

**FATHERS ON LEAVE AND GENDER EQUALITY:  
A COMPARATIVE PERSPECTIVE  
INTERNATIONAL WORKSHOP  
ICS-University of Lisbon/CITE**

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

*Lisbon, 21 May of 2014, ICS-Ulisboa*

*Maria do Céu da Cunha Rêgo*

# 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

# 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.

## COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

### General recommendation No. 21, 1994 - Equality in marriage and family relations

- *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.**

# COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

## General recommendation No. 21, 1994 - Equality in marriage and family relations

- *Public and private life*

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.



# OECD:

Miranda, V. (2011), "Cooking, Caring and Volunteering: Unpaid Work Around the World", *OECD Social, Employment and Migration Working Papers*, No. 116,-

[http://www.oecd.org/officialdocuments/displaydocumentpdf?cote=DELSA/ELSA/WD/SEM\(2011\)1&doclanguage=en](http://www.oecd.org/officialdocuments/displaydocumentpdf?cote=DELSA/ELSA/WD/SEM(2011)1&doclanguage=en)

## Women do more unpaid work in all countries



Organisation for Economic Co-operation and Development

20-Sep-2011

English - Or. English

**DIRECTORATE FOR EMPLOYMENT, LABOUR AND SOCIAL AFFAIRS  
EMPLOYMENT, LABOUR AND SOCIAL AFFAIRS COMMITTEE**

Cancels & replaces the same document of 25 February 2011

**OECD SOCIAL, EMPLOYMENT AND MIGRATION WORKING PAPERS N°. 116**

**COOKING, CARING AND VOLUNTEERING: UNPAID WORK AROUND THE WORLD**

**Veerle Miranda**

DELSA/ELSA/WD/SEM(2011)1  
Unclassified

## 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

**1989 – European Community** – Community Charter of Fundamental Social Rights of Workers – equality for men and women to reconcile their occupational and family obligations.

**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

**1996 – European Community** – Council Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC

# Changing the pattern

**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 de 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

**2002 – European Union** – Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

**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

**2006 – European Union** – 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)

# Changing the pattern

**2007 – OCDE** – *“Babies and Bosses - Reconciling Work and Family Life: A Synthesis of Findings for OECD Countries”* – Individualized paid leaves for fathers

**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 - ILO** – Resolution concerning gender equality at the heart of decent work adopted by the International Labour Conference – Conclusions (28.Paid 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**

**2010 – European Union - 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

**2010 – European Union – Commission - Strategy for equality between women and men 2010-2015**



# Changing the pattern

**2010 – European Union – European Parliament -**  
Second report on the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC 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 (2 weeks of paid paternity leave on a binding basis )

## **2011 - OCDE**

Miranda, V. (2011), “Cooking, Caring and Volunteering: Unpaid Work Around the World”, OECD Social, Employment and Migration Working Papers, No. 116,-

# 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

**2013 - EU – EP** - Report on the impact of the economic crisis on gender equality and women's rights

# 2013 - EU European Parliament

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2013-0048+0+DOC+XML+V0//EN>

*V - whereas according to an OECD study<sup>(19)</sup> 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

**2013 – OCDE** - Recommendation of the Council on Gender Equality in Education, Employment and Entrepreneurship

*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:*

# 2013 – OECD

## Recommendation of the Council on Gender Equality in Education, Employment and Entrepreneurship

[http://www.oecd.org/gender/C-MIN\(2013\)5-ENG.pdf](http://www.oecd.org/gender/C-MIN(2013)5-ENG.pdf)

