

POLICY BRIEF II

MEN AND PARENTAL LEAVES: LEGAL FRAMEWORK, ATTITUDES AND PRACTICES



Authors:
Vanessa Cunha
Susana Atalaia
Karin Wall

Title

POLICY BRIEF II - MEN AND PARENTAL LEAVES: LEGAL FRAMEWORK, ATTITUDES AND PRACTICES

Authors

Vanessa Cunha
Susana Atalaia
Karin Wall

Translation

Richard Wall

Editors

Institute of Social Sciences of the University of Lisbon

Av. Prof. Aníbal Bettencourt 9
1600-189 Lisboa
Portugal

Tel: 217804700
www.ics.ulisboa.pt

Commission for Equality in Labour and Employment

Rua Américo Durão, n.º 12-A – 1.º e 2.º andares,
Olaias, 1900-064 Lisboa
Portugal

Tel: 215954000
www.cite.gov.pt

Design and Composition

Francisco Bolila
chico@bolila.com

ISBN 978-972-8399-84-9

Place and Date of Publication

Lisbon, September 2017

Publication drafted as part of the Project Men's Roles in a Gender Equality Perspective, undertaken in a partnership between the Commission for Equality in Labour and Employment (CITE) and the Institute of Social Sciences of the University of Lisbon (ICS-ULisboa). This project was funded by the Financial Mechanism of the European Economic Area, EEA Grants, Programme Area PT07 – Mainstreaming of Gender Equality and Work-Life Balance, with the Commission for Citizenship and Gender Equality (CIG) as the programme operator.

Funded by the Financial Mechanism
of the European Economic Area 2009-2014



POLICY BRIEF II

MEN AND PARENTAL LEAVES: LEGAL FRAMEWORK, ATTITUDES AND PRACTICES

Vanessa Cunha, Susana Atalaia and Karin Wall

INDEX

05	INTRODUCTION
06	1. THE FATHER'S POSITION IN PARENTAL LEAVE POLICIES IN PORTUGAL: FROM PATERNITY PROTECTION TO EQUAL RIGHTS FOR FATHERS AND MOTHERS
09	2. TRENDS IN MEN'S UPTAKE OF PARENTAL LEAVE (2000-2015)
09	2.1. Father's exclusive leaves
10	2.2. Sharing of initial parental leave (150 or 180 days)
11	3. ATTITUDES OF THE PORTUGUESE TO CURRENT LEAVE POLICY
12	3.1. Attitudes to father's exclusive leave and sharing of initial parental leave
13	3.2. Attitudes to fathers' uptake of parental leaves
14	3.3. Attitudes to father's role in child care
15	4. SHARING OF INITIAL PARENTAL LEAVE: MEN'S REASONING AND THOUGHTS
16	4.1. Motives for sharing initial parental leave
17	4.2. Fathers on leave in the eyes of society: reflections on personal experience
19	REFERENCES

INDEX OF BOXES AND FIGURES

- 07** Box 1 – Trends in fathers’ position in leave policies
- 08** Box 2 – Principles of Decree-Law 91/2009 of 9 April
- 09** Box 3 – Sources of statistical information
- 11** Box 4 – ISSP - ‘Family and Changing Gender Roles’
- 15** Box 5 – ‘Fathers on Leave Alone’

- 09** Figure 1 – Take-up of father’s exclusive parental leave (compulsory and optional days) compared to number of births (%) – Portugal, 2000-2015
- 10** Figure 2 – Births and number of benefits awarded (number) – Portugal, 2009-2015
- 11** Figure 3 – Uptake of initial parental leave with bonus compared to all subsidized initial parental leave granted (%) – Portugal, 2010-2015
- 12** Figure 4 – Attitudes to take-up of parental leaves by men (father’s exclusive parental leave and initial parental leave), by sex (%) – Portugal, 2014
- 12** Figure 5 – Individuals who ‘agree’ with men taking up parental leaves (father’s exclusive parental leave and initial parental leave), by sex and age group (%) – Portugal, 2014
- 13** Figure 6 – Attitudes to positive effects (in various domains) of take-up of parental leaves by men, by sex (%) – Portugal, 2014
- 14** Figure 7 – Individuals who DISAGREE that men’s take-up of parental leaves has positive effects in helping the father to keep his job, by sex and age group (%) – Portugal, 2014
- 14** Figure 8 – Individuals who AGREE that men’s take-up of parental leaves has positive effects in helping the mother to keep her job, by sex and age group (%) – Portugal, 2014
- 14** Figure 9 – Attitudes to the father’s place in childcare, by sex (%) – Portugal, 2014
- 15** Figure 10 – Individuals who ‘agree’ that the child suffers when the father does not take part in childcare and that the father is as capable as the mother, by sex and age group (%) – Portugal, 2014

INTRODUCTION

The current system of ‘parenthood protection’, implemented in 2009, was a symbolic turning point in leave policy in that it enshrined the fundamental right to work-family reconciliation in the context of a gender equality policy (see Box 2). The strengthening of fathers’ rights and the incentive for parents to share initial parental leave are measures designed to promote equality between men and women in combining work and family life. On the one hand, by enabling men to access the domestic sphere through child care; on the other, by ensuring that women keep their jobs and that at the same time the birth of the child does not adversely affect their career. In addition, however, by giving a one-month bonus to parents who share the leave, the new measures also worked to promote the well-being of the baby, allowing him to have more time in his parents’ care.

A number of years having now passed since the entry into force of Decree-Law 91/2009 of 9 April, *Policy Brief II* outlines the situation of men in the new context of ‘parenthood protection’. First, there is a summary of leave policy developments in Portugal, with an emphasis on the attainment and expansion of the father’s rights. Secondly, official statistics on men’s uptake of parental leave are analysed. Based on the results of the ISSP survey applied in 2014, the *brief* goes on to portray men’s and women’s attitudes to current leave policies and to the effects of sharing initial parental leave. Finally, using in-depth interviews carried out on fathers who shared leave, this *brief* reveals motivations, experiences and the impact on work-life balance from men’s point of view.

Policy Brief II was drawn up as part of the project entitled ‘Men’s Roles in a Gender Equality Perspective’, undertaken in partnership between ICS-ULisboa and the CITE and funded by the EEA Grants programme and by the Commission for Citizenship and Gender Equality (CIG-Comissão para a Cidadania e Igualdade de Género).

Special thanks are due to our colleagues Mafalda Leitão and Vasco Ramos, researchers at OFAP, for producing some of the results set out in this *Policy Brief*.

1. THE FATHER'S POSITION IN PARENTAL LEAVE POLICIES IN PORTUGAL: FROM PATERNITY PROTECTION TO EQUAL RIGHTS FOR FATHERS AND MOTHERS

The dualist perception of the men's and women's roles in Portuguese society is tied to persistent gender inequality in the labour market and in family life, as well as to the key fact that women are both at the heart of the question of balance between work and family life and overloaded within it (Wall and Guerreiro, 2005; Guerreiro and Carvalho, 2007; Perista *et al.*, 2016; Rodrigues, Cunha and Wall, 2015; Torres *et al.*, 2004; Wall and Amâncio, 2007). One of the most crystallised forms of representation, which is one of the key factors legitimating this state of affairs, is the 'essentialization' of maternity (Almeida, 2003), the belief that the feminine nature embodies certain skills which predispose and enable women to care for children.

