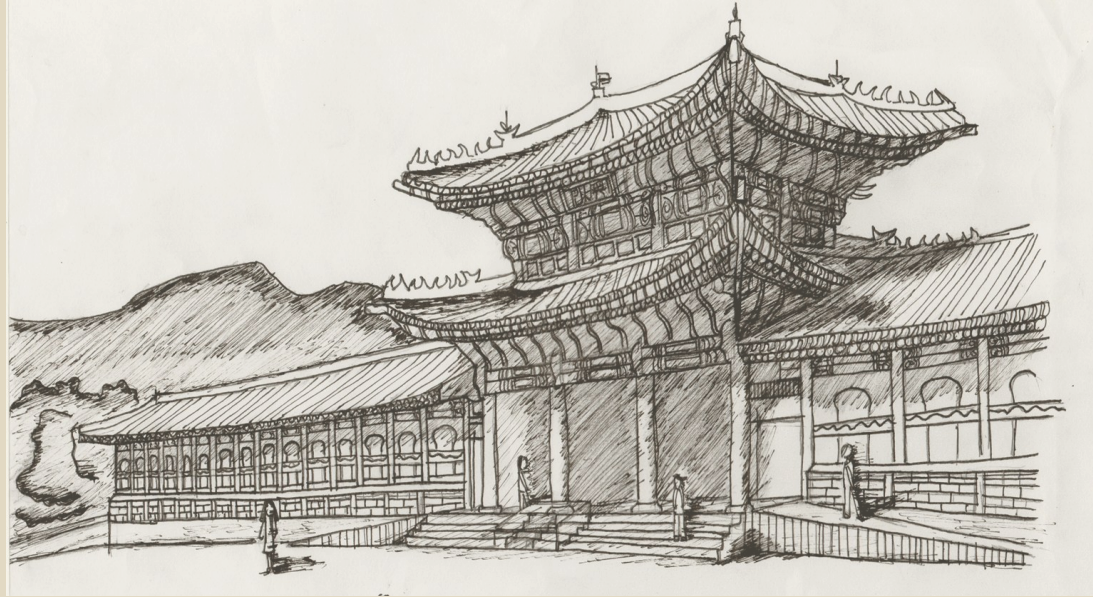
Considering that women between ages 30-34 are the prime age group of women that experience pregnancy in South Korea, the drastic decline in the workforce participation rate of this particular age group demonstrates that women are forced to choose between their career and motherhood.

SOUTH KOREA



DIFFERENT HISTORICAL BACKGROUND

In Europe, women fought for their emancipation through suffrage movement since the early nineteenth century. However, Korea struggled for independence and was not able to focus on the women's emancipation movement. However, with the initiation of industrialisation in the 1960s, unprecedented numbers of women started to assume roles outside of the domestic sphere as paid workers.



IMPORTANT DATES?

MATERNITY LEAVE

Labor Standards Act in 1953 provided 60 days of maternity leave along with one-day monthly menstruation leave for female workers.

PATERNITY LEAVE

The EEA was amended in 1995 to include working fathers as leave takers

CHILDCARE LEAVE

The Equal Employment Act (EEA) in 1987, first introduced childcare leave in South Korea, entitling working mothers who have a child less than one-year-old with a right to take a full year of unpaid leave.



