

The politics of parental leave policies

Children, parenting, gender and the labour market



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Portugal and Spain: two pathways in Southern Europe

Karin Wall and Anna Escobedo

Portugal

*Maternity leave*¹: 120 calendar days (17 weeks) at 100% of earnings or 150 days at 80%, with no ceiling. Mothers have to take 6 weeks after the birth of a child; the rest may be transferred to the father.

Paternity leave: 5 working days at 100% with no ceiling; obligatory.

Parental leave: 3 months per parent until child is 6 years. No payment except for 15 calendar days at 100% with no ceiling if taken by the father immediately after maternity or paternity leave.

Leave to care for children: 30 days a year per family for sick children under 10 years at 65% of average earnings; no time limit if a child is in hospital.

Other: 2 hours' absence per working day per family for 12 months after a child's birth, without loss of earnings (paid by employer).

Spain

Maternity leave: 16 weeks at 100% up to a ceiling of €3,074 per month. Mothers can transfer up to 10 weeks to fathers or choose to take them part time over 20 weeks.

Paternity leave: 15 calendar days, 2 days to be taken after birth, the rest during/at the end of maternity leave, at 100%. May be taken part time with employer's agreement.

Parental leave: until child is 3 years; an individual entitlement. No payment, but some regional governments offer low flat-rate benefits.

Leave to care for dependants: 2 days per worker for a 'seriously ill' child or other family reasons, without loss of earnings (paid by employer).

Other: one hour's absence per working day per family for 9 months after a child's birth (paid by employer). Reduced hours may be consolidated to allow a 2–4 week extension of maternity leave. Working parents may reduce their working hours (from one eighth to half of working time) until a child is 8 years, without payment; some regional governments offer benefits for the working time reduction.

Portugal and **Spain** are member states of the European Union (EU). **Portugal** has a high level of maternal employment and a low level of female part-time employment. It is estimated that about three quarters of mothers are eligible for maternity leave. Although obligatory, in 2006 only 61% of fathers took paternity leave and 49% the 15 days of paid parental leave (however, take-up is underestimated as statistics exclude employees with special social protection regimes, for example, in the civil service and banks). There is no information on take-up for the remainder of parental leave, but it is thought to be low because it is unpaid.

Spain is not a federal state, but has strong devolution to regions. It has a relatively low level of maternal employment. Paternity leave, introduced in 2007, had an estimated take-up of 45% during the first year, while 65% of women having a child benefited from maternity leave. Take-up of parental leave is low, equivalent to 6% of births in 2005; fathers accounted for 4.5% of users.

Introduction

Much about the welfare state and family policy in Southern Europe has been analysed and reported on, but there has been no systematic effort to look in historical context at the evolution of policies and to understand the paths taken in some countries but not in others. As in other European countries, Spain and Portugal have moved away from policies focusing on the 'traditional' male breadwinner model (Crompton, 1999; Pfau-Effinger et al, 2009). However, reconciliation policies, and leave policies in particular, have not necessarily shifted at the same pace in both countries or in the same direction.

The main aim of this chapter will be to compare the particular routes taken by parental leave policies in Spain and Portugal since their transitions to democracy. Understanding the politics of leave policy in these countries involves analysis along three main lines: identifying the main aims, policy measures and turning points in leave policies since the 1960s; focusing on the actors, constraints or political processes that sustained or influenced these policies; and analysing the linkages between leave policy and major shifts in other related policies. For parental leave is but one element in policy packages intended to support the reconciliation of work and care for young children. Analysis of the connections of leave policy to the development of early childhood education and care (ECEC) services and to other gender, family and employment practices and policies is essential to capturing the overall meanings and rationales of leave policy in a particular country.

Against a historical backdrop, the chapter will compare current leave policy models in the two countries and discuss commonalities and differences. In Southern European welfare regimes, emphasis has largely been placed on a 'male breadwinner' leave scheme model where women do not work outside the home when they have young children (Flaquer, 2000; Wall, 2002). But this model may be being superseded, to a greater or lesser extent, by another: 'early return to full-time work', where some women return to full-time work after a short period of well-compensated leave (Wall, 2007). In a comparative European perspective, the main challenge here is to see to what extent parental leave policies in Portugal and Spain are diverging or whether both are moving in the direction of the 'early return' model.

Leave policies in Portugal

The Salazar dictatorship

After a military coup in 1926, which overthrew the first Republic (1910–26), Salazar took over the government as Prime Minister in 1932. Based on radical right-wing and anti-liberal Catholicism, the Salazar dictatorship emphasised the 4-part doctrine of God, fatherland, family and work. The concept of the family as the smallest unit in an organic and corporatist society, churchgoing and organised hierarchically (male breadwinner 'head of family', subordinate homemaker wife, obedient children), dominated daily lives and legislation. Civil rights relating to marriage and divorce (first introduced in 1910) were changed, the 'concordat' established with the Vatican forbidding divorce for Catholic marriages. Other rights that women had gained were restricted or annulled. In the new Civil Code, husbands were entitled to revoke work contracts signed by their wives without their consent, and married women were considered to be legally responsible for managing the household. Care for young children was in the hands of families, mostly women who, even if never barred from economic activity with the aim of contributing to the *family's* economic well-being, were always expected to put their domestic and caring duties first. For the care of the very needy or those with no family, the state relied on private, mostly church-related, charities (Wall, 2002).

