

PARENTAL LEAVES

Problems and proposals

Right to parental leaves

Adequate parental leaves and income during the leave are necessary for working parents. Legislation on parental leaves differs widely in the EU member states.

Social security systems have close links to gender equality, a fact widely unrecognised. Even authorities interested in gender equality may fail to realize the impact of parental leaves on gender equality.

An excellent example is a judgement from the Finnish Supreme Court in 1992. A female employee was unaware of her pregnancy when she entered into work contract. A trial period of four months was agreed on. When the employee found out about her pregnancy she informed her employer and was fired. She sued the employer for damages on the basis of illegal termination of work-contract and gender discrimination. She was awarded damages for illegal termination of work-contract but was denied damages based on gender discrimination. The Supreme Court justified the denial stating that the termination of the work-contract was based merely on pregnancy, not on the employee's gender (1992:7).

I use Finland as a case example in this presentation in order to prove the link between social security systems and gender equality and to propose some ideas that should be taken into account when legislation on parental leaves is enacted.

Case Finland

Generous parental leaves are necessary for reconciling family and working life. Additionally, public childcare is vital for working parents. However, gender impact may be missed if the aim is merely at ameliorating parental leave benefits. This is clearly shown in the Finnish experience.

In Finland women are paid ca 20 % less than men. The average salaries of women lawyers are 78 % of men's salaries. The gap has not narrowed during the past years. Young women find it very difficult to get permanent employment. Finland has less female entrepreneurs than most EU countries. Female directors are still scarce in both public and private sector. There are actually less women in leading government positions than in any other EU country. The EU has given Finland a notice on the disparity. Although all the problems are not caused by parental leaves, they have a definite link that should not be ignored.

In Finland, parents have a legal right to following family leaves

- Maternity leave – 105 weekdays
- Paternity leave – 18 weekdays
- Parental leave – 158 weekdays
- Childcare leave until the child is three years old
- Partial childcare leave until the end of the year when the child goes to school (six hour working day, the employer may deny the right in some very limited cases)
- Temporary child care leave – a sudden sickness of a child under 10 years, maximum of 4 days at a time
- Absence due to compelling family reasons – a sudden sickness or accident in the family and the employers presence is necessary, temporary absence

Days from Monday to Saturday are counted as weekdays. Parental leave is sixty weekdays longer if twins were born (plus sixty extra days for each multiple child).

The maternity leave is only for mothers and the paternity leave only for fathers. Either parent may use all other leaves. However, women use over 95 % of all family leaves.

Women's organizations are lobbying for longer paternity leaves. The same applies for labour unions and employers unions that operate on areas where women are the majority of the work force. Male dominated unions are not equally interested in promoting changes.

According to the law employers are not obliged to pay salary during any family leave. However, most collective agreements call for paid absences, for example three months salary during maternity leave.

The government pays a daily allowance for parents on maternity, paternity or parental leave. The allowance is ca 70 % of the person's regular income. However, the percentage is lower for high salary. The daily allowance is paid to the employer if the employer pays salary during the leave. The lower income of women compared to men is visible also in family leave allowances. The average daily allowance for women is only 62,5 % of men's allowances. What makes this statistic important is the fact that it deals with young people, which means that the income gap between men and women is not narrowing. Some subsidies are paid during other family leaves.

The communities have a legal obligation to arrange childcare for all children until they go to school. The cost varies between 0-200 euros according to the parents' income and family size. According to a Supreme Court judgement (2001:93) communities are liable to pay damages if the obligation is not fulfilled.

The right to return to previous job

In order to reconcile family and working life it is crucial that parents have a legal right to return to their previous or equivalent job after a family leave. This right

should be linked to all parental leaves, not just maternity leave. In order to promote real gender equality and reconciliation of family and working life, men should also be protected equally if they take family leaves.

Legislation must not link parenthood merely to women but to both sexes. Before this takes place there will be no proper gender equality in working life. Without adequate legal measures and a considerable change in attitudes men won't take more parental leaves in the future.

