GOOD PRACTICES

1. Make parental leave universal and publicly-funded, with the same or an equivalent job guaranteed upon return to work.

Even in countries with legal rights to parental leave, not all workers will have access to this leave. According to the ILO, only 45% of all employed women in the formal sector globally are eligible for cash benefits in the event of a pregnancy, as regulations often limit coverage to those who are formally employed. Qualifying conditions like minimum contributions to social insurance programs also disadvantage women more than men, because women are more likely to have intermittent work histories and/or to be employed part-time to balance care responsibilities. Given the high rate of informal and precarious employment in the region — including domestic work — efforts should be focused on universal coverage. Laws and policies must also be informed by comprehensive and high-quality data and statistical projections to ensure that leave provisions are responsive to the characteristics of the country’s workforce and labour markets.

Publicly-funded mechanisms (i.e., non-contributory models financed by general taxation) are the most inclusive option for financing parental leave. When employers are responsible for all or part of benefit payments, there is a significant risk of discrimination against women since they are currently more likely to take leave than men. This discrimination can be subtle or even unconscious on the part of the employer due to ingrained gender norms, but it can ultimately result in increased reluctance to hire or promote women due to the perceived costs of a maternity leave or otherwise facilitating the ability to meet family responsibilities. The risk of discriminatory outcomes is elevated for women in precarious work circumstances where their bargaining power is limited.

All leave policies should also guarantee job protection. In some countries in the Americas and the Caribbean, the dismissal of pregnant workers or workers on maternity leave is not prohibited by law. Unfortunately, it is not uncommon for women to be terminated from their job for reasons that are directly or indirectly related to maternity. In companies, this is often disguised as “restructuring.” Women must have dependable protections and recourse against this violation of their labour rights.

2. Incentivize fathers to take their maximum allowance of paternity and/or parental leave.

Few countries in the region have legislated paternity leave, but among those that do, take-up rates remain low. Global studies show that transferable parental leave ends up being maternity leave, rather than being shared. This is especially true if the leave is unpaid or paid at a low rate. The take-up rate among men goes up as compensation during leave goes up, and the small percentage of men who take paternity or parental leave tend to be from higher socioeconomic classes.
Correcting this imbalance by creating supportive conditions for men to take parental leave promotes a more equitable division of family responsibilities between heterosexual partners, strengthens relationships between fathers and their children, and can contribute to achieving gender equality and women’s economic empowerment.

As a first step, it is crucial to reform the regulatory frameworks on parental leave to enable men to use these benefits. For example, ensuring job protection for men on leave removes a potential financial risk that may have prevented a father from taking leave if their salary was higher than their partner’s.

Data from countries that have implemented paid, non-transferable leave (“use it or lose it”) for fathers demonstrates that this incentive structure has stimulated positive changes. Non-transferable leave has the longest history in Scandinavian countries, and take-up rates grew exponentially after it was put into effect.¹⁶

Paternity and non-transferable leaves should not take away from the time designated for maternity leave. Instead, leaves available exclusively to fathers should be extended (as should the length of maternity leave, if it is insufficient by international standards). Some companies voluntarily provide a bonus, an extension of leave days, or other benefits when fathers take a certain amount of leave. Campaigns to visualize these benefits can be a powerful means of normalizing men’s use of the full amount of paternity and parental leave.


3. Promote conditions that make breastfeeding a viable option for workers for as long as they choose.

Creating the circumstances for successful breastfeeding — both during and after parental leave — is a co-responsibility of the public and/or private sector, not a woman’s responsibility alone.

Law of note

In 2019, the Canadian government put into effect a five-week Parental Sharing Benefit available to families that qualify for employment insurance benefits. As a “use it or lose it” benefit, these weeks are reserved for the non-birthing parent, and its objective is to encourage fathers to take more time to care for their new child, allowing mothers to return to the workforce earlier. This benefit is available for up to eight weeks for families that have opted for the extended parental leave option (18 instead of 12 months, at a reduced payment rate). The federal Parental Sharing Benefit is inspired by the experience of the Canadian province of Quebec, which has had its own parental leave program since 2006. Quebec provides five weeks for fathers, covered at 70% of their income (or three weeks at 75%). Take-up rates increased steadily after the introduction of the program; in 2017, 81% of partners in Quebec took time off, compared to 12% in the rest of the country.