Within this context, the state recognised that women had a minimum right to leave from work in order to recover physically from childbirth. According to the 1937 law, working women "may be dispensed from working for 30 days, on the occasion of childbirth, without the employer being able to dismiss them.... If they have been providing good services for more than a year, they may be entitled to a benefit of one third of previous earnings". In other words, entitlement to compensation depended on the employer's goodwill.

Legislation to protect women workers was passed in the 1950s and again in the late 1960s, with the aim of regulating women's work according to the demands of "domestic life, morality and social well-being". It forbade night work for women

and punished acts that “went against the dignity of women in work”. In 1969, for the first time, the law forbade dismissal during pregnancy and for one year after birth and entitled mothers to a daily one-hour period for breastfeeding. This emerging state protection of women’s work is an important indicator of changes in the labour market and in society at this time. During the 1960s, female activity rates almost doubled, rising to nearly one third of the female population aged 15–64 by 1970, clearly indicating that women were moving rapidly into the labour market. This was due to a diversity of factors: the depletion of the male labour force due to emigration and the colonial wars; massive recruitment of women into the manufacturing sector, especially labour-intensive industries; the development of a feminised service sector in the cities; and investment among urban elites in women’s higher education – by 1970, 44% of students were women.

The first years after the revolution

Preceded and anticipated by many of these societal changes, the 1974 revolution marked a major turning point in family policy, with the political-judicial framework governing families and women’s rights undergoing radical change (Almeida and Wall, 2001). Divorce and working women’s rights were among the earliest and most demanded changes. Only a few months after the April revolution, the concordat was changed and divorce between Catholic spouses permitted once again. In early 1976, 90 days of fully compensated maternity leave were introduced. Other rights for working women, such as equal pay for equal work and the protection of pregnant women in the workplace, were also granted.

The family still occupied an important place in the new democratic regime’s 1976 Constitution, but the constitutional principles were profoundly changed. Emphasis was placed on equality between partners, and democracy and diversity in family relationships. This led to major reforms of family law, such as abolishing the concept of the male ‘head of family’. To support families with children, the Constitution recognised the state’s obligations to give information on family planning, to impose equality in all domains, to develop a public network of childcare services, and to cooperate with parents in the education of children.

Legal changes concerning women’s and workers’ rights were introduced during the 1970s and with the support of all major political parties as well as of other actors such as trades unions, women’s movements and the Catholic Church. As one author puts it, the mere ‘shame’ of a 50-year dictatorship, which interfered explicitly in private lives, seemed sufficient to give lawmakers freedom (Ferreira, 1998), allowing for the emergence of a certain state feminism. At any rate, it gave the political elite ample leverage to introduce the principles of gender equality as a natural part of the democratisation process. The politics of equality also led to the institutionalisation of gender policy, with the setting up in the 1970s of the Commission for the Condition of Women as well as the Commission for Equality in Work and Employment (CITE).

The 1980s and early 1990s

The 1980s and early 1990s brought a shift in the politics of leave policy. During the 1970s, the focus was on the importance of work for women's emancipation and on the linkage between leave and the protection of women in the labour market. It is only in the early 1980s that an additional family focus, on the issue of 'parental' care rather than maternal care, emerges more strongly. Building on to the issue of the importance of women's work, this family perspective had a crucial role in opening up the policy agenda to the problem of work-life balance, already under discussion in many European countries.

The first landmark in this process was the 1984 law on 'maternity and paternity', prepared in the context of a coalition government by the Socialist (PS) and Social Democrat (PSD) Parties (1983-85). However, it was the Communist Party (PC) members of parliament who gave the initial impulse to this legislative change by proposing, in 1982, a 'package' of laws on abortion, family planning and the protection of maternity. Divisions were deep on the first issue, but there was more consensus about the leave scheme model proposed: a 4-month fully paid maternity leave, an unpaid parental leave, other care-related leave entitlements and the building up of childcare services with opening hours adapted to families' needs.

With a few changes, the proposal was integrated into a law presented jointly by PS and PSD members of parliament and approved in 1984. It established new and quite ambitious leave arrangements, explicitly emphasising the need for 'parental' provisions, and services 'compatible with parents' working life', and also underlining the rights of both parents, *on an equal basis*, to professional self-fulfilment and participation in civic life. It entitled either parent to miss work for up to 30 days per year to care for a sick child under the age of 10, mothers with children under one year to a reduction of 2 working hours per day, and fathers to take up maternity leave in the case of the mother's death, illness or training.

