Work–life balance in the EU and leave arrangements across welfare regimes
Ayse Idil Aybars

ABSTRACT
Work–life balance has been a central theme of the EU gender equality framework and has been promoted through both ‘hard’ and ‘soft’ components. Although the EU concern in promoting work–life balance has been more to increase employment and economic productivity than to promote gender equality, all Member States have now established standards in accordance with the EU regulations. Statutory leave arrangements are a key component of work–life balance policies and they vary significantly across Member States with different welfare regime traditions. This study examines the transposition of EU Directives and the implications of the European Employment Strategy for leave arrangements across the UK, Denmark, France and Spain as exemplars of four welfare regimes.

INTRODUCTION
Facilitating the reconciliation of employment and family life has been one of the three key themes through which the EU gender equality framework has developed over the last three decades, along with equal pay and equal treatment. Like the principles of equal pay and equal treatment, reconciling employment and family life—‘work–life balance’ in the more recent EU jargon—has been promoted at the EU level through the components of the ‘hard’ legislative framework such as Directives, involving legally binding measures for all Member States, as well as the ‘soft’ coordination approach to employment and social policy in the EU, illustrated by the European Employment Strategy (EES), based on non-binding measures and voluntary policy transfer. The issue started to gain prominence at the Community level during the 1980s, although the main ‘hard’ legislative measures in the area came out during the 1990s. These are the Pregnant Workers Directive (PWD) of 1992 (CEC, 1992a), and the Parental Leave Directive (PLD) of 1996 (CEC, 1996). While the PWD provided...
for 14 weeks of maternity leave, the PLD individually entitled male and female workers to parental leave on the grounds of birth or adoption of a child, enabling them to take care of the child for at least three months, the conditions of which were to be defined by law and/or collective agreement in the Member States.

Within the framework of the EES, which was launched in the late 1990s as a flexible and ‘soft’ mode of EU governance in employment and social policy, work–life balance policies gained a new dimension. While the promotion of gender equality has been an explicit objective of the EES since its inception in 1997 (Fagan et al., 2005), it is useful to examine the EES in three stages in terms of its implications for gender equality in general and work–life balance in particular (see Fagan et al., 2006; Rubery et al., 2003; 2004). From the Luxembourg Summit of 1997, where it was officially launched, until the Barcelona European Council of 2002, the EES was based on the four pillars of employability, entrepreneurship, adaptability and equal opportunities. Gender equality was, therefore, one of the four building blocks of this ‘soft’ framework as ‘Pillar IV’ on Equal Opportunities. In the first stage of the EES, the Pillar IV consisted of four specific guidelines (GL), including reconciling work and family life and facilitating the return to the labour market, which were combined into one single guideline in 2001 (see Table 1). During this first stage, the female employment target of 60 per cent to be attained by 2010 was put forward by the Lisbon European Council of 2000, and the midterm rate of 57 per cent to be attained by 2005 was set by the Stockholm European Council of 2001. Table 2 outlines the three phases of the EES in terms of its implications for gender equality, while Table 1 locates gender equality in the transformation of the EES.

The EES was revised and entered into a second stage with the Barcelona European Council of March 2002, which replaced the pillar structure with three ‘overarching objectives’ of full employment, job quality and productivity, and social cohesion and inclusion (CEC, 2003), to be achieved through 10 ‘priorities for action’. Gender equality, within this framework, became one of these latter as priority number six, losing some of its visibility under the previous structure, but still being particularly relevant for the three overarching objectives (Rubery et al., 2003; 2004). Nevertheless, the Barcelona Council established, for the first time, European targets for work–life balance: to provide childcare for at least 90 per cent of children between three years old and the mandatory school age and at least 33 per cent of children under three years of age by 2010, together with targets on achieving substantial reductions in gender gaps in employment, unemployment and pay, with a view to eliminating the gender pay gap by 2010, which showed the importance attached to increasing female employment rates and childcare at the EU level (Rubery et al., 2004).

In 2005, the EES entered its third stage with the midterm review of the Lisbon strategy. Under the new title of the Community Lisbon Programme, the EES was streamlined with the Broad Economic Policy Guidelines, setting up the Integrated Guidelines for Growth and Jobs. This new framework covers actions in ‘three main areas’: knowledge and innovation for growth, making Europe a more attractive place to invest and work, and creating more and better jobs. It is of great significance that

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3 The main motives behind the emergence of a ‘soft’ approach to EU employment and social policy include the increasing pressures dictated by the economic integration projects of single market and EMU; the continuing existence of gender segregation, employment and pay gaps in Member States, raising questions as to the efficiency of anti-discrimination laws to promote substantive equality; and changes in family and labour market structures, which necessitated a European focus on employment and social policy.

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Table 1: Gender equality in the different stages of the EES

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<tr>
<td><strong>Four pillars</strong></td>
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<td>1. Employability</td>
<td>1. Employability</td>
<td>1. Full employment</td>
<td>1. Knowledge and innovation for growth</td>
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<td>2. Entrepreneurship</td>
<td>2. Entrepreneurship</td>
<td>2. Improving quality and productivity at work</td>
<td>2. Making Europe a more attractive place to invest and work</td>
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<td>4. Equal opportunities</td>
<td>4. Equal opportunities:</td>
<td><strong>Three objectives</strong></td>
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<td>GL 22. Facilitating reintegration into the labour market</td>
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<td>4. Development of human capital and lifelong learning</td>
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<td><strong>Three main areas</strong></td>
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<tr>
<td>1. Knowledge and innovation for growth</td>
<td>1. Active and preventive measures for unemployed/inactive</td>
<td>1. Work–life balance and leave arrangements</td>
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<td>2. Making Europe a more attractive place to invest and work</td>
<td>2. Job creation and entrepreneurship</td>
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<td>3. Creating more and better jobs</td>
<td>3. Adaptability and mobility in the labour market</td>
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<td><strong>Key actions</strong></td>
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<td>4. Development of human capital and lifelong learning</td>
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<tr>
<td>1. Support knowledge and innovation in Europe</td>
<td>5. Increase labour supply and promote active ageing</td>
<td>5. Increase labour supply and promote active ageing</td>
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<td>2. Reform the state aid policy</td>
<td>6. Gender equality</td>
<td>6. Gender equality</td>
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<td>3. Improve and simplify the regulatory framework of businesses</td>
<td>7. Integration of disadvantaged people in labour market</td>
<td>7. Integration of disadvantaged people in labour market</td>
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<td>4. Complete the Internal Market for services</td>
<td>8. Make work pay</td>
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<td>5. Complete an agreement in the Doha Round</td>
<td>9. Transform undeclared work into regular employment</td>
<td>9. Transform undeclared work into regular employment</td>
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<td>6. Remove obstacles to physical, labour and academic mobility</td>
<td>10. Address regional employment disparities</td>
<td>10. Address regional employment disparities</td>
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there is no direct reference to women or gender in the final document, which came out in July 2005 (EC, 2005), and which brings a concern with a further loss of visibility of the gender equality policy objective (Fagan et al., 2006). Still, the Employment Guidelines 2005–08 (CEC, 2005) (numbers 17 to 24 of the new Integrated Guidelines), incorporated explicit references to the importance of increasing female participation and reducing gender gaps in employment, unemployment and pay; and of promoting better reconciliation of work and private life and the provision of accessible and affordable childcare facilities (particularly GL 18: Promote a lifecycle approach to work).

