THE BASICS

What is parental leave?

For societies and economies to thrive, people require the ability to choose to be both workers and parents. Facilitating this choice means guaranteeing that the necessary support structures are in place through family-friendly policies that include parental leave. While maintaining their employment, this leave provides parents with time and, ideally, resources to dedicate to caring for their children around the time of their birth or adoption. These circumstances shape the long-term wellbeing and health of the entire family unit.

Leaves of absence during the critical time of infancy can be compensated with some or all of the parents’ usual earnings. When coupled with supportive work culture and conditions, parental leave can be especially transformational for women and the families of low-income workers.

Beyond the benefits to individual women and families, parental leave yields benefits for employers and their businesses. Well-designed parental leave policies can also significantly accelerate economic growth by retaining women’s talents in the labour force and protecting maternal and newborn health.

Parental leave is sometimes used as an umbrella term to describe the combination of maternity, paternity, and/or parental leaves. From a policy perspective, these subjects can be differentiated as follows:

**Maternity leave:** A job-protected rest period, usually paid, that is provided to mothers towards the end of their pregnancy and continuing immediately after they give birth. Maternity leave is generally provided to biological mothers, including surrogates, as a health measure. It is also provided to adoptive mothers in many countries. Maternity leave can sometimes be transferred to other caregivers (e.g. in the case of the mother’s death). It is also sometimes obligatory for a minimum of six weeks.

**Paternity leave:** Job-protected leave that is often limited to biological fathers at the time of the birth of their child and immediately afterwards. It is a care measure that allows fathers to better meet the needs of their infant (and any older children) and to assist the infant’s mother in recovery from childbirth and in establishing feeding and other routines. Same-sex partners of birth mothers are increasingly eligible for this entitlement.

**Parental leave:** A period of longer, job-protected leave available to either or both parents to allow them to care for their infant after maternity or paternity leave expires. Parental leave is considered a care measure.

Paid leaves support parents’ ability to meet the increased financial needs of their families in the postpartum period, giving them time to dedicate to:

- ✓ Bonding with their infant.
- ✓ Attending to their own medical needs, including physical and mental recovery from delivery.
- ✓ Caring for their infant and establishing feeding and sleeping routines.
- ✓ Supporting the mother / birthing parent.
The source and the amount of parental leave compensation varies by country. Where it is paid, parental leave is often compensated at a lower rate than maternity and paternity leave. The eligibility for, and duration of, parental leave also varies. It is typically taken on a continuous basis, without interruption. Shared parental leave may be taken successively, one parent after the other; or the two parents can take it concurrently, which may count twice against the couple’s total time allowance.

Maternity and paternity leaves are often defined as individual rights, while parental leave is typically a transferable family right.

The distinction between paternity leave and father-only parental leave can be blurred at times. Paternity leave generally must be taken at the time of birth. There is more flexibility – usually within one year of the child’s birth – for parental leave to be taken.

Leaves can be categorized as follows:
- An individual right: A specific amount of leave is available to one (or each) of the parents.
- A non-transferable individual right: A parent is eligible for a discrete amount of leave, and their time cannot be shared with the other parent.
- A family right: Parents can divide the total amount of leave time between themselves (usually at their discretion).

There has been a gradual extension of maternity leave in the Americas and Caribbean region, primarily motivated by women and infant health concerns. Paternity and other family-friendly policies are scarce but show great promise as mechanisms to promote gender equality, women’s rights, and sustainable development.

Globally, expanded gender-neutral parental leave is increasingly prevalent, and there is a corresponding shift away from maternity and paternity leave. This forms part of a new approach favouring gender-neutral or undifferentiated policies related to care and work-life balance.

Law of note
Cuba’s Family Code (1975) establishes the shared responsibility of both the mother and father to attend to, care for, protect, educate, assist, give deep affection to, and prepare for life their children. Law 234 (2003) establishes that following the mother’s mandatory postnatal and breastfeeding leaves, mothers and fathers can decide how to distribute the remainder of leave available between them until their child reaches age one.