In the 1980s, the leave arrangements had a limited impact on families caring for sick children as they provided replacement pay for a minority of families (low-income families, lone parents and civil servants). Nevertheless, they granted a new legitimacy for leave to care for dependants and for gender sharing of such leave. Over the next decade, the leave scheme was gradually reinforced and provided with more state funding. In 1988, during a PSD government (1985-95) that placed emphasis on the protection of maternity and paternity, access to maternity leave was made easier (6 months of insurance contributions) and replacement pay for lone parents caring for sick children was increased. After this and until the late 1990s, there were no further major changes in leave legislation, except for the transposition of the 1992 EU maternity directive (see Chapter Fifteen), which extended maternity leave to 98 days. The same law (1995) established the right of fathers to miss work for 2 days (without compensation) and to share maternity leave (after the 6 weeks that must be taken by the mother). In the same year, too, replacement pay (65% of average earnings) was introduced for all workers caring

for a sick child below the age of 10. In summary, although the PSD in government between 1985 and 1995 did not put reconciliation high on the policy agenda, at the end of its term it had consolidated and even extended, largely prompted by the EU directive, some of the principles of the existing leave scheme.

From the outset, the first leave scheme set out in the 1980s reflected the notion of a dual breadwinner model based on a symmetrical integration of both sexes into the employment system. As for the care of children, although the basic idea of the state as carer was emphasised in the 1976 Constitution, in the early 1980s a mixed welfare model began to emerge, based on the state subsidising non-profit institutions. It was implemented through legislation (1983) on the status of non-profit institutions or *instituições particulares de solidariedade social* (private institutions of social solidarity, IPSS) and the formalisation of yearly agreements on the flat-rate subsidy to be paid by the state for each child provided for by IPSS. Expansion of services was slow but steady; nevertheless, provision remained low and unevenly distributed, with many low-income families in large urban areas finding it difficult to access subsidised services.

However, the development of childcare facilities during this period did have a considerable impact on families' care strategies. Data from a national survey show that whereas in the 1970s almost half of all mothers stayed at home to care for a child aged 12 to 24 months, in the 1990s only one in every four mothers did so and 18% (7% in the 1970s) used full-time childcare services (Wall, 2005); the other mothers used paid childminders or family care (mostly grandparents).

The past ten years

A second major shift in leave policy took place in the late 1990s (Wall, 1997, 2004), under a PS government in power between 1995 and 2002. Compared with the previous decade, there was a stronger and more explicit emphasis on gender equality, on the need to involve fathers, and on the setting of precise goals for the expansion of childcare services. Reflecting the priority given in the party programme to gender equality and work-family balance, but also encouraged by the 1996 EU directive on parental leave, the recent PS governments (1995–2002; 2005–08) have highlighted two major objectives: the promotion of gender sharing in leave arrangements; and the expansion of childcare services to support dual earner parents.

The linkage being made between family and gender equality policies was reflected in the setting up of a High Commission for Family and Gender Equality. Influenced by the European debates on reconciliation, the High Commissioner organised several awareness-raising campaigns on the need for gender equality in the household division of work. Particular stress was laid on the involvement of fathers in the care of young children, with references to the 'father's quota' introduced earlier in the Nordic countries.

However, the driving force for alterations in leave policy in the late 1990s was, as usual in Portuguese family policy, the ministry responsible for social affairs,

called the Ministry of Labour and Solidarity at that time. Taking advantage of a favourable budgetary context, the Secretary of State for Social Security prepared the new law on maternity and paternity with briefings not only from the High Commission but also from CITE, the main advisory body on work and equality within the ministry and headed at the time by a feminist and strong advocate of gender equality.

Proposals to emphasise the gender sharing of leave were prepared through public debate and hearings, discussion of a study commissioned by CITE on expectations and the costs of leave for fathers (Perista and Chagas Lopes, 1999), and negotiation both with employers, generally more reluctant to make changes in leave arrangements, and trades unions (CITE is a tripartite institution). The issue was also taken up in civil society, for example by Graal, a Catholic feminist movement that in 1996–98 organised an important debate on reconciliation. The Graal project – ‘Promoting an active society’ – prepared recommendations on the promotion of work–life balance for men and women and passed them on to policy makers. In public debate, the increased involvement of fathers was advocated from a family perspective (to promote father–child bonding and family cohesion), from a gender perspective (to promote equal opportunities and gender sharing of care) and from a labour market perspective (to reduce employer discrimination against women).

In summary, a considerable constituency was built up during the late 1990s to promote reconciliation policy, in particular from the perspective of gender equality, providing support from different sectors of society and practically the whole of the political spectrum. In its final form, the 1999 law brought in some significant entitlements, especially for fathers. Maternity leave was increased to 120 days and paternity leave (now with full compensation) to 5 days; fathers were also granted an individual right to 2 weeks’ fully compensated parental leave and became entitled to take up or share the 2-hour reduction in working time. Campaigns were launched to raise awareness of these three rights for fathers and take-up increased steadily but slowly, indicating that social norms would take some time to change. To boost take-up, the 5-day paternity leave was made obligatory in 2004.

Other major trends in family policy during the first period of Socialist government included a debate on the liberalisation of abortion, leading to a referendum that rejected abortion on demand during the first 10 weeks of pregnancy; changes in the regulation of cohabiting partnerships and divorce; and expansion of service provision to support families. As women’s employment continued to rise steadily (from 53% in 1991, to 65% in 2001), there was mounting dissatisfaction with poor access to low-cost services, in particular in large urban areas. Driven by reconciliation policy objectives as well as by educational and child development goals, priority was given to expanding pre-school education for 3- to 6-year-olds and coverage increased from 55% in 1995 to 78% in 2002.

