

Indicator name
Extent to which legislation is in place to foster maternity, paternity and parental leave.
Aggregable indicator
No
Indicator type (quantitative/qualitative)
Qualitative
GAP III thematic area of engagement
Promoting economic and social rights and empowering girls and women
Related objective in the Gender Action Plan III
Overall thematic objective: Women, men, girls and boys, in all their diversity, fully enjoy and exercise their equal economic, labour and social rights. Specific thematic objective 2: Improved policy, legal framework and access to care services enabling equal division of domestic and care work between women and men.
Technical Definition
This indicator measures the existence and implementation of legislation in partner countries which provides for maternity, paternity and parental leave, by: - Assessing the effective coverage of legal provisions by reporting the share of the population enjoying the application of the law who actually access paid maternity, paternity and parental leave. The following definitions apply: - Legislation designed to protect the employment rights of working people during maternity¹/paternity or parental paid leave² may be part of the national Labour Code, Social Security laws and regulations or anti-discrimination laws. This legislation may be the responsibility of one or more ministry or department and often differs in the private and public sectors. - Social security coverage refers to legislation that protects maternity, paternity and parental leave benefits in the framework of the social security acts. This includes the amount, duration, and condition for receipt of the benefits or services by those entitled to maternity, paternity or parental leave. - Provisions against discrimination on grounds of sex, religion, ethnicity, marital and family status, political or other opinion and social background are normally enshrined in national anti-discrimination law.³
Rationale
Although no ILO standard exists dealing specifically with paternity leave, the 2009 ILC Resolution concerning gender equality at the heart of decent work recognises that work–family reconciliation measures concern not only women but also men, and that a variety of new measures (such as provision of paternity leave and/ or parental leave) have succeeded in permitting working fathers to be more involved in the sharing of family responsibilities. Thus, the Resolution calls for governments to develop, together with the social partners, adequate policies allowing for a better balance of work and family responsibilities for both women and men in order to allow a more equal sharing of these

¹ [Maternity Protection Convention, 2000 \(No. 183\)](#)

² As highlighted in the ILO (2014) study [“Maternity and paternity at work: Law and practice across the world”](#),

³ Adapted from ILO (2012) [Assessing national legislation on Maternity Protection at work](#)

responsibilities. Such policies should include, among other things, paternity and/or parental leave with incentives to encourage men to take up such leave. ⁴
Data source and calculation
Reporting covers cooperation, development and humanitarian (if applicable) initiatives and investment frameworks funded by the EC (INTPA, NEAR, FPI, ECHO) and EEAS. EUMS may provide information related to their interventions through their contributions to GAP III reports or through the EUDs, e.g., in cases of joint dialogue (i.e., as part of joint programming or TEI). <u>Data sources:</u> Mapping and assessment of the country's legislation on maternity, paternity and parental leave. The intervention's monitoring and reporting systems, e.g., inception, interim and final reports from implementing organisations (including governments, international organisations, national and international civil society organisations, private sector, etc.), ROM reviews and evaluations. Surveys/interviews conducted and budgeted by the intervention can also be relevant data sources. Baseline and endline studies conducted and budgeted within the EU intervention using the same data collection methodology. The studies can be conducted as part of the gender country profile and / or gender sector analysis, or be based on existing official reports and published data. <u>Calculation:</u> - Existence, application and effectiveness of laws promoting maternity, paternity and parental leave (see "Rationale" above for examples). To measure the application of laws promoting maternity, paternity and parental leave, assess the existence and implementation of policies and regulations by the government and employers. To measure the effectiveness of these laws, carry out surveys among rights-holders (workers), their representative bodies (trade unions, workers' organisations), and other stakeholders (e.g., women's organisations and national/international organisations).
Worked example
In country A, the EU intervention supported the integration of maternity, paternity and parental leave in the existing labour law. Two years after the application of the amended law there was an increase of 30% of working fathers who used the paternity leave and 42% families that used parental leave.
Baseline
Data from official counterparts (i.e., national women's machinery, national gender observatories, line ministries/ authorities in charge of labour policies and planning, statistical institutes, etc.). Data from international and national organisations working on women's employment and labour rights or other independent non-state actors. If baseline data are lacking, a mapping can be done at the start of the intervention using surveys/interviews. The baseline can be 0 when the indicator is achieved with the EU funded intervention.
Disaggregation
N/A

⁴ ILO (2014) [Maternity and paternity at work. Law and practice across the world](#).

Availability and Timeliness
Information should become available annually, depending on the duration of the action.
Related DAC CRS code
160 - Other Social Infrastructure & Services / 16070 – Labour rights
250 - Business & Other Services / 25040 – Responsible business conduct
Associated SDGs
SDG 3 Ensure healthy lives and promote well-being for all at all ages Target 3.2, Indicators 3.2.1 (see Metadata), 3.2.2 (see Metadata) SDG 5 Achieve gender equality and empower all women and girls Target 5.1, Indicator 5.1.1 (see Metadata) Target 5.c, Indicator 5.c.1 (see Metadata) SDG 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all Target 8.8, Indicator 8.2.2 (see Metadata)
Other issues
Additional obstacles should be taken into account in the framework of the EU action in order to measure the effective implementation of the legislation: lack of awareness of legal entitlements and benefits, reluctance to rely on social security systems, inadequate enforcement of legal provisions, discriminatory practices or informality and social exclusion, among others. All these factors can prevent women and men, in all their diversity, from receiving the benefits to which they are entitled as rights holders. The gender country profile and/ or gender sector analysis can be relevant sources of information for establishing baselines. If there is no gender analysis available at the EUD, it is recommended to look at the analysis undertaken by EU Member States or other trusted partners (UN, World Bank, human rights national and regional mechanisms, etc.) as well as the national-level reviews carried out in 2019 by UN Women and the partner countries to assess progress made and challenges encountered in the implementation of the Beijing Declaration and Platform for Action. Special attention should be paid to following up on partner country institutions reached with EU support.