This collective understanding that there are specific (and complementary) gender roles, and that the mother is ultimately responsible for the work of parenthood, generates social expectations which guide the actions of individuals, and also of political and economic actors. In the time of the *Estado Novo*¹, prevailing family policies promoted a model of the family based on inequality and hierarchy between spouses (Wall, 2010, 2011) which heavily penalized women. Today there is a genderized labour market that penalizes women in their careers, and is resistant to freeing men up to take a greater part in family life. As a result, despite the preponderance of couples in Portugal in which both father and mother work full-time outside the home [71% in 2014, according to ISSP data (Wall *et al.*, 2015)], women continue to spend more time every day than men do in activities related to their children (Perista *et al.*, 2016; Rodrigues, Cunha and Wall, 2015; Wall and Amâncio, 2007). Nevertheless, some qualitative studies carried out in Portugal show the emergence of different models of masculinity anchored in a closer, more affective and caring paternity, thus rendering child care an area of greater conjugal sharing (Marinho, 2011; Wall, Aboim and Cunha, 2010; Wall, 2015; Wall, Aboim and Marinho, 2007; Wall, Cunha and Marinho, 2013).

Ongoing changes in paternity and the life of couples have been accompanied by policy measures to promote a better balance between work and family life (Escobedo and Wall, 2015; Ferreira, 2010; Ferreira and Monteiro, 2013; Perista and Chagas Lopes, 1999; Wall, 2010, 2011, 2014; Wall and Escobedo, 2013; Wall and Leitão, 2016). From this point of view, developments in leave policies have been exemplary (see Box 1). The first measures to be

implemented were aimed at women and to protecting mothers in the labour market, in particular through the universal right of female workers to 90 days' leave for maternity, brought in by Decree-Law 112/76 of 7 February. Less than a decade later, the law on 'maternity and paternity protection (Law 4/84 of 5 April) laid down new rules on working rights for mothers and fathers (leave and absences to look after minors under 10 years of age). In addition to improving work-life balance for families with children, the new law recognized for the first time that looking after children, on a day-to-day basis and when ill, is a task for both parents and not just mothers, by bringing in, in addition, paternity leave in case of death or disability of the mother.

In the second half of the 1990s there were significant legislative advances in paternity protection, in particular through allowing the father to take two days off work on the birth of a child, the right to take part of the maternity leave by joint decision (Law 17/95 of 9 June), and a new right of all workers to "reconcile work and family life", regardless of gender (addendum to article 59 of the Constitution of the Portuguese Republic, as amended by article 33 of Constitutional Law 1/97 of 20 September, which approved the fourth revision of the Constitution). At the end of the decade, paternity protection was reinforced through Law 142/99 of 31 August, which created specific leave for fathers: the 'paternity leave' of 5 working days, as the exclusive right of the father on the occasion of the birth of a child (initially optional, compulsory from 2004) and optional father's exclusive 'parental leave' of 15 days by way of positive action. In addition, it became possible for fathers to take up to two hours off per day for feeding (previously this right attached to mothers and only in the case of breastfeeding). A new form of individual, non-transferable unpaid leave to look after children under 6 was also introduced, of 3 months for fathers and 3 months for mothers. Despite changes in leave policies, the signal that the State was sending out to employers and families at the turn of the millennium was basically that it was promoting a more participatory role for fathers, who might take the mother's place in special circumstances, but were nonetheless still the main family provider; and the mother was still the main person responsible for childcare, particularly for very young children, even though she might be economically active (Wall, 2011).

¹ *Estado Novo* was the right-wing dictatorship that lasted for four decades and ended with the 25th April Revolution, which brought in a democratic regime in 1974.

Box 1: Trends in Fathers' Position in Leave Policies

Shared rights (1984-1995): from limited replacement to replacement by joint decision of the couple

Law 4/84 of 5 April and Decree-Law 136/85 of 3 May - 'maternity and paternity protection'

- Introduction of 'paternity leave' in case of death or incapacity of the mother
- Introduction of 30 unpaid days off per year, to look after child under 10 (father or mother, benefit only for poorer lone-parent families)
- Introduction of special 6 months' to 2 years' unpaid leave, to assist child up to 3 years of age (father or mother)

Decree-Law 497/88 of 30 December

- Introduction of father's 2 days' leave of absence for birth (civil servants only)

Law 17/95 of 9 June

- Introduction of father's right to share maternity leave by joint decision of both father and mother (14 days' compulsory leave for the mother)
- Introduction of 2 days' leave of absence for the father
- 30 days off per year (paid at 65% of salary)

Law 102/97 of 13 September

- Introduction of a special subsidised leave (for father or mother) to assist handicapped or chronically ill child (leave of up to 6 months extendable up to 4 years during the first 12 years of life)

Father's exclusive right (1999-2004): from gain to consolidation

Law 142/99 of 31 August

- Introduction of 'paternity leave' of 5 working days in the first month after birth (at 100%)
- Introduction of father's exclusive 'parental leave' of 15 days (at 100%)
- Introduction of unpaid parental leave of 3 months, or 6 months at part time, up to age of 6 years (an individual right of the father or the mother)
- Introduction of leave for feeding – 2 hours per day (father or mother)
- Special unpaid leave of 6 months and up to 2 years following parental leave is maintained, if taken immediately following parental leave, but extended up to age 6 years (for father or mother)

Law 99/2003 of 27 August and Law 35/2004 of 29 July

- Compulsory 5 working days 'paternity leave' in the first month after birth (at 100%)
- Part-time parental leave increased from 6 to 12 months
- Introduction of the right to miss up to 4 hours' work every 3 months to monitor child's education (father or mother, person responsible for child's education)

Decree-Law 105/2008 of 25 June

- Introduction of a welfare benefit for maternity and paternity – non-contributory scheme

Equal rights (since 2009): promoting parity between the father and the mother

Law 7/2009 of 12 February and Decree-Law 91/2009 of 9 April - 'parenthood protection'

- Maternity leave and paternity leave revoked
- Introduction of 'initial parental leave' of 120 days at 100% or 150 days at 80% (father and mother)
- Introduction of "initial parental leave with bonus" of 1 month when parents share the leave (if father and mother take 30 days or 2 periods of consecutive 15 days alone). Two possible scenarios in case of sharing: 150 days paid at 100% or 180 days paid at 83%
- Introduction of 'mother's exclusive leave' (6 weeks after birth) and of 'father's exclusive leave' of 10 compulsory days during first month of life (5 of which consecutively after birth) + 10 optional days to be taken together with the mother (at 100%)
- 'Extended parental leave' of 3 months for the father and 3 months for the mother, subsidised by 25% of relevant earnings, if taken immediately following 'initial parental leave'
- Introduction of 3 days off for the father to attend pre-natal consultations
- Introduction of 3 days off for adoption assessment
- Extension of age limit from 10 to 12 years in case of time off (30 days per year at 65%) to take care of sick child (father or mother)
- Introduction of 15 days of time off (father or mother, paid at 65%) to look after child aged 12 or over, provided that, if that child is of age, he or she is part of the household.

Law 120/2015 of 1 September

- 'Father's exclusive leave' increases to 15 compulsory days
- It becomes possible for both parents to take initial parental leave at the same time, for up to 15 days, to be taken between the fourth and fifth month.

