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## **Eligibility for Parental-Leave Benefits in 21 European Countries: Social and gender inequalities in policy design**

### **Abstract**

This article analyzes eligibility for parental-leave benefits in twenty-one European countries. It distinguishes four ideal-type approaches to how leave-related benefits are granted (in-)dependent of parents' labor market position: universal parenthood model, selective parenthood model, universal adult-worker model, and selective adult-worker model. An eligibility index is created to measure the inclusiveness of parental-leave benefits, alongside the degree of (de-)gendered entitlements. The importance of employment-based benefits and gender-sensitive policies increased between 2006 and 2017. Eligibility criteria remained stable, but due to labor market trends such as increasing precariousness, fewer parents may fulfill the conditions for employment-based benefits.

### **Key words**

comparative family policy, parental leave, inclusiveness, social rights, inequality, gender equality, eligibility index

## Introduction

Comparative leave policy literature usually analyzes the scope of leave rights, that is, leave duration and benefit levels, and (to a lesser extent) leave transferability (Ciccia and Verloo 2012; Ray et al. 2010) or flexibility (Javornik 2014). Very little is known about leave eligibility, leaving the interaction between leave policy design and social inequalities underexplored (McKay et al. 2016). At the same time, research indicates that access to childcare-related leave is particularly contingent on labor market inequalities, and that leave policies may differently (dis-)advantage various social groups as well as men and women (Cantillon 2011; Ghysels and Van Lancker 2011; Koslowski and Kadar-Satat 2018). That particularly relates to leave benefits (McKay et al. 2016; Dobrotić and Blum 2019); yet still too little is known about their eligibility criteria. It is thus necessary to gain a deeper understanding of statutory *entitlements* to leave rights.

Childcare-related leave includes maternity, paternity, and parental leave. Maternity leave is typically seen as a health-related right available only to mothers, to be taken just before, during, and immediately after childbirth. Similarly, paternity leave is granted to fathers around childbirth (OECD 2011). Parental leave is a *care-related right available to both mothers and fathers* after the initial maternity/paternity leave and is typically of longer duration. Parental leave may be paid and in these cases we refer to parental-leave benefits. They differ from other family benefits (e.g., child benefit) because of their clear linkage to limitations regarding (the amount of) employment, i.e., paid parental leave gives not only the right to *take time off from work* to focus on care, but also the duty, since parents are typically not allowed to work (full-time) while on leave. Moreover, for inactive or unemployed parents, parental-leave benefits also include *time off from actively looking for a job* to focus on care.<sup>1</sup> As elaborated in the methodology section, this article focuses

on parental-leave *benefits* (rather than leave time as such), since they are most telling when it comes to social and gender inequalities in leave policy design.

The aim of this article is to explore recent developments in statutory entitlements to parental-leave benefits in European countries. We build on a conceptual framework developed in our previous work (Dobrotić and Blum 2019): stemming from social rights literature and comparative family policy literature, we distinguish different approaches to how parental-leave rights are granted (in-)dependent of parents' labor market position. Four ideal *parental-leave entitlement types* were identified: universal parenthood model, selective parenthood model, universal adult-worker model, and selective adult-worker model. Following this conceptual framework, this article goes a step forward and classifies parental-leave policy developments in twenty-one European countries (comparing years 2006 and 2017) to identify their character and eventual shifts in statutory entitlements. Specifically, an *eligibility index* is developed to measure the inclusiveness of parental-leave benefits in the compared countries, alongside the degree of (de-)gendered entitlements.

Our first point of investigation is 2006, since parental leave policies were implemented later compared to other welfare state schemes (e.g., Gauthier 1996) but reached a certain maturity at that time. Comparison with the second point (2017) allows an adequate time period to capture changes in the character of leave entitlements, which may occur, amongst others, as a reaction to recent structural challenges and paradigmatic shifts in Europe. Namely, analyzing benefit entitlements becomes particularly relevant when facing the growing precariousness and insecurity in labor markets, which intensified with the recent economic crisis (see Vaughan-Whitehead 2012). In many countries, access to leave benefits is conditioned by strict employment-related requirements and parents in

atypical or less secure employment face difficulties in accessing employment-based leave rights (McKay et al. 2016) or eventually only qualify for less generous, citizenship-based benefits (Dobrotić and Blum 2019). Furthermore, as Hartley (2013, 18) points out, recent political debates increasingly understand social rights less in terms of “enabling people to exist independently of the market and rather more about requiring them to participate in markets.” Benefit access is thus also relevant when facing recent paradigmatic shifts at the European level, which prefer an employment-oriented social investment perspective and may lead to the omission of other aspects in leave policy design, e.g., social equity or child well-being (Lewis and Giullari 2005; Saraceno 2015).<sup>2</sup> That may result in reorganization of leave rights in such a way as to increasingly prefer paid work as the entitlement-conferring status instead of parenthood (or rather citizenship) (Lewis 2001; Saraceno 2015). This may bring in new dynamics related to social and gender inequalities in the access to (and scope of) leave rights, which this article aims to explore. We begin by briefly addressing the relevance of developing a new body of comparative family policy literature that attends to the issue of social and gender inequalities in access to leave benefits, and presenting the four ideal parental-leave entitlement types. After the methodological part develops clear operationalization of the analyzed leave policy dimensions, we present developments in parental-leave benefit entitlements in twenty-one European countries and place these countries within the ideal entitlement types. The conclusions discuss the findings and which implications different entitlement types may have for social and gender inequalities in access to (and eventually the scope of) leave rights.

## **Parental-leave benefits: Access and entitlements**

### ***Social and gender inequalities in access to parental-leave rights***

Access to leave rights usually varies among different groups of parents, and between men and women (Blum et al. 2017). Still, there is a lack of studies that would shed light on these differences in leave policy design, and implications that these may have for various parents and their access to leave rights. While gender differences in leave policy design are already well elaborated in literature, this is not the case for social inequalities (McKay et al. 2016). A deeper understanding of gender and social inequalities related to leave policy design is particularly relevant in light of recent studies (e.g., Ghysels and Van Lancker 2011) that indicated that parental leave is disproportionately used by higher social strata across Europe. That is an outcome of both unequal opportunities in the labor market and unequal access to parental leave. Namely, in countries wherein stable employment serves as the principal condition to exercise parental-leave rights, parents with atypical and less secure attachment to the labor market face additional problems in accessing leave benefits (McKay et al. 2016). Women with lower education are particularly disadvantaged in this regard (Ghysels and Van Lancker 2011). While parents' ability to exercise their rights is multiply determined, e.g., also by unequal opportunities in the labor market or cultural norms (Hobson et al. 2011), the elements of leave schemes that define *access* to parental-leave rights are crucial in this regard.