- 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**

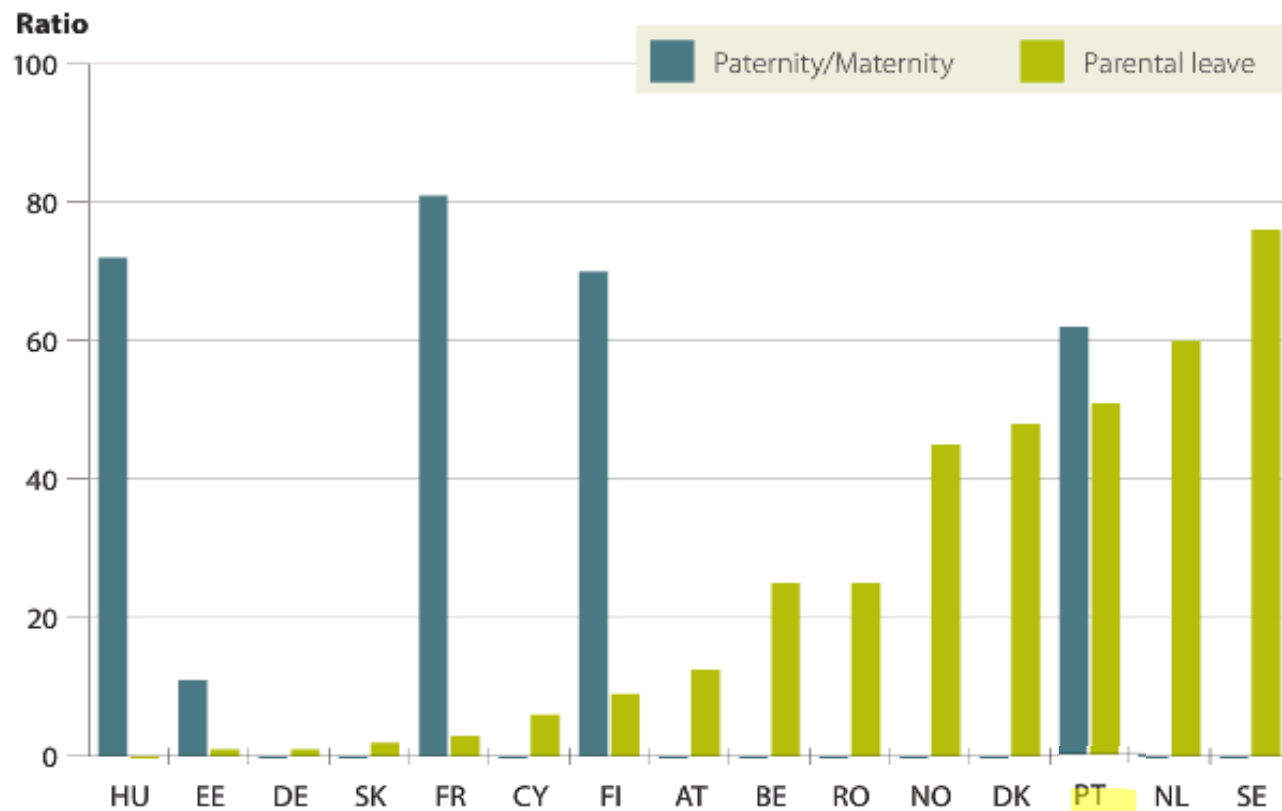
**paternity must then be an issue in the public sphere**

# 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*

<http://www.eige.europa.eu/content/document/main-findings-review-of-the-implementation-of-the-bpfa-in-the-area-f-women-economy-reconciliation>