Family policy discourse and objectives changed for a short period (2003–05), when a centre–right–wing coalition came to power. For the first time since the

1970s, there was some questioning of the leave scheme based on a full-time dual breadwinner model. The Minister for Social Affairs (a member of the Christian Democrat Party) advocated longer leave periods or part-time work for mothers. The focus on pronatalist, pro-life and familialist objectives put the spotlight on support for large families, more leave and work flexibility for mothers, and the development of services to support life rather than working parents. However, strong budgetary constraints, as well as other factors such as the traditionally low levels of part-time work, led to the introduction of some flexibility in the leave scheme rather than major changes: choice between maternity leave for 120 days at 100% or 150 days at 80% was introduced, as well as unpaid part-time parental leave for 12, instead of 6, months.

Re-elected in 2005, the Socialist Party took up its former commitments to work-life balance and gender equality. Other issues, such as abortion, poverty, domestic violence and the protection of children, were also high on the policy agenda (a second referendum led to the approval of a new law on abortion in 2007). However, in the context of continuing budgetary constraints, falling standards of living and the sharpest drop ever in fertility rates (1.36 in 2006, down from 1.56 in 2000), family policy goals tended to focus on three major objectives: reconciling work and family life; financial support for families, especially the most vulnerable; and the promotion of fertility.

The major goal on the 'reconciliation' agenda is to increase childcare services for children under 3 years, to meet the 33% Barcelona target² by 2009. Expansion of pre-school education, extension of school opening hours and the need to involve fathers in leave taking have also been high on the agenda. Changes in the leave scheme have recently been approved. As from February 2009, paternity leave taken during the first month after birth will be increased to 20 working days and the 'initial parental leave' (formerly 'maternity leave') will be increased to 5 months with full earnings compensation (or 6 months at 83% of earnings) on condition that the father (alone) takes one whole month of the leave. In other words, the extension of paid leave has been linked more strongly to the principle of gender sharing of leave. Parental leave (3 months) will be paid at 25% of earnings if taken immediately after the 5 months of 'initial parental leave'.

An overview of developments in Portugal

In summary, developments in parental leave policies in Portugal over the past few decades are closely associated with changing trends in families and gender roles and with two contrasting social and political contexts (before and after the 1974 Revolution). Over the past three decades, the basic framework of public response to the challenges posed by full-time work and family life has consistently stressed a short, fully compensated leave, complemented by a system of publicly subsidised services to care for young children and by a variety of partially compensated, gender-neutral entitlements to take time off work (for example, 30 days to care for sick children).

Two main policy perspectives have underpinned this 'early return to full-time work', gender equality-orientated leave policy model: first, the endorsement of a full-time dual earner model and of gender equity in employment, a perspective sustained by social norms and practices as Portuguese women made a large-scale entry into employment from the 1960s onwards; second, the endorsement of a connection between leave policy and the expansion of state-subsidised childcare services. A third perspective, endorsing gender equity in caring and the need for fathers' involvement in leave taking, has also been emphasised, but it is more recent and less firmly embedded in social norms and practices (Crompton et al, 2007).

The political context post-1974 seems to be an important factor in explaining the common endorsement, over time, of these three perspectives: three main parties – PC, PS and PSD – and in particular the latter two, which have alternated in power during the past 25 years, have built up a fairly strong consensus regarding the link between reconciliation policy and gender equality policy as well as a shared vision of the importance of subsidised services to support families; they also share a vision of the state's role in shouldering the costs of leave in order to make it effective. This relative consensus in the politics of leave policy, also associated with policies made and implemented at a national level (rather than also at a regional level, as in Spain), has made for considerable continuity in the politics of leave. In spite of this continuity, however, implementation of the leave policy model has not been easy. Budgetary constraints, the slow expansion of services, the need to provide other types of support for low-income families (such as cash benefits) and the large number of families that need affordable non-profit services – all these factors have made for a leave policy model built slowly even if quite coherently.

Leave policies in Spain

The pre-democratic period (up to 1975)

In 1900, a law regulating working conditions for women and children introduced a working time reduction for breastfeeding and prohibited maternal work for 3 weeks after delivery. After the Spanish government ratified the 1919 ILO Maternity Protection Convention, the first maternity insurance providing pay for 12 weeks was enacted in 1929 and extended by the Second Republic (1931–39).

During Franco's dictatorship (1939–75), formal employment of mothers declined as labour legislation allowed the dismissal of women on marriage and discouraged the employment of married women. A male breadwinner model was imposed by means of political regulations, even though the economy was unable to sustain such a model. The authoritarian family policy was based on supplements to male wages for dependent wives and children, as well as on state intervention in housing. However, to make ends meet, second jobs for men and informal work for women were widespread.

In this context, leave for working mothers was not an issue. Maternity leave was consolidated into the social security system (Alonso Olea and Tortuero, 2002). Twelve weeks' maternity leave was extended to all affiliated employees at 75% of wages in 1966, within the sickness benefit scheme, but covered few mothers. This low proportion of formally employed mothers had well-defined entitlements and the support of economically inactive female relatives to care for their children within extended family networks.