Moreover, in March 2006, the Commission adopted a Roadmap for equality between women and men (EC, 2006), outlining six priority areas for EU action on gender equality, including equal economic independence for women and men, and reconciliation of private and professional life\(^4\), whereby it made significant references to Lisbon and Barcelona objectives. Under the heading 'Enhancing Reconciliation of Work, Private and Family Life', the Roadmap underlined the importance of: (i) flexible working arrangements for both women and men; (ii) increasing care services to tackle the demographic challenges facing Europe; and (iii) better reconciliation policies for both women and men, with a view to encouraging men to take up family

\(^4\) Other priority areas include equal representation in decision making; eradication of all forms of gender-based violence; elimination of gender stereotypes; and promotion of gender equality in external and development policies.
responsibilities, in particular through incentives to take parental and paternity leaves and to share leave entitlements with women.\(^5\)

On this basis, a European Pact for Gender Equality was annexed to the Presidency Conclusions of the European Council meeting on 23–24 March 2006\(^6\) in Brussels, encouraging action at the Member State and EU levels in a number of fields, including the promotion of a better work–life balance for all.\(^7\) The Pact underlined the importance of achieving the Barcelona childcare targets, improving the provision of childcare facilities for other dependants, and promoting parental leave for both women and men. The Pact was envisaged to be integrated into the follow-up mechanisms of the Partnership for Growth and Employment, and to promote the implementation of gender mainstreaming within the streamlined Lisbon Strategy. Within this framework, Member States were encouraged to include a gender equality perspective in their National Reform Programmes (NRP), and the European Commission and Council were invited to do so in their Annual Progress Reports.

Nevertheless, the Pact did not go beyond a limited perspective on gender equality, underlining its importance for making "full use of the productive potential of the European labour force"\(^8\), and of meeting the demographic challenges, rather than conceiving it as an objective in itself. It thus constituted a further illustration for claims that gender equality is mainly conceived as a means to achieve the goals of high economic growth and employment levels and increased competitiveness in Europe. Still, the 2006 and 2007 Employment Guidelines (CEC, 2006; 2007), while maintaining the 2005 guidelines as they were, highlighted the approval of the Gender Equality Pact by the 2006 European Council, with the aim to heighten the profile of gender mainstreaming and to give impetus to improving the perspectives and opportunities of women on a broad scale.

In the following sections, the national arrangements for promoting work–life balance are examined across the UK, Denmark, France and Spain.\(^9\) The emphasis is on the statutory leave arrangements of the four countries, including maternity, paternity and parental leave schemes, which constitute a significant component of policies aiming to promote the work–life balance. First, the development of family-friendly policies across the four countries is outlined taking into account their embeddedness in the welfare regime structure of each country. Second, the legislative/policy developments concerning leave arrangements in each country under the influence of EU ‘hard’ and ‘soft’ initiatives are examined. Third, the current leave arrangements of the four countries are comparatively analysed with a view to mapping out their similarities and differences in the light of EU initiatives.

\(^5\) The Commission also highlighted in the document the importance of improving the governance of gender equality, through an extensive, multilevel collaboration amongst EU institutions, Member States, parliaments, social partners and civil society, as well as through a set of indicators for monitoring progress in each of the six key priority areas for action.


\(^7\) Other fields included closing gender gaps and combating gender stereotypes in the labour market, and reinforcing governance through gender mainstreaming and better monitoring.

\(^8\) Ibid.

\(^9\) This article draws on a PhD thesis on the Europeanisation of gender equality arrangements in these four countries under the influence of EU initiatives, aiming to identify the distinct ‘patterns’ of Europeanisation across welfare regimes (Aybars, 2007). The selection of the countries rests on a four-fold welfare regime typology, whereby the social-democratic welfare regime is exemplified by Denmark, liberal welfare regime by the UK, conservative welfare regime by France, and Southern European welfare regime by Spain.
DEVELOPMENT OF NATIONAL FAMILY-FRIENDLY POLICIES

Table 3 illustrates the differences in the trajectories of family-friendly policies in Spain, Denmark, France and the UK in terms of the timing, explanation, objectives, and key changes of policies. Spain did not develop reconciliation of employment and family life as a policy objective until the late 1990s (Flaquer, 2000; Lohkamp-Himmighofen and Dienel, 2000). There are mainly four factors, which account for this, and they are closely related to the structure of the Spanish welfare regime: (i) strong support for the male-breadwinner model; (ii) value of extended family; (iii) labour surplus; and (iv) late economic development. The first factor relates to the Spanish welfare state’s orientation to the full-time male breadwinner, which has negatively influenced women’s incorporation into the labour market (Valiente, 2000): although the female activity rate has increased, it remains remarkably lower than the EU15 average. Second, in Spain, societal views about childcare emphasise the value of the care provided by mothers and family members and mistrust public childcare centres for young children. This is mainly related to the persistence of a strong familial solidarity, which remains the essential value in the system (Fouquet et al., 2000).

Third, labour surpluses have always been a permanent feature of the Spanish labour market, which made high levels of unemployment inevitable throughout the last two or three decades. Consequently, policies were not needed to encourage female labour force participation (Flaquer, 2000) for economic reasons, ‘although they could be justified on grounds of gender equality or social justice’ (Valiente, 2000: 144). The relatively late economic development in Spain and the other Southern European countries is the fourth factor accounting for the underdeveloped social protection system and non-comprehensive public services, leaves and benefits, which translate into significant recourse to the informal sector (Silvera, 2002).