Over the course of the 2000s new measures to reconcile work and family life for fathers and mothers were introduced or strengthened, including the right to miss work for 4 hours every three months to attend to children's school education needs. But the major change in leave policies took place in 2009, with the revision of the Labour Code (Law 7/2009 of 12 February). This revision explicitly brought together the fundamental right to reconcile work and family life and a policy of gender equality and, for the first time, set out ways of promoting the birth rate and infants' well-being (see Box 2). Decree-Law 91/2009 of 9 April thus defined and regulated a new system of 'parenthood protection rather than 'maternity and paternity protection', as previously. This was a significant change in terminology which went hand in hand with the spirit of the new law, to the effect that reconciling work and family is a basic right and duty of fathers and mothers in equal measure, and the law should therefore promote "harmonization of occupational and family responsibilities" of men and women by "strengthening fathers' rights and incentivising the sharing of leave". In effect, this law replaced maternal leave with initial parental leave lasting 120 or 150 days (a right of both mothers and fathers), adding a bonus period of 30 days for sharing (when each of the parents takes at least 30 consecutive days or two periods of 15 consecutive days). This bonus led to the use of the expression "parental leave with bonus" to define situations in which parents share the initial parental leave. The period of six weeks following birth, which the mother is required to take as leave, became 'mother's exclusive initial parental leave' and the former 'paternity

leave' was replaced by 'father's exclusive initial parental leave' (which increased from 5 to 10 compulsory working days plus 10 optional days). Following this 'initial parental leave' the mother and father would still be able to take a complementary leave – known as 'extended parental leave', of up to three months, non-transferable, for each parent, and this was now subsidized at 25% of relevant earnings. Finally, it should be mentioned that this law brought in one further right for fathers: three days off to attend pre-natal consultations. In sum, the new legislation adopted in 2009 strengthened fathers' rights, established an incentive for father and mother to share initial parental leave and brought in a new subsidy, of 25% of relevant earnings, known as 'extended parental leave' (3 months for each parent). These changes to leave policies thus promoted the equivalence of fathers' and mothers' rights and rewarded the sharing of parental care, even though the new law retained non-transferable individual rights for both parents (Wall, 2010).

In 2015, under Law 120 of 1 September (which came into force after approval of the State Budget for 2016, Law 7-A/2016 of 30 March), there was a shift in the direction of leave policy. Even though this law increased the compulsory 'father's initial parental leave' to 15 days, it also made it possible for both parents to take up to 15 days of 'initial parental leave' simultaneously. This not only limited the maximum time the baby can stay at home with the parents, but was also a reversal of the gains made in the father's right to *be alone with the baby* (see point 4).

NOTE: Developments in leave policy in Portugal have been monitored by OFAP in its annual reports, and by the International Network on Leave Policies & Research. These reports are available online at their respective websites: www.observatoriofamilias.ics.ul.pt; <http://www.leavenetwork.org/>

Box 2: Principles of Decree-Law 91/2009 of 9 April

In its manifesto, the 17th constitutional government recognizes the indispensable contribution of families to the cohesion, social equilibrium and sustainable development of the country.

Recognizing the importance and need to establish measures which provide favourable conditions for increasing the birth rate, on the one hand, and also improved reconciliation of work and family life and child care in the earliest stages of infancy, the government has drawn up a set of measures to change the system of protection in parenthood.

The Third National Plan for Equality - Citizenship and Gender (2007-2010) also provides for the adoption of measures and initiatives designed to combat gender inequalities, promote equality between men and women and to reconcile work, personal and family life, setting as a priority, in particular, the creation of conditions of parity in harmonizing work and family responsibilities.

(...)

The new system of protection sets birth incentives and gender equality as priorities by strengthening the father's rights and encouraging the sharing of leave, while at the same time promoting the reconciliation of work and family life and improving childcare in the earliest stages of infancy by granting monetary allowances where parents are prevented from carrying out their occupational duties.

(...)

Fathers' rights on the birth of a child are reinforced, in terms of both compulsory and optional leave, and the period of leave is increased when parental leave is shared between both parents, thus ensuring a longer period of time with the baby in the early days of life and making it possible for parents to share and be more flexible in reconciling family life with the management of their careers.

2. TRENDS IN MEN'S UPTAKE OF PARENTAL LEAVE (2000-2015)

2.1. Fathers' exclusive leaves

There has been rapid and consistent development in the uptake of parental leave by fathers since specific leaves for fathers was introduced in 1999: the 'paternity leave' of 5 working days, initially optional; and the optional 'parental leave' of 15 days for the father (see Box 3). By referencing the number of benefit applications approved and comparing them to the number of births, it can be seen that over the period under study the uptake of this type of leave increased by over 60 percentage points (Figure 1). While in 2000 only 11% of fathers took up 'paternity leave', in the following year the percentage had already doubled. In 2005, one year after it became compulsory, it represented 39% of total births; in 2010, one year after it increased from 5 to 10 days' compulsory leave as part of the current 'paternity protection' system, it represented 62%; and by 2015 it was already at 71%. The same trends are observable for the father's optional 'parental leave', although the uptake here is lower. It can thus be concluded that the number of fathers who take up the exclusive parental leave to which the law entitles them is quite significant; and that although the compulsory nature of the leave is an incentive to use it, most fathers use more than the compulsory days and take up the optional days as well. In 2015, 63% of fathers took up the 10-day optional parental leave.

BOX 3: Sources of Statistical Information

Data on benefits were calculated by the Observatory on Families and Family Policies –(OFAP), based on numbers supplied by the Social Security Data Institute and by the Strategy and Planning Office of the Ministry of Labour, Solidarity and Social Security (GEP/MTSSS) (most recent update 18 March 2016).

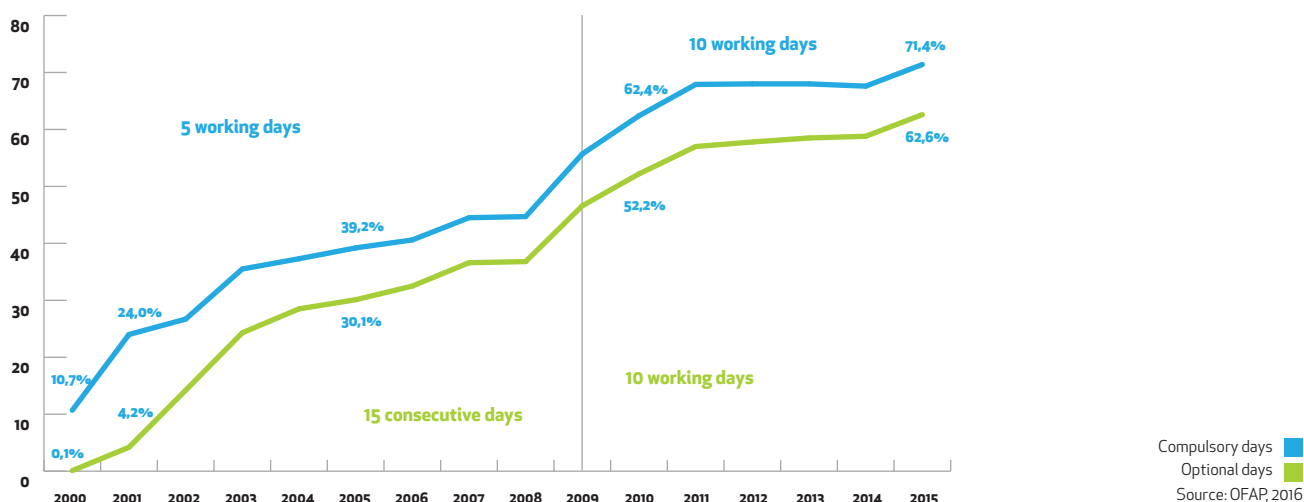
The available data refers only to individuals covered by the general Social Security system and therefore does not include benefits awarded to civil servants or to workers whose welfare system is not part of the general Social Security system, like some workers in the banking sector. In other words, the data underestimate the true numbers. This issue can only be resolved once there is definitive convergence of Social Security and other systems.

Data on live births are from the Statistics Portugal (INE) (most recent update 28 April 2016).

The information contained in this section is available in more detail in the most recent OFAP report:

Wall, K. et al. (2016). *Políticas de Família em 2014 e 2015 – Principais Desenvolvimentos*, Lisboa: OFAP/Observatórios do Instituto de Ciências Sociais da Universidade de Lisboa.