The Spanish democratic transition (1976–82)

The Spanish Constitution of 1978 established the principle of equality among all Spaniards, men, women and children, culminating in the reform of the Civil Code in 1981. Compared with Portugal, the democratic transition was more liberal and reformist. The Spanish feminist movement focused on the rights of women to have an independent life with or without children, and this demand was not linked to family or reconciliation policies. As a reaction to the pronatalist and antifeminist family policies formulated during the dictatorship, groups that in other countries supported egalitarian family policies avoided policy making in the area of the family in Spain (Valiente, 1996). The focus was on new formal rights (to formal work, to political participation, to divorce, to abortion), while motherhood was perceived as a traditional issue. Furthermore, it was easier to campaign for civil rights than for more expensive social rights in the context of a rudimentary welfare state and economic restructuring, while middle-class women could cope by making private arrangements.

Labour relations were transformed by the 1980 Workers' Statute (*Estatuto de los Trabajadores*), the main law regulating work in Spain. It extended maternity leave to 14 weeks, retained the one-hour 'breastfeeding' working time reduction (paid by employers), provided for 2 days of birth leave for fathers or in case of acute illness of relatives (paid by employers) and brought in unpaid parental leave for a maximum of 3 years and the possibility of an unpaid reduction of working hours for mothers and fathers with children under 6 years or handicapped children. The law extended rights to employees in the private sector that already existed in the public sector, in particular the provision governing parental leave, which established the right to return to a previous job as soon as a vacancy was available.

The socialist (PSOE) government (1982–96)

This was a period of developing universal social rights in a context of economic restructuring and membership of the EU. Social policy priorities were health, education, pensions and promoting employment. In 1983 the Instituto de la Mujer (Institute for Women) was created as the government body commissioned to promote gender equality in state policies. In 1984, the socialist government carried out a major labour reform in order to deal with widespread unemployment and non-declared work. It liberalised fixed-term working contracts and introduced

a low-cost, part-time work contract. Casual work subsequently became one of the structural features of the Spanish labour market.

In a major education reform in 1990, compulsory education was extended and all ECEC was integrated into the educational system. The political goal was to ensure universal coverage of early education for children aged 3 years upwards, a target reached at the end of the 1990s. The birth to 3 years age group was to be provided for according to demand, in cooperation between state, regional and local administrations and with no clear funding commitment.

Following EU accession in 1986, as part of the reforms to adapt to European policies, maternity leave was extended to 16 weeks in 1989, allowing mothers to transfer the last 4 weeks to the father. Breastfeeding leave could also be transferred to the father, and an adoption leave of 8 weeks was introduced (subsequently equalised with maternity leave). In 1994, as part of a reform of social security, maternity leave was detached from the sickness scheme, where it was paid at 75% of earnings usually supplemented by employers, and payment was increased to 100% of earnings. Arrangements were made for partial social security provision for employees (covering healthcare and pension rights) during the first year of the unpaid parental leave.

Overall, however, leave policy had low priority in a context of high unemployment (female unemployment peaked at 32% in 1994) and growth in temporary work (up to one third of employees from 1990 onwards). It was seen as a threat to women's opportunities in the labour market. Research showed how mothers in temporary positions did not feel entitled even to use maternity leave (Escobedo, 1999).

The conservative government (1996–2004)

The conservative Popular Party (PP) in government promoted a liberal expansion of the economy, accompanied by a significant flow of illegal immigration and rising house prices. Family policy was on the agenda, with a National Family Policy Plan. But measures focused on tax deductions, large families and family-friendly provision by employers, with no increase in public spending on families and children.

Maternal employment based on an early return to work was promoted by means of tax incentives, improvements to part-time contracts and a policy oriented to the expansion of the private market in childcare, including a tax deduction compensating for around one third of private full-time childcare costs. The government deregulated services for children under 3 years, excluding them from an education law in 2003, to encourage the development of more diversified and cheaper nurseries oriented to providing opening hours needed by working parents rather than educational goals.

In 1999 a law "to promote the reconciliation of work and family life of employed persons" was approved and presented as completing the transposition of the EU directives on maternity protection and parental leave. It made maternity leave

flexible, allowing mothers to take it on a part-time basis (20 weeks part time after the compulsory 6 weeks), extended to 10 weeks the mother's right to transfer maternity leave to the father, and allowed leave to be interrupted if the baby was in hospital. It created an unpaid leave to care for dependent relatives for up to one year. However, no measures were taken to cover the specific situation of employees in temporary or other forms of atypical work or the self-employed, who constitute half the workforce.

The 1999 law was accompanied by a strong information campaign and helped to place the topic of reconciliation on the policy agenda. It was followed by some regional diversification of leave policies. While labour regulation and social security were very centralised, other policies (such as education, health, social and care services, and labour market activation) have been decentralised: *comunidades autónomas* (autonomous communities) and their parliaments play a leading role. Some of these 17 autonomous communities started to develop additional leave entitlements.

