Round Table 5: General Discussion: proposal of recommendations for leave policies in a gender equality perspective

Lisbon, 21 May of 2014, ICS-Ulisboa

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Summary

1 – Gender and inequality

2 - Changing the pattern

3 – Gender Equality and Leave Policy in Portugal: Recommendations
1 – Gender and Inequality: the public realm and the private sphere
## Definitions

**Men**

*noun*

**Male:**

1. an adult male human being
2. a male employee, without particular rank or title
3. a husband or male sexual partner

**People:**

1. the human race
2. a person of either sex (literary or old-fashioned)

**Woman**

*noun*

1. an adult female human being
2. A wife or female sexual partner
3. women in general

**Womankind:**

3. female humans in general

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The [Cambridge Advanced Learner's Dictionary & Thesaurus](https://dictionary.cambridge.org) © Cambridge University Press - 2014
Gender Inequality

**Man**
Man is defined as universal, namely in the field of paid work. The **public realm** is the man's world.

**Woman**
Woman is defined as specific, being that “specificity” the principal responsibility for human reproduction and the inherent unpaid work. The **domestic sphere** is women's domain.
CEDAW

Introduction

Cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment.
• Public and private life

11. Historically, human activity in public and private life has been viewed differently and regulated accordingly. In all societies women who have traditionally performed their roles in the private or domestic sphere have long had those activities treated as inferior.
12. As such activities are invaluable for the survival of society, there can be no justification for applying different and discriminatory laws or customs to them. Reports of States parties disclose that there are still countries where de jure equality does not exist. Women are thereby prevented from having equal access to resources and from enjoying equality of status in the family and society. Even where de jure equality exists, all societies assign different roles, which are regarded as inferior, to women. In this way, principles of justice and equality contained in particular in article 16 and also in articles 2, 5 and 24 of the Convention are being violated.
Women do more unpaid work in all countries
2 - Changing the pattern:

paternity must be in the public realm to integrate visibly man's world
Changing the pattern

1979 – UN – Convention on the Elimination of All Forms of Discrimination against Women - CEDAW

1981 – ILO – Convention 156 - Workers with family responsibilities

1982 – Portugal – Paternity is recognized in the Constitution as an eminent social value in parity to maternity

1984 – Portugal – Law 4/84 on Protection of Maternity and Paternity – Right to paternity leave fully paid in case of mother’s death or illness


1995 – UN - Beijing Platform for Action – inequality on unpaid work
Changing the pattern

1995 - OECD – “Household production in OECD countries: data sources and measurement methods”

1995 – Portugal – Law 17/95 - Right to an autonomous paternity leave of 2 days fully paid

1996 – Council of Europe – European Social Charter Revised - article 27 on the right of workers with family responsibilities to equal opportunities and equal treatment (parental leave)

1996 – Council of Europe – Recommendation 5, on reconciling work and family

1997 – **Council of Europe** – Istanbul Declaration on Equality between Woman and Men as a Fundamental Criterion of Democracy (paternity leave)

1997 – **Portugal** – Reconciling work and family life became a constitutional right for women and men workers.

1999 – **Portugal** – 3 new rights for fathers:
- Paternity leave: 5 days paid 100% (on a voluntary basis)
- Parental leave: 15 days paid 100% only to the father, if he takes it, as positive action addressed to men;
- 2 paid hours a day to feed the child during the 1st year of life.

2000 - **UN**
Review and Appraisal of the Implementation of the Platform for Action (Beijing + 5) - the social significance of maternity and paternity
Changing the pattern

2000 – European Union – Resolution of the Council and of the Ministers for Employment and Social Policy, meeting within the Council of 29 June 2000, on the balanced participation of women and men in family and working life


2004 – UN – CSW – Agreed Conclusions "The role of men and boys in achieving gender equality"

2004 – Portugal – The labour law made compulsory the 5 days of paternity leave

Changing the pattern


2007 – Council of Europe – Recommendation Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms (social significance of paternity, paid non-transferable paternity leave)

2008/9 – ILO – “Protect the future: Maternity, paternity and work - Gender Equality at the Heart of Decent Work Campaign” (paternity leave)


2009 – Portugal – The Labour Code introduced more 5 days of compulsory leave for the father and a “daddy’s month” on a voluntary basis
Changing the pattern

2010 – UN – Beijing + 15 – Secretary General Report

2010 – UN – CSW - Resolution 54/4 - Women’s economic empowerment


Changing the pattern


**2011 - OCDE**
Changing the pattern

2011 - **UN** - Commission on the Status of Women – CSW - Agreed conclusions *(men’s equal responsibilities with respect to household work)*

2011 - **UN** - Men in Families and Family Policy in a Changing World

2012 – **OCDE** Gender Initiative

V - whereas according to an OECD study\(^{(19)}\),

*domestic work accounts for 33 % of the GNP of the OECD member countries;*

\(^{19}\) OCDE, Society at a Glance 2011, OECD Social Indicators, @OECD2011.

