

Shared parental leave

Approaches others are taking and issues to consider

Mary Mercer, Principal Associate, IES
E: mary.mercer@employment-studies.co.uk
M: 07989 392144



Background

- Research undertaken for Working Families
- Twelve, mostly blue chip, organisations
- All with various approaches to maternity, paternity
- A variety of states of readiness from a year planning and modelling to given no thought

Current provision of maternity

Organisation	1	2	3	4	5	6	7	8	9	10	11	12
Support elapse time	26.0	39.0	26.0	26.0	26.0	26.0	26.0	26.0	52.0	18.0	26.0	40.0
Weeks full support	8.0	39.0	16.0	26.0	26.0	16.0	6.0	14.0	6.0	18.0	26.0	40.0
EFP weeks part support	4.5	0.0	6.5	0.0	0.0	5.0	5.0	6.0	23.7	0.0	0.0	0.0
EFP return bonus	6.2	0.0	0.0	0.0	0.0	0.0	5.0	1.0*	0.0	0.0	0.0	0.0
Illustration 60K salary**	£22K	£45K	£26K	£30K	£30K	£24K	£18K	£24K	£34K	£21K	£30K	£46K

In addition (1)

- Focus on enhanced pay and support during the period of leave rather than incentives to return to work or penalties on non-return:
 - Three organisations have reduced or removed back-to-work bonuses removed in favour of greater enhanced pay. Prior to making this decision, one consulted with employee through their parents' network.
 - Two organisations currently claw back or penalise non-return. These organisations are actively considering a review of this. One claws back the additional pay for weeks 27 to 40, for non-return or if a woman returns but reduces her hours. They see this as difficult to administer and irritation with the claw back.

In addition (2)

- The move towards in-leave enhancement is in keeping with the psychology of motivation. Returning to work should be intrinsically rewarding. Evidence shows that providing an extrinsic reward from something that is intrinsically motivating can devalue the intrinsic experience.
- Every organisation which took part, except for one, paid full pay for two weeks ordinary paternity leave (OPL) and most organisations allowed some degree of flexibility around OPL, most usually that it could be split into two one week periods. Enhancement of OPL to full pay is increasingly the norm as found in Responses to the 'Top Employers for Working Families Benchmark.'
- Two organisations provide enhanced pay during Additional Paternity Leave (APL). Some organisations also pay for emergency or planned dependents leave, usually for educational or medical appointments and this varied in length from one day for every three months to five days paid leave a year. One organisation offers back up childcare and eldercare to all employees depending on the nature of the emergency and the work requirement.

Key themes occupying organisations about SPL

- Positioning
- Potential take up
- Risk of discrimination
- Administration

Positioning

Position	Number of participants*
1. Statutory only	2 decided
2. Wait and see	3 strongly considering
3. SPL matched to maternity	1 matching in full 1 will match at bare minimum 4 considering strongly and may include reduction of existing maternity
4. SPL enhanced but different from maternity	2 strongly considering similar but lower 1 considering enhancing for blocks of leave at 4, 6, or 8 weeks

SPL positions and perceived messages

Position	Messaging
Statutory Only	<ul style="list-style-type: none">• Potential discouragement of men taking more time, business as usual• Conflicting messages around fatherhood• Reinforced female-carer/male breadwinner stereotype
Wait and See	<ul style="list-style-type: none">• Similar to above but passive discouragement
SPL matched to maternity and may reduce maternity	<ul style="list-style-type: none">• Desire to include all employees, recognition of the link between happy home and productive workplaces• Female carer/male breadwinner stereotype challenged
SPL enhanced but different from maternity	<ul style="list-style-type: none">• Desire to encourage fathers in fatherhood role• Female carer/males breadwinner sterotype challenged a bit

Positioning: influencing behaviours

- Proactively influencing men to take on parenting role (3 participants)
- Using SPL to refresh and re-educate (5 participants):
 - recognise that some partners will find it difficult. Want to create a level playing field for mothers and fathers including considering stopping claw back for non-returners
 - it must not disadvantage the business and those taking SPL must not have their careers disadvantaged
 - encourage Dads to spend more time with their family
 - reduce generous but unappreciated maternity benefits (consideration of return to work bonuses)

Potential take up

- APL since 2010 <1% (TUC data)
- Take up of APL 2012/13 approx. 2% of take up of OPL (HMRC extrapolation)
- Paternity leave (ILM data)
 - 2% professional managerial fathers take more than 2 weeks (usually when enhanced)
 - 40% do not take paternity leave

International experiences:

Prevailing stereotype is a greater influence on take up than money

Take up in more egalitarian cultures

- **Sweden** fathers take 24% of leave days
- **Denmark** fathers took 7.2% of leave days in the shared leave period
- **Norway** prior to the implementation of a ring-fenced fathers' only quote of leave only 4% took leave, following the implementation of the fathers quota, take-up has grown slowly so that fathers now take 18% of leave days
- **Iceland** 3 months are ring-fenced for fathers, paid at salary level (with a ceiling), here fathers take their ring-fenced leave and virtually none of the shared leave

Indicators of cultural readiness

- 81% managers theoretically support SPL
- 73% managers believe it will be disruptive
(ILM research)
- Potential indicators of company cultural readiness:
 - take up of part-time:
men vs. women
 - percentage of workers receiving top performance grades:
part-time workers vs. full-time workers

Participants estimation of take up

Variation in estimates of take-up:

- most women will not relinquish mat benefits and most men will not take SPL , the ‘Scandi’ approach will not be real in the UK
- 5 to 6% but for no more than 4 weeks
- likely to be 4 weeks following OPL
- BIS estimate of 2 to 8% is low
- assume 10% over 5 years based on Canada and Nordics experience

Most organisations estimated that where there is take-up by fathers it would be a block of up to 4 weeks added as continuation of OPL

Risk of discrimination arguments by commentators

- Leave post 2weeks compulsory leave is no longer related to biological condition, The minimum period of maternity leave under European law is 14 weeks. It is arguable that only after the end of that ‘protected period’(and the length is not clear) that there must be equality in treatment between men and woman, **BUT**
- Enhanced benefits on SPL can be different from mat leave because it is a woman’s choice to take SPL, **BUT**
- Fathers/partners do not have this choice potential for gender discrimination against women for reinforcing the gender stereotype (CJEU ruling on Alvarez vs. Sesa Start Espana ETT SA) suggesting SPL should match mat leave benefits, **AND**
- SPL benefits should be the same for men and women to avoid sex discrimination

Administration

- **Burden of proving eligibility**
 - Going beyond the legislation: Open to all fathers regardless of partners eligibility (1 organisation)
 - Employers do not need to validate eligibility - they can if they wish. HMRC have a validation/fraud protection process
 - Concern that validating eligibility will damage trust
- **Approval**
 - Line manager/partner (2 organisations)
- **Discontinuous leave**
 - Coaching managers to encourage workable blocks
 - Considering enhanced benefits for blocks of 4, 6, or 8 weeks
 - Use of SPLIT days (up to 20) to work part time eg 10 weeks SPL and using SPLIT days to work 2 days a week
- **Low consideration yet for**
 - Broadcast messaging
 - On-line resources
 - Training for line managers etc.
 - Using position to become an employer of choice
 - Culture change

Thank you

www.employment-studies.co.uk