



A Need for Non-Transferable Paternity Leave in Israel

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The integration of women into the work force is considered to be both a goal and a measure of gender equality. However, the participation of men in housekeeping and child care (the “care economy”) as a parallel aim that should be promoted in order to achieve this goal has not been given sufficient attention.

The traditional model for policy planning is based on the perception of men as the main income-earners and women as the main caretakers of the family. This model, when considered together with the lack of governmental arrangements for childcare, preserves a gendered division of labor that also dictates norms in the workplace.

In Israel, about a quarter (26%) of employed women aged 20-45 discontinue working following the birth of a child, as opposed to fewer than 1% of employed men. Another 16% of women decrease their working hours after having children, compared with only 3% of men (Central Bureau of Statistics, 2010). This pattern of non-continuous employment has implications for the economic independence of women, their ability to compete in and re-enter the job market, and their pension savings. The gendered division of labor also directly impacts gaps in the labor market, which manifest themselves in gender wage differences, part-time jobs being more common among women, the over-representation of women in lower-level jobs, women's under-representation in management, a higher proportion of women employed via subcontractors or employment agencies, segregated professions, and employment insecurity for women.

In recent years, some countries in the European Union have launched initiatives to promote equality between men and women that do not focus solely on advancing women in the labor force, but that also seek to encourage men to actively participate in caring for their children. This approach evolved from an understanding that the existing labor norms do not allow men to be full partners in raising their children, and that true equality in the labor market between men and women will not be achieved without an egalitarian division of housework and childcare.

¹ My thanks to Yael Hasson for her insightful comments as well as editing skills.

One such initiative has been the granting of equal, non-transferable paternity leave to fathers. In other words, the father² is granted an allowance equal to 100% of his salary in order to care for his child. This leave period cannot be transferred, in whole or in part, to the mother.³

In this paper, we discuss paternity leave and use the terminology common in European Union countries, as follows (Lotan, 2006):

Maternity leave: Leave from one's place of work for purposes of giving birth or caring for the newborn (a biological or adopted child) designated for mothers.

Paternity leave: Leave from one's place of work for purposes of caring for the newborn (a biological or adopted child) designated for fathers.

Parental leave: Joint leave that can be transferred between parents.

Experience from many countries indicates that when parental leave is allocated jointly – when it can be transferred between parents – the traditional pattern is preserved in which women, rather than men, utilize most of the allotted leave period. On the other hand, when parental leave is non-transferable (designated separately for each parent), the proportion of fathers who take paternity leave (or the portion designated only for fathers that is non-transferable from the parental leave) significantly increases. Research indicates that in order for fathers to take advantage of paternity leave, it must be accompanied by a high earnings-related payment – close to 100% of the father's salary (Moss, 2009, Castro-Garcia, 2010) – and be individualized, i.e., designated for use by the father only (non-transferable).

In recent years, many European Union countries began to define a non-transferable period of time designated for fathers in order to take care of their newborn children (paternity leave). Thus, if the father does not take advantage of the paternity leave or of his portion of the parental leave, the total leave period is shortened and the family loses out.

In Sweden, for example, a process was begun in 1995 of individualizing parental leave: one month of the entire parental leave (a year and a month)⁴ was designated for each parent individually. In 2002, the leave time allocated for each parent was increased from one to two months. The Swedish Social Insurance Agency reported that this increase of one month designated for each parent significantly raised the proportion of children whose fathers took *at least two months* of the total leave – from 30% to 52% (Osika & Klerby, 2009).

Furthermore, as of July 2008, the Swedish government gives a bonus to parents who divide parental leave between themselves in a more egalitarian manner (Hasson, 2009).

² Or the other parent.

³ Or the other parent.

⁴ Parental leave can be taken in Sweden until the child is 8 years old. Furthermore, the leave can be applied flexibly, e.g., in a half-time job, at a rate of one hour a day, etc.

In Iceland, total parental leave is nine months: three are designated exclusively for the mother, three for the father, and the three remaining months can be transferred between the mother and the father. In Belgium,⁵ Slovenia, and Portugal,⁶ fathers are entitled to three months of non-transferable paternity leave. In Germany⁷ as in Sweden,⁸ fathers are entitled to two months of non-transferable paternity leave; and other countries such as Spain, France, England, and Denmark, give two weeks of non-transferable paternity leave (Castro-Garcia & Pazos-Morán, 2007). In Portugal and Slovenia, paternity leave is mandatory. In Portugal, men are required to take ten days of paternity leave during the first month following the child's birth. In Slovenia, men are required to take two weeks of paternity leave within the first six months following the child's birth (Castro-Garcia, 2010; Moss, 2009).