REPORT on the impact of the economic crisis on gender equality and women’s rights –28-2-2013
Changing the pattern


B. promote family-friendly policies and working conditions which enable fathers and mothers to balance their working hours and their family responsibilities and facilitate women to participate more in private and public sector employment by:
3. providing **employment-protected paid maternity and paternity leave** to working mothers and fathers;

4. encouraging working fathers to take available care leave, for example by reserving part of the parental leave entitlement for the exclusive and non-transferable use by fathers;

5. providing incentives to fathers to use flexible work entitlements, promoting a more temporary use of part-time work among men and women, providing incentives for women to participate more hours in the labour force, and **raising awareness of gender stereotypes** to encourage a more equal sharing of paid and unpaid work (household responsibilities) between men and women;
Changing the pattern

2014 – ILO “Maternity and Paternity at Work: Law and practice across the world”:

Fathers undertaking a more active role in caregiving is likely to be one of the most significant social developments of the twenty-first century.

Introduction Key messages, P 1

The design and mix of work–family policies have enormous gender-transformative potential when they make the achievement of effective gender equality at work and in the household an explicit objective

Conclusions, P. 117
2014 – ILO - “Maternity and Paternity at Work: Law and practice across the world”

Where do parents get more leave?

- Interactive maps

  Maternity leave duration per country

  Paternity leave duration per country
3 – Gender Equality and Leave Policy in Portugal: Recommendations
Having in mind the prejudice...

... to achieve gender equality

society and the labour market must realize that children also have a father

paternity must then be an issue in the public sphere
PORTUGAL: fully paid leave for fathers

Reconciliation of Work and Family Life as a Condition of Equal Participation in the Labour Market: Main findings – EIGE - 2012


Figure 1 - Ratio of fathers to mothers using their entitlement to leave, 2007

Source: OECD, Social Policy Division, Directorate of Employment, Labour and Social Affairs, Family Database, Chart PF2.2.C

Note: The ratio is the relationship between the numbers of fathers taking parental leave in each country per 100 women. Data was collected using Family Database questionnaire on parental leave and cover 15 countries.
Portugal after February 2009
Maximum number of weeks of paid leave (83%): about 24 (180 days) for mother & father

**EU & International Law and PT paid leave**

- **EU, ILO, ESC-r**: 14 weeks
- **PT-Compulsory**: Mother: 6 weeks, Father: 6 weeks
- **PT-Exclusive; Optional**: Mother: 1,5 weeks, Father: 1,5 weeks
- **PT-Optional; Conditionated**: Mother: 4 weeks, Father: 5 weeks
- **PT-PL to share**: 2 weeks
Evolução das Licenças Parentais – CITE
Apenas nº beneficiários/as

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<td>6,9%</td>
<td>22,2%</td>
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* Nados-Vivos nascidos até 09/2012 (Fonte INE)
** Esta medida apenas existe desde 2008: o mesmo beneficiário pode ter tido processamento em mais de um benefício, pelo que, tal
Portugal – Recommendation 1
After 10 years of compulsory and paid leaves for fathers, 28 weeks (196 days) unconditioned and fully paid for mother & father with the compulsory leaves of the same length for both: **1 month more for the baby**
New costs - maximum

• More 180 days of 17% payment for both mother and father

• More 16 days of full payment for both mother and father
Compulsory publication of the statistics on the effective number of paid days of workplace’s absence of women and men due to maternity, paternity and parental leaves. The mere number of beneficiaries is insufficient to compare the time gap between women and men and consequently the respective pay gap.
Portugal – Recommendation 3

Combating gender stereotypes - The designation of the leaves:
Maternity, Paternity and Parental leaves

Maternity and Paternity leaves (1.5 month each) – the equal, compulsory and fully paid leaves, giving equal rights to the mother and to the father, as a parity threshold

Parental leaves (2 months each) – the variable and optional leaves to use only after Maternity and Paternity leaves, giving to the couple the freedom to share
“Paternity leave is not a one-size-fits-all solution to promote the equal sharing of family responsibilities and, as the majority of countries still provide only a few days of paternity leave, this policy alone is unlikely to make a difference in transforming traditional gender roles (United Nations, 2011). However, in enshrining a statutory right to paternity leave in national legislation, governments, workers, employers and societies as a whole publicly affirm that they value the care work of both women and men, which is a crucial step in advancing gender equality both at work and in the home.”
The literature on contemporary fatherhood therefore suggests that a growing number of men would like to have a better-balanced work-life situation, one that would enable them to be more involved in the care of their children (Hobson and Fahlen, 2009). There is also evidence of a growing trend among employers throughout the world, towards finding the means to create workplaces, policies and laws that are “father-friendly”. In many countries, the most common first step in this direction has been the granting of paternity, parental, or family leave. Definitions of these types of leave vary from country to country. At a very basic level, paternity leave is a statutory entitlement designed to enable a father to be absent from work for a certain period of the time commending with the birth of his child (O’Brien, 2009). Parental leave, on the other hand, is long-term leave which is made available to parents to allow them to take care of an infant or young child over time and is usually granted in addition to maternity/paternity leave (Organization for Economic Cooperation and Development, 2001). Family leave can be described as leave taken to attend to certain family responsibilities such as caring for a seriously ill family member.
Portugal – Recommendation 4
Compulsory periodical time use surveys

Namely, to evaluate the effect of the leaves policy on time of paid and unpaid work for family of women and men
Portugal – Recommendation 5
To introduce progressively in the coming years

Maternity and Paternity leaves (2,5 months each) – equal, fully paid, non-transferable and compulsory leaves, giving equal rights to the mother and to the father

Parental leaves (3,5 months each) – variable and optional, giving to the couple freedom to share, using, if necessary, part of the time of the individual right to parental leave (16 weeks for the mother and 16 weeks for the father) recognized by the Directive 2010/18/ EU
Thank you for your attention