Nevertheless, starting from the 1990s onwards, policies on reconciling employment and family life started to gain prominence, not only mainly under EU pressure, but also because of sharply falling fertility levels following increasing female labour market participation. By now, Spain has established statutory provisions for parental leave, but mainly with poorly developed and implemented regulations, although the picture has slightly changed since 2000. Nevertheless, although the Spanish EU membership has moved reconciliation issues onto the national agenda, it did not lead to a significant improvement in arrangements to combine employment with family responsibilities (Lohkamp-Himmighofen and Dienel, 2000). It is important to note that, in Spain, childcare measures are conceived by policy makers mainly as a part of education policy, and not so much in terms of gender equality (Valiente, 2001).

Denmark presents a remarkable contrast to Spain in terms of policies promoting work–life balance. Denmark, together with Sweden, pioneered the development of family-friendly policies in the late 1960s, and a concept of reconciliation based on equal parenthood and dual-breadwinner family had been established in Denmark long before the process of EU integration (Lohkamp-Himmighofen and Dienel, 2000). The efficiency of de-familialising, service intensive, and women- and child-friendly public policy profiles certainly helped mothers balance their professional and family lives to a far greater extent in Denmark (Rostgaard et al., 2001) than the remaining three countries. Moreover, the progressive child and elder care policies are widely considered as ‘an investment in the future’, contributing to ‘better outcomes across a range of factors, including child development, educational achievement, gender equality and future labour supply’ (OECD, 2002: 19). Indeed, the main aim of
<table>
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<tr>
<th>Period of development</th>
<th>Explanation for (lack of) policy</th>
<th>Main objective of policy</th>
<th>Date</th>
<th>Key changes</th>
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<tbody>
<tr>
<td>Spain</td>
<td>Support for male-breadwinner model; Value of extended family; Labour surplus; Late economic development</td>
<td>Education of children</td>
<td>1990s</td>
<td>EU pressure; Increasing female labour market participation; Sharply falling fertility rates</td>
</tr>
<tr>
<td>Denmark</td>
<td>Helping mothers reconcile work and family life; Involving fathers in family; Continuous professional activity for both sexes</td>
<td>Gender equality Child development Educational achievement Future labour supply</td>
<td>1960s</td>
<td>Mitterrand government; Employment crisis; To increase economic productivity by raising female employment; Diversification of measures</td>
</tr>
<tr>
<td>France</td>
<td>Importance of women's contribution to the economy; Paradigm of 'working mother'; Maintaining a demographic balance; Not gender equality per se</td>
<td>Protection of the mother Pro-natalism Exploiting the full potential of the labour force</td>
<td>1970s</td>
<td>Jospin government; EES impact; Concerns with more efficient labour market</td>
</tr>
<tr>
<td>UK</td>
<td>Liberal welfare tradition, primacy of the market; Childcare as private responsibility; To protect children at risk</td>
<td>Eradicating child poverty Choice for parents in work and care decisions Increasing employment levels</td>
<td>Late 1990s</td>
<td>New Labour; Growing labour shortage; Pressure from EES; Cash/tax benefits encouraging individual care</td>
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Notes: Three points require further attention in Table 3 (i) the column on 'Explanation for Policy' provides explanations for the lack of development of family-friendly policies in the cases of Spain and the UK until the start date indicated; (ii) in contrast to the other countries, Denmark did not experience any significant ruptures in terms of family-friendly policies, but continuously followed a progressive trajectory in terms of these policies, in line with its universalist and egalitarian welfare regime tradition; and (iii) in Spain and the UK key changes refer to the initiation of family-friendly policies.
family-friendly policies in Denmark has been, from the 1960s onwards, to promote gender equality (Kvist, 2001). In this context, fathers’ involvement in family affairs has also been encouraged with measures such as paternity leaves and father-months (Lohkamp-Himmighofen and Dienel, 2000).

France is another country where family-friendly policies are well developed, despite significant differences from Denmark. Although a dedicated family policy existed for most of the 20th century in France, family-friendly policy in its current form took off in the 1970s, that is relatively earlier than other EU countries (Fagnani and Letablier, 2005). However, early French family policy, concerned with the protection of the mother and children and the improvement of their health, along with a ‘natalist’ approach, put its mark on subsequent family policies. Starting from the 1970s, French family policy has gone hand in hand with employment policies, and the remarkable participation of French women in the labour market is to a great extent attributable to the progressive establishment of a family policy, which has integrated the paradigm of ‘working mother’ (Daguerre and Taylor-Gooby, 2004; Strobel, 2004). France recognised the importance of women’s contribution to the economy, supported their labour market participation especially during economic fluctuations, ‘when it [was] in the national interest for women to be both workers and mothers’, and its policies aimed ‘less at promoting equality of opportunity than at exploiting the full potential of the labour force, while at the same time maintaining a satisfactory demographic balance’10 (Lohkamp-Himmighofen and Dienel, 2000: 61).

French family-friendly policies displayed pronounced ruptures and differentiations over time. The first important turning point was 1981, when Mitterrand came to power amidst a significant employment crisis in the country, and started to take major initiatives with the objective of encouraging women’s labour force participation to increase the productivity of the French economy. The measures adopted thus promoted a diversification and individualisation in family policies, with an accompanying rhetoric of free choice for women in relation to childcare (Daguerre and Taylor-Gooby, 2004; Fagnani and Letablier, 2005). The decade saw contradictory developments, in this context, and is characterised by a certain ambivalence between measures, on the one hand, facilitating the pursuit of activity of mothers, and on the other, encouraging one of the parents, usually the mother, to withdraw from the labour market at the birth of a child (Strobel, 2004). These entailed the development of public-subsidised individual care, in order to encourage families to have recourse to the market, through (i) certified maternal assistants (AFEAMA); (ii) home carers (AGED); and (iii) parents caring for their children themselves (APE) (see Table 4).

One of the most significant implications of this employment crisis in French family-policy was the APE, which was introduced in 1985. In its original form, it granted a benefit to the parent of a third child, who interrupted his/her employment in order to care for the child until he/she reaches three years of age. The only condition was for the parent to have held a job for 24 months out of the preceding 30 months; the measure was not means-tested. The activity condition was modified in 1986, extending it to parents who had been active for at least 24 of the preceding 36 months, and allowing the receipt of the benefit at half-rate in case the parent returned to part-time