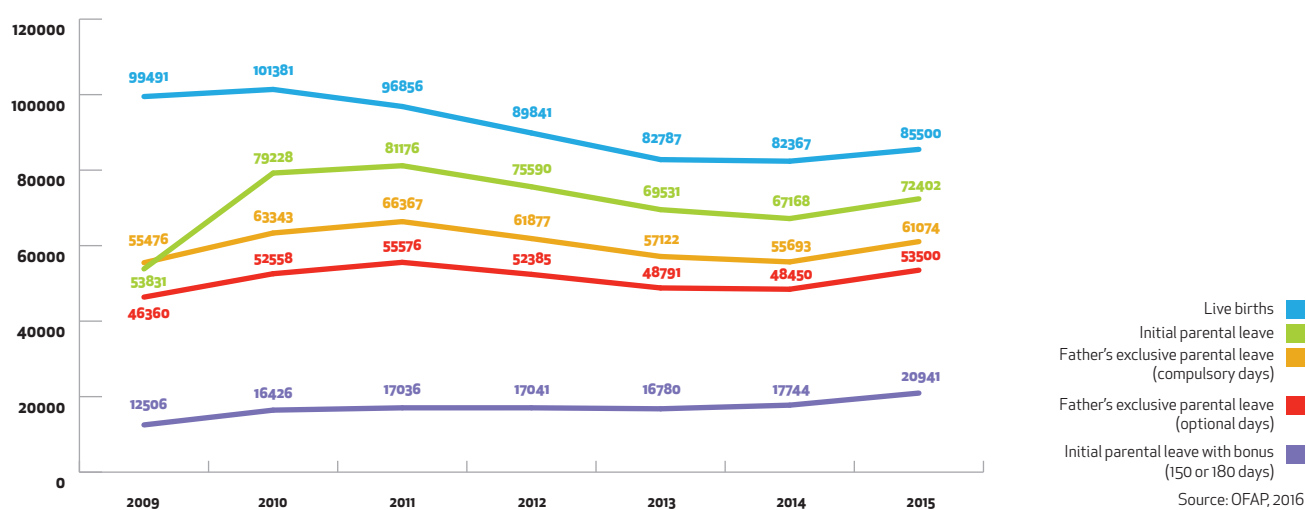
Figure 1 - Take-up of father's exclusive parental leave (compulsory and optional days) compared to number of births (%) – Portugal, 2000-2015



2.2. Sharing of initial parental leave (150 or 180 days)

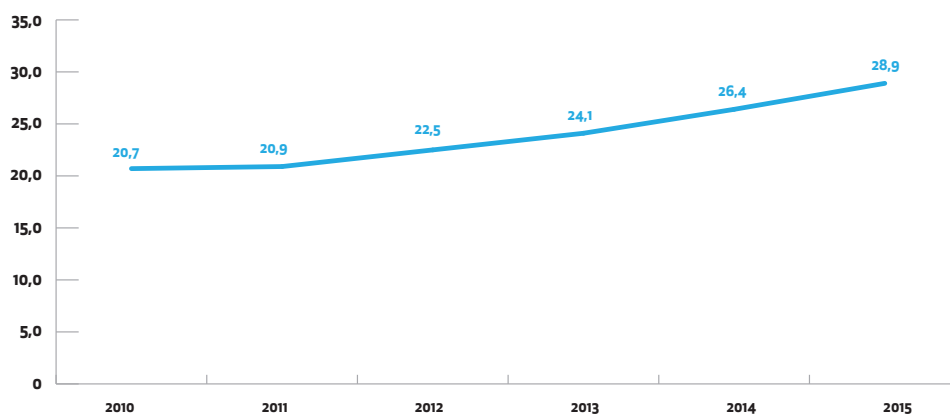
In 2009, the new system of 'paternity protection', in addition to maintaining the individual rights of the mother (42 compulsory days of leave following childbirth) and the father (10 compulsory days plus 10 optional days), brought in the possibility of parents' sharing 'initial parental leave' (see Box 1). This equalization of the rights of mothers and fathers, and the incentive to sharing through the 30-day bonus leave, produced notable results in the effective sharing by couples of 'initial parental leave'. In effect, while the father had been able, since 1995, to take part of the 'maternity leave' by joint decision of the couple, the number of couples which had taken advantage of this up to 2008 was insignificant: in that year, 582 couples shared that mother's leave to some extent, according to OFAP estimates (Wall *et al.*, 2016). With the new legal framework from May 2009 onwards, sharing of the 'initial parental leave with bonus' rose to 12,506 between May and December (Figure 2), confirming how receptive couples were to the legislative change which encouraged better work-family life balance in the first months of the child's life. Since then, the number of shared initial parental leave uptakes has increased, particularly in 2015, when 20,941 applications for the benefit were approved. It should also be noted that unlike fathers' exclusive parental leave and 'initial parental leave' itself, which declined in line with the sharp crisis-induced decline in birth numbers in Portugal (Cunha, 2014) and recovered in more recent years, the uptake of leave with bonus continued to grow, only stalling with a slight fall in 2013.

Figure 2 - Births and number of benefits awarded (number) - Portugal, 2009-2015



Compared to men's uptake of father's compulsory or optional exclusive leaves (Figure 1), uptake of the 'initial parental leave with bonus' continues to be well below its full potential (Figure 3). Of the total of parental leave applications granted, couples who shared the subsidised version went from 21% in 2010 to 29% in 2015. It is thus important to understand the difficulties involved, because despite the openness of Portuguese society to implementation of this measure, and particularly that of the population of reproductive age, (see Point 3), few take advantage of it. Recent qualitative studies, based on in-depth interviews with fathers (Wall, Aboim and Cunha, 2010; Wall, 2016), identified some obstacles: difficulties in workplaces/companies, more so in the private sector but also in the public sector; contractual conditions (job insecurity), the nature of workers' responsibilities and the priority personal investment in career; and more traditional male and female attitudes to gender roles, in which the mother has a central (and possibly irreplaceable) position in looking after the children.

Figure 3 - Uptake of initial parental leave with bonus compared to all subsidized initial parental leave granted (%) – Portugal, 2010-2015



Source: OFAP, 2016

Another important point needs to be mentioned in relation to parents sharing leave. While most couples who share ‘initial parental leave’ choose to take 180 days paid at 83% of relevant earnings (65% of couples in 2015), couples who receive initial parental social benefit tend to choose the shorter period of 150 days paid at 100% (Wall *et al.*, 2016). These results are clear evidence that there is a conjugal negotiation behind the decision to share the leave, in which the interest of the child in having more time in parental care is taken into account, provided that this does not affect the family budget (see Point 4). In effect, ensuring the financial well-being of the children is a vital aspect of modern parenthood, and men “continue to feel they are mainly responsible for supporting the family” (Wall, Aboim and Cunha, 2010: 469). As a result, only those subsidies which fully compensate for loss of earnings (from work or other sources)

act as incentives to sharing leave and to involving men more in the child’s early life.

Attention also needs to be drawn to the fact that there is a legal obstacle to the father taking ‘initial parental leave’. This has to do with the mother’s position in the job market. If she is not eligible for the initial parental leave, whether on account of being inactive or for any other reason, the father loses the right to it even if he is working, and is only entitled to the father’s exclusive initial parental leave (DPC/ISS, 2016). Even though one of the main objectives of the new system of ‘paternity protection’ is to promote “gender equality by strengthening fathers’ rights and incentives to shared leave” (see Box 2), its legal architecture retains the principle that the mother is the main beneficiary of leave policies, rather than the mother and father together.

3. ATTITUDES OF THE PORTUGUESE TO CURRENT LEAVE POLICY

As part of the project entitled ‘Men’s Roles in a Gender Equality’ Perspective (CITE/ICS-ULisboa) the Portuguese edition of the ISSP ‘Family and Changing Gender Roles’ survey (see Box 4) included an ad hoc module which investigated attitudes of the resident adult population to the take-up of parental leave by men (taking into account the legislation in force at the time), and to the effects of this on fathers, mothers and children.