As is widely recognized (Esping-Andersen 1990; Orloff 1993), the welfare state does not only reduce social and gender inequalities; rather, social programs may have stratifying and gendered effects. The welfare state's capacity to alter initial market stratification depends on the dominant social citizenship perspective, and the extent to which countries rely on universal principles in granting social rights. Namely, welfare states that tend to entitle all citizens to social services and/or benefits for a certain risk are more successful in altering social inequalities (Esping-Andersen 1990). Furthermore, gender inequalities

in citizenship rights are significantly diminished only if the concept of citizenship is both *inclusive* and *degendered* (Knijn and Kremer 1997), i.e., it allows “men and women to participate in employment and care relations and receive income at the same time” (Kremer 2006, 44). This calls for recognition of care as a degendered activity, as well as improved social security and labor market perspectives of caregivers (Knijn and Kremer 1997). Namely, there are multiple interactions between social and gender inequalities, seen, for example, in different fertility rates according to social class, and weaker capabilities of lower social strata to receive support with their care work, while at the same time being more dependent on two employment incomes (Blofield and Martinez Franzoni 2015). Still, although the right to provide care is advocated as an integral part of social citizenship (e.g., Knijn and Kremer 1997), states recognize and value care to different extents. There are thus cross-country and within-country variations in leave policy design (e.g., Blum et al. 2017) producing social and gender inequalities in access to leave rights.

All of this asks for a deeper understanding of statutory entitlements to leave rights, particularly the social and gender inequalities that a particular leave policy design may produce. This article addresses these issues.

### ***Statutory entitlements to leave rights: Parental-leave entitlement types***

Comparative family policy literature predominantly relies on theoretical frameworks that categorize countries at the level of de-familialization (e.g., Leitner 2003; Javornik 2014; Kurowska 2016). These gender-oriented approaches are widely applied to leave policy design and have brought about important understandings regarding the extent to which leave policies enable both men and women to engage in care work and gainful

employment (e.g., Ray et al. 2010; Ciccia and Verloo 2012; Dearing 2016). Yet the question of *who is eligible* for leave rights remains mostly limited to the rights of women as opposed to men. Not systematically discussed are the eligibility criteria related to, for example, parents' employment histories or different family types (Javornik 2014; Dobrotić and Blum 2019). Moreover, the position of women (and to a lesser extent men) not participating in the labor market within leave policy design remains underexplored. The need for a deeper understanding of statutory entitlements to leave rights recalls literature relying on a social rights approach. As argued by Clasen and Clegg (2007), the real character of (change in) social citizenship and management of social risks can be grasped through a conceptual framework that allows distinguishing different approaches to how rights are granted (in)dependent of the labor market position. For example, as for other social rights, we can ask to what extent parental-leave benefits are based on market performance or granted on the basis of citizenship (and/or residency), the latter entailing stronger "de-commodification of the status of individuals *vis-à-vis* the market" (Esping-Andersen 1990, 21). That brings at the surface not only the scope of the rights but also an "obligations" side of the social rights relationship (Clasen and Clegg 2007).

In order to grasp the complex relationship between rights and obligations and better understand ongoing trends in social citizenship and transformation of social risk categories (see Clasen and Clegg 2007), in our previous work (more detailed elaboration in Dobrotić and Blum 2019) we developed a conceptual framework that distinguishes different approaches to how parental-leave rights are granted (in)dependent of parents' labor market position. We followed a three-dimensional conceptual framework of social rights (Clasen and Clegg 2007; Blank 2007). The framework distinguishes (1) entitlement principles (e.g., citizenship vs. employment-based rights), (2) eligibility criteria (e.g.,

citizenship duration, employment history, means testing), and (3) benefit scope (e.g., benefit level/duration). It allows capturing at the analytical level “which kind and amount of support may be claimed under which conditions” (Blank 2007, 8).

Following this three-dimensional conceptual framework of social rights (Blank 2007; Clasen and Clegg 2007), we focused on *who* may be granted parental-leave rights (entitlement principles) and *under which conditions* (eligibility criteria). These two dimensions often form a “silent” aspect of social citizenship (ibid.), yet they are crucial if one wants to explore social and gender inequalities in *access* to leave rights. For example, a study of Canada shows that high conditionality of leave benefits on employment-related requirements negatively affects parents less securely attached to the labor market, so they are left without benefits (McKay et al. 2016). While our focus is on entitlement principles and eligibility criteria, these dimensions are also closely related to inequalities in the leave *scope*, i.e., leave duration and benefit levels for men and women of different activity and employment status/history.<sup>3</sup>

Within our conceptual framework, we distinguished the two main *entitlement principles* in leave policy design — citizenship (and/or residency) or employment — and the two main types of *eligibility criteria* — selective or universal — and identified four ideal parental-leave entitlement types: universal parenthood model, selective parenthood model, universal adult-worker model, and selective adult-worker model (Figure 1). As always when examining real cases (and as demonstrated in the empirical section), we may rather find mixed forms and within-country combinations of ideal types.

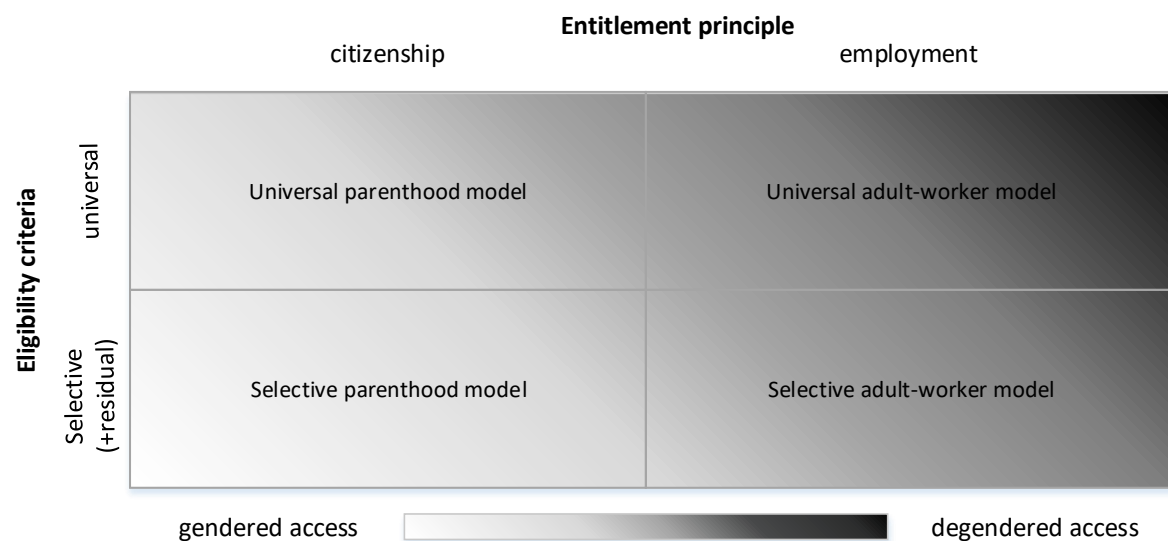
The *universal parenthood model* implies that parental-leave rights are based on citizenship as a basic entitlement principle and are inclusive for all parents, as there are no strict eligibility criteria to qualify for these rights. In countries that fit this model, all



parents with residency/legal stay on the day of childbirth will be entitled to some parental-leave rights. The *selective parenthood model* is also a citizenship-based model but the countries that fit this model apply stricter eligibility criteria. Their leave policy schemes follow selectivism, meaning that “there are typically distinct programmes for different class and status groups” (Anttonen et al. 2012, 4–5); hence, parental-leave rights are targeted solely toward certain socioeconomic groups (e.g., long-term residents, stay-at-home mothers). The eligibility criteria thus lead to a selective or even residual (if means testing is applied) character of rights. Within this model, access to (and eventually the scope of) parental-leave rights is thus determined by parents’ class and/or status group (e.g., activity status, socioeconomic status, residency status).