10 Thus, although France succeeded in establishing a long tradition of public childcare provision, it has not been concerned with developing a more equal share of domestic and caring tasks between men and women, while parental leave is also not attractive for well-paid women (Lohkamp-Himmighofen and Dienel, 2000).
<table>
<thead>
<tr>
<th>Initiative</th>
<th>Date</th>
<th>Provision</th>
<th>Objective</th>
<th>Results</th>
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<tbody>
<tr>
<td>AGED</td>
<td>1985</td>
<td>Home-based care of children under 6 by a remunerated person (Financed by CAF; covered part of social contributions for a person employed by the family to look after children)</td>
<td>To diversify care provision; To provide parents with freedom of choice; Flexible care provision</td>
<td>Creation of low paid/low qualified 'familial jobs' in a context of unemployment; Low usage due to high costs</td>
</tr>
<tr>
<td>AFEAMA</td>
<td>1990</td>
<td>Certified maternal assistant for parents of children under 6 (Social contribution of maternal assistance funded by CAF; family received complementary funding and could benefit from tax reduction; until 1 January 2004)</td>
<td>To ‘whiten’ the jobs of ‘black’ nannies; To accentuate public efforts in quality of care</td>
<td>Greatly diminished fees of care for parents; Became principal form of care for children under 3 with working parents; Also used as extra-scholar care for children in maternal school</td>
</tr>
<tr>
<td>APE</td>
<td>1985</td>
<td>Benefit to the parent of a third child who interrupts employment to care at home until child reaches 3; Condition: 2 years’ work out of preceding 30 months for applying parent; No means-test</td>
<td>Fight against unemployment</td>
<td>Most controversial family provision; Used almost exclusively by mothers; Explosion of users after 1994; Curb on activity rates of mothers of 2 children; Female activity dropped more than 15%; Important instrument in containing unemployment; Contradiction for gender equality in employment; Reinforces division of labour between sexes</td>
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<td></td>
<td>1986</td>
<td>Condition: 2 years’ work out of preceding 3 years for applying parent; Half-rate benefit in case of part-time work if child is under 2</td>
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<td>1994</td>
<td>Benefit to parent of a second child, with at least one of them under age 3, who withdraws/reduces activity to look after children; No means-test</td>
<td>Condition: 24 months’ work out of preceding 5 years, for parents of children born after 1 July 1994</td>
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work. The APE was again modified in 1994 to extend it to the second child and the activity condition was again loosened to 24 months’ work out of the preceding 60 months.\textsuperscript{11}

The 1994 reform generated an unexpected explosion in the numbers of APE beneficiaries, which more than tripled between 1993 and 2001, 98 per cent of whom were mothers. It therefore turned out to be a curb on the activity rates of mothers and female activity rates dropped more than 15 percentage points in only three years, between 1994 and 1997, from 69 to 53 per cent: mothers had all the incentive to benefit from the APE in the face of the difficulties in finding employment and affordable childcare facilities (see, among others, Fagnani and Letablier, 2005). In this way, the APE became an important instrument for French employment policies, as it significantly contributed to containing unemployment (Strobel, 2004). The measure, despite placing France amongst the five countries which spend the highest amount on leave benefits (Rostgaard \textit{et al.}, 2001), turned out to be a contradiction for the pursuit of gender equality in employment in France.

At the end of the 1990s, work–life balance policies took a new turn under the impact of the EU on the one hand, and the election of the Jospin government in 1997 on the other. The new family policy put in place by the socialist government integrated a new emphasis on work–life balance into its objectives, deriving from the EES targets for female employment. Nevertheless, individual modes of care remain privileged in France (Daguerre and Taylor-Gooby, 2004; Fagnani and Letablier, 2005). The present French concern with increasing flexible employment for women, in order to obtain a more efficient labour market, has arisen from a shift from ‘strong state support in the 1970s–80s to a policy mix which includes more paid paternal leave and caregiver allowances in the 1990s’ (Daguerre and Taylor-Gooby, 2004: 92).

In the UK, the liberal welfare tradition giving primacy to the market meant that family-friendly policies are quite under-developed (O’Connor \textit{et al.}, 1999) and they are a much more recent feature of British social policy (OECD, 2005). The welfare system in the UK is based on the primacy of the market, support for individual initiative and responsibility, and a minimum role for the state (O’Connor \textit{et al.}, 1999). In this context, families are expected to make their own arrangements and the state only intervenes to protect children at risk. This certainly gives rise to remarkable gender role segregation, whereby women are primarily seen as homemakers and as ‘secondary earners, ideally suited for part-time and flexible jobs’, enabling them to combine family life and employment\textsuperscript{12} (Lohkamp-Himmighofen and Dienel, 2000: 62). Nevertheless, British women have one of the highest activity rates in Europe, thanks to the considerable spread of part-time work (Fouquet \textit{et al.}, 2000).

There is an increased political interest in childcare in the UK at least since 1997, when New Labour came to power (Daguerre and Taylor-Gooby, 2004). The acknowledged objective of current policies is to provide parents with a real choice in their work and care decisions; but a more explicit childcare policy objective in the country is ‘to halve child poverty by 2010 and eradicate it by 2020’ (OECD, 2005: 134),

\textsuperscript{11} For details relating to APE and its amendments over time, see Fagnani and Letablier (2005).

\textsuperscript{12} Sift (2003: 153) argues that the model for work–life balance in the UK, on the one hand, ‘does not provide incentives for mothers to stay in the labour market, but on the other hand, it also does not discourage working mothers. It is thus neither guided by egalitarian principles and the objective to transform traditional gender roles like the ... Scandinavian countries’, nor is it driven by a conservative, family-oriented rationale like the continental countries. Instead, the major feature of this model is its non-interventionist stance.

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displaying the political significance attached to child poverty and child development over gender equality concerns. There has been an increasing employment focus in family policies also in the UK, and the New Labour government puts a remarkable emphasis on the role of childcare in facilitating labour market participation, particularly for low earners and lone parents (Daguerre and Taylor-Gooby, 2004; O’Connor et al., 1999). Lone parents constitute an explicit policy focus in the UK and the government has set the target of a 70 per cent employment rate to be attained by 2010 for this group (OECD, 2005).

**NATIONAL PROVISIONS ON LEAVE ARRANGEMENTS**

In this section, the national transposition of the PWD and PLD in Spain, Denmark, France and the UK will be put under the spotlight, with reference to the initiatives taken in the National Action Plans (NAP) and National Reform Programmes (NRP) within the framework of the EES. Legislation on work–life balance is a very recent development in Spain and thus far has had a limited impact. The first important legislation in this area came in 1976, and established 14 non-interrupted weeks of paid maternity leave with the guarantee to return to one’s job. It also included a provision on unpaid parental leave for women of at least one year and up to three years. The same right to unpaid parental leave was recognised for men in 1980.

In 1989, maternity leave was extended to 16 weeks and the right to retain the same position for the first year of absence for childcare was established.16 This Act was more generous than the PWD—which required two weeks of compulsory leave—in requiring six weeks of mandatory leave. It also regulated maternity allowance above the minimum standard set up by Directive: the number of years in which contributions were paid and their level (proportional to salary) are used to calculate the regulatory base (base reguladora). The amount of monetary benefit received during maternity leave was increased from 75 to 100 per cent of the regulatory base in 1994, with an Act which also contained a provision for up to three years of non-paid parental leave for working mothers or fathers.