Box 4 - ISSP - ‘Family and Changing Gender Roles’

The ISSP - *International Social Survey Programme* is an international network of comparative and longitudinal studies which conducts annual surveys.

The 2012 edition (ISSP 2012), applied in Portugal in 2014, was devoted to the topic *Family and changing gender roles*. The survey was administered to a representative sample of the population resident in continental Portugal aged 18 and over (N=1001).

Preliminary analyses of the results of ISSP 2012 are available in: Wall, Cunha, Rodrigues and Correia (2015); Ramos, Atalaia and Cunha (2016).

For more information on the ISSP consult: <http://issp.ics.ul.pt> and <http://www.issp.org/>

3.1. Attitudes to father's exclusive leave and sharing of initial parental leave

Five years after the entry into force of Decree-Law 91/2009 of 9 April, which was a major turning point in terms of paternity protection, as it promoted similar rights for fathers and mothers (Wall, 2010), the results of the ISSP 2012 survey (applied in 2014) show that the main measures contained in that law were well received, namely the increase in the number of compulsory days to be taken by the father after childbirth; and the possibility of the father sharing initial parental leave with the mother (see Point 1). In effect, acceptance of these policy measures, which runs at around 60% (Figure 4), attests to the considerable support in Portuguese society to a leave policy model which encourages the father's involvement in looking after infant children. Not only in the first month of life, together with the mother, but also independently, by taking up at least one month of parental leave on his own, once the mother has returned to work.

Support for measures which encourage early involvement of the father in looking after the children is, however, stronger among men and women up to 44 years of age, who are precisely those who may have already taken advantage, or may yet take advantage, of this new system of benefits (Figure 5). Less receptive are those aged 65 and over, who retain a more traditional view of the role of the father (and mother) in family life. While older men are those who least 'agree' with current measures, younger men support the strengthening of fathers' rights (some 30 percentage points separate them). This suggests a profound generational shift is taking place regarding the man's place in family life.

Figure 4 - Attitudes to take-up of parental leaves by men (father's exclusive parental leave and initial parental leave), by sex (%) - Portugal, 2014

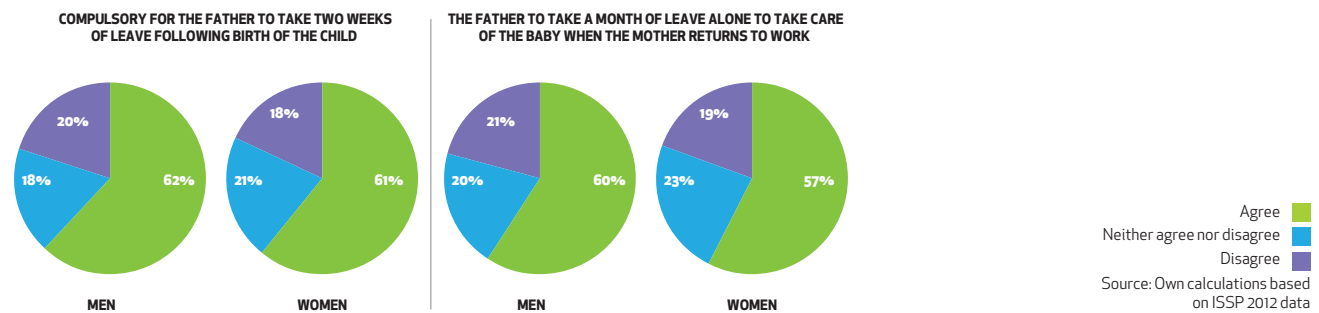
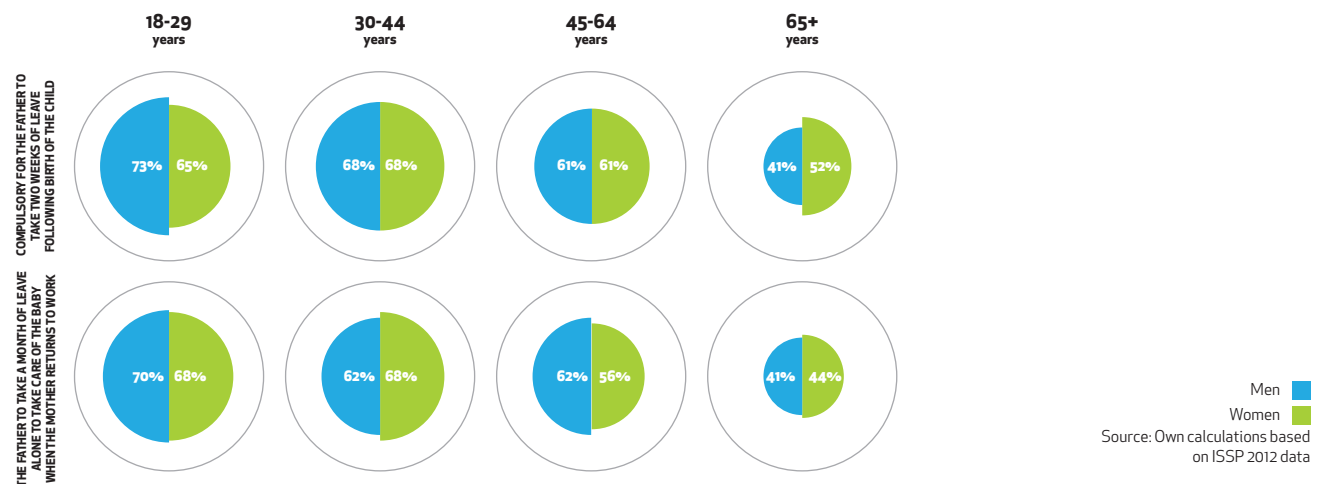


Figure 5 - Individuals who 'agree' with men taking up parental leaves (father's exclusive parental leave and initial parental leave), by sex and age group (%) - Portugal, 2014



3.2. Attitudes to father's uptake of parental leaves

The favourable reception given to current parental leave policies goes hand in hand with the positive effects which the father's take-up of it has on various domains of personal and family life (Figure 6). Men and women in equal measure broadly agree that the father taking up parental leave brings benefits in terms of parental relations ('the father and the child' and 'the mother and the child'); of conjugal dynamics and gender equality ('the couple's relationship,' 'household management' and 'equality between men and women in family life'); of individual well-being ('of the child,' 'of the father'); and to the woman's career ('helping the mother to retain her job'). The widespread positive view of these beneficial effects meets the objectives outlined in the law governing the protection of parenthood, i.e. reconciling family and work on the basis of gender equality, the child's well-being and the "harmonization of career and family responsibilities" between men and women (see Box 2).

There is less of a consensus on the positive effects of 'the way other men see the father' and on 'helping the father retain his job'. The percentage of those agreeing with these propositions in connection with men's lives drops to between 45% and 56%. About one-third of men and women feel that uptake of leave has no effects at all (whether positive or negative) on the father's personal image and job security, but 24% of men (and 16% of women) disagree with the statement that uptake of leave has positive effects in terms of 'helping the father to keep his job'. This opinion is particularly strong 34% (Figure 7) among men aged 30 to 44, those who are most often at a stage in life when it is necessary to reconcile work and family life because there are small children involved. This less positive impact on men's job security is accompanied by a felt positive effect on 'helping the mother to keep her job', among women in the same age group in particular: 87% (Figure 8). This indicates that men and women both recognize that redistribution of the career "costs" of parenthood is positive for women, though not necessarily for men.