The WHO recommends two years of breastfeeding, with exclusive breastfeeding for the first six months of an infant’s life.\textsuperscript{7} This may not be possible or desirable for all mothers and their babies; however, among the most commonly-cited reasons women stop breastfeeding earlier than the recommended amount of time is an early return to work – not a lack of milk supply or a lack of interest in breastfeeding.\textsuperscript{8} If conditions are supportive, breastfeeding is compatible with full-time employment, and it can increase the rates of exclusive breastfeeding among those who choose and are able to do so.

Upon their return to work, mothers may be met by an environment that is unwelcoming to the continuation of breastfeeding, either through a scrutiny of their decisions, or a lack of appropriate facilities and logistical support required for pumping and storing breastmilk. For breastfeeding mothers, policies that guarantee paid breastfeeding breaks throughout the day can make the transition back to work less challenging after parental leave and enable continued breastfeeding to remain a true choice. The policies should be backed by strong legislation and education for employers and all employees, which will promote greater cultural acceptance of breastfeeding.

Support for breastfeeding can generate higher job satisfaction and retention of valued employees. It makes business sense as well. For instance, lactation support can also make workplaces more attractive to prospective employees. In the long term, it can lower healthcare costs. Since breastfeeding increases infants’ immunity to illness (which is easily spread in daycare environments), supportive conditions may reduce the need for parents to take time off from work.

4. Use language that is inclusive of all gender identities and experiences of parenthood.

Families and their experiences of parenthood are diverse, and legislation should reflect inclusion of LGBTQI people in order to uphold the rights of this community and the principles of non-discrimination. Careful attention to terminology not only in legal frameworks but also in daily speech can help to transform attitudes and promote inclusion.

It is important to not make assumptions or imply expectations around gender identities or relationship and family structures. For instance, the birthing partner may not identify as a woman or as the child’s only mother. Some families have no mothers. Men in same-sex relationships – whether married or common-law spouses – likewise require equal access to parental leave if they have children.

Binary, heteronormative terms therefore exclude some co-parents. Alternatives to woman/mother and man/father include: the pregnant and birthing parent or the gestational parent, and the birth partner.
Given the impact parental leave has on achieving gender equality, parliaments have a mandate to put co-responsibility into action. For parliamentarians, this is a matter both of meeting the needs of constituents and of oversight of the government’s compliance with regional and international conventions. As such, strengthening parental leave legislation is integral to the equation. Parliamentarians can also play a powerful role by modeling good practices.

When parliamentarians are entitled to the same workplace benefits as other parents (and make use of them), the rights associated with parenthood are reinforced, as is the value of work-life balance. In Canada, a motion was passed making members of parliament, both women and men, eligible for 12 months of fully paid parental leave. In their internal policies, parliaments and governments can also lead the way by expanding upon statutory provisions. In Argentina, a series of reforms in 2007 and 2008 were implemented by the State for public servants. The reforms included extending access to childcare centres to widowed, separated, or divorced men who have custody of, and reside with, their children. They also introduced paternity leave beyond the minimum time required by law; a leave for the care of a sick or injured child (or other relative); and four to six days of personal leave per year.

Individual actions, especially by high-profile figures, can help to reshape cultural expectations around parenting and work-life balance — even in the world of politics. In their offices, parliamentarians can champion work-life balance for staffers, whether or not they have children. Just as it is important to ensure there is no bias against employees who are parents, childfree employees should not face pressure to take on additional projects or work longer hours than their peers with childcare responsibilities. Some good practices parliamentarians have shared in this regard include working from home when it is necessary to get work done early in the morning to prevent employees from feeling obligated to likewise arrive early at the office, encouraging the full use of vacation time, and affirming that constantly putting in long hours that jeopardize your health are not “just part of the game.” These practices can help to establish workplace cultures in which taking time to care for children or personal matters is normalized and respected.

Consider making leave policies gender-neutral but with adequate provisions for the birthing parent who requires unique protections in relation to their working lives, including additional leave before and immediately following delivery. Gender-neutral leave policies work from an understanding that all workers may have reproductive and caregiving responsibilities, not only biological mothers.

5. Lead by example, showing that parliaments are workplaces and that parliamentarians are also parents.