A cornerstone in Spanish legislation on work–life balance came with the Act 39/1999 to promote the combination of workers’ family and professional responsibilities, as a significant step to complete the transposition of the PWD and PLD. A

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13 The majority of measures taken by New Labour in the name of work–life balance since 1997, including the National Childcare Strategy, Working Tax Credit and Child Tax Credit, Sure Start Programmes, New Deal for Lone Parents (NDLP), the 10-year Childcare Strategy, and the Childcare Bill, can all be considered as important moves illustrating this new approach.
14 Ley 16/1976, de 8 de Abril, de Relaciones Laborales.
15 Ley 8/1980, de 10 de Marzo, del Estatuto de los Trabajadores (BOE No. 64 de 14 de Marzo 1980).
16 Ley 3/1989, de 3 de marzo, por la que se amplía a dieciséis semanas el permiso por maternidad y se establecen medidas para favorecer la igualdad de trato de la mujer en el trabajo.
17 Article 11.3 of the PWD establishes a maternity income at least equivalent to that which the worker concerned would receive in the event of a break in her activities on grounds connected with her state of health; while Article 11.4 allows Member States to make entitlement to allowance conditional upon the worker fulfilling the conditions of eligibility for such benefits laid down under national legislation.
18 Ley 42/1994, de 30 de diciembre, de Medidas Fiscales, Administrativas y de Orden Social (BOE 31-12-1994).
19 The right to return to one’s job was only guaranteed during the first year, while the right to a job in the same professional category was guaranteed during second and third years. The period of leave was counted as effectively worked in terms of seniority.
20 Ley 39/1999 de 5 de Noviembre, para promover la conciliación de la vida familiar y laboral de las personas trabajadoras (BOE 06-11-1999).
major advance made by the Act was to facilitate for men to take care of the child, by giving the woman the option of choosing for the father to enjoy up to a maximum of 10 out of 16 weeks of maternity leave, and by allowing the father to take leave at the same time as the mother. Furthermore, maternity leave was extended by an extra two weeks per child for multiple births. Finally, it introduced the possibility that workers, men or women, enjoy a reduction of the labour day between a third and a half (with proportional reduction of the salary), to attend children younger than six years old.

Following this, in 2001, the regulations on maternity benefits were amended\(^{21}\), making access to them more flexible in order to promote the fair distribution of family responsibilities between mothers and fathers. Accordingly, women may go on part-time leave (16 weeks) in order to have (or adopt) a child, the only limitation being that the mother must take the (compulsory) six weeks’ consecutive leave after childbirth in case of natural children. The parents can decide that the father will take the remaining 10 weeks of parental leave. Finally, the Equality of Men and Women Act, which has been passed very recently in March 2007\(^ {22}\), extended the maternity leave by two weeks in the case of the birth, adoption or fostering of a child with disabilities and enabled the mother or the father to take this leave, without distinction. Moreover, it recognised 13 days of paternity leave, which can be extended by two days for each child after the second.

How motherhood is seen as women’s responsibility in Spanish society can be clearly observed by looking at maternity/paternity leaves, which were taken in 99 per cent of the cases by women\(^ {23}\), and parental leaves for childcare, which were taken by 96 per cent of women in the year 2003.\(^ {24}\) This has, of course, negative consequences for women’s employment because, on the one hand, a number of these women do not return to work after having a child and, on the other, employers tend not to employ women of childbearing age. In 2004, 6 per cent of women in the active population were recorded to have left employment because of reasons related to family.\(^ {25}\) Employers in Spain offer a limited supplement in terms of leave arrangements, but particularly big enterprises tend to extend the duration of parental and maternity leaves albeit without payment (Plantega and Remery, 2005).

From 1998 to 2004, Spanish NAPs emphasised the adoption of these legislative measures and included plans for awareness-raising campaigns on the new legislative provisions regulating parental leave, and extending regional initiatives and the role of the social partners for reconciling employment and family life. Although the NAPs did not offer a detailed account of the problems faced and the measures proposed, they nevertheless provided clear linkages to the ‘hard’ legal framework established in Spain in the area of work–life balance, and thus entailed a complementary focus to legislative measures. The Spanish NRP for 2005–08 included plans for enhanced flexibility for maternity leave periods and an extension of their duration in certain cases (i.e. disability and adoption), which were contained by the then draft Equality of

\(^{21}\) Real Decreto 1251/2001, de 16 de noviembre, por el que se regulan las prestaciones económicas del sistema de Seguridad Social por maternidad y riesgo durante el embarazo.


\(^{23}\) Instituto de la Mujer, Mujeres en Cifras. Permisos de Maternidad/Paternidad: Evolucion desde 1996 (Maternity/Paternity Leaves: Evolution since 1996).

\(^{24}\) Instituto de la Mujer, Mujeres en Cifras. Excedencias por Cuidoado de Hijaslos: Evolucion desde 2000 (Leaves for Childcare: Evolution since 2000).

\(^{25}\) Instituto de la Mujer, Mujeres en Cifras. Abandono del Mercado de Trabajo Debido a Razones Familiares, Segun Sexo (Exit Labour Market due to Familial Reasons, by sex).
Men and Women Act. Nevertheless, despite all these initiatives, and the continuous pressure from the EU, it has been difficult to create an environment conducive to combining family with employment in Spain (Valiente, 2000) because of the factors outlined above.

Gender equality law in Denmark is a relatively recent development, which has occurred within the past three decades. This is mainly because the labour law tradition in the country rests predominantly on collective agreements. As gender equality at the EU level has mostly been regulated through a ‘hard’ framework, which requires legislation, EU initiatives in the area have not fitted in with the Danish labour market tradition. Consequently, during the 1990s, the number of labour law statutes has considerably increased in Denmark, and a large part of the existing labour legislation today, particularly those on gender equality and workers’ rights, has been adopted on the basis of EU Directives, in order to adapt the legislation to the requirements of the EU (Bruun, 2002; Roseberry, 2002).