Navarre (2000), the Basque Country (2003) and Castilla-León (2004), all governed by conservative parties with noticeable Christian Democratic or Catholic influence, introduced flat-rate benefits for parents taking either parental leave or a reduction in working time to care for children. The Basque Country offers a monthly €200 flat-rate benefit for mothers (€250 for fathers) on parental leave; Navarre €330 monthly for one year of parental leave for a second child, and until the child is 3 for third and subsequent children; Castilla-León a means-tested benefit equivalent to 12 months of minimum wage, paid in a lump sum at the end. Even though the Basque Country has introduced a slightly higher benefit as an incentive for fathers, from a gender equality perspective the final result is that users of these low flat-rate benefits are overwhelmingly women.

Meanwhile, in 2002, the Catalan government introduced earnings-related measures to support reconciliation of work and family life, but these were confined to the public sector, the government acting in effect as a family-friendly employer. These included a month's full pay for the father after maternity leave, a one third working time reduction on full pay for one year from the end of maternity or paternity leave, and a one third working time reduction at 80% of earnings or half time at 60% until the child is 6. The working time reduction on full pay has been very popular with fathers and mothers, resulting in equal use in some professional groups. Take-up rates for the other non-fully compensated working time reductions were initially low, but increased strongly between 2003 and 2006, particularly among mothers, widening gender differentials (Escobedo, 2008).

Some lower supplementary entitlements were also introduced by other autonomous communities, contributing to growing diversity in this policy field. This is also apparent in services for children under 3 years. Here the highest coverage is to be found in the Basque Country (46%) and Catalonia (31%), the lowest in Castilla-León (3%), while Navarre is on a par with the national average (22%). In the Basque Country, Catalonia and Navarre, payments for parental leave and ECEC services are both being pursued, while the more conservative

Castilla-León seems to be developing the leave option as an alternative to publicly supported services.

Around the turn of the century, the dual earner family model extended to families with small children, encouraged by higher female educational attainment, low wages and unstable temporary employment for both men and women, and an escalation of house prices. Women are increasingly likely to stay in the labour market after their first child, with a 65% employment rate among women with one child under 3 years. For most young mothers, this means full-time working. Although recent policy changes may stimulate good-quality, part-time work in the future, for the present part-time work tends to be unstable and is mainly found in low-status occupations, which explains why the rate of voluntary part-time employment is so low. In 2006, only 2.7% of Spanish female employees stated they were working part time in order to care for children or other dependants, compared with an EU average of 11.3% (European Commission, 2008).

An important footnote to this period is that it saw the start of a strong influx of female immigration, which has continued over the past decade. The proportion of non-nationals in the workforce rose from 2% in 1999, to 14% in 2007. This has provided a new labour supply for care and household services and thus contributed to diversifying work-family arrangements, as some workers have employed migrant women as carers and cleaners (Flaquer and Escobedo, 2009).

The current situation (2004–08)

When the PSOE returned to power in 2004, one of its first measures was to revoke the PP's 2003 education law, reintegrating services for children under 3 years into the education system, while allowing for a great deal of regional autonomy. This has led to a decentralised, diversified and rapid development of childcare provision, partly within the education system, partly outside it, with low quality assurance. This is a controversial issue, with experts demanding greater public intervention and investment (Balaguer and Arderiu, 2007). In 2006, however, the government agreed to raise public funding to improve coverage of services for children under 3 years.

In 2005, major reforms modernised family law, permitting same-sex marriage and facilitating divorce and joint custody. For the first time, the left wing has produced an innovative family policy discourse. In the same year, the central government improved leave and working time reduction policies for its own employees. These improvements were extended in 2007 to the whole public sector, and some to all employees.

While there have been initiatives on leave and childcare services, there is a lack of coordination between them. A 2006 law on dependency has opened up the possibility of tying unpaid leave to care for severe dependants to a new €487 monthly social security payment for family carers. The logic is to 'activate' adult housewives with low employment opportunities (on average in their fifties), integrating them into this type of employment scheme. The law, however, excludes

children under 3 years of age from its definition of dependants, except for those with severe disability or chronic illnesses.

The most recent reform of leave arrangements in Spain took place in 2007, in the framework of a general law on gender equality, introducing principles such as the balanced representation of women and men in politics, gender equality plans at company level, and a generic right to work–life balance. For the first time, fathers receive an individual and non-transferable entitlement, paid at 100% of earnings: a 2-week paternity leave to be taken during or after maternity leave. Coverage of maternity leave benefit has been improved to include more marginalised groups. Unpaid working time reductions have been extended and made more flexible for families: from one eighth to a half of working time until a child is 8 years (or 12 in the public sector) or to care for a dependent relative. This reform paves the way for a new development of the leave system, where maternity leave is no longer the only generally available paid entitlement. The programme of the Socialist Party re-elected in 2008 includes doubling regulated places for children under 3 and extending paid paternity leave up to one month.