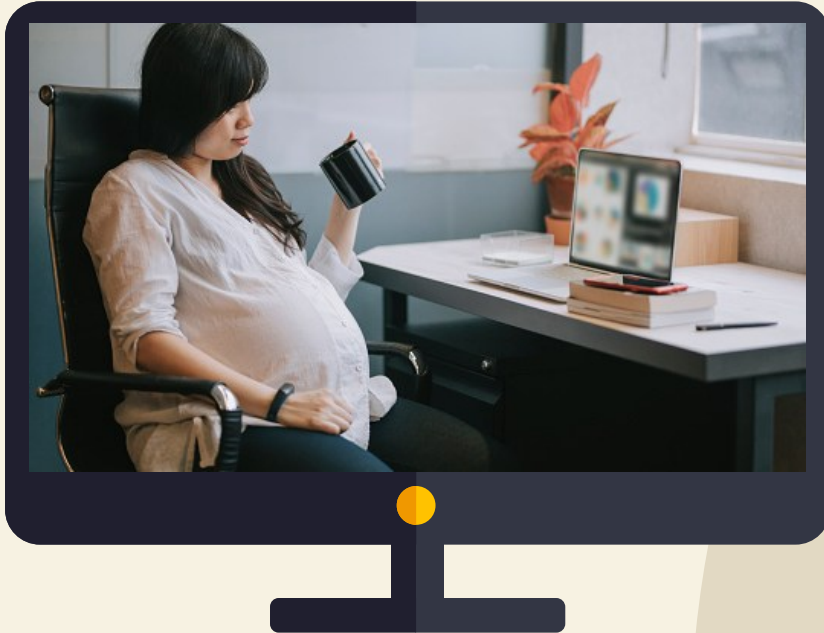
In early years of implementation, mothers participated in the leave system far more often than fathers, for practical and cultural reasons.

To reduce this imbalance, the labor ministry increased the income replacement rate for fathers taking parental leave. The paternity and childcare leave provisions, effective **October 1, 2019**, include:

- 10 days of employer-paid paternity leave for the birth of a child, to be taken within 90 days of birth.

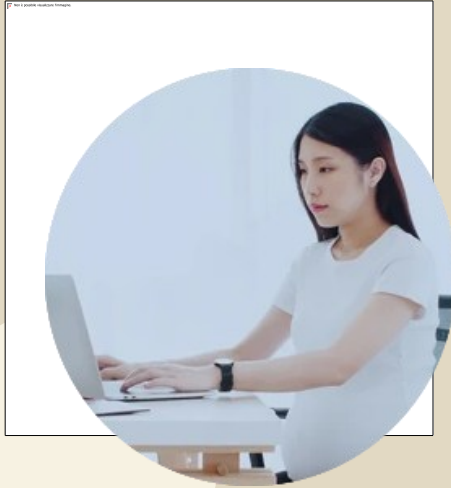


THE AMENDMENT OF THE LSA



The amendment of the Labor Standards Act extended the length of the maternity leave from 60 days to 90 days, plus 500,000 won of monthly financial subsidy for childcare leave. The qualifying age-range of children was increased from 0 to 3 and subsequently to 6 in 2011.

STRUCTURAL & NORMATIVE



STRUCTURAL

Structural obstacles that prohibit female workers from receiving the leave benefit can be treated equally as factors that impede women from taking the leave.



NORMATIVE

Every female worker, with the exception of those who are working in a handful of women-friendly workplaces, is subject to facing various degrees of difficulty caused by male-centric workplace culture.

STRUCTURAL OBSTACLES

THE FIRST OBSTACLE

The first obstacle are the conditions to qualify as a leave benefit applicant.



CONDITIONS TO QUALIFY

They must have subscribed to employment insurance

- Self-employed and unpaid family workers are not qualified to apply

Have been subscribed for a certain period of time

- | | | | | | | | |
|---|--------------------------|---|---|---|---|---|---|
| • | <i>Maternity Leave</i> | • | • | • | ○ | ○ | ○ |
| • | <i>Cildcare Benefits</i> | • | • | • | • | • | • |

NORMATIVE OBSTACLES

Disadvantages in promotion

Change of tasks



Unfair work evaluation

Although maternity and childcare leave are guaranteed by workplace regulation, female workers are not able to use the leave because of pressure from their bosses or colleagues who are not willing to support their motherhood.

THEN WHAT TO DO

The structural limitation in using maternity and childcare leave can be mitigated

It is only during recent years when the birth rate started to decline to one of the lowest in the world that the government began to pay significant attention

The normative difficulty requires a change in the male-centric workplace culture and in the way bosses and colleagues think about maternal protection





“Special protection shall be accorded to working women and they shall not be subjected to unjust discrimination in terms of employment, wages and working conditions ”

— **Article 32, Constitution of Republic of Korea**

SPAIN

In the last few decades, Spain has gone into troubled situations concerning women's rights, especially related to the position of women in the job market and in the family care.