Figure 6 - Attitudes to positive effects (in various domains) of take-up of parental leaves by men, by sex (%) - Portugal, 2014

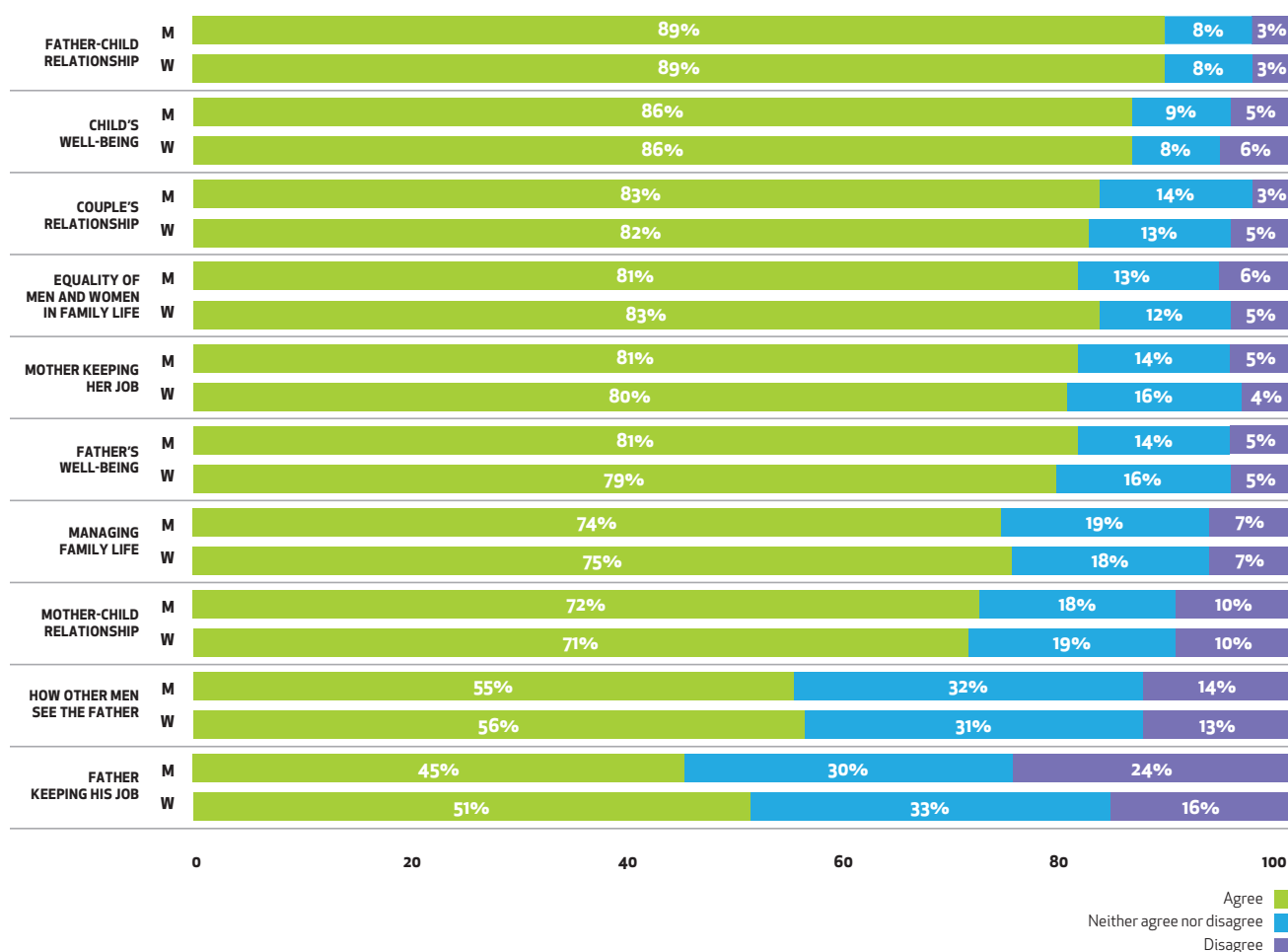


Figure 7 - Individuals who DISAGREE that men's take-up of parental leaves has positive effects in helping the father to keep his job, by sex and age group (%) - Portugal, 2014

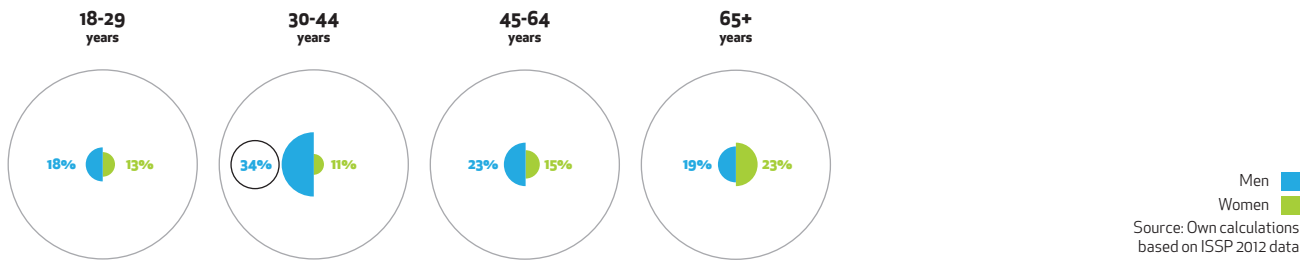
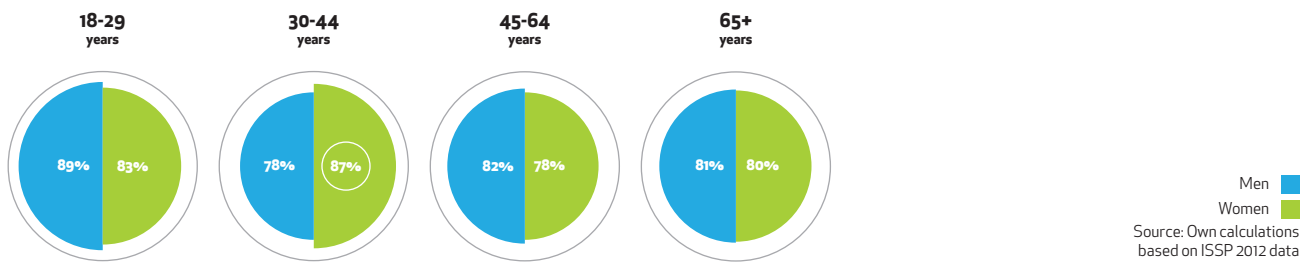


Figure 8 - Individuals who AGREE that men's take-up of parental leaves has positive effects in helping the mother to keep her job, by sex and age group (%) - Portugal, 2014



3.3. Attitudes to father's role in child care

Although the importance of fathers' being involved in looking after children is recognized – to the extent that 75% of men and women consider 'the child suffers' when that does not happen (figure 9) – there is less of a consensus on the idea that the father is 'as capable as the mother is of looking after a baby less than a year old'. And it is men who least agree with the statement, i.e. it is men who predominantly believe that there are parental aptitudes which are natural properties of the feminine gender, and that these give women the capability of looking after babies in the first year of life. However, this gendered view of parental roles is clearly giving way to another, more egalitarian view, in younger age groups (figure 10), among men as much as women.