An overview of developments in Spain

Spain is heterogeneous: there is territorial diversity, expressed in social behaviour and political decentralisation, affecting many fields relevant to leave policy. So generalisations are difficult. But we can say that Spain made a late transition to the dual earner family around the year 2000, and has also left behind the ‘short leave male breadwinner model’, although it remains unclear which leave model is emerging. Some features of the ‘early return to full-time work leave model’ are still present, but maternal full-time work is not as dominant as in Portugal. Features of the ‘parental choice-oriented policy model’ are also found; even though parental leave is basically unpaid, it is available full or part time until the child is 8 years old, with some social security protection, and with recently introduced payments in some autonomous communities or for some occupational groups.

The whole political spectrum agrees on promoting maternal employment and services all over the country, although there is less agreement on conditions. ECEC policies in Spain have emphasised pre-school education but shown less concern for the needs of working parents, many of whom must rely on unregulated, non-subsidised services for children under 3 years. On the other hand, there is a lack of agreement about parental leave at the national level, although some consensus on promoting the option to reduce working hours in a protected, very flexible and reversible way. This option may favour different work–care combinations among partners, facilitating diversity in family life.

Finally, the reform providing universal care guarantees for adult dependants opens up new possibilities for coordination between care services and home care payments. Full or part-time leave arrangements will be taken up by more and more male and female employees at different stages of their lives.

Beyond the male breadwinner model: a comparative perspective

Portugal and Spain have shared many social and demographic similarities over the past 50 years and both have experienced the transition from a right-wing dictatorship to democracy. Nonetheless, as one looks closely at these two countries, their individual histories and characteristics are visible not only in family and gender role patterns but also in the political processes, debates and turning points that have led to specific pathways for leave policy.

If we compare leave arrangements in Spain and in Portugal, we find important commonalities and differences. In 2007, both countries had a short, fully compensated maternity leave of 4 months where mothers have to take 6 weeks, the rest being transferable to fathers. Spain started earlier, introducing 12 weeks' leave (at 75% of earnings) as early as 1966, while Portugal introduced 12 weeks in 1975 (at 100%); on the other hand, Portugal is slightly more generous at present, with no ceiling on earnings compensation.

Both countries have introduced some flexibility in use: in Portugal leave may be taken for 4 months at 100% or 5 months at 80%, while in Spain flexibility is between full- and part-time leave. Paternity leave is also similar: in 2007, both countries have a short paid leave to be taken after birth (2 days in Spain, 5 in Portugal) and paid parental leave for fathers (13 and 15 days, respectively). In this case, Portugal started out almost a decade earlier (1999) and state funding at 100% for all 20 calendar days is more generous. A third similarity is that both countries have maintained and transformed the old 'breastfeeding leave', consolidating it as a working time reduction that can be used by either parent during the first year after the birth of the child.

The two other similarities identified are related to the countries' economic difficulties during recent decades and to the late development of the welfare state in Southern Europe. In both cases, the transition to democracy and 'catching up' with other European countries took place in a context of budgetary limitations, leading to low levels of social expenditure. Central state funding of leave arrangements and care services was in competition with other priorities such as education and health. The setting up of a well-paid leave scheme was therefore gradual and highly dependent on economic and political fluctuations. Finally, in this context, it is also important to underline the influence of EU initiatives and debates. In both countries, these have been policy drivers; not only have they given national policy makers a hand in prioritising the issue of reconciliation, but they have also served as a 'model' for the structuring of certain types of leave arrangement. However, this does not mean that the direction of change is necessarily the same. The transposition of the 1996 directive, for example, stimulated debate and change in both countries, but very much in line with the policy priorities adopted at the time in each country (more centred on flexibility for working mothers in Spain, more centred on gender sharing in Portugal).

There are at least three significant differences in current leave arrangements, first with regard to the length of parental leave introduced in both countries in the early 1980s. Whereas in Spain it may be taken for 3 years and the unpaid reduction in working hours (up to half of total working hours) may be taken until children are 8, in Portugal leave may only be taken for 3 months until the child is 6 years and there is no scope for a reduction in working hours. In both countries, parental leave has traditionally been unpaid, and take-up is estimated to be low. However, whereas in Portugal there has been no move towards enabling reductions in working time, in Spain several autonomous communities have introduced some payment for working time reduction (which may be conceptualised as 'part-time parental leave'), so opening up the leave scheme to greater choice.

The second difference relates to parents' entitlement to take time off work to care for sick children. This is much more generous in Portugal: 30 days per year to care for sick children below age 10 (compensated at 65%), compared with only 2 days paid by the employer in Spain.

The third difference lies in the relationship between working hours, leave arrangements and services. Although formal childcare provision for children below age 3 years is similar, it is probably more important to note that the relationship with leave – the complementarity – is different. In Spain, there has been little state commitment to subsidising services for children under 3 years and opening hours of services in the public sector are similar to school hours so do not easily fit in with working parents' schedules. In Portugal, commitment to the public funding of services was established in the early 1980s; although expansion of subsidised third sector services has been slow, these services have responded to the needs of parents with long working hours.

Looking at policy developments over time and in the context of different political, social and economic conditions is another way to draw comparisons. Both countries have experienced an authoritarian government and the subsequent transition to democracy. Both right-wing dictatorships upheld male breadwinning and women's subordinate status, even if, in both countries, women's participation in the informal economy was always quite significant. However, when we look at the years of transition (1970s and 1980s), we find that the concept of 'transition' is used to describe political and social changes that, in practice, followed distinct pathways.

