No. 1  Paternity Leave

The information contained in this booklet relates to international organizations’ policies as known to the CEB Secretariat at the date of issue. As and when additional information becomes available the booklet may be updated and reissued.

January 2002
INTRODUCTION

In 1995, CEB (then ACC) adopted a policy statement committing organizations to introducing enhanced work/family provisions (see box).

To highlight organizations’ progress, the CEB secretariat plans to publish a series of booklets, each dedicated to developments in a given area. Thus, this first of the series, reflects action to date in respect of paternity leave; it also includes some examples of action taken to introduce paternity leave in both the public and private sectors.

It is important to underline that research clearly illustrates that the introduction of measures such as those referred to in this booklet has a marked influence in making enterprises and organizations more competitive in terms of attracting and retaining staff and more productive (see box).

Sources

Legislative texts where available have been used. Other sources which have been used and give a great deal of information on their web sites are:

& The Clearinghouse on International Developments in Child, Youth and Family Policies at Colombia University
& The Families and Work Institute
& HR Magazine (published by the Society for Human Resources Management)
& Employment Policy Foundation
& Great Place to Work Institute (Each year, the Great Place to Work Institute helps produce the "The 100 Best Companies to Work for in America,” published by Fortune Magazine. It also produces international lists in such countries as also produces lists of the best places to work in Brazil, Chile, Mexico, Denmark, Portugal, Switzerland, the UK)
& Fortune Magazine
& Working Mother Magazine (which also publishes annually a list of the “100 Best Companies for Working Mothers”)
Sweden – Two weeks’ paternity leave, which is followed by a parental leave for up to 18 months, of which at least one month must be taken by the father (or lost). The first year of leave is paid at 80 percent of wages up to a ceiling (and 100 percent for civil servants) another three months at a low flat rate, and the final three months are unpaid.

United Kingdom – Currently, fathers have the right to take up to 13 weeks of unpaid leave in the first five years of a child’s life. Expanded proposals are currently before Parliament in the Employment Bill 2001 which *inter alia* will introduce two weeks’ paid paternity leave for working fathers to come into effect from 2003. In any case, a recent survey conducted in the UK by the Great Place to Work Institute found that most of Britain’s best companies offer paternity benefits (see above re. Accenture, Ernst & Young, Pearson)

Iceland - Each parent is entitled to a three-month maternity/paternity leave. One parent can take an additional 3 months for a parental leave of nine months in total. While on maternity/paternity leave, parents are entitled to a cash benefit replacing 80 percent of their wages.

Philippines – seven days with full pay (Paternity Leave Act of 1996) covers all married male employees in the private and public sector.

UN Secretariat

In 1999, the UN Secretariat introduced a new policy whereby when a staff member is entitled to maternity leave under the 100 or 200 series of the Staff Rules and the spouse holds an appointment under those rules, the spouse may use as paternity leave the unused portion of the mother’s maternity leave. Other provisions governing this policy are:

- Paternity leave may be taken following the birth of the child, and within the period of post-delivery leave to which the mother would otherwise have been entitled. It may be taken at the same time as post-delivery maternity leave, or after the mother has returned to work.

- The maximum period of unused maternity leave which may be converted to paternity leave is four weeks.

- A staff member who wishes to avail himself of paternity leave must submit through his supervisor a request to that effect to the executive or local personnel office, together with a written statement from the mother that she agrees to the proposed leave arrangement.

- Annual leave continues to accrue to the father when taking paternity leave.

- No sick leave is granted during paternity leave.
UNITED NATIONS CHILDREN’S FUND (UNICEF)

Eligibility
1. All UNICEF male staff members governed under the 100 or 200 Series of the UN Staff Rules are eligible for paternity leave (PL), subject to the following provisions:

Conditions
2. PL consists of up to eight weeks of special leave with full pay (SLWFP), but an eligible staff member is not required to take PL. He may opt to take all eight weeks, less than eight weeks, or not to exercise PL.
3. PL may be granted:
   (a) as one continuous period starting at any time within the six-month period following the child’s birth; or
   (b) in two periods of equal or different duration, provided the second period begins within the six-month period following the child’s birth.
4. Combination of Paternity Leave with Half-Time Work. A staff member may opt to combine half-time PL with half-time work.
5. Interval between Requests for Paternity Leave. A minimum of twelve months is required between the starting date of one PL and the beginning date of the next.
6. Maximum number of Requests for Paternity Leave. The maximum number of requests for PL during a staff member’s career is six, irrespective of whether or not the staff member’s period of service is continuous.