Denmark introduced in 2001 two weeks of paternity leave to be taken up immediately after the birth of a child, and two weeks after the 14th week; the latter of which was abolished in 2002 by a new law extending the maximum period of the combined maternity/childcare and paternity leave at the full benefit rate to 52 weeks (OECD, 2002). The same Act ammended the rules on parental leave (Roseberry, 2002), and implemented both the PWD and the PLD in Denmark. Under the present rules, parents are entitled, between them, to 52 weeks’ parental leave on full benefit, which is generally lower than full pay. The employer, however, may agree to pay full wages for the whole or part of the parental leave period. The 52-week parental leave is composed of maternity leave to start four weeks before the expected confinement until 14 weeks after the birth of the child, followed by parental leave. The father is entitled to two weeks’ paternity leave during the maternity leave period. From 14 weeks after the birth of the child, the parents are entitled to 32 weeks’ parental leave which they can share as they please. Moreover, there are some possibilities of prolonging the parental leave period by accepting reduced benefit and also some possibilities of postponing the leave period, which means that parental leave can be taken part-time or divided over several years until the child reaches eight years of age. Employers are not expected to provide full pay during the leave period, but they often have to top-up these payments—which gives them an incentive to hire men instead of women of childbearing age (OECD, 2002). Nevertheless, even in Denmark, which has relatively the most progressive gender equality arrangements among the four countries, it is women who predominantly take up the parental leave, with a figure of 94.2 per cent in 2004 (Plantega and Remery, 2005).

The Danish NAPs mentioned the adoption of these legislative measures throughout 1998 and 2004, with statistical indicators regarding the take-up rates of maternity, paternity and parental leaves, which were increasing over the period. They also emphasised the importance of creating a more family-friendly labour market and adopted measures accordingly, including a greater involvement of the social partners.

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26 For details on the labour law traditions of the UK, Denmark, France and Spain, and the way they influence the national transposition of EU legislation, see Aybars (2007).
27 Act No. 141 of 25 March 2002 amending the Equal Treatment Act, the Benefit Act and repealing the Child-minding Leave Act (Nielsen, 2002).
28 Plantega and Remery (2005) note that employers in the public sector supplement the payment level to full pay for maternity and paternity leave, and for 10 weeks of the parental leave. In addition, some employers offer to supplement full pay for all weeks.
The Danish NRP for 2005–08 mentioned the introduction of a parental leave equalisation arrangement by the social partners as part of their effort to improve equal opportunities, which consists of an equalisation of expenses for maternity/paternity and adoption leaves across all workplaces within the county/municipality sector. Nevertheless, as Denmark offers a rather progressive picture for gender equality, having already attained all the European quantitative targets, work–life balance did not constitute the major focus in the Danish implementation of the EES. The more pressing problems that the Danish labour market faced, including gender segregation and wage gaps, as well as the mainstreaming strategy, were the key issues that come to the fore in the NAPs.

The French Labour Code (Code du Travail) regulates maternity leave in France in line with the PWD. According to its Article L 122-26, the period of maternity leave starts six weeks before the confinement and continues through 10 weeks after it (from the third child, this period changes to eight weeks before and 18 weeks after confinement). However, collective agreements may allow longer periods. During the maternity leave, the worker is entitled to maternity benefits on the condition that she has worked for a minimum of 200 hours during the preceding three months; or that she has paid a certain minimum of social security contributions and has been registered under the social security system for at least 10 months before the date of confinement. The amount of maternity benefit is calculated on the basis of the average salary over the last three months; however, collective agreements generally provide for full pay during the leave period.

As for the implementation of the PLD, parental leave provisions in France were introduced in 1977.29 Although initially the law granted parental leave to women (it was opened to fathers in 1984) working in enterprises with more than 200 employees, as of now, any worker, irrespective of the size of the enterprise, has an individual right to parental leave in case of birth or adoption of a child for a maximum of three years if he or she has been working in the enterprise for at least one year before the birth/adoptive of the child. The initial period of parental leave is one year, which can be renewed twice until the child reaches three years of age. Parental leave can be granted on a full- or part-time basis, although part-time leave is granted on the basis of at least 16 worked hours per week. Both parents are entitled to parental leave and they can even take the leave simultaneously, but as it is unpaid, this is unlikely to happen. A paternity leave period of 11 days (or 18 days in case of multiple birth) was established in 200130 and consolidated in 2004.31 However, as elsewhere, the participation of fathers in parental activities remains very limited in France, despite the political discourse on the ‘new fathers’, developed mainly under the EU influence, and aimed to give fathers a more important place in family life (Fagnani and Letablier, 2005). In France, one out of two or three eligible women take up leave (APE) as opposed to one out of 100 men, while, on the other hand, the take-up of paternity leave is relatively high at around 65 per cent (Plantega and Remery, 2005).

The French NAPs throughout 1998–2004 emphasised the importance of the diversification of leave arrangements and eliminating the obstacles on the return to work of women who took up leave. Other important measures included plans for distributing the parental leave more equally between the two parents, reduction of the working

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29 Loi 77-766 du 12 juillet 1977, congé parental d’éducation, congé postnatal.

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time to facilitate the reconciliation of employment and family life, back-to-work incentives for APE recipients, and action plans for businesses to consider the promotion of work–life balance. The legislative measures were also constantly referred to in the NAPs, stressing the complementarity between the ‘hard’ and ‘soft’ frameworks. Particularly, the NAPs 2003 and 2004 developed plans for national targets and indicators in gender equality, including the take-up rates of paternity leave, and emphasised the importance of making childcare a shared responsibility for both parents. Still, although France was a founding member of the EEC and a key player in the introduction of the gender equality principle as a Community concern, the EU initiatives did not lead to a thorough questioning of the underlying logic of family and employment policies in France, which remained the protection of the family and the mother, and demographic concerns.

British leave periods for childcare have, until recently, been among the shortest in Europe, consisting of a strict application of EU Directives (Rostgaard et al., 2001; Silvera, 2002). Although the UK had established six weeks’ maternity pay with the Employment Protection Act\textsuperscript{32} in 1975\textsuperscript{33}, the—minimalist—British transposition of the PWD took place in 1993 with the Trade Union Reform and Employment Rights Act.\textsuperscript{34} It established 14 weeks of maternity leave (to start six weeks before confinement), the right to benefit of the terms and conditions of employment which would have been applicable to the employee if she had not been on maternity leave, if the employee notifies the employer 21 days before the commencement of the leave period. This minimalist implementation of the PWD, nevertheless, resulted in an improvement of existing minimum statutory arrangements (O’Connor et al., 1999). On this basis, the Employment Rights Act of 1996\textsuperscript{35} provided for women 14 weeks’ maternity leave, maternity pay and the right to return to work, if they give due notification of their intention to use their rights under the Act.

