

Leave and family responsibilities

Leave entitlements influence the ability of workers to be absent for a short period to deal with a family emergency or to take a more prolonged leave for caring responsibilities. In addition, having leave at the same time as the rest of the family, particularly children, is important for the quality of family life. Apart from the provision for maternity leave (which is covered in Information Sheet No. WF-4 on maternity protection), the main leave entitlements of importance to workers with family responsibilities are annual leave, emergency leave, parental leave and paternity leave.

Annual leave

Annual leave applies to all workers, irrespective of their family responsibilities. For a worker with family responsibilities, the length of the annual leave entitlement is a first basic factor influencing not only how easily a worker can cope with emergencies, but also how much time the worker can spend on holiday with the family. Allowing the employee concerned to

have an influence on the time when holidays are to be taken is important to enable him or her to plan the holiday together with the family. The current international standard related to annual leave is the Holidays with Pay Convention (No.132 of 1970), which provides for the right to annual leave with pay of a minimum of three weeks for one year of service.

Short leave for emergencies

For dealing with emergencies, some workers may have various alternatives: annual leave, a quota of sick leave (see example below), leave for family reasons, time available through time banking or other flexible time arrangements. In contrast, other workers may have no entitlements to time off and may have great difficulty coping without risking their employment.

Diverse types of provisions exist to provide for short emergency leave, some with wide definitions of emergency and others for more specific events (such as bereavement) or certain family responsibilities, in particular parenting. Provisions can be found in national legislation, collective agreements or in workplace policies.

Using sick leave for emergency care

All awards in New South Wales, Australia, provide for carers' leave, which entitles employees (other than casual employees) to use their current and accrued annual quota of sick leave to care for a sick family member, who is spouse (including de facto partner), child, parent, grandparent or grandchild.

Source: New South Wales, Office of Industrial Relations, 2001, at <http://www.industrialrelations.nsw.gov.au/rights/pdf/CarersLeave.pdf>.

In some cases, entitlements for short-term leave are only for parents with respect to their children, whereas in other cases, other specific family relationships (spouse, partner, parent, grandparent) can be the reason for the leave, as in the Netherlands, where short-term leave for caring has been the subject of legislation (see below).

Legislation on leave for caring in the Netherlands

The Work and Care Act in the Netherlands provides for leave to care for family members or for emergencies, including emergency leave of short duration (e.g. death of a family member); and short-term carers' leave (a maximum of ten days per year to care for sick children or spouse paid at minimum wage level or 70% of full wages whichever is the highest).

Source: http://www.ilo.org/public/english/employment/gems/eeo/law/nether/l_wac.htm

In a number of countries, there are more general provisions for emergency leave which can be taken for family responsibilities. This more general kind of leave, going beyond childcare, may also be included in collective bargaining agreements. Examples involving compassionate leave in Uganda are provided.

“Compassionate” leave in Uganda

Kakira Sugar Works: As part of its collective bargaining agreement, Kakira provides “compassionate leave”. This leave is handled on an individual basis between the manager and worker. A worker can receive a maximum of 14 days' leave per year for bereavement due to death in the family, illness of family or for customary obligations (such as weddings).

Source: M. Thenge, Human Resources Manager of Kikira Sugar Works

One of the reasons why companies introduce family-friendly policies is to reduce the absenteeism that results from family responsibilities. When daily routines are well-organized, workers should have less need to be absent for family emergencies. By foreseeing family-friendly solutions — such as bringing children to work or flexibility in working time arrangements — leave does not need to be used to the same extent.

Paternity leave

Some countries provide specifically for paternity leave by granting new fathers a short period of leave around the time of childbirth. No international standards exist concerning paternity leave, but it is becoming increasingly common in national law and in enterprise practice. The growing frequency of this leave, particularly in collective bargaining agreements, may be an indicator of the increasing

importance attached to the presence of the father around the time of childbirth.

The duration of paternity leave ranges between two to 15 days and it is usually paid. In a number of countries, there is no specific paternity leave, but there is a more general emergency leave or family leave which can be used by new fathers, as illustrated in the table.

Examples of leave provisions for new fathers in national legislation in selected countries

Algeria	Three days' paid paternity leave
Brazil	Seven days' paid paternity leave
Belgium	Three days' paid paternity leave
Paraguay	Two days' paid paternity leave
Philippines	Seven days' paid paternity leave for married workers for the first four children
Romania	Five days' paid paternity leave
Seychelles	Four days' paid leave for "compassionate reasons"
Sweden	Ten days' paid paternity leave
Togo	Up to ten days of paid leave for "family events directly related to home"
United Kingdom	Two weeks' paid paternity leave

Source: Conditions of Work and Employment Database (2004).

In some countries, collective bargaining has led to this entitlement becoming frequent and subsequently the government legislating. For example, in the Netherlands, a study of collective agreements in 1998 showed that 91 per cent of collective agreements provided for paternity leave covering 79 per cent of employees.¹ Most agreements provided for two days' paid paternity leave, as is now provided by legislation.

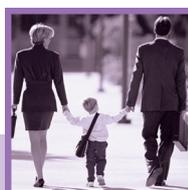
Parental leave

Parental leave refers to a relatively long-term leave available to either parent to allow them to take care of an infant or young child over a period of time usually following the maternity or paternity leave period. As provided in the Recommendation on Workers with Family Responsibilities, 1981 (No. 165), both the mother and the father should have a right to take parental leave.

Parental leave

The ILO Recommendation on Workers with Family Responsibilities, 1981 (No. 165), stipulates that "Either parent should have the possibility, within a period immediately following maternity leave, of obtaining leave of absence (parental leave), without relinquishing employment and with rights resulting from employment being safeguarded" [Article 22(1)].

"The length of the period following maternity leave and the duration and conditions of the leave of absence should be determined by national laws or regulations or in any manner consistent with national practice" [Article 22 (2)].



The dispositions concerning parental leave are highly variable, reflecting the wider concerns within society in relation to child development, fertility, labour supply, gender equity and income distribution.

In some countries, long parental leave may be seen as a way of reducing the need for childcare services, particularly for young children for whom services can be relatively expensive. It may also be seen as a way of increasing official employment if those on parental leave are counted as employed, as is usually the case.

In other countries, short parental leave entitlements may be preferred

to prevent long absences from the labour market, which concern mainly women, and the resulting deterioration of their skills. Evidence suggests that extended periods of absence from employment can lead to difficulties in returning to paid work and deterioration of earnings.

The EU Directive on Parental Leave (96/34/EC) stipulates that it should be available to both parents of children under 8 years as an individual entitlement. The duration of parental leave should be a minimum of three months, and workers must have the right to return to work to the same or a similar job.

Two examples of parental leave provisions in national legislation

***Latvia:** Every employee is eligible for parental leave of up to a maximum of one-and-a-half years until the child reaches the age of 8 years. The leave can be granted in one single period or in parts, but the employee must notify the employer one month in advance about the beginning and length of the leave.*

***Japan:** Parental leave can be taken up to the child's first birthday. During the leave, parents receive 30 per cent of their previous earnings and a lump sum of 10 per cent six months after their return to work*

Source: Conditions of Work and Employment Database (2004).

¹ OECD: *Babies and bosses: Reconciling work and family life. Volume 1: Australia, Denmark and the Netherlands* (Paris, 2002), Table 6A.6.