When Both Parents are Staff Members
7. When both parents are UNICEF staff members and the mother is entitled to maternity leave (ML), the father
   (a) is eligible for up to only four weeks of PL; but
   (b) may utilize any unused portion of the mother’s post-delivery ML period as PL, subject to a maximum of four weeks.
8. PL may be taken at the same time as post-delivery ML, or after the mother has returned to work, starting at any time within the six-month period following the child’s birth.

Resources Management, 25 per cent of companies responding reported offering some type of paid family leave other than the unpaid leave mandated by FMLA.

Canada – In 1990-1991, significant changes were introduced in the Unemployment Insurance Act with respect to parental leave benefits. In addition to the 15 weeks of maternity leave, the Government of Canada increased the duration of parental benefits to 35 weeks for biological and adoptive parents. A maximum of 50 weeks of combined maternity, parental and sickness benefits are available. Employment insurance provides a benefit rate of normally 55% of average weekly insurable earnings, up to a maximum of C$ 413 a week.

Finland – In addition to an 18 week maternity benefit with income replacement at 70 percent, it also has a 28 week parental leave, with income replacement at about 70 percent, which may be taken by either parent.

France – two weeks’ paid paternity leave

Belgium – three days’ paid paternity leave. Either parent may take a 6 month parental leave following childbirth or adoption, which is paid at a low, flat rate, and an additional three-month unpaid parental leave.

Norway – Four weeks’ paternity leave paid at the same rate as parental leave. The parental provision lasts either 52 weeks with 80 percent pay or 42 weeks with 100 percent pay. Parents may share the leave between them.

Denmark – Denmark has a 28-week paid and job-protected maternity leave. Ten weeks of the post childbirth leave are available to either parent and an additional four weeks can be taken only by fathers. Pay while on leave is equal to about 60 percent of wages, but some employers top this off.

Spain – New national legislation permits the mother to transfer to the father up to 10 of her 16 paid weeks of maternity leave.
Increasingly, companies are recognizing that family-friendly policies (e.g., paid parental/paternity leave, flexible work arrangements, child care facilities) are key in their bid to attract and retain good people.

Examples of some major firms which have introduced paid paternity leave are as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Type of Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timberland</td>
<td>two weeks’ paid paternity leave</td>
</tr>
<tr>
<td>Microsoft</td>
<td>two weeks’ paid paternity leave</td>
</tr>
<tr>
<td>IBM</td>
<td>two weeks’ paid paternity leave</td>
</tr>
<tr>
<td>Merrill Lynch</td>
<td>two weeks’ paid paternity leave</td>
</tr>
<tr>
<td>Accenture</td>
<td>two weeks’ paid paternity leave</td>
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<tr>
<td>Ernst &amp; Young</td>
<td>two weeks’ paid paternity leave</td>
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<tr>
<td>Pearson</td>
<td>two weeks’ paid paternity leave</td>
</tr>
<tr>
<td>Prudential</td>
<td>two weeks’ paid paternity leave</td>
</tr>
<tr>
<td>Fannie Mae</td>
<td>four weeks’ paid paternity leave</td>
</tr>
<tr>
<td>Merrill Lynch</td>
<td>one week of paid leave for non-primary care giver; 13 weeks’ paid leave for primary care giver</td>
</tr>
</tbody>
</table>

The regulatory environment is distinctly different in the United States from most other industrialized countries. Labour legislation in the US tends to be broad leaving benefits to be negotiated between employers and employees.