Despite the legal right to return to previous job after a parental leave many women have experienced that their former tasks have been divided between other employees and in practise a woman may have no job to return to. In order to avoid this, national laws should have adequate sanctions for this situation.

The costs of parental leaves

In practise parental leaves cause a major obstacle for women's careers. This is partly due to the absences and partly to the costs of the parental leaves. Women's employers suffer tangibly from both. Work must be rearranged, substitutes hired and trained and at least in some countries salaries must be paid during the leaves. Calculations differ but the fact remains that women's employer co-finance the leaves. Gender equality will not be reached until this fact is recognized and the situation is improved.

In the future, the costs of parental leaves must be divided between women's and men's employers. There is no reason for the costs to be paid merely by women's employers. Every effort should be taken to enact legislation that lessens the burden of parental leaves on women's employers.

Parental leave for men

The gender equality problems concerning parental leaves would be alleviated if men chose to take more parental leaves. National laws should enable parents to choose freely which parent takes the leave after maternity leave. It is natural that during the first months it is the mother who takes a leave but later on it is equally natural that the father should take care of his children on a family leave. Of course time will be needed to attain this way of thinking, perhaps more time in some countries than others.

However, it is not merely a question of legislation or men willing to take parental leaves. Attitudes on men's parental leaves at many workplaces are unfortunately negative. This is clearly shown in the Finnish gender equality survey of 2001 that tells, among numerous other interesting things, that 52 % of men feel that it would be difficult at their workplaces to take 1-7 months of legal parental leaves. Women don't always recognize this difficulty. According to the same study only 36 % of women shared this opinion. Almost all agreed that men should participate more in childcare, while only 8 % of women and 9 % of men disagreed. Attitudes are changing but very slowly.

If men took more family leaves the employers would not feel that hiring a woman means such a risk for the employer. Family and working life might then finally be reconciled.

Household work

One obstacle for working women is the uneven amount of household work between spouses. In Finland young couples share household work before they have children. Unfortunately, the situation changes drastically with the birth of children. After parental leaves women do over 30 hours household work per week while men only use 15 hours. Besides, fathers of small children work more overtime than other employees.

This naturally hinders women from pursuing their careers. An easy way to alleviate the situation is to promote men to take family leaves. Thus they would notice the greater amount of household work after the birth of children and would also learn to perform the new tasks.

Permanent employment

Parental leaves mean costs for women's employers. Consequently, employers avoid hiring young women for permanent jobs.

In Finland the statistics are heartbreaking. Only 18 % of female members of AKAVA (university or college educated employees) below 30 years of age have a permanent job. For men the figure is 52 %. What makes the situation worse is that two years ago the women's figure was higher (25 %). This means that the trend is very dangerous. These figures are also interesting due to the fact that the Finnish law requires a justified reason for a non-permanent work contract.

All this proves how important it is to divide the costs of parental leaves between men's and women's employers.

Equal pension

Women's pensions are in practise considerably lower than men's although same calculation methods are used for men and women. In Finland women's pensions average only 68 % of men's pensions. This is mainly due to women's lower salaries and family leaves.

Until now pensions have not been accrued during most family leaves. In Finland certain improvements are planned. The same should happen elsewhere.

Equal rights plans

Equal rights plans should be legally mandatory in all working places with the exception of the smallest employers. A proper equal rights plan includes regulations how to train employees after parental leaves to learn the new methods and technologies adapted during their absences. It is equally important to regulate how the reconciliation of family and working life is promoted for example with flexibility in working hours and conditions. Also, men should be encouraged to take parental leaves.

Although equal rights plans have been mandatory in Finland since 1995 on workplaces with at least 30 employees this legal obligation is widely neglected. The neglect concerns equally the government, communities and private employers.

The law contains no sanction for breaching the obligation. Surprisingly the labour unions have not understood the importance of equal rights plans and have not required them. One explanation may be that most labour unions are male dominated regardless the amount of women that they represent. With these unsatisfactory experiences in mind it is essential that all national laws shall have sanctions for neglecting the obligation and that the European Union requires these sanctions.

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