It is important to note that the UK Conservative governments between 1979 and 1997 vehemently opposed the extension of any EU control on social policy measures in general\textsuperscript{36}, and equal opportunities in particular, which had significant implications for the adoption of the PWD and PLD at the EU level, as well as their transposition in the UK. Particularly, the Thatcher governments significantly neutralised and watered down the PWD over the years, which finally came into force in 1992, prescribing only minimum norms, and proposed within the health and safety framework to avoid a British veto (Bagilhole and Byrne, 2000; Sift, 2003). The PLD constituted

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\textsuperscript{32} Employment Protection Act (1975), Chapter 71.

\textsuperscript{33} Before 1975, career break schemes were mostly introduced at the discretion of employers. The 1975 Act gave pregnant women the right to six weeks’ maternity pay of 90 per cent of her normal weekly earnings. However, the rights conferred by the Act were so narrowly defined that many women were excluded from its scope: it was only available for women working more than 16 hours a week, or those who had been employed by the same employer continuously for at least two years (or five years if she worked between 8 and 16 hours) (Bagilhole and Byrne, 2000).

\textsuperscript{34} Trade Union Reform and Employment Rights Act (TURER) 1993 (c.19) Chapter 19, http://www.opsi.gov.uk/acts/acts1993/Ukpga_19930019_en_1.htm


\textsuperscript{36} In the period between the mid-1980s and early 1990s, the Conservative governments’ determination to maintain a minimum level of regulation in the labour market, as well as their preference for non-state action, led to their infamous opt-outs from the two centrepieces of European legislation in the development of EU social policy: the 1989 Community Charter of the Fundamental Social Rights of the Workers, and the Agreement on Social Policy (Social Protocol/Chapter) appended to the Treaty of Maastricht of 1992 (Bagilhole and Byrne, 2000; Sift, 2003).
another outstanding example for the British governments’ resistance to EU equal opportunities legislation. From 1983 onwards, British governments had repeatedly blocked the Directive, and sought to narrow down its scope, for example, by attempting to remove the provision of parental leave for fathers. The Directive was finally adopted by the remaining Member States in 1996 under the new framework of the Social Protocol, from which the UK opted out, and was therefore neither legally bound by it nor could it veto the related directives (O’Connor et al., 1999; Sifft, 2003).

It was only when the Labour government took office in 1997 that British objections to ‘social Europe’ were finally lifted, and some progress started to be made (O’Connor et al., 1999). The Blair government, which used the Social Chapter ‘as an opportunity to demonstrate its more pro-European stance’, signed it in 1997, paving the way for the implementation of the PLD in the UK37 (Sifft, 2003: 155). Following the signature of the Social Chapter, the UK was required to strengthen its existing legislation in the area of reconciliation of employment and family life, including the introduction of leave entitlement for fathers (Lohkamp-Himmighofen and Dienel, 2000). The Employment Relations Act 199938, which implemented the PLD, gave for the first time British fathers the right to take 13 days off for their children39 (Sifft, 2003). This Act also extended the maternity leave period from 14 to 18 weeks. Nevertheless, the Act introduced only three months’ unpaid leave, which was the minimum standard set by the PLD. The 2002 Employment Act40 introduced a two-week paid paternity leave period for childbirth, as well as adoption, and extended maternity leave to 26 weeks.

Still, there are significant differences along class lines in the UK regarding leave provisions. This is because eligibility for parental payments is based on work history, as well as levels of National Insurance contributions: thus, only about 60 per cent of British mothers qualify for maternity payment (O’Connor et al., 1999). Furthermore, paid leave options are strictly limited to the child’s first year, as eligible mothers can obtain only 26 weeks of paid leave, and an additional 26 weeks of unpaid, but job-protected leave. Income support during the period of leave is quite limited in amount and duration, and legislation and payment procedures for employers are also unnecessarily complicated, which leads to hesitation in employing women of childbearing age (OECD, 2005). Employers may make or increase payments, and extend the period of leave at their own discretion, which generally takes place in the public sector or in jobs at the higher end of the occupational spectrum (O’Connor et al., 1999). Indeed, in the UK (and to some extent Denmark), employers play an important role in leave provision, complementing national reconciliation policies, particularly within the Work–Life Balance Campaign (Plantega and Remery, 2005). In addition, as in the other three countries, it is women who constitute the overwhelming majority

37 Although this gave the impression that the British government turned its policy towards Europe, the implementation strategy of New Labour was similar to its Conservative predecessors—for example, the introduction of only minimum standards, and a minimalistic commitment to employment rights, avoiding anything that might increase the labour costs—despite its more pro-EU stance. This was also facilitated by both a structural change in the labour market, and a policy shift in the EU, feeling the big burden of increasing unemployment, and thus strongly prioritising the promotion of women’s employment (Sifft, 2003).
39 It also granted the right to 13 weeks’ parental leave to mothers who were already entitled to paid maternity leave (Sifft, 2003: 156, footnote 11).
in taking up parental leave, although it must be stressed that the take-up rates, especially after the paid part of the maternity leave, remain remarkably low in the UK compared to the EU average (Plantega and Remery, 2005). Around 69 per cent of British mothers on leave return to their work within 10 to 11 months of childbirth, mainly because of financial considerations (OECD, 2005).

The UK NAPs between 1998 and 2004 devoted substantial space to the gender equality dimension, and included a detailed evaluation of the situation, as well as measures and targets relating to work–life balance, although most of these concerned childcare rather than leave arrangements. The UK NAPs have a distinctive focus on encouraging partnerships, local childcare provision, and the needs of deprived areas and lone parents, which are highlighted through statistical indicators and establishment of concrete targets. The legislative measures on the extension of maternity leave and parental leave, the launch of a partnership between the government and employers in promoting work–life balance, advice and guidance for women returning to work, flexible working practices, and awareness-raising campaigns for the right to take parental leave are other measures highlighted in the UK NAPs. The UK NRP for 2005–08 contained provisions for (i) enabling mothers to transfer a proportion of their maternity leave and pay to fathers, and (ii) the extension of the statutory maternity pay, maternity allowance and statutory adoption pay from six to nine months from April 2007\(^{41}\), as part of a plan to extend the duration of paid maternity leave to 12 months by the end of the Parliament.

STATUTORY LEAVE ARRANGEMENTS: A COMPARATIVE OUTLOOK

Table 5 summarises the duration and benefits related to statutory leave arrangements in Denmark, Spain, France and the UK, as they stem from the legislative measures outlined above. In a comparative perspective, paid maternity leave is by now established all over Europe, although its duration and remuneration conditions vary across the Member States. To rank the countries on the basis of the length of leave periods does not offer an accurate picture, as the payment levels significantly affect the take-up of these leaves\(^{42}\) (Plantega and Remery, 2005). The EU regulation on maternity leave, established with the PWD, is 14 weeks. The duration of maternity leave is 16 weeks in Spain and France (up to 26 weeks in France in the case of multiple births), 18 weeks in Denmark, and 26 weeks in the UK. The remuneration for maternity leave is based on the hourly earnings rate in Denmark, 100 per cent of earnings in Spain, 84 per cent in France, and 90 per cent in the UK until the sixth week, and flat-rate thereafter.