⁵ Belgium provides paternity leave of ten days, of which three days are mandatory. In addition, fathers are entitled to three, non-transferable months of the parental leave.

⁶ Portugal provides twenty-days of paternity leave, of which ten are mandatory. In addition, fathers are entitled to three non-transferable months of the parental leave.

⁷ Germany provides 12 months of parental leave, of which two are designated for fathers and are non-transferable. Furthermore, if the father takes at least two months of the parental leave, payment is increased and the term is extended to a year and two months.

⁸ Sweden gives ten days of paternity leave. In addition, fathers are entitled to two non-transferable months of the parental leave.

Figure 1: Paid Leave in Europe (number of weeks)⁹

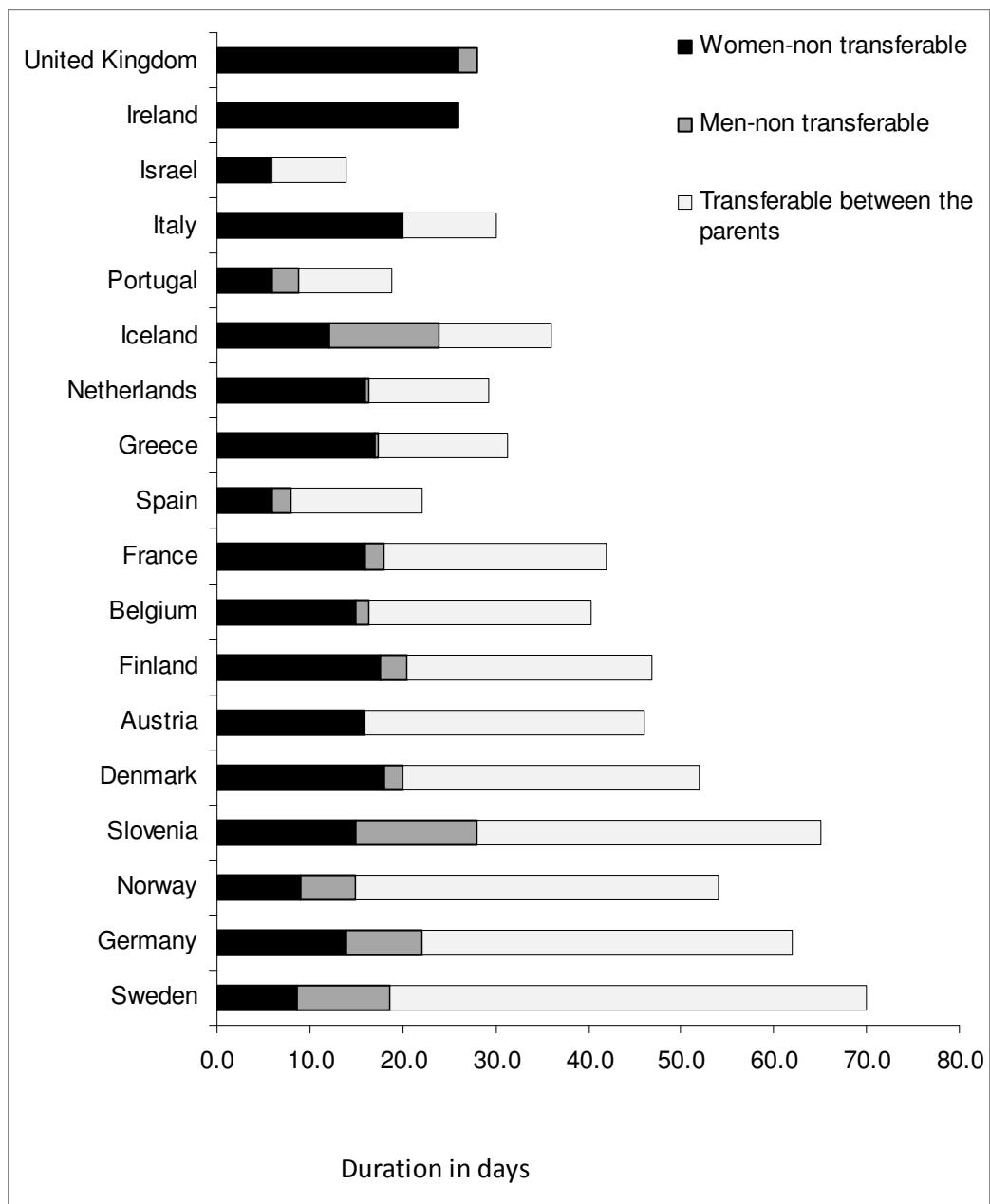


Figure 1 reveals that in countries where fathers have instated paternity leave (with the exception of Iceland), paternity leave is significantly shorter than maternity leave. This suggests that, in these countries, paternity leave is perceived as enabling the father to help care for the infant while the mother recovers from childbirth, rather than as a period designed to allow the fathers to equally participate in childcare (Castro-Garcia & Pazos-Morán, 2007). It is interesting that in almost all countries, more emphasis was placed on transferable parental leave, even though this provides no incentive to fathers to take advantage of their share of parental leave.