The *universal adult-worker model* implies that parental-leave rights are based on employment as a basic entitlement principle and are inclusive for all employed parents. There are no strict eligibility criteria and in countries that fit this model, all (self-)employed parents on the day of childbirth, regardless of their previous employment history or employment sector, will qualify for some parental-leave rights.<sup>4</sup> The *selective adult-worker model* is also an employment-based model but stricter eligibility criteria are applied. Employment-based rights may be targeted solely toward workers with (uninterrupted) employment of a certain duration before childbirth. Furthermore, access to parental-leave rights will be determined by parents’ employment sector, type of employment and/or profession — resulting again in a selective or even residual (if means testing is applied) character of leave rights.

Figure 1. Parental-leave entitlement types



Source: Dobrotić and Blum 2019

Higher social inequalities in access to parental-leave rights are thus going to be found in countries that fit within selective models, particularly within the selective adult-worker model (as in this case only certain groups of employed parents are entitled to parental-leave rights). Moreover, countries may additionally diverge on the gender dimension, as access to parental-leave rights is usually differently arranged for men and women. This ranges from fully *gendered* access (leave rights are primarily a mother's right) to *degendered* access to leave rights (leave as an individual, non-transferable right of both parents) (Saxonberg 2013). Based on comparative family policy literature, we assume that citizenship-based models will be typically gendered to gender-neutral, as they tend to address women as primary caregivers, even when defined in gender-neutral terms. Employment-based schemes, which were extended more explicitly toward fathers (e.g., through “daddy quotas”), may be expected to vary from a gendered to degendered design (Koslowski and Kadar-Satat 2018; Blum et al. 2017; Dearing 2016; Ray et al. 2010).

Following this conceptual framework, the next section presents the methodology and operationalization needed to explore developments in parental-leave benefit entitlements in twenty-one European countries.

### **Methodology: Operationalizing the eligibility index and gender-equal access to parental-leave benefits**

To explore different approaches to how parental-leave rights are granted (in-)dependent of parents' labor market position in European countries, we first constructed an original database capturing policy rules on eligibility criteria for statutory parental leave/benefits in European countries at two time points (2006 and 2017). The focus is on European countries, as these are where parental leave (as distinct from maternity/paternity) is pertinent. Aiming at an encompassing comparison, the most comprehensive source to build our database was provided by the International Network on Leave Policies and Research (LP&R).<sup>5</sup> As in some cases, data on eligibility criteria were incomplete or not fully understandable in the LP&R data, we additionally crosschecked with data provided by the OECD Family Database (OECD 2017) and MISSOC database (2017). In the final analysis, we included twenty-one European countries for which we were able to obtain reliable data for both time points. We compare the situations in 2006 and 2017 to detect trends over time and identify the character of eventual shifts in statutory entitlements.

Analysis is directed solely toward statutory parental-leave benefit entitlements, i.e., the entitlement to cash benefits available to parents after the initial maternity/paternity leave (Blum et al. 2017). Parental-leave benefit access is analyzed instead of maternity/paternity-leave benefit access, since the former much better allows capturing the gendered dimension of rights as well as the benefit access of parents atypically

connected to or not participating in the labor market. First, maternity/paternity leave is, by nature, almost always directed toward one parent and, thus, says less about gender inequalities. Second, maternity/paternity-leave benefits are typically directed solely toward *employed* parents (see Blum et al. 2017) and, thus, say less about social inequalities. Conversely, parental-leave benefits often extend to inactive and unemployed persons, freeing them from the pressure to actively seek employment and providing them with time for care (ibid.). Moreover, the focus is on benefit *payments*, since the right to absence from work (leave) is usually less conditioned and also less relevant to non-employed persons.

Thus, parental-leave benefits aimed toward both employed (employment-based) and parents as such, including unemployed/inactive parents (citizenship-based), are analyzed. In many countries, these provisions are also closely related, i.e., if employed parents with less stable careers do not fulfill the eligibility criteria needed to qualify for employment-based benefits, they are often granted (less generous) citizenship-based benefits instead. The analysis relies on statutory entitlements regulated at the state level. These entitlements may be supplemented by collective agreements (e.g., Denmark, Italy, the Netherlands), regional/local provisions (e.g., Germany, Spain) or individual employers' provisions/practices. However, not only limited comparative data on these aspects (see Blum et al. 2017) prevent us from including them in the analysis; moreover, as long as these entitlements are not individually claimable and guaranteed by the state, they do not qualify as social rights (Blank 2007). Furthermore, as argued by Smith and Williams (2007, 189), "exclusion of non-state provisions [...] allows the comparative analysis of the baseline leave provision."

Following the conceptual framework (Figure 1), we analyze countries with respect to two dimensions — entitlement principles (*who* is granted parental-leave benefits) and eligibility criteria (*under which conditions*). Both dimensions determine gender and social inequalities in access to parental-leave benefits and produce more or less universal or selective systems. Regarding the social (in)equality dimension of leave benefits and the ***entitlement principle***, countries can be easily classified: countries that rely solely on citizenship-based criteria in granting parental-leave benefits under the *citizenship logic*; countries that rely solely on employment-based criteria under the *employment logic*; and countries that combine both logics as *mixed types*. However, the picture becomes more complex when one tries to link a certain entitlement principle with the precise conditions for accessing parental-leave benefits, defined in more detail through ***eligibility criteria***. Due to this multiple nature of leave entitlements, we operationalized these two dimensions by developing a composite *eligibility index*, which measures the inclusiveness of parental-leave benefits, i.e., the extent to which benefits are available to all parents. Following the aim of this article, to assess social inequalities in access to parental-leave benefits in European countries, the index is thus limited to the “obligations” side of the social rights relationship (Clasen and Clegg 2007) — the qualifying conditions for parental-leave benefits — and speaks only indirectly about the benefit scope. A deeper elaboration on the relation between the eligibility criteria and the benefit scope is also important, as there is a clear indication that different entitlement principles are followed by different benefit levels (cf. Blum et al. 2017). However, this goes beyond the scope of one article.

The *eligibility index* allows assessing social inequalities in access to parental-leave benefits more systematically. Methodologically, this is oriented toward other indices of

parental-leave regulations (e.g., Dearing 2016; Ray et al. 2010; Smith and Williams 2007), which, however, have focused on gender-equal design and on the benefit scope rather than eligibility.<sup>6</sup> It follows Javornik's (2014, 244) argument that there is no "straightforward rule yet to decide which and how many indicators to use" and that selection rather depends on "research focus, theory, pragmatism and intuitive appeal." She also argues that policy logics can "be best understood in terms of legal formulations" (Javornik 2014, 244), which applies even more to eligibility rules.