**United States** – The Family and Medical Leave Act (FMLA) of 1993 requires all employers with 50 or more employees to provide up to 12 weeks of unpaid job-protected leave for the care of newborn children. But according to a 2001 survey sponsored by the Society for Human Resource Management Policies and Practices, 9. If the mother uses the full post-delivery ML entitlement, or if the unused portion of the post-delivery ML period is less than four weeks, the father, if he is a UNICEF staff member, may use all or part of the maximum seven working days in a calendar year of uncertified sick leave (USL) as PL.

**Requests**

10. A staff member interested in exercising PL must complete a “Paternity Leave Request Form” and submit it, through his supervisor, to:

   (a) *if stationed outside New York*, his local Human Resources/Operations Officer; and

   (b) *if stationed in New York*, the Senior Human Resources Officer in DHR serving New York.

11. In order to satisfy the purpose of this leave, the staff member is required to indicate in the form that he will be taking PL to bond with and take care of his newly-born child. No supporting documentation will be required, but UNICEF reserves the right at any time during the five-year period following the staff member's return from PL, to audit the use of the leave. This may, *inter alia*, require that staff provide evidence that the period was not utilized for purposes other than time with the infant and, in particular, that no travel away from the infant took place during the leave period. A staff member who is found to have abused the leave by using the time for other purposes, may be subject to disciplinary procedure.

12. The request must be submitted at least one month in advance of the date on which the father anticipates the PL to take place and must be accompanied:

   (a) *if submitted before delivery*, by a certificate from a licensed medical practitioner or midwife attesting to the expected delivery date. A copy of the child's birth certificate must be submitted after delivery; and

   (b) *if submitted after delivery*, by a copy of the child's birth certificate.

13. A UNICEF staff member married to a UNICEF/UN staff member and wishing to avail himself of PL under the ML entitlement of his spouse (see paragraph 9), must also submit a written statement from his spouse agreeing to the proposed leave arrangement and to the consequent reduction in the post-natal leave to which she would otherwise have been entitled. PL will be granted only after verification of the unused period of ML.
14. **International Staff Stationed Outside NY.** The local Human Resources/Operations Officer must notify the Human Resources Officer in DHR serving the duty station, of the starting date of the PL in order to prepare the relevant Personnel Action Form.

**Attendance Record**

15. When a staff member takes PL, it will be recorded in his attendance record as SLWFP.

**Loss of Paternity Leave**

16. When an eligible staff member does not exercise all or part of his PL, he does not receive:
   (a) payment in lieu of; or
   (b) additional annual leave (AL) credit.

**Other**

17. PL of up to eight weeks of leave with full pay is not increased if the mother gives birth to more than one child.

18. In the unfortunate event that the child dies during or shortly after birth, the staff member is eligible for the full duration of the PL.

**Relationship with other Entitlements, Benefits And Options**

**Annual Leave**

22. A staff member continues to accrue annual leave (AL) while on PL.

23. A staff member is not required to exhaust his accrued AL prior to proceeding on PL.

24. Subject to the needs of the organization, requests to take AL following PL will be favourably considered.

25. **Combination of Half-Time Work with Annual Leave.** Subject to the needs of the organization, requests to combine half-time work with AL following PL will be given favourable consideration.

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**UNESCO**

Within a comprehensive framework of family supportive policies, UNESCO is in an advanced stage of introducing paternity leave of four weeks with full pay under its Staff Rules governing Special Leave with Full Pay. Other specific provisions governing this new policy will be:

- It may be taken as one continuous period or two periods of equal or different duration at any time during the first year of the child;
- A minimum of ten months must elapse between the starting date of one paternity leave and the beginning of the next;
- A staff member cannot be separated from service by reason of the non-renewal or the termination of his appointment until he has exhausted his entitlement to paternity leave (unless agreed by the staff member or due to the result of a disciplinary measure).

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**WHO**

At its 107th session (January 2001), the Executive Board of the WHO confirmed new rules governing the entitlement of paternity leave for staff members with effect from 1 January 2001 on a trial basis for two years. Staff members appointed for periods of one year or more are entitled to paternity leave for a period of up to five days with full salary and allowances upon presentation of satisfactory evidence of the birth of his child.