During the Franco's dictatorship, Spanish society and legislation were based on a moral code that established strict norms of sexual behaviour and limited the opportunity of female career, focusing on the roles of wives and mothers

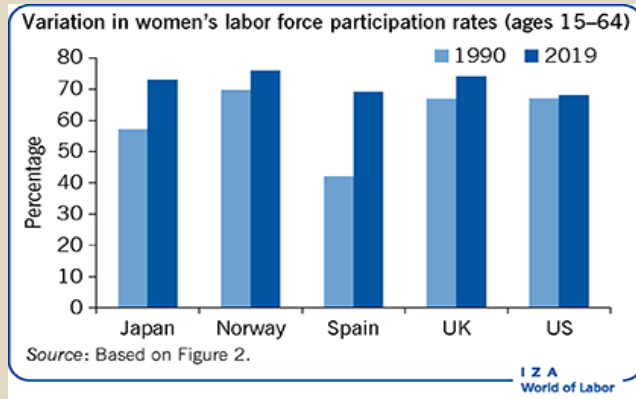


This is due to the fact that one of the legislative pillars on which family rights were based on was called “Permiso del cónyuge”, a legislative act that provided the abstention of women from all the economic activities, including the right to work, to travel alone or to have a private property without the permission of their husbands.

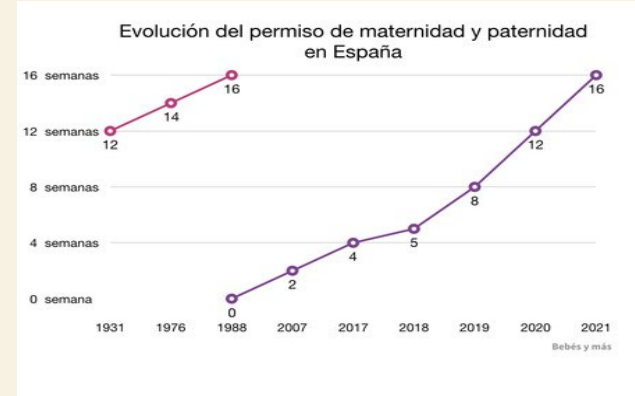


After the fall of the Franchist regime, the democratic transition of the 80's led to a radical change of the women's status by aligning all the legal provisions to the Western European countries' ones.

INDICATORS



A significant indicator was the entrance of women in the job market considering that in 1977 already 22% of all Spanish women got a job, a number that increased up to 33% in 1984.



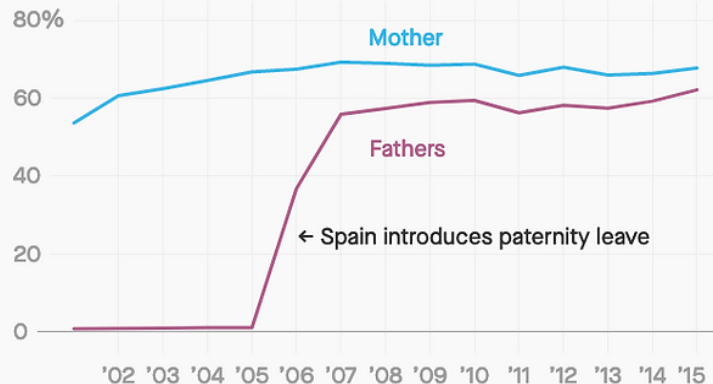
In terms of maternity rights, the situation is significantly improving since the 80's, given the fact that Spanish Governments gradually introduced some norms in the Spanish legal system with the aim to let women balance their work life with their family status, giving the opportunity to most of them to enhance their positions within the society.



MATERNITY & PATERNITY LEAVE

Recently, the concepts of paternity leave and maternity leave have become an issue of interest in Spain, in particular by Law No. 3 of 22 March 2007 on effective equality between men and women, which introduced parental leave;

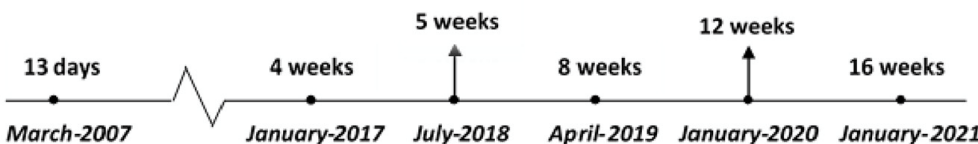
Share of parents taking parental leave in Spain