Parental leave does not always have the same duration and remuneration conditions, although it is by now available in all EU Member State legislations. At the EU


\(^{42}\) Plantega and Remery (2005: 48) weigh the duration of the parental leave by the level of payment, which they call ‘effective’ parental leave. Accordingly, the low levels of payment lead to low take up rates in the UK, and medium rates in Spain and France. Factors that determine the take-up of parental leave, in their turn, are outlined by the authors as (i) level of payment, which also affects which of the parents will take up leave (because of the wage gap, women in general contribute less to the family budget and are more likely to take the leave); (ii) the organisational culture, affecting the attitude of employers towards men/women taking leave; (iii) flexibility in the take-up of leave, making possible for parents to take leave and stay in the labour market simultaneously; (iv) the sector of the labour market (i.e. in Spain and France, most of the men who take up parental leave are public sector employees); and (v) educational level of the parent.
Table 5: Statutory leave arrangements

<table>
<thead>
<tr>
<th>Country</th>
<th>Maternity leave</th>
<th>Parental leave</th>
<th>Paternity leave</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Duration</strong></td>
<td><strong>Benefit</strong></td>
<td><strong>Note</strong></td>
<td><strong>Duration</strong></td>
</tr>
<tr>
<td>Denmark</td>
<td>18 weeks</td>
<td>On the basis of the hourly pay for employees and of the income from the business activities for self-employed. Ceiling for both: +/- 6406 per week</td>
<td>4 weeks prior and 14 after birth</td>
</tr>
<tr>
<td>Spain</td>
<td>16 weeks (extended by 2 weeks in the case of disabled children)</td>
<td>100% of earnings with ceiling</td>
<td>6 weeks after birth. Remaining either before or after +/- 2 for multiple births. Up to 4 weeks transferable to father</td>
</tr>
<tr>
<td>France</td>
<td>16-26 weeks</td>
<td>84% of earnings</td>
<td>6 weeks prior and 10 after birth. Extra weeks for multiple births</td>
</tr>
<tr>
<td>UK</td>
<td>26 weeks for all employed and self-employed mothers</td>
<td>90% of weekly earnings for 6 weeks, and lower of earnings-related rate for the remaining period</td>
<td>No earlier than 11 weeks before birth</td>
</tr>
</tbody>
</table>

Sources: Denmark, Spain and France—‘Statutory Leave Arrangements for Parents—Summary Table’ in Eurostat (2004: 112-114); UK—OECD (2005) Babies and Bosses; Plantega and Remery (2005).
level, the PLD granted a minimum of three months of parental leave to both men and women workers. Its duration currently varies from 18 weeks in Denmark, 26 weeks in the UK, up to three years in France and Spain. In terms of the remuneration of this leave, it is unpaid in the UK and Spain; lowly remunerated (in the form of a fixed payment and under certain conditions, such as the number of children) in France; and highly remunerated in Denmark, where, like maternity leave, it is proportional to previous salaries (Plantega and Remery, 2005; Silvera, 2002).

An important element of more recent reconciliation policies at the EU level is that fathers are now increasingly encouraged to take their responsibility in childcare. Paternity leave, however, is much shorter in duration: it is two weeks in Denmark (with the remuneration based on hourly earnings rate) and the UK (a flat rate of £100 a week); 13 days in Spain and an additional four weeks which is transferable from the mother, both remunerated at 100 per cent of earnings; and 11 days in France, with an additional three days from the employer, remunerated at 84 per cent of earnings level.

All in all, however, leave provisions are largely feminised in all four countries (around 90 per cent of beneficiaries are women) although, as discussed above, certain countries have introduced provisions to encourage fathers to take this leave, which, however, does not usually exceed a couple of weeks. This gives rise to ‘gender-segregation in child rearing’ (OECD, 2002: 137), and deepens the gender segregation in the labour market (Silvera, 2002). Taking parental leave for an extended period may lead to a deterioration of labour market skills, damaging future career paths and earnings, which obstructs female career prospects and reinforces existing inequalities between men and women.

CONCLUSIONS

The EU has been active in setting work–life balance policies over the last two to three decades. These policies have been promoted through both ‘hard’ and ‘soft’ measures, which have led to significant legislative and policy change in the four countries. Nevertheless, the common measures, discourse and vision created at the EU level in terms of work–life balance has distinct reflections in the four countries mainly because of the differences in their welfare regime legacies. Denmark and France are the pioneers of family-friendly measures, although there are important differences between the two, not least the justification for reconciliation policies, which is protectionism and a focus on increasing employment levels in France, and gender equality in Denmark. Spain and the UK are the laggards in this respect, and in both cases the structure of the welfare state accounts for the insufficient development of work–life balance policies. In the Spanish case, the welfare state’s traditional support for the male-breadwinner model and its conceptualisation of women as wives and mothers has resulted in the attribution of the role of providing care to the family. In the UK, the liberal tradition based on the primacy of the market and private provision of care has led family affairs to be considered as private issues in which no state involvement is desired, although this has started to change since 1997.

All four countries have now standards attaining or exceeding those set by the two EU Directives, the PWD and PLD, regulating maternity and parental leave arrangements. Still, statutory leave arrangements vary across the four countries, both in terms of their duration and their level of payment. Nevertheless, the UK and Spain, which are the ‘laggards’ in terms of work–life balance policies, have recently improved their leave provisions considerably. Although maternity leave arrangements are more
similar across the four countries, parental leave provisions set out important differences, particularly in terms of remuneration (unpaid in the UK and Spain). Finally, a trend towards increasing fathers’ involvement in childcare can be seen in all four cases in the form of paternity leaves, which are nevertheless much shorter in duration than maternity leave. In all the cases it is women who take up the overwhelming majority of leaves, reinforcing the division of labour between the sexes. While the last decades have seen important steps towards the establishment of a strong legislative framework for reconciling employment and family life in each country, the actual outcomes differ widely from one national setting to another, and these arrangements do not seem to be effective in reducing inequalities faced by women in the labour market. The EU approach to work–life balance policies, as a means of increasing employment and promoting economic growth and competitiveness rather than as an end in itself in order to improve gender equality, seems to play a significant part in this.

References


Work–life balance and leave arrangements