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



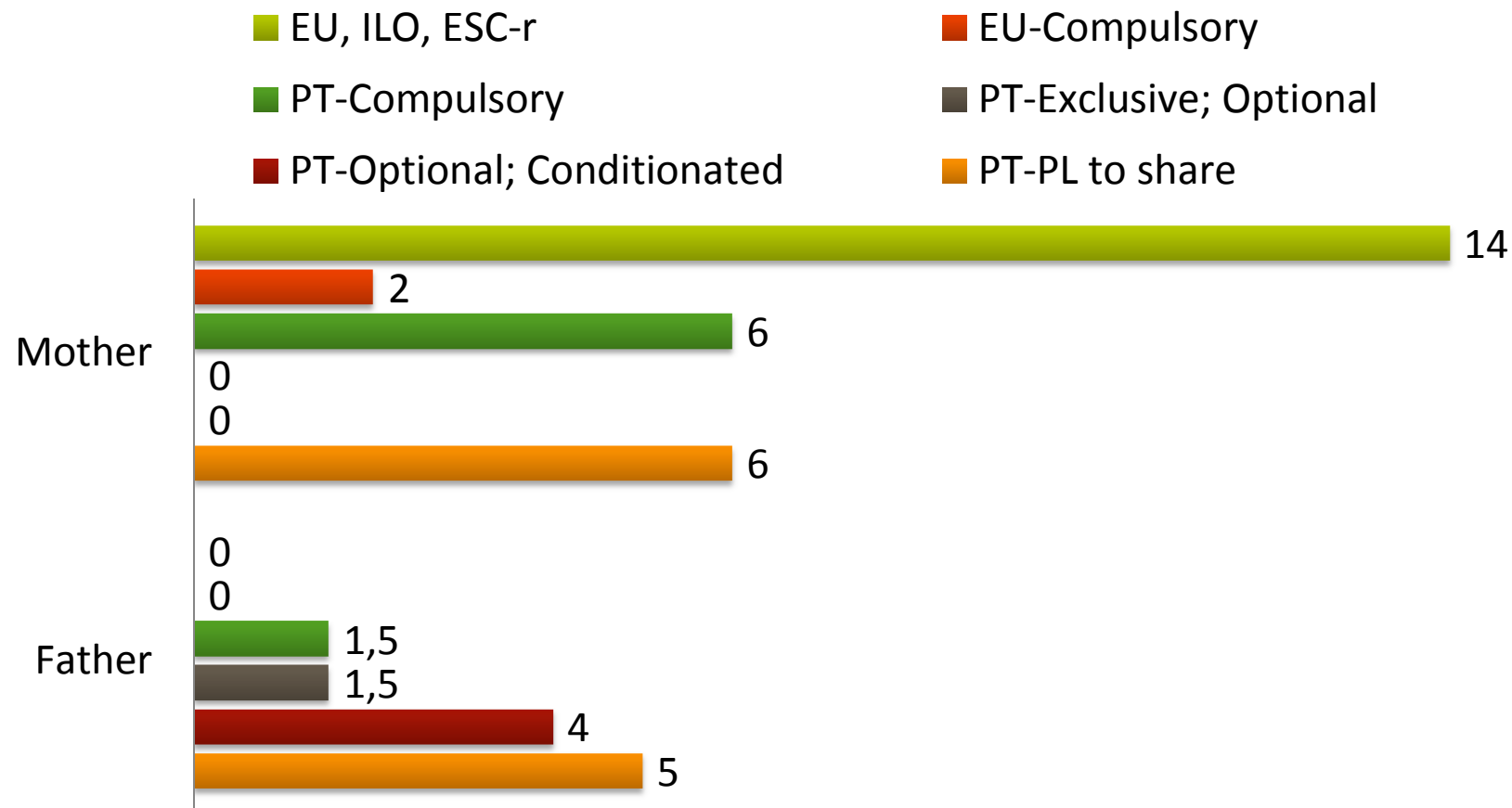
Source: OECD, Social Policy Division, Directorate of Employment, Labour and Social Affairs, Family Database, Chart PF2.2.C

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



# Evolução das Licenças Parentais – CITE

## Apenas nº beneficiários/as

### LICENÇAS DE PARENTALIDADE

Anos	2005	2007	2008	2009	2010	2011	2012 Dados até 09/2012
<b>Crianças nascidas*</b>	109399	102492	104594	99491	101507	97112	62004
<b>Homens que receberam subsídio por licença parental obrigatória de uso exclusivo do pai</b> <i>(5 dias até abril de 2009 e 10 dias desde maio de 2009)</i>	42982	45687	45973	53278	58069	61604	41229
<i>(% no total de crianças nascidas)</i>	39,3%	44,6%	44,0%	53,6%	57,2%	63,4%	66,5%
<i>(% no total das licenças das mulheres)</i>	56,5%	60,7%	61,2%	62,6%	67,3%	70,9%	72,2%
<b>Homens que receberam subsídio por licença parental facultativa de uso exclusivo do pai</b> <i>(15 dias até abril de 2009 e 10 dias desde maio de 2009)</i>	32945	37552	38442	44447	49823	52283	35133
<i>(% no total de crianças nascidas)</i>	30,1%	36,6%	36,8%	44,7%	49,1%	53,8%	56,7%
<i>(% no total das licenças das mulheres)</i>	43,3%	49,9%	51,2%	52,2%	57,8%	60,1%	61,6%
<b>Homens que partilharam licença de 120/150 dias</b>	413	551	577	8593	19711	20528	12254
<i>(% no total de crianças nascidas)</i>	0,4%	0,5%	0,6%	8,6%	19,4%	21,1%	19,8%
<i>(% no total das licenças das mulheres)</i>	0,5%	0,7%	0,8%	10,1%	22,9%	23,6%	21,5%
<b>Mulheres que receberam subsídio por licença de 120/150 dias</b>	76125	75297	75128	85085	86242	86941	57071
<i>(% no total de crianças nascidas)</i>	69,6%	73,5%	71,8%	85,5%	85,0%	89,5%	92,0%
<b>Homens que receberam subsídio social de paternidade/subsídio social parental**</b>				3945	7100	6601	4876
<i>(% no total de crianças nascidas)</i>	---	---	---	4,0%	7,0%	6,8%	7,9%
<i>(% no total das licenças das mulheres que beneficiam do subsídio social de maternidade)</i>	---	---	---	17,9%	33,3%	35,2%	41,3%
<b>Mulheres que receberam subsídio social de maternidade/subsídio social parental*</b>			7257	22094	21300	18742	11820
<i>(% no total de crianças nascidas)</i>	---	---	6,9%	22,2%	21,0%	19,3%	19,1%