ATLAS | Data: Farré and Gonzalez (2019)

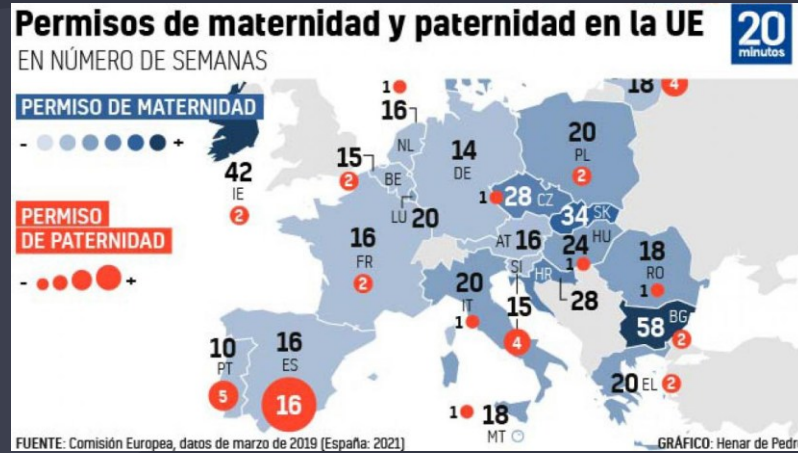
Share

Amount: 100% of the contribution base



As a result of a bill subsequently introduced by the Spanish Government in 01/03/2019, the regulation of parental leave has strongly changed in order to better balance the family care-work between fathers and mothers.

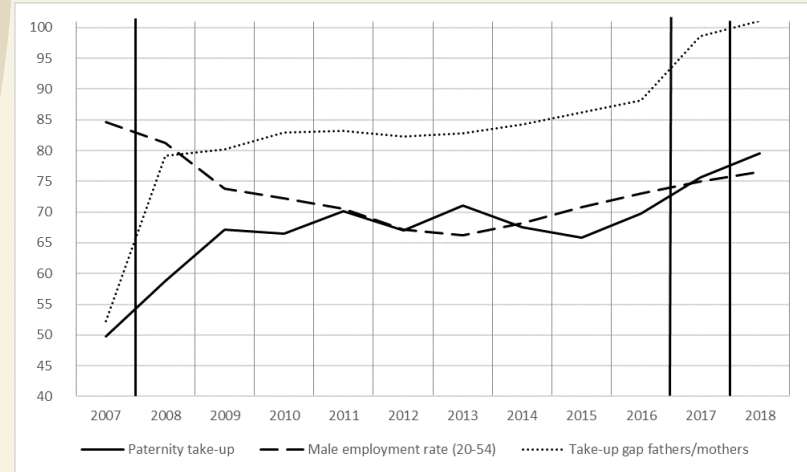
after
based on
al situations



The funding of the parental leave is actually up to a maximum of €3,600 circa per month based on the fact that workers-parents who paid the contributions for at least 180 days in the last 5 years are entitled to leave; for those who do not meet the eligibility criteria, there is a flat-rate allowance (€532 per month), paid for 42 days.

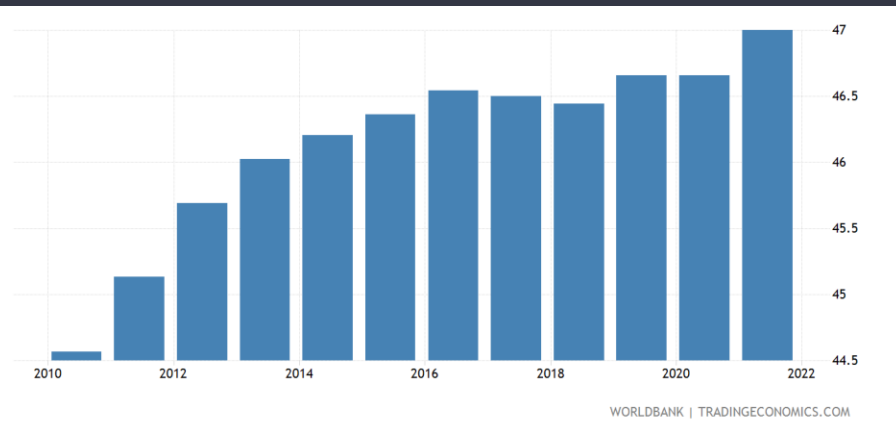
STATISTICS ON EQUALITY

In terms of paternity leave, the law enacted in March 2019 provided a duration passed by 5 weeks to 8, gradually increased up to 12 weeks in 2020 and finally 16 weeks starting from 01/01/2021 putting men and women on the same level of substantial equality in the access to parental leave without any legal discrimination.