As with other indices (e.g., Ray et al. 2010), the assessment criteria were developed based on theoretical and substantive knowledge. We followed the argument that an "optimal" leave policy design will endorse parents' employment through well-paid leave (Javornik 2014), and the concept of inclusive and degendered citizenship which presumes that parents should be able to incorporate care into their life without endangering their autonomy, independence, and self-development (Knijn and Kremer 1997). That primarily asks for access to employment-based parental-leave benefits. *Parenthood* (and corresponding care work) is here the protected risk, due to which parents cannot participate in the labor market for a certain time. Similar to other risks such as unemployment or sickness, the respective benefits are "universal" if they give income replacement to all citizens of a certain *condition* (see Orloff 1993) — in this case to all parents participating in the labor market. However, the "idea of universal social citizenship extends social rights beyond workers and to all citizens" (Anttonen et al. 2012), meaning that inclusive systems will incorporate *both* logics. Citizenship-based benefits are thus also important to measure inclusive eligibility.

However, in the index construction we gave lower weight to inclusiveness of citizenship-based benefits in comparison to employment-based benefits because of their ambiguous

nature with respect to gender and social inequalities. On the one hand, citizenship-based benefits allow also inactive/unemployed parents to provide care, by giving them time off from actively seeking employment after childbirth. On the other hand, they have often been introduced with the aim of privileging (female) care work over paid employment (e.g., within the former German or Austrian male-breadwinner models), and are therefore critically seen with respect to gender inequalities (cf. Leitner 2003). Moreover, they have to be seen critically with regard to social inequalities, too, as only *certain* families can “choose” this kind of male-breadwinner model, namely those wherein the male breadwinner has an income of certain height and stability (cf. Blofield and Martinez Franzoni 2015). “Inclusive” thus means here that *all* parents have access to parental-leave benefits but that access is based on different entitlement principles, and may accordingly go along with a differing benefit scope (see also Anttonen et al. 2012).

Following these considerations, the *eligibility index* is operationalized through three main categories: (1) employment history, (2) different employment forms and sectors operationalizing access to employment-based benefits, and (3) citizenship-based criteria. In the index construction, we relied on a simple measure, i.e., the additive scale, and summed the values of different elements included in the index (see Smith and Williams 2007). The index can range from residual (minimum score 0) to inclusive access to parental-leave benefits (maximum score 20). In line with the above considerations regarding the character of citizenship-based and employment-based benefits, a maximum score in pure citizenship-based models is lower (8) than in pure employment-based models (12), while only a mixed system that combines both logics in policy design can reach the maximum allocated points (20). Countries scoring the closest to the maximum can be considered having an inclusive design of parental-leave benefits.

Table 1. Eligibility index: Eligibility dimensions and allocation of points

Eligibility criteria for parental-leave benefits		Score
Employment-based criteria	Employment history	
	<i>Employment period needed</i>	
	- Without employment-based benefits	0
	- 12 or more months of employment	1
	- 7 to 11 months of employment	2
	- 3 to 6 months of employment	3
	- < 3 months of employment	4
	- Employment contract before leave starts	5
	<i>Employment period can be accumulated in longer time period with interruptions</i>	
	- Interruptions not allowed	0
	- Interruptions allowed; condition not applicable (for countries scoring 5 at the first component)	1
	<i>Employment period can be accumulated with different employers</i>	
	- Employment condition must be fulfilled with the same employer	0
	- Employment condition can be fulfilled with different employers; condition not applicable (for countries scoring 5 at the first component)	1
Citizenship-based criteria	Different employment forms and sectors	
	<i>Self-employed</i>	
	- Excluded	0
	- Have access to separate scheme and can be subject to stricter eligibility criteria	1
	- Fully included in the same scheme as employed persons	2
	<i>Different professions/sectors</i>	
	- Some sectors/professions excluded	0
	- Some professions/sectors have access to separate schemes and can be subject to stricter eligibility criteria	1
	- All professions/sectors are fully included under the same scheme	2
	<i>Marginally employed</i>	
	- Certain level of earnings/working time is needed	0
	- No conditions related to the level of previous earnings/working time	1
	<i>Residency period required</i>	
	- Without citizenship-based benefits	0
	- > 6 months of residency	1
	- < 6 months of residency	2
	- Residency at time of childbirth	3
	<i>Some groups excluded (e.g., long-term unemployed, migrants, non-citizens)</i>	
	- Yes	0
	- No	1
	<i>Means test applies</i>	
	- Yes	0
	- No	4

The first category (employment history) considers the *previous length of employment* needed to be eligible for employment-based parental-leave benefits and its characteristics (possibility of having *interruption in employment* during this period and of accumulating



the needed employment period with *different employers*). It is the principal condition determining access to employment-based benefits and, thus, receives the highest weight in the index. Countries with a longer employment period required prior to leave (particularly if uninterrupted or with the same employer) will score lower in the index, as they have less accessible employment-based benefits, particularly to parents with less stable careers (e.g., parents with short-term or temporary contracts). To define the employment periods that may be considered more or less strict in terms of access to parental-leave benefits, we rely on McKay et al.'s (2016) findings that already a condition of 600 working hours in the year before childbirth may importantly hinder access to parental-leave benefits for parents with less stable careers or those working part-time. Thus, countries with no requirement or with a requirement of an employment period shorter than three months will score highest on this dimension. The upper limit of twelve months follows a minimum requirement set by the EU Parental Leave Directive (Council Directive 2010/18/EU), with this condition being seen as restrictive in terms of access to leave rights (cf. Smith and Williams 2007). Countries that do not allow accumulating an employment period with interruptions in employment (e.g., six months within a year) or with different employers may additionally exclude parents with less stable careers from leave rights and also score lower on this dimension (Table 1).

Following the same findings and substantive knowledge, the second category assesses eligibility across *different employment forms and sectors*. As additional inequalities between types of employment in access to parental-leave benefits may be found (see Dobrotić and Blum 2019; Blum et al. 2017), we assess whether self-employed or different sectors or professions are excluded (score 0) from the schemes or included under separate schemes, resulting in stricter eligibility criteria for some groups of workers (score 1).

Thus, if any of those groups are (partially) excluded from the general parental-leave benefits scheme, the country will be considered less inclusive in terms of access to parental-leave benefits. If besides the employment period criteria, a certain amount of working hours or earnings is also required (typically around 20%, cf. Caliendo et al. 2012), countries will score zero, as this limits access to benefits for the marginally employed.

With the third category, we assess whether ***citizenship-based benefits*** are available in a country. As already pointed out, they are — despite their ambiguous status — also important for assessing inclusiveness of the policy design. If citizenship-based benefits are accessible to those not qualifying for employment-based rights, they increase access to parental-leave benefits by giving eligibility for (often lower) benefits to additional groups of parents. They also free inactive/unemployed parents from the obligation to actively seek a job immediately after childbirth. Yet again, access to these benefits may also be selective if it is bound to additional criteria such as length of residency or registration with an unemployment service. If this were the case in a country, the country received a lower score in the index (Table 1). Furthermore, means testing of citizenship-based benefits may be conducted. As means testing produces a residual system wherein social rights are targeted toward the poorest citizens (Anttonen et al. 2012), the index gives higher weight to this dimension and allocates four points to countries which do not apply it.