Figure 9 - Attitudes to the father's place in childcare, by sex (%) - Portugal, 2014

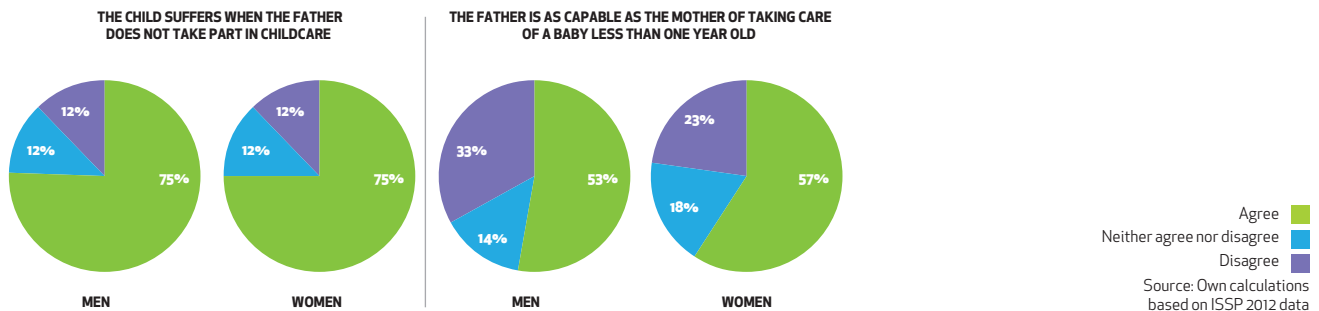
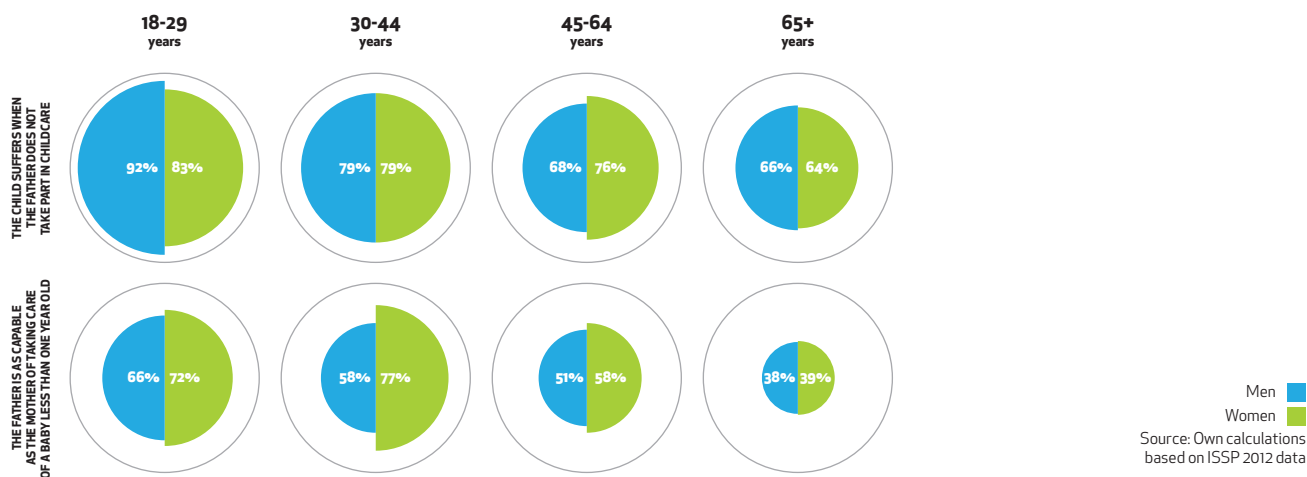


Figure 10 - Individuals who 'agree' that the child suffers when the father does not take part in childcare and that the father is as capable as the mother, by sex and age group (%) – Portugal, 2014



In sum, the results of ISSP 2012 (applied in 2014 in Portugal) show that there are a significant number of men who believe there is a conflict between good job performance and taking parental leave when their child is born. Men have internalized the belief that employers are not happy with their exercising this right, and this seems to be one of the main obstacles to greater male involvement in parenthood and in achieving a better balance between work and family life (Wall, Aboim and Cunha, 2010).

4. SHARING OF INITIAL PARENTAL LEAVE: MEN'S REASONING AND THOUGHTS

As part of the project entitled 'Men's Roles in a Gender Equality Perspective' (CITE/ICS-ULisboa) a case study was undertaken on men's views of shared initial parental leave in heterosexual couples where both were working full time. 20 in-depth interviews were conducted with men resident in the Lisbon metropolitan area and in the town of Covilhã, aged between 27 and 54, married or living together in a partnership and having a variety of educational and occupational qualifications. Although there were variations in the number of children per interviewee, all of them had at least one child born after the introduction of current legislation and had taken at least the minimum one month of initial parental leave. The men interviewed told of their experience of *staying alone* with a baby at home, making known the difficulties they felt and the benefits derived from the experience in various domains of their personal and family lives (see Box 5).

Box 5 - "Fathers on Leave Alone"

An article was published on the experiences of men on leave, based on an exploratory study of the first interviews conducted as part of this project:

Wall, Karin (2014). "Fathers on Leave Alone: Does It Make a Difference to Their Lives?"; *Fathering*, 12 (2): 196-210.

These men described how they filled their days between looking after the baby and carrying out household tasks; and shared their doubts, and what they learned and gained personally in terms of parenting and housework skills as a result of their increased independence and responsibility. They also spoke of their emotional involvement and of building ties with the baby; but also of how the couple's relationship had been reshaped, and their understanding of the father's role as principal carer being as important as that of the mother; of the changes to the division of unpaid labour and of their greater recognition of how women tend to be overloaded.

The main processes involved in the experience of *staying alone with the baby* at home were mapped using an analysis of these narratives, and four types of sharing and experience of initial parental leave were identified.

4.1. Motives for sharing initial parental leave

The first result to highlight from analysis of the interviews is the fact that the ability to extend the leave for 6 months, with no financial penalty on family income, is clearly identified by couples as an opportunity for the baby to have more time with parental care at home. In effect, promotion of the baby's well-being – which combines delaying entry into a crèche with the possibility of a longer period of breastfeeding – is at the heart of the marital decision and is the major motivation for sharing:

We decided to share at that time because my mother-in-law, at that time, she wasn't very well either (...) and I didn't have anyone to look after my little one. (...) So we did as much as we could to spend as much time at home with him as possible.

29 years, policeman, 2 children, 1 month of initial parental leave

We thought it was too early for him to go to a crèche, to be with children. Our paediatrician (...) had asked if there was a possibility of his staying with us, or with the grandparents, or someone else. Not to go to a kindergarten or a crèche (...). So I think that is a positive thing, it's not so... the baby is such a tiny being, so fragile, so... to let go of him so soon, that isn't right.

40 years, creative and advertising director, 1 son, 1 month of initial parental leave

We preferred that she, my wife, should take the maximum amount of leave and I would come in only later. Because she was breastfeeding, so there was an opportunity to do that (...). As we always thought in relation to the sisters – who were so tiny the first day they went to the crèche! – anything we could do to delay that moment ... so the [sharing of leave] emerged, more or less without even having to talk about it.

54 years, computer engineer, 3 children, 1 month of initial parental leave

The breastfeeding question is particularly interesting, in that it can be seen as a hindrance to the father's taking more than the bonus month of leave, and there are couples which reconcile a longer period for the father with the mother breastfeeding exclusively, taking advantage of the reduced working hours when she returns to work, as well as the possibility of the mother extracting milk for the father to give. With a first child, this scenario may be impossible to anticipate and only become apparent with experience, but it may open the door to conjugal negotiation of a more balanced sharing arrangement in relation to a second child:

Up to six months he breastfed normally (...). The mother would go home at lunchtime, to breastfeed. And she also extracted milk, and I would give it to him (...). It was not an impediment (...). She has a career as active as mine, with as many objectives as I have, so we chose to do it this way. And we believe the breastfeeding part, even though it was something we regarded as fundamental and important for us, as we were able to extract the milk and she was also able to breastfeed in the middle of the day ... It's not quite the same, but this was a compromise solution we arrived at and which worked while it had to. Would he have breastfed for longer if the mother had stayed at home? Yes, probably. But we assessed things at the time, weighed up the two options, and it seemed to us that for us this was the most sensible course.

39 years, project manager, 1 son, 1 month of initial parental leave + 3 months of extended parental leave

What probably caused me to take less leave time was lack of experience, or not being comfortable with the situation, giving up having the mother at home to breastfeed her daughter (...), in other words, we had to organize this because we didn't really know how things worked (...). With the second [child], most likely, I'll be able to negotiate 10 more days. (...) I have a job and work all day; she also has a job but works two hours less than I do. So even in terms of free time, or time for the family, the option of having the father at home, with the mother on shorter hours, is generally better, it's beneficial.