Anyway, despite the cuts resulting from the economic crisis, the rate of usage of paternity leave has increased from 60% in 2008 to 71% in 2013, still increasing in recent years. Statistics compiled by the National Social Security Institute (Instituto Nacional de la Seguridad Social - INSS) show that between 2009 and 2013, around 80-83% of mothers use the maternity leave.

It is quite clear that there is still a clear difference in the application of maternity and paternity leave, but this gap is going to reduce year by year, highlighting an higher knowledge in the division of family work-care in order to make Spain a more equal country than before



THE GLOBAL GENDER GAP INDEX RANKING, 2020

Global, Top 10

1	Iceland	(0)	0.877	(0.018)
2	Norway	(0)	0.842	(0.007)
3	Finland	(1)	0.832	(0.011)
4	Sweden	(-1)	0.820	(-0.001)
5	Nicaragua	(0)	0.804	(-0.004)
6	New Zealand	(1)	0.799	(-0.001)
7	Ireland	(2)	0.798	(0.002)
8	Spain	(21)	0.795	(0.048)
9	Rwanda	(-3)	0.791	(-0.012)
10	Germany	(4)	0.787	(0.010)

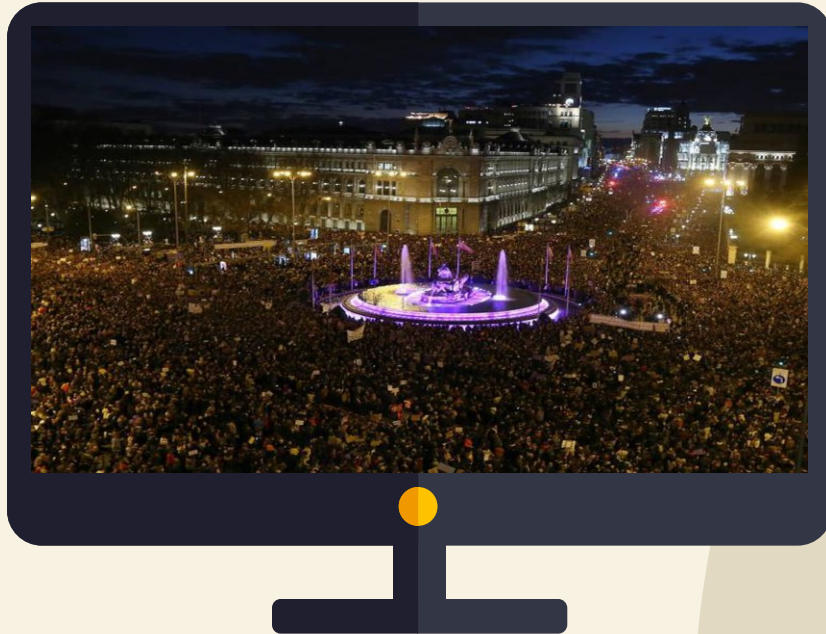
Change in rank

Change in score

Source: Global Gender Gap Report 2020

Female labour force is now 47% of the total labour force in Spain compared to 40% in 2010, meaning that even though parental leave is essential to balance family work-care, it is not enough to put women and men on the same level in the job market.

IN CONCLUSION...



It is quite clear that the Spanish legal system related to maternity and paternity leave is one of the most advanced not only in Europe, but also all over the world: this does not mean that in everyday life things are on the same line. However, the direction is definitely traced.