The ***gender dimension*** of leave policy design is included separately, as it is distinct from the *eligibility index*. As individualized parental-leave rights explicitly granted to men and women are seen as most effective in shaping degendered parenting practices, also in comparison to gender-neutral rights (Dearing 2016; O’Brien 2009; Ray et al. 2010), the

gender dimension of leave policy design is operationalized as follows: (1) *gendered access* (individual mothers' rights, which may be transferable to fathers in certain cases, e.g., mother is not capable of taking care of a child, mother decides to enter the labor market);<sup>7</sup> (2) *gender-neutral access* (family rights or individual, fully transferable rights); (3) *gender-sensitive access* (family rights with less than 1/3 of non-transferable leave period and/or where a gender-equality bonus is paid; individual, non-transferable rights with less than 1/3 of non-transferable period); (4) *degendered access* (individual, non-transferable rights or family rights with at least 1/3 of non-transferable leave period). Following previous research on the effect of leave policies on (de-)gendered parenting practices (e.g., O'Brien 2009) and based on Ray et al.'s (2010) operationalization of the gendered dimension of parental leave, we assume that at least one third of the overall benefit period needs to be exclusively reserved for either parent to qualify as degendered access.

## **Social and gender inequalities in access to parental-leave benefits in 21 European countries (2006 and 2017)**

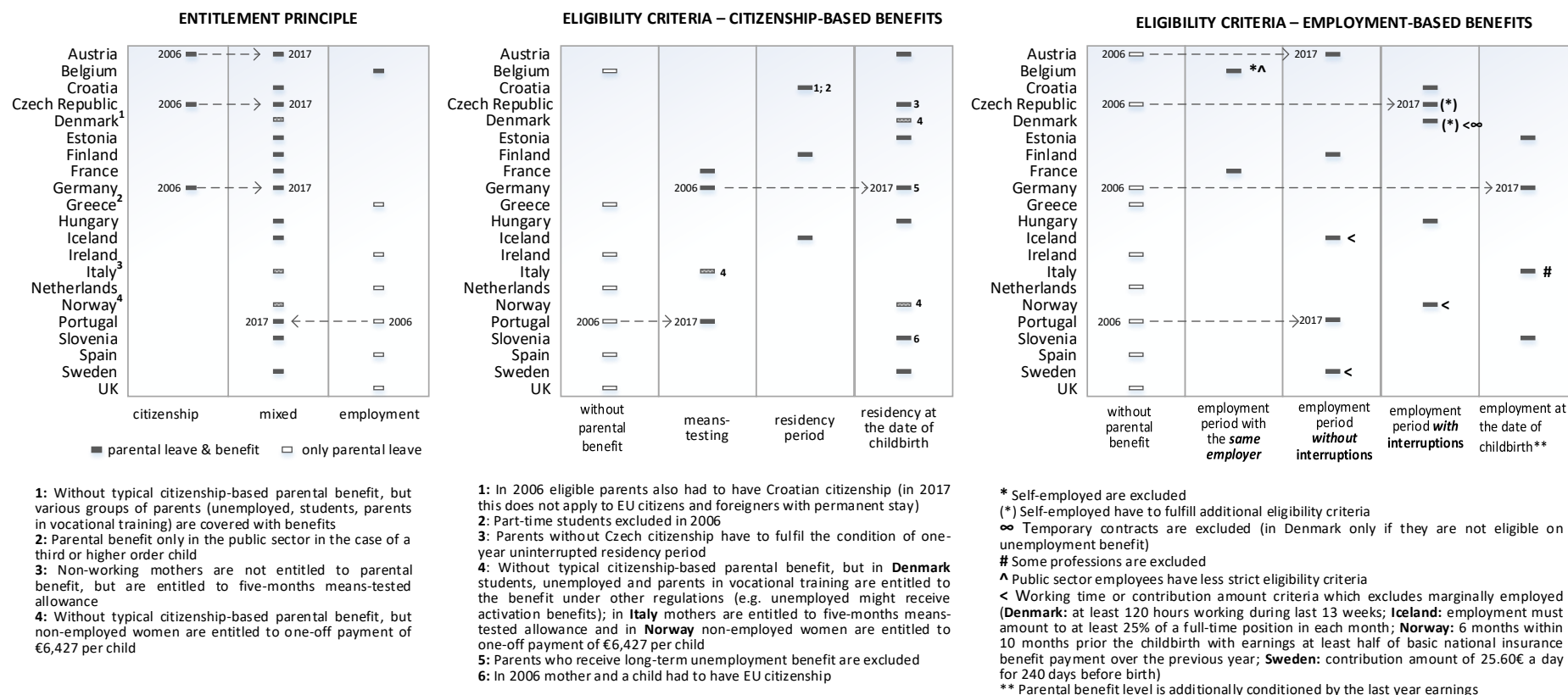
### ***Entitlement principles and their changes***

Figure 2 displays the entitlement principles and eligibility criteria in the compared countries and their eventual changes, comparing years 2006 and 2017. If we examine entitlement principles, there has been a tendency over the last decade to move toward *mixed systems* in the compared countries, which combine (basic) citizenship-based parental-leave benefits with (more generous) employment-based benefits. That was particularly the case in countries which used to rely on citizenship-based systems and grant the same access to parental-leave benefits to all parents, regardless of their

employment. Those countries have introduced an additional, earnings-related benefit for employed parents (Austria and Germany) or allowed parents with better attachment to the labor market to utilize higher, earnings-related benefits within a shorter time period (the Czech Republic), which may result in quicker recommodification of parents (usually mothers) after childbirth. Even if those countries do not *formally* attach the parental-leave benefit right to employment and grant access to all residents (regardless of their activity status), there are “hidden” eligibility criteria because parents without employment-related income cannot exercise income-based benefits. Hence, there is no longer a pure citizenship-based system in the compared countries. Furthermore, there is only one pure employment-based model (Belgium), wherein only employed parents are entitled to parental-leave benefits and there are no benefits for inactive parents or those with less stable careers (Merla et al. 2018). However, there are still a few employment-based cases (Greece, Ireland, the Netherlands, Spain, the United Kingdom) with only unpaid parental leave (see Figure 2).<sup>8</sup>

While today the employment-based entitlement principle dominates in access to parental-leave benefit rights in all twenty-one countries, the majority of them (15) additionally offer (lower) citizenship-based benefits, providing additional security to parents less securely attached to the labor market. They thus fit the definition of mixed systems. The formerly known pure citizenship-based parental benefit, which gives the same benefits to all parents, no longer exists in that form. This may be related to welfare states accommodating to “new” social risks and higher primacy given to policies supporting women’s employment as well as a general shift toward ideas of activation or social investment (cf., for example, Morel et al. 2012; Ghysels and Van Lancker 2011).