⁹ Castro-Garcia & Pazos-Morán, 2007.

The following table illustrates the increased use of parental leave by men in four European countries once parental leave became non-transferable.

Table 1: **Proportion of Men Who Used Some Portion of Parental Leave¹⁰**

Country	Transferable Parental Leave	Non-transferable Parental Leave
Norway (2005)*	15%	89%
Iceland (2005)	19.2%	89.4%
Slovenia (2005)	2.2%	72%
Spain (2008)	Less than 3%	78.5%

* The year when the data was produced

In Israel, the only kind of paid leave for taking care of children after birth that exists is maternity leave. Maternity leave is perceived to be the mother's right, but one they may share with the father, if they so choose. This approach is reflected in Israeli legislation that regulates maternity leave and entrenches the status quo, without providing any incentives for change.

According to the Employment of Women Law (1954), for example, the National Insurance Institute must grant a 14-week maternity allowance to women (who worked for 10-14 months prior to the birth of their child) equivalent to their salary. Since 1998, men¹¹ have been entitled a right to take advantage of maternity leave six weeks after the birth of their child. This leave is for a minimum of 21 days in succession, on condition that the mother is eligible for maternity allowance and subsequently returns to her job (Toledano, 2008). In other words, 8 out of 14 weeks can be transferred between the mother and the father. As noted, current Israeli law does not provide real incentives for men to take advantage of the portion of the maternity leave they are entitled to. Indeed, since the law took effect, the number of male recipients of maternity allowance has been negligible. In 2007, nine years after the law took effect, only 246 men (as opposed to 88,000 women) received a maternity allowance, a mere 0.28% of all recipients of maternity allowances that year (Toledano, 2008).

Another example of legislation that reinforces the perception that childcare is women's work can be found in paragraph 7 of the Severance Pay Law (1963). This paragraph states that if a woman resigns from her job within nine months of giving birth for purposes of caring for her infant, her resignation is legally deemed a dismissal. On the other hand, a man's resignation within nine months of his child's birth for purposes of caring for the infant is deemed a dismissal dependent upon the employment status of his wife.¹² The different

¹⁰ Castro-Garcia & Pazos-Morán, 2008.

¹¹ On condition that the father and spouse have accumulated sufficient qualifying time to be eligible for the maternity allowance; see para. 6 of the Employment of Women Law (1954).

¹² The provisions of subparagraph (a) shall apply, *mutatis mutandis*, to a man, if one of the following conditions is met: (1) his wife was employed for at least six consecutive months immediately before his resignation; (2) the child is in his sole custody or care due to disability or illness of the wife; (3) the wife was self-employed for at least twelve consecutive months prior to the child's birth or receipt of the child for adoption, whichever is applicable, and she did not cease her employment in order to care for the child.

conditions set in this law for men and women reflect a clear ideological position that entrenches the traditional roles of men and women.¹³

In Hebrew the term used for maternity leave is "childbirth leave" and "childbirth allowance," also reflecting a traditional view in which childcare is the work of the one who "birthed" the infant: the woman.

Maternity leave is brief in Israel (14 weeks) compared with most European countries, where maternity leave averages 16-24 weeks. In addition, women in the European Union enjoy "parental leave", i.e., an additional period that parents can divide between themselves to care for their children. As we have shown, women comprise the vast majority of those who take advantage of this benefit, which significantly extends their paid leave.

The Women's Budget Forum recommends that Israel follow the lead of European Union countries and designate a paid non-transferable paternity leave.

The fundamental assumption of this proposal is that the right of parents to have paid leave from work to care for their children should be individual, non-transferable, and not contingent upon the mother's eligibility for maternity allowance.

To enable fathers to be full partners in the raising of their children, a "road map" should be drawn to equalize maternity and paternity leave. In Israel, the first six weeks following a birth are mandatory for the mother; therefore a first step might be setting paid paternity leave of six weeks that is non-transferable.¹⁴ The conditions of eligibility for paternity leave will then be set according to parameters of the participation of fathers in the labor force, similar to the conditions used to grant maternity allowance to mothers.

¹³ I am grateful to Atty. Shirin Batshon from Kayan Feminist Organization who drew my attention to this point.

¹⁴ This means adding six weeks designated for fathers only, which are not dependent upon the mother's maternity leave and are non-transferable.

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