UNITED KINGDOM

In UK, the late-19th century was characterised by movements towards gender equality began with the suffrage. This period also witnessed significant changes to women's property rights. In particular, the Suffragette movement played a crucial role, shedding light on the condition of women in society and fighting to break down gender barriers. Thanks to their hard work which influenced public opinion, today UK women can enjoy rights such as **maternity leave**

EVOLUTION OF MATERNITY LEAVE THROUGH TIME

*National Insurance
Act*

1911

1975

Employment
Protection Act

Employment
Relations Act

1999

2001

Paternity Leave

*Shared Paternal
Leave*

2012

Children
Family Act

2014

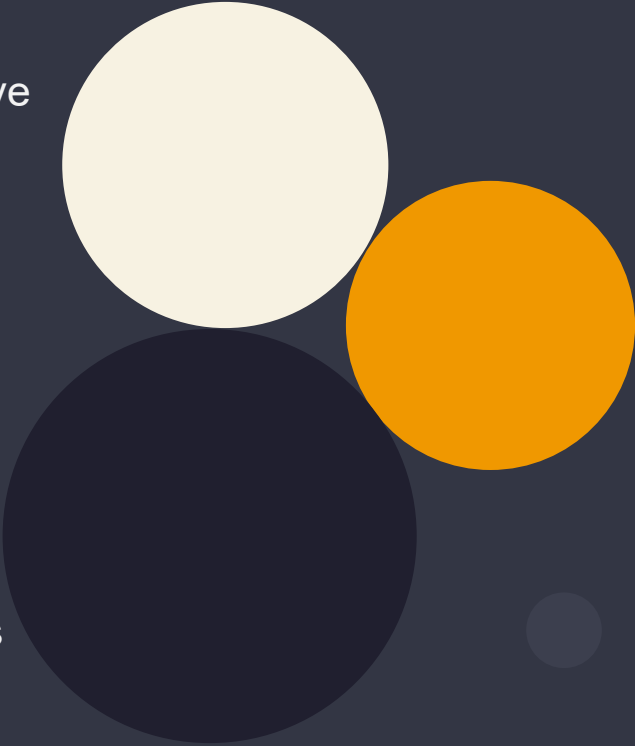
MATERNITY LEAVE TODAY

Employees can take up to 52 weeks of Statutory Maternity Leave, of which the first two weeks after the baby is born is 'compulsory' maternity

SMP is paid for up to 39 weeks, In the first 6 weeks women are entitled to 90% of your salary, amount which is reduced to 136,78 pounds for the following 33 weeks, A spouse or partner of the woman may request a two week paid paternity leave.

This leave is divided into a two 26-week periods. After the first 26 weeks, the father of the child (or the mother's partner) has the right to take up to 26 weeks' leave if their partner returns to work

Leaves are payed by the employer which is refunded by the 92%



State policies have
been adopted in
order to help
families

WORKING TAX
CREDIT supporting
workers that earn low
wages through the
child care element,
which provides refunds
for medical expenses

CHILD TAX
CREDIT,
supporting people
with children



Despite the changes which allow fathers to take up to 26 weeks' additional paternity leave for children, maternity and paternity leave is still not shared equally between parents. This provision has not been used much by new fathers. This is partly due cultural assumptions which perceive childcare as a woman's job.

A report by the Fabian Society and Centre for Social Justice (CSJ) includes a somewhat startling proposal for replacing the current provisions for statutory maternity, paternity and Shared Parental Leave, to address the fact that UK is ranked 34th out of 41 OECD countries in terms of the length and generosity of paid leave available to mothers, and 28th out of 34 OECD countries in terms of the paid leave available to fathers.

IN CONCLUSION

- Nevertheless in Uk there are widespread corporate policies aimed at hourly flexibility allowing balance between family and working life
- In addition recent researches made by Eurofound underline that in the last years gender differences have been significantly reduced as it is shown by recent data published by UK National Statistical Office which has registered the highest female employment rate since 1971

RESOURCES

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- https://en.wikipedia.org/wiki/Francisco_Franco

RESOURCES

- *Top view judge's gavel*
- *Judge's gavel and books*
- *Smiling mature lawyer working in the courtroom*
- *Smiling lawyer posin*

- *Background with advocacy elements*
- *Set de elementos de derecho y justicia*

- *Law and Justice*

THANKS!

The presentation was held by

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