Figure 2. Entitlement principles for parental-leave benefits and their eligibility criteria



Sources: International Review on Leave Policies (2006, 2017); MISSOC (2017), OECD (2017)

### ***Eligibility criteria and their changes***

The eligibility criteria displayed in Figure 2 give more detailed information on access to parental-leave benefits. *Citizenship-based models* usually provide less generous benefits for “all parents” and are not created as a “last resort” — most often, residency at the time of childbirth is required and the benefits are rarely means-tested. Still, some countries limit access to citizenship-based benefits and, thus, score lower on the citizenship-based dimension of the *eligibility index* (Figure 3): Portugal, Italy, and France apply means testing and a few countries bind benefits to a certain length of residency, or citizenship (e.g., Croatia). Eligibility criteria show little change in the ten-year period. Only Germany replaced a means-tested parental-leave benefit with a universal one, while Slovenia abolished the citizenship criteria and Croatia limited them to non-EU citizens. Still, although easily accessible to parents marginally attached to the labor market, these benefits are less generous in their scope (typically low, flat-rate benefits) and alone are hardly able to incorporate care into citizens’ life without endangering their autonomy, independence, and self-development (e.g., Knijn and Kremer 1997). Moreover, while most often only residency at the time of childbirth is needed, this may affect migrants in European countries asking for permanent residency that can be granted only after several years of living in the country (e.g., Council Directive 2003/109/EC foreseeing a period of five years). While four countries (Estonia, Germany, Italy, Slovenia) grant access to employment-based benefits solely on the condition of being (self-)employed and, thus, obtain the highest score on the employment history dimension of the *eligibility index* (Figures 2 and 3), a certain employment history is required to gain access to the full amount of employment-based parental-leave benefits.<sup>9</sup> That results in different treatment of employees, particularly those less attached to the labor market who receive lower benefits if they fail to fulfill the condition of employment history. However, these countries perform better than countries that do not grant any employment-based benefits to workers who fail to fulfill the employment history condition, or countries that do not allow fulfilling the employment history condition with interruptions (e.g.,

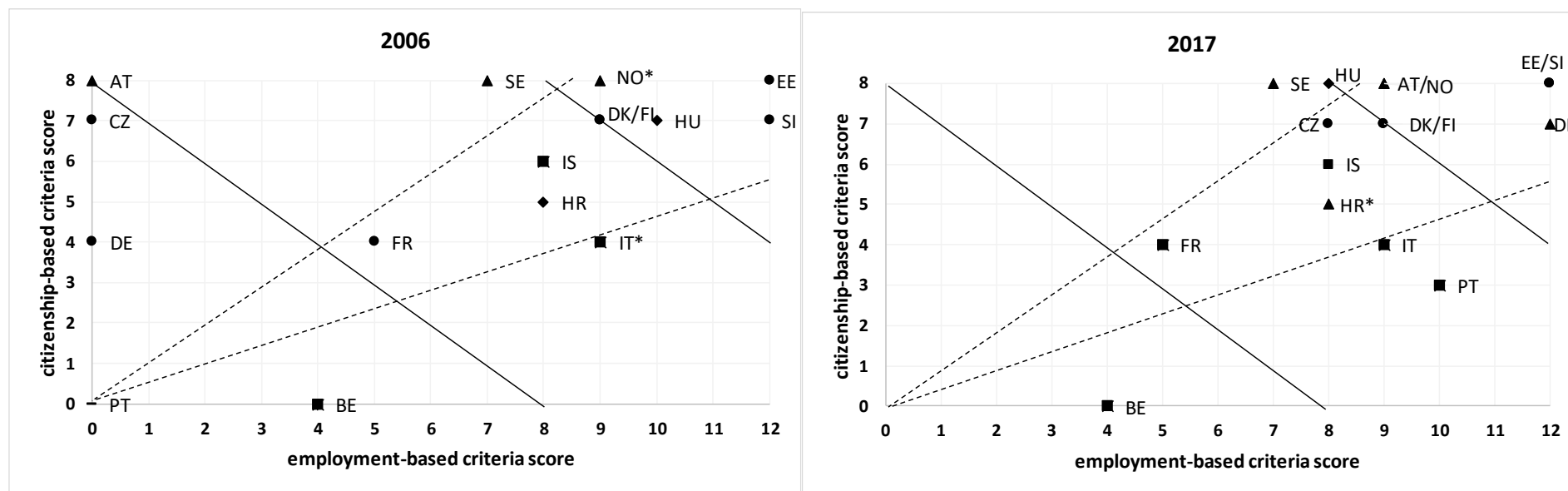
in Sweden eight months of insurance is required prior to leave) or with different employers (e.g., one year of employment required with the same employer in fifteen months prior to leave in Belgium).

Employment-based rights are further restricted regarding different forms of employment (Figure 2). Differences exist between the public and private sector (e.g., in Belgium employees in the public sector do not need to fulfill the condition of previous employment history). Furthermore, in some countries the self-employed are not entitled to parental-leave benefits at all, or not under the same conditions as the employed (e.g., Belgium, Denmark, the Czech Republic). There is often also an extent of employment required (hours per week or month, or a minimum contribution amount, e.g., in Nordic countries). That additionally limits access to employment-based parental-leave benefits, particularly for parents with less stable careers or marginal and atypical attachment to the labor market.

### ***Entitlement types and their changes from 2006 to 2017***

Figure 3 displays the changes in parental-leave benefit entitlements between 2006 and 2017, locating the citizenship-based criteria score in the eligibility index on the y-axis and the employment-based criteria score on the x-axis, with both scales ranging from residual to inclusive access to benefits. The analysis shows that most of the countries combine two entitlement principles; however, by applying more or less strict eligibility criteria they either give different weight to one of the principles (e.g., in some countries access to employment-based benefits is easier, and in others that to citizenship-based benefits) or try to balance them more equally. Figure 3 thus allows demonstrating countries' real position and profile within the different combinations of parental-leave entitlement types (cf. Figure 1).

Figure 3. Entitlement types: *Eligibility index* and (de-)gendered access to parental-leave benefits (2006 and 2017)



Notes: The figure *does not include* five countries with only unpaid parental leave (additionally conditioned with previous employment in Ireland, Greece, and the UK, as well as earnings testing in the UK), all of them having a degendered leave design because the leave period is the same for mothers and fathers. The allocation of points on each dimension is in Annex 1.

Gender dimension: ♦ (gendered); ● (gender-neutral); ▲ (gender-sensitive); ■ (degendered); \*access to citizenship-based and employment-based benefits differs on the gender dimension. The label in the figure is based on the employment-based variant (citizenship-based benefits in Croatia, Italy, and Norway are still gendered).

Eligibility index scores: The *solid lines* are separating residual benefit access (the bottom left corner) from selective benefit access (in the middle) and inclusive benefit access (the top right corner). Based on substantive knowledge and earlier case-study-oriented research (Dobrotić and Blum 2019), the thresholds were set in such a way that the residual models consist of countries that have reached up to 40% of the maximum eligibility index value, and universal models of countries that have reached more than 80% of the value.

The countries that are placed on the axis are typical representatives of the pure citizenship or employment-based leave entitlement types. Other countries combine both logics (mixed cases) and they are divided within the three groups as indicated by the *dotted lines*: (1) mixed models that *rely primarily on the citizenship-based leave entitlement type* (the top left corner: countries where the score on the employment-based criteria is 70% or lower than the score on the citizenship-based criteria); (2) mixed models that *rely primarily on the employment-based leave entitlement type* (the bottom right corner: countries where the score on the citizenship-based criteria is 70% or lower than the score on the employment-based criteria); (3) mixed models that try to *equally balance the inclusiveness of both leave entitlement types* (in the middle).