In addition, where both parents of a newborn child are staff members of the WHO, any unused portion of maternity leave to which the mother would have been entitled may be used by the father of the child.
International Labour Organisation (ILO)

At its 282nd Session (November 2001), the Governing Body of the ILO approved on a pilot basis a paternity leave benefit for 24 months on the birth or adoption of a child. The benefit consists of five days of paid leave which may be taken in one continuous period or on the basis of half-time leave combined with half-time duty for ten days, either in a continuous period or in two separate five-day periods. It may be taken at any time during the first year of the birth, or of the adoption of a child below school age. Other provisions of the new ILO policy are:

- A staff member who has fathered a child born, or adopted, recently may benefit from these provisions provided the leave is taken and completed within one year of the birth of the child, or within one year of the adoption of a child below school age.
- Where paternity leave is requested for a period immediately following the birth of a child, the staff member should present a certificate from the attending doctor or midwife indicating the expected delivery date.
- Requests for post-delivery paternity leave should be accompanied by the child’s birth certificate or by other documents that constitute proof of paternity consistent with local legislation. Where this is not possible, paternity leave may still be authorized pending receipt of the required document, which should be presented within the first year of the birth or adoption of a child.
- A minimum of 12 months is required between the ending of one period of paternity leave and the starting date of any subsequent period.

The Governing Body had requested an analysis of the potential impact of the paternity leave proposal, on the basis of the number of male officials who had registered newly born children as dependants in recent years. For the year 1999, 15 Professional staff and 14 General Service staff had become fathers; in 2000, eight Professional and nine General Service staff had become fathers; and up until June 2001, four Professional staff and six General Service staff had become fathers.

The Governing body also decided that the scheme will be reviewed in the light of any guidelines proposed subsequently by the ICSC.

Sick Leave
26. Sick Leave (SL) is not granted while a staff member is on PL.

Service Credit
27. A staff member accrues service credit for all entitlements during PL.

Extension of a Fixed-Term Appointment
28. A staff member on fixed-term appointment will be considered for extension or conversion of his appointment under the same criteria as other staff. The fact that a staff member is or will be on PL, will not be a factor in that consideration.

Expiration of a Fixed-term Appointment
29. If a decision is made not to extend a staff member's fixed-term appointment and his current appointment is due to expire during the period of PL, the appointment will be extended to cover the full duration of the PL.

Termination of an Appointment
30. UNICEF will not terminate a father's appointment during a period of PL.

Special Leave Without Pay
31. Subject to exigencies of service, requests from regular staff members for special leave without pay (SLWOP) to take care of their infants following PL, will be given favourable consideration for up to two years, with a possibility of extension for up to an additional two years in exceptional cases. In the case of a staff member holding a fixed-term appointment, the SLWOP may not exceed the duration of his fixed-term appointment.

32. A local staff member is always given a lien on his post when SLWOP is granted to take care of his newly-born child.

33. Whenever possible, an international staff member is given a lien on his post. If this is not feasible, and depending on the type and duration of his appointment, he may be granted a lien on any post at his level, or not at all. Requests must be submitted for approval to the Director, DHR, through the Human Resources Officer serving the duty station.

34. When both parents are staff members and both request SLWOP following the birth of their child, their combined periods of leave may not exceed two years, or four years in exceptional circumstances.

35. Requests from temporary staff members for SLWOP following PL are not entertained.
36. Requests from temporary staff members for SLWOP following PL are not entertained.

37. Staff members on SLWOP are entitled to the full benefits of PL except when the SLWOP is for separation purposes.

**Temporary Half-Time Work**

38. Subject to the needs of the organization, requests to work half-time temporarily to take care of an infant following PL, for a limited period of time, will be given favourable consideration. Requests may be approved initially for a maximum of six months, subject to extension by mutual agreement of the organization and the staff member.

**Flexitime**

39. Subject