



# Paternity leave policy in Spain. Reform and impact in leave use .

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In 2019 a deep reform of the parental leave policy was implemented whereby paternity leave provisions were made equal as for maternity leave, according to the motto **“equal and non-transferable leave rights for both parents”**. The main characteristics of this reform are:

- Paternity and Maternity leave have been renamed to Birth and Care Leave to make the name gender neutral.
- Eligibility criteria, based on not very strong Social Security contribution criteria, have been made equal, what implies that requirements for “the other parent” have been softened.
- **Leave duration** has been extended for **“the other parent”** gradually from 5 to 9 weeks in 2019, to 12 weeks in 2020 and **16 weeks** since January 2021. **Leave duration** for the “first parent”, ie, mostly the **mother, has remained unchanged** (16 weeks), as is the case also for parental leave rights.
- A minimum **compulsory leave duration**, as was for maternity leave, has been introduced for the “other parent”: 2 weeks in 2019, 4 weeks in 2020 and **6 weeks** from 2021 on.
- While the compulsory leave period must be taken just after parenthood (birth, adoption or foster care), **the non-compulsory leave period** of 10 weeks **can be taken over the first year on the basis of minimum 1 week duration and/or on a part-time basis** (half the regular working time).
- **No transferability** of leave rights is allowed, as was the case before the reform.

## Research questions:

1. What has been the impact of the reform on leave use patterns in terms of coverage and duration?
2. To what extent are the flexibility mechanisms provided for in the legislation been used?
3. Has the flexibility of the forms of use of leave contributed to fathers using the non-mandatory part of the leave once the mother returns to paid work?

## DATA:

Source1: Social Security Annual Statistics on Leave use.

Source 2: Quidan Survey, an online survey performed in May/June 2021 to a representative sample of 3,100 parents with at least a child aged 6 years or less residing in Spain and speaking Spanish. I will present data from the subsample of those who had children after March 2019 (599 fathers and 618 mothers).

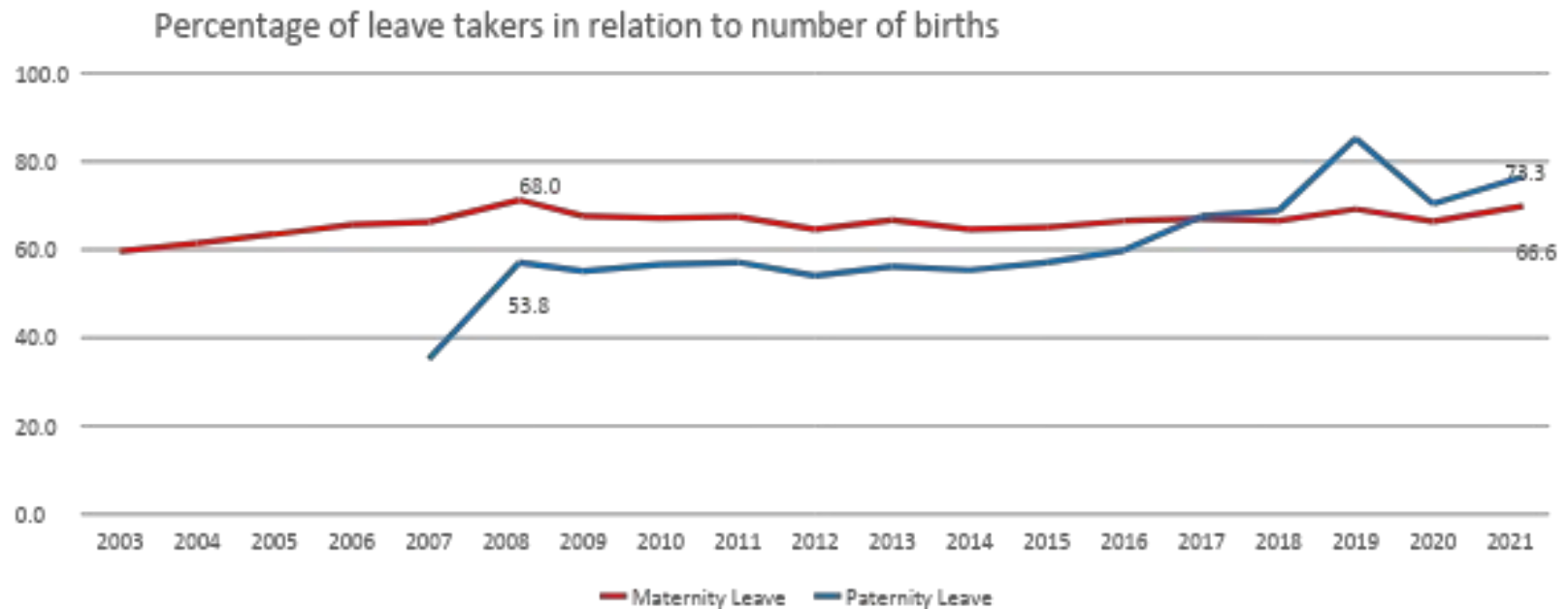
Source 3: A sample of 523,392 administrative data of Birth Leave takers from April 1.st 2019 to July 12<sup>th</sup> 2021 provided by the Social Security Administration.