\*Nados-Vivos nascidos até 09/2012 (Fonte INE)

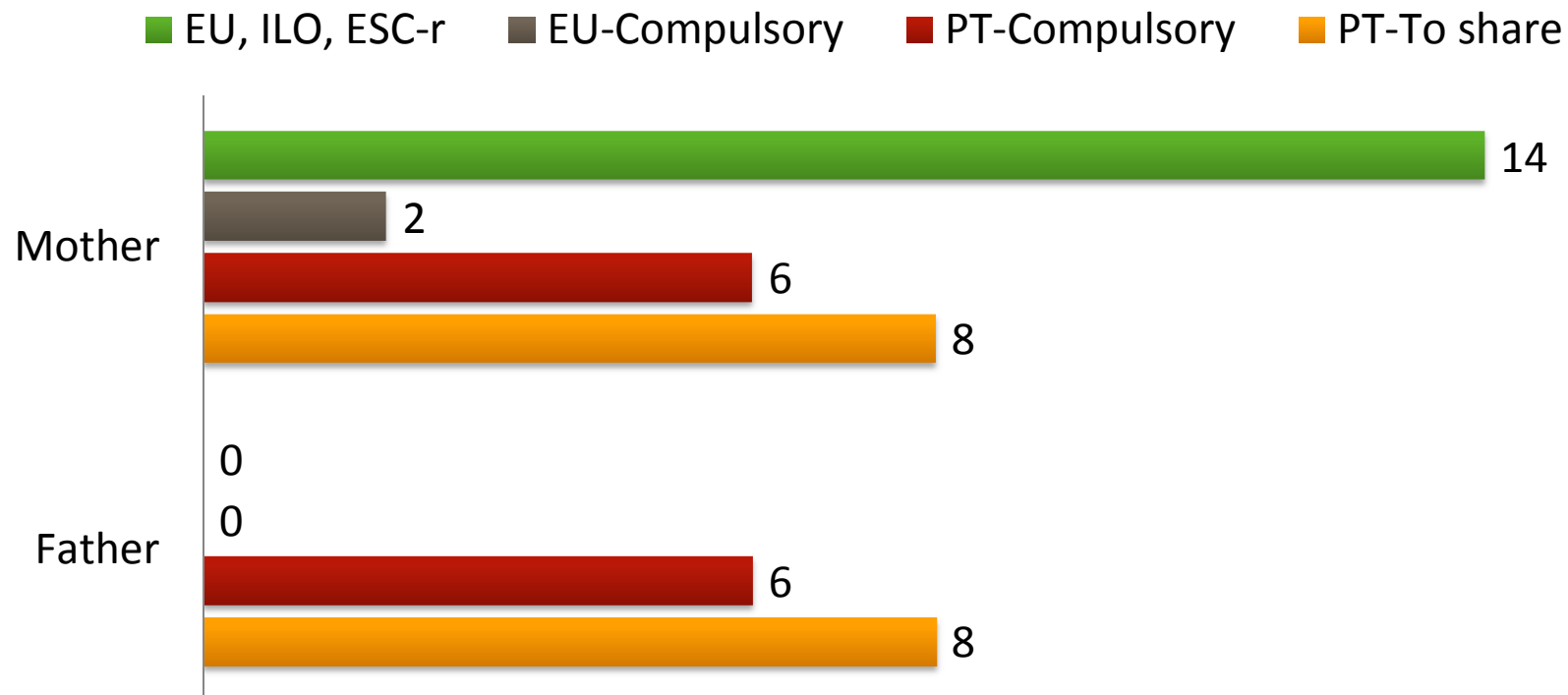
\*\* Esta medida apenas existe desde 2008: o mesmo beneficiário pode ter tido processamento em mais de um benefício, pelo que, tal

Fonte: Instituto de Informática, IP

# 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**

## Recommendation 1



# 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

## Portugal – Recommendation 2

### Clear and complete statistics

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



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

*“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.**”*

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

*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 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 commencing 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