In Portugal, the concept of transition is used to describe a revolution introducing sudden and profound changes in society, including strong advocacy for social rights by the whole political spectrum, in particular the rights of women and men to (full-time) symmetrical integration in the employment system. In the 1980s and 1990s, in a context of high female employment, this placed pressure on state policy makers to build up services and paid leave entitlements, in spite of budgetary limitations. In Spain, the concept of transition describes a process of change that also rejected former labour and family policies, but that took place gradually and under different types of pressure and advocacy. Pressure arising from a dominant 'female full-time work ethic' and high levels of maternal

employment was largely absent. Women's groups focused on gaining formal rights to autonomy and emancipation rather than the protection of working mothers. In a context of high unemployment and low female employment, the main parties in government in the 1980s and 1990s prioritised health, education and the promotion of employment; to combat unemployment and non-declared work, they introduced low-cost temporary or part-time working contracts.

A second dimension of difference may be found in the connections over time between leave policy, reconciliation policy and gender equality policy. In Spain, gender equality policy emerges strongly during the transition to democracy, but it does so largely detached, at least during the 1980s and 1990s, from the politics of leave policy. Political consensus and pressure from society and families were rather weak: female participation in the labour market was growing but still low and the governing parties failed to put family issues, including reconciliation, high on the agenda or build up a shared view of public support and expenditure regarding leave and service provision.

Moreover, in contrast with the two main parties in Portugal, those in Spain (PSOE and PP) have developed contrasting leave policy perspectives rather than a common endorsement of a particular leave scheme. The conservative government (PP) neither located its 1999 law in the framework of gender equality policy nor developed new and effective leave measures; as mentioned above, it focused on liberalisation, part-time work, tax deductions and family-friendly measures by employers. It is only later, in 2007, with the PSOE in power (and with rising female employment rates), that leave arrangements were located within the framework of gender equality policy and that the question of public expenditure on service provision for children below 3 years were brought into the debate.

In other words, different political, economic and social contexts have made for different policy perspectives and different outcomes. In Portugal, there has been a stronger and more continuous linkage between leave and gender equality policies, between the leave system and public support for ECEC provision adjusted to long working hours, between the latter and a full-time dual earner model that emerged in the 1970s and is incorporated into social norms and labour market traditions. Political consensus emerging from the two main centrist parties has also contributed to continuity and coherence in leave policy. At the same time, however, it has made for some lack of diversity and innovation (no regional differences, no other forms of leave such as long leave for home-based care or working time reductions over longer periods of time), for low emphasis on employer friendliness, and for more emphasis on state regulation and expenditure on leave and services.

In Spain, leave policy has until recently evolved separately from, rather than enmeshed in, the gender equality agenda, and strongly linked to the devolution of funding and management of ECEC services to regional governments and to families. As a result, compared with Portugal, there has been more emphasis on a variety of care solutions and types of leave to support reconciliation, and more emphasis too on the benefits of longer leaves, part-time work and unpaid

reductions in work. Overall, then, there is a more liberal and decentralised view of the state's role.

As a result, the move away from male breadwinning and female caring is undoubtedly strong in both countries, but parental leave policies have developed in different directions over the past few decades. Whereas in Portugal there seems to be one fairly stable and consensual leave policy model – based on an *early return to full-time work*, with strong linkages to gender equality and service provision policies – in Spain the leave policy model is more diverse, certainly more *choice-orientated* than Portugal: it is based on the promotion of some early return to work after a short well-paid leave, while also emphasising the advantages of longer leaves and part-time options. Low government commitment to service provision with long opening hours and strong devolution of funding and services to employers and regional or local governments have also built up loose and varied linkages between service provision and the leave system, with higher expectations on families to organise their own care arrangements (for example, through employing domestic workers).

More dependent on changes in party politics and on regional governments, less vulnerable in economic terms (current standards of living are higher in Spain than in Portugal), dual earner families in Spain can therefore choose from a variety of leave policy principles, entitlements and arrangements. These characteristics have led to a specific type of choice-orientated leave policy model rather than to a predominant early return to full-time work model. However, compared with the French or Finnish 'choice-orientated' model (Wall, 2007, 2008), the Spanish model is more weakly linked to subsidised services and to gender equality policy (even if over the last years it is catching up fast on the latter issue). 'Choice' in leave to care, be it in Finland or France, has been strongly based on the central state building up childcare services in the 1970s or 1980s, as well as the possibility, introduced in the 1990s, of longer leaves to care or part-time options. This Southern European choice-orientated solution has therefore followed a different pathway, leading to an emphasis on varied and territorially diverse leave arrangements, lower complementarity with service provision and linkages to informal as well as formal services.

Notes

¹ Leave provision described here refers to statutory entitlements.

² EU member states agreed in 2002 at a meeting in Barcelona "[to strive] to provide childcare by 2010 to at least 90% of children between 3 years old and mandatory school age and at least 33% of children under 3 years of age".

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