Source: Authors' calculation based on International Review on Leave Policies (2006, 2017); MISSOC (2017), OECD (2017)



Countries show varying degrees of residualism and universalism on both dimensions and score very differently in the *eligibility index* (Figure 3). In 2006, countries fell into five different parental-leave entitlement types, two of them building solely upon the citizenship-based logic — the *selective parenthood model* in Germany and the Czech Republic (Germany is more residual because the benefits were granted based on income testing) and the *universal parenthood model* in Austria (all residents had access to the same parental-leave benefits). There is only one country falling into the pure employment-based model — Belgium within the *selective adult-worker model*, as the employment-based benefits exclude the self-employed and are conditional on previous employment history with the same employer, and access to benefits is difficult for those in unstable employment (especially in the private sector). Other countries exhibit combinations of the ideal parental-leave entitlement types (mixed types). Within this group, countries with more inclusive access to parental-leave benefits (*universal mixed model* — Norway, Hungary, Estonia, and Slovenia) or selective access to parental-leave benefits can be distinguished (*selective mixed model* — Iceland, Croatia, France, Italy, Sweden, plus Finland and Denmark as borderline cases aiming toward the universal model). Interestingly, within the selective mixed model we can find either countries that rely primarily on citizenship-based benefits (i.e., access to citizenship-based benefits is less conditioned than to employment-based benefits in Sweden) or employment-based benefits (Italy) or countries that try to balance both approaches more equally in terms of conditionality of access to parental-leave benefits.

The comparison with 2017 shows that only four countries experienced noticeable changes in the investigated period. First, now there is no country in our sample which would fit the definition of the pure citizenship-based parental-leave entitlement type. Countries from the selective parenthood model moved toward the *selective mixed model* (the Czech Republic) and the *universal mixed model* (Germany). Austria, as the only representative of the universal parenthood model, also moved toward the *universal mixed model*. These countries thus

weakened parenthood per se as a source of entitlement to leave rights and started to connect parental-leave benefits more closely to parents' labor market performance. Second, until 2017, Portugal had introduced both employment-based and citizenship-based parental-leave benefits (in 2006 it had only leave as a time right) and joined the countries in the *selective mixed model*. This indicates that there is still some space also for raising a protection dimension within family policymaking, although we must notice a quite weak one. Furthermore, most of the countries with employment-oriented systems did not follow this trend during the analyzed period and five analyzed countries still do not offer any parental-leave benefit. Finally, the position of most other countries in the eligibility index barely changed between 2006 and 2017, indicating absence of reforms in relation to eligibility criteria. Hungary is one of the exceptions, as eligibility criteria for employment-based benefits became even stricter in asking for longer employment history, thus additionally limiting access to employment-based benefits to parents in stable employment. In Kvist's (2007, 476) words, the identified trends are in line with a "general shift in welfare policies towards more active, employment-centered objectives, an increasing emphasis on individual obligations."

Thus, in 2017, most of the countries fit within the two main parental-leave entitlement types: the *selective mixed model* (nine countries, Finland, Denmark and Hungary as borderline cases aiming toward the universal model) and the *universal mixed model* (five countries) combining both citizenship-based and employment-based parental-leave entitlement types, while Belgium further stands out as the only member of the *selective adult-worker model*. Within the selective mixed model the conditionality of parental-leave benefits is much higher than in the universal mixed model. This results in selective social citizenship in most of the countries — access to leave benefit rights depends, for example, on stable parents' employment history (and, additionally, the benefit scope differs). That brings about "distinct programs for different class and status groups" (Anttonen et al. 2012, 5), as in more selective systems, some parents are more easily excluded from the schemes, particularly those with weak and unstable attachment

to the labor market or migrants. Selective systems are thus more likely to reinforce social inequalities between different employees in the labor market (see Blofield and Martinez Franzoni 2015) and are less successful in altering social inequalities (cf. Esping-Andersen 1990).

Figure 3 also displays the *gendered character* of access to parental-leave benefits, indicating many policy changes. In 2006, the majority of the fifteen countries that had paid parental leave (out of twenty-one investigated) still granted access to leave benefits with a gendered or gender-neutral approach; the latter is also gendered in outcome, albeit defined in neutral terms (e.g., O'Brien 2009).<sup>10</sup> Nevertheless, in 2017 the picture changed profoundly and countries moved more toward gender-sensitive and degendered entitlements. Still, that has been more the case with employment-based benefits and few countries with mixed systems ended up with different gender logics in access to citizenship-based and employment-based entitlements — citizenship-based benefits remain gendered in their character (Austria, Croatia, Italy, Norway).

## Conclusions

To gain a deeper understanding of statutory entitlements to parental-leave benefits and their recent developments, we analyzed the situation in twenty-one European countries in 2006 and 2017. This allows shedding light on changing social and gender inequalities in access to parental-leave benefits, taking into account the “obligations” side of social rights relationships (Clasen and Clegg 2007), still an underrepresented area of investigation in comparative family policy. This article builds on a conceptual framework developed in previous work (Dobrotić and Blum 2019) wherein, drawing on the social rights perspective, we distinguished four ideal-type approaches to how leave rights are granted (in-)dependent of parents’ labor market position: universal parenthood model, selective parenthood model, universal adult-worker model, and selective adult-worker model. An *eligibility index* was then developed to measure the inclusiveness of parental-leave benefits, alongside the degree of (de-)gendered entitlements.

The analysis of entitlement principles behind parental-leave benefits shows a move toward mixed models that combine both citizenship-based and employment-based entitlements. Still, the eligibility index points out that only few countries fit the universal mixed model that can be considered inclusive to different groups of parents (i.e., they all are eligible for some parental-leave benefit). Most countries thus fit within the selective mixed model, which applies stricter eligibility criteria and is more prone to excluding some groups of parents from parental-leave benefit schemes and to redirecting employed parents with less stable careers toward lower, citizenship-based benefits. Finally, a significant number of cases (five in our sample) still do not provide any parental-leave benefits.

If we examine the trends in the observed period, there are three main findings, two of them particularly important for further discussions surrounding social inequalities in leave policy design.

First, due to the tendency over the past ten years to move toward mixed systems, all three countries that relied solely on citizenship-based systems have introduced employment-based variants and weakened parenthood (or rather citizenship) per se as a source of entitlement to parental-leave benefits, relating them more closely to parents' labor market performance. Furthermore, Portugal introduced both citizenship-based and employment-based parental-leave benefits, thus extending parental leave rights also to parents less attached to the labor market. However, five out of twenty-one countries still did not introduce paid parental leave. Thus, in parental-leave policies, which have been a field of expansion in recent years, not much effort is made to install benefits which are more inclusive to those inactive in the labor market or across different employment forms and sectors.

Second, eligibility criteria were not subject to important reforms during the analyzed period.<sup>11</sup> This is a particularly relevant finding in the face of current trends in European labor markets. There is a growing precariousness, which results in less stable careers and, thus, more interrupted contribution periods (especially for young people, e.g., Vaughan-Whitehead 2012) — which are often used as a basis for entitlement to and calculation of the level of parental-leave benefits. This may result in fewer parents fulfilling the eligibility criteria to qualify for more generous, employment-based benefits (especially in countries scoring quite low in the *eligibility index*, e.g., through requiring long, uninterrupted employment periods to qualify for leave benefits). However, the countries did not aim to

weaken the eligibility criteria and accommodate them to these new labor market trends, which have aggravated since the economic crisis. Thus, parents with less stable careers may eventually qualify for less generous, citizenship-based benefits if countries opt for a mixed leave policy design. In countries that follow only an employment-based logic, they are left without any parental-leave benefits. This may raise social inequalities in everyday parenting practices, particularly for those who already face difficulties in accessing the labor market and do not have equal opportunities. This asks for additional empirical research on parental-leave policy outcomes, not only from a gender and parental perspective but also from a perspective of child well-being.