31 years, jurist, 1 daughter, 40 days' initial parental leave

In addition to consideration of the baby's well-being, reconciliation of work and family life is a key element in negotiating the how the mother's and the father's leave times are allocated. Couples assess the each other's situation in the job market, seek to distribute the costs and minimize the negative effects which taking up leave will have on their careers, and in particular on family income.

It is not always the man's career which is the problem or which is likely to be compromised. Women with demanding careers or in insecure jobs may find it difficult to take the full period of leave to which they are entitled. Such situations may lead to conjugal negotiation of a larger share of initial parental leave and to a decision that the father will take more than the bonus month.

My wife would have been penalized if she stayed away from the court for longer because, basically, things mount up and then demand an even greater effort when she goes back, don't they? So we didn't want to... we had to find a halfway point between trying to keep the child at home for the longest possible time without work and career suffering too much.

54 years, computer engineer, 3 children, 1 month of initial parental leave

It was fundamentally a question of money, because my wife, being a lawyer, doesn't make Social Security contributions, she makes contributions to the Lawyers' Order welfare scheme, which doesn't provide for maternity leave. So, what does that mean? That for the time when she's not working she isn't earning, she can't, she doesn't invoice her clients and so she has no income. As my case is different, I make contributions to Social Security, I am entitled to take paid leave, right? So we found a

balanced solution to minimize, so to speak, the fact she wasn't working during that time, and so wasn't invoicing.
37 years, mechanical engineer, 1 son, 2.5 months of initial parental leave

The mother took only 60 days, and I took the rest. You know, she was really missed there at work. In her workplace they can't have a lot of waitresses, it's a small restaurant. Things aren't very good anywhere right now. And if she took the whole time off it would be a problem, the bosses said so right away. So we discussed it and decided that the best thing would be for me to have some time with the kid and that way she wouldn't miss so many days at her work (...). It was my boss who actually didn't like this very much ... but what the hell! So we split the task between us.

33 years, driver, 1 child, 1.5 months of initial parental leave

I only took the last month so as not to force her boss all the time (...). The boss was already very short-staffed and really wanted her to go to work (...). That's the way it is ... I know the law doesn't allow them to fire her, but they could also make life difficult for her after she goes back, couldn't they? So I decided that she should go to work at least for that month, because actually it was a month when they really needed more people, and that calmed things down a bit (...). [On the other hand] if I stay at home we lose more money than if she stays at home, right? So I took the one month and she took the other five, (...) because I lose the allowances, shift bonuses and all that stuff. And that adds up to about two hundred and fifty euros out of my pay, and that's quite a bit.

29 years, policeman, 2 children, 1 month of initial parental leave

I would certainly have taken one month. The two months, that was more to do with the question of money (...). As a doctoral scholar [my wife] (...), financially it's more favourable (...). Someone who works, like me, gets the full salary. It represented almost another whole salary coming in. That's why we did it this way.

36 years, public service safety inspector, 1 son, 2 months of initial parental leave

4.2. Fathers on leave in the eyes of society: reflections on personal experience

Society's attitudes to the current system of paternity protection, which encourages parents to share parental responsibilities, is in large measure interpreted by interviewees in the light of their personal experience. The extent of openness and support they encountered in their workplaces, and the greater or lesser difficulty they had in negotiating with their bosses or line managers, were decisive for these reflections on 'the father on leave', and for their interpretation of public opinion and society in general, and of the job market in particular. The things mentioned by these men range from the fact they were misinformed about the father's rights by their bosses and even by Social Security, to employers' lack of understanding of their decision to share leave and of the father's motivation for staying at home with the baby. They feel they are seen as transgressors for not putting their work and career interests ahead of family interests, questioning the image of the good worker. There were even some who suffered reprisals such as a cut in salary or dismissal.

In my case, the department didn't even know that I could take two consecutive months of shared leave (...). When I asked for the two months, my personnel department only wanted to give me one month, and I was the one who had to explain things to them: "No, read the law, because the law says I am entitled. It's shared, I can do as I like" (...). On the admin side they only processed one salary, and I had to complain and say: "No, no! I asked for two and I am entitled to two, according to article such and such" (...) People think the father is only entitled to one month, but no. And that's what I explained to them.

36 years, public service safety inspector, 1 son, 2 months of initial parental leave

We thought of [the mother] taking five [months] and I one, or the mother four and I two. But my job didn't allow for two. One was already what it was ... I can't say that I had a big problem, we can't compare the work I do with work in industry, where repression and reprisals are more common. But I think there are different ways of doing it. Like, there aren't whips any more, but there are still psychological whippings. That's more like what I felt, that psychological game. As soon as I knew, I told them (because one tries to give as much notice as possible with these things) that I intended to take a month and that it would be in July of that year. The first question they asked me was why I wanted to take a whole month, wouldn't a few days be enough.

34 years, Internet maintenance engineer, 1 son, 1 month of initial parental leave

I got a very negative reaction from Social Security (...). You could have cut the atmosphere with a knife! The lady from Social Security (...) told me it wouldn't be possible, she couldn't find any information on it, that the father couldn't take two and a half months, that it had to be the mother. I could only take the last month.

33 years, computer programmer, 1 daughter, 2.5 months of initial parental leave

Society in general thinks this is very strange, the wife going back to work earlier so that I could stay with the baby (...). We were actually amused, because when I went to deal with the paperwork at the Social Security office, the woman even said to me: "Ah but you can't do that!" (...) The woman from Social Security! Actually I think she was even head of that section, because in her mind most of the leave was for the mother; and the father could take, at most, thirty days. But I had checked and knew that I could.

People think we go home to look after a baby and don't care so much about work, or that we don't want to work any more (...). It's not that I don't like working, or that I don't want to work, it's simply that at that precise moment it was 'being the father' that was my calling. And well, after that, I think it ends up ruining labour relations. Because, for both mothers and fathers, the bosses think we're no longer focused on the job, or don't want to work so much, and are thinking more of the children (...). I think it's clearly worse for men, and we in Portugal aren't at all well prepared for such leave arrangements. It's not really a question of the law. It's just that ... the law is real, but they don't allow us to take advantage of it. So in practice it's not worth a thing, because it exists, but if we take the leave we're fired ... [which happened to him 4 months after he went back to work]. That's it really, the bosses would have to lead by example and take the leave themselves, or else it should be compulsory for everyone to take it (...), everyone – because the priority is the children. Everybody has to go home.

31 years, pharmacy employee, 1 daughter, 2.5 months' initial parental leave

All these situations lead these men to conclude that there is still a very broad range of differing expectations regarding the role of men and women in society, and for this reason they feel there is a great deal of resistance from employers, who are reluctant to let go of their male workers in favour of family life and parental responsibilities. The men want to take on those responsibilities and would like to see them guaranteed, extended and given social recognition.

I always wanted to take more than a month (...). I don't know, I think it's a matter of making a statement. Because I think the general idea is that it's always the mother who takes the leave and that the father takes the bonus days because, if he doesn't use them, no-one else will.

31 years, jurist, 1 daughter, 40 days of initial parental leave

In my case, the reason for taking up more leave was financial, but the reasons for taking up the leave generally aren't financial. I genuinely wanted the leave time, I wanted to be there (...). And if I could have taken more time, I would have taken more time – and regardless of work pressure or not, because hold on, family is more important to me.

36 years, public service safety inspector, 1 son, 2 months of initial parental leave

Funding



COMISSÃO PARA A IGUALDADE
NO TRABALHO E NO EMPREGO



INSTITUTO DE CIÊNCIAS SOCIAIS