## RESULTS

### a) Use of leave rights

Measuring take-up rates on the basis of social inclusiveness, we have to measure take up rates putting in relation leave takers against the number of births (recognizing that there are some bias).

The results we observe is a growing increase in the take-up rates by fathers, while among mothers the proportion remains stable



But as leave rights are based not on citizenship and parenthood criteria, but based on a minimum of social security contributions, take-up rates must be calculated based on eligible parents. Official data don't provide this kind of information, so we have to rely on surveys. According to Quidan Survey, take up rates have also increased, though not substantially:

	Last child born before April 1 <sup>st</sup> 2019	Last child born after April 1 <sup>st</sup> 2019
Eligible Mothers	88%	93%
Eligible Fathers	86%	94%

Source 2

The increase in leave time rights hasn't implied a decrease in the growing tendency to make use of paternity leave by eligible fathers, nor the establishment of a compulsory period of leave has had a substantially impact as most of eligible fathers made use of at least some time.

The question to be raised now is: should not eligible parents have the right to birth leave benefits? On which grounds should they have such a right? Would the universalization of leave benefits imply its transformation towards a baby bonus?

## b) Length of leave use

To make use of a leave right doesn't imply to use it during all the time legally established. The analysis of administrative data on leave users (source 3) show that the proportion of leave takers who do not use the compulsory period is negligible, irrespective of the duration

	% of parents who don't make use of all the compulsory period	
	First parent (mother)	Other parent (father)
<b>2019 (2 weeks)</b>	0,04%	0,01%
<b>2020 (4 weeks)</b>	0,02%	0,01%
<b>2021 (6 weeks)</b>	0,02%	

But the proportion of those who don't take the whole period of leave is near a third, and it seems that, as a tendency, it grows as the duration of the leave is growing. Computed on those who have not split the leave:

	I.% FATHERS who don't use the whole leave period	II. Mean Number of leave days	III. Number of days legally established	Rate II/III
<b>2019</b>	23%	48,0 days	63 days	76%
<b>2020</b>	13%	76,6 days	84 days	91%
<b>2021</b>	43%	84,8 days	112 days	76%

Our results suggest that rapid increases in leave duration are made at the cost of a growing proportion of fathers who can not make use of all the leave rights they are acknowledged. The question that arises is, if this situation is the result of adaptative problems (mainly among employees in Small and Medium Companies), that will disappear over time, or if it is a rather structural characteristic.

### c) Flexibility measures

Also, contrary to what was formulated in the last hypothesis, it is observed that the proportion of fathers who divide into two or more periods the use of the non-compulsory period is high, unlike what happens in the case of mothers, who mostly do not do so.

Table 4	Percentage of parents who split leave use into two or more periods of time	
	First parent (mother)	Second parent (father)
2019	3,7%	41,8%
2020	5,5%	52,1%
2021	3,5%	25,5%
2023	7,9%	37,3%

Source: Own calculations based on source 3

Yet, only a small proportion of fathers use the possibility of splitting the leave to care for the baby at home once the mother's leave has ended. Analyzing the period that elapses between the birth/adoption of the child and the start of the split period, it can be observed that only in 35.6 percent of cases (over those who have split leave use), the second period of leave use is when mother's leave has ended (ie, later than 112 days after birth/adoption). This result is very relevant, because several studies (O'Bien & Wall, 2017) show that father's involvement in childcare is greater if he spends a period caring "alone" when his couple returns to work. This greater involvement is not limited to the period that he is on leave, but based on what can be called the "principle of precedent", throughout all phases of the family cycle (Meil et al, 2021).

## Conclusions

The introduction of a gender-neutral terminology for leave rights in Spain has benefited, above all, fathers more than mothers, since in addition to lowering the eligibility requirements, it has increased substantially its length to make leave rights equal for both parents.

Increase Father's leave use and the time they devote to their children was the objective of the reform and can be considered as quite a big success, since it has increased length of leave use by fathers substantially, even though not all of them have made use of all the length to which they have right.

The establishment of a mandatory period can be considered an effective mechanism for it.

Unlike mothers, however, a growing proportion of fathers do not make use of the full period to which they are entitled, as is also the case in Scandinavian countries, growing this proportion as the length of leave increases.

However the average duration of Father's leave use has been increasing as its duration has been extended, reaching a level similar or even higher than the one registered in Scandinavian countries.



# THANKS FOR YOUR ATTENTION

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