Third, regarding the gender dimension, our findings contribute to extant literature that has identified an increased focus on gender equality in leave policy design — through the introduction of non-transferable periods (“partner months”) or individual rights for fathers in parental-leave policies (Dearing 2016; O’Brien and Wall 2017). This brings a new dynamic into the social citizenship relationship, which is becoming less gendered.

While our findings show that there are different models in parental-leave entitlement types in European countries, with some of them strongly following an employment-led perspective, there is still some impression of convergence (Figure 3). Such convergence is reflected particularly in an increased reliance upon employment-based benefits (with the trend toward mixed types), as well as in an increased focus on more gender-equal benefit design. Notably, it does *not* extend to the eligibility criteria and reform activities in that direction. However, it might be that the convergence mechanism toward a more employment-based policy design is also the reflection of the investigated period, as in earlier years one may find convergence toward mixed types in countries that relied solely

on employment-based systems (e.g., introduction of citizenship-based benefits in post-communist countries in 1980s and 1990s; Dobrotić 2012). That asks for further investigation into these trends as well as the mechanisms behind the convergence and stability trends. We may assume some form of delta convergence wherein countries move “towards an exemplary model, for example, a model promoted by an international organization or a frontrunner country” (Heichelt et al. 2006, 70). It seems quite likely that the (EU-promoted) social investment perspective and the “Nordic model” advocated in family policies could serve as such exemplary models (e.g., Morel et al. 2012). Not least, it would then be crucial to further explore to what extent a liberal emphasis of Europe 2020, which has been found in both the policy focus and a hierarchy of its goals, may underplay a social rights perspective (Daly 2012) in leave policy design and, thus, prevent broadening the leave rights also to those inactive in the labor market.

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# Annex 1. Eligibility dimensions and allocation of points

	Employment history						Different employment forms/sectors						Citizenship-based criteria					
	<i>Duration of employment needed</i>	<i>Interruption in employmen t</i>	<i>Employment with the same employer</i>				<i>Self- employed</i>		<i>Different sectors/ professions</i>		<i>Marginally employed</i>		<i>Residency period required</i>	<i>Some groups excluded (e.g., long- term unemployed; migrants, non-citizens)</i>		<i>Means test applies</i>		
	2006	2017	2006	2017	2006	2017	2006	2017	2006	2017	2006	2017	2006	2017	2006	2017	2006	2017
<b>Austria</b>	-	3	-	0	-	1	-	2	-	2	-	1	3	3	1	1	4	4
<b>Belgium</b>	1	1	1	1	0	0	0	0	1	1	1	1	-	-	-	-	-	-
<b>Croatia</b>	1	1	1	1	1	1	2	2	2	2	1	1	1	1	0	0	4	4
<b>Czech Republic</b>	-	2	-	1	-	1	-	1	-	2	-	1	3	3	0	0	4	4
<b>Denmark</b>	4	4	1	1	1	1	1	1	2	2	0	0	3	3	0	0	4	4
<b>Estonia</b>	5	5	1	1	1	1	2	2	2	2	1	1	3	3	1	1	4	4
<b>Finland</b>	3	3	0	0	1	1	2	2	2	2	1	1	2	2	1	1	4	4
<b>France</b>	1	1	0	0	0	0	1	1	2	2	1	1	3	3	1	1	0	0
<b>Germany</b>	-	5	-	1	-	1	-	2	-	2	-	1	3	3	1	0	0	4
<b>Hungary</b>	3	1	1	1	1	1	2	2	2	2	1	1	3	3	0	1	4	4
<b>Iceland</b>	3	3	0	0	1	1	2	2	2	2	0	0	1	1	1	1	4	4
<b>Italy</b>	5	5	1	1	1	1	1	1	0	0	1	1	3	3	1	1	0	0
<b>Norway</b>	3	3	1	1	1	1	2	2	2	2	0	0	3	3	1	1	4	4
<b>Portugal</b>	-	3	-	1	-	1	-	2	-	2	-	1	-	3	-	0	-	0
<b>Slovenia</b>	5	5	1	1	1	1	2	2	2	2	1	1	3	3	0	1	4	4
<b>Sweden</b>	2	2	0	0	1	1	2	2	2	2	0	0	3	3	1	1	4	4

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<sup>1</sup> There are also other types of leave (e.g., leave to care for sick children/family members) and allowance (e.g., cash-for-care); however, these are not discussed in this article.

<sup>2</sup> Compare also the new EU proposal for a directive on work–life balance, which regulates leave benefits solely for employed parents and allows countries to further limit access to leave benefits to parents with more stable working arrangements (European Commission 2017).

<sup>3</sup> For example, earnings-related benefits are more generous than citizenship-based benefits (see Blum et al. 2017). Albeit equally important, a deeper elaboration on the relation between the conditions for the assertion of rights and their scope goes beyond the scope of this article.

<sup>4</sup> Our focus is on criteria that determine access to parental-leave rights. This does not imply that all status groups will have access to the same benefit level; rather, those may vary based on the employment history or sector.

<sup>5</sup> Annual reviews on leave policies since 2005 are available at: [www.leavenetwork.org](http://www.leavenetwork.org).

<sup>6</sup> To our knowledge, only Smith and Williams (2007) have included an eligibility measure in their father-friendly policy index assessing the length of previous employment needed to qualify for leave.

<sup>7</sup> In these cases, the leave design is still gendered because the mother has a gatekeeping function.

<sup>8</sup> Yet note that employed parents in Greece, Ireland, and the UK have access to longer paid maternity leave (6–9 months). In the UK, shared parental leave was also introduced in 2015. However, it is a different right from parental leave per se, as it derives from

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mothers' entitlement to maternity leave — the part of maternity leave that mothers transfer to fathers is termed “shared parental leave” (Blum et al. 2017).

<sup>9</sup> Although in Italy there is a general condition of being employed before leave, the system is rather selective, as certain professions are excluded from the leave schemes (MISSOC 2017). Furthermore, in Slovenia the person must be covered by parental protection insurance just prior to the first day of leave to become entitled to parental leave. However, a full benefit is granted solely to parents who paid contributions for twelve months before leave and those with less stable careers have lower benefits (Stropnik 2017). Similar applies to Estonia and Germany, where employment-based benefits are calculated based on the previous year's earnings (Blum et al. 2017).

<sup>10</sup> It is important to notice here that we focus on the *entitlement* dimension, whereas (de-)gendered outcomes also depend — amongst other factors — on the benefit scope (primarily the benefit level, e.g., Dearing 2016).

<sup>11</sup> Some changes might not be visible in the analysis, as it is based on a comparison of two time points. For instance, in Germany, the parental-leave benefit for the long-term unemployed was “abolished” (technically: the social assistance benefit reduced by that sum) in 2010, which was not the case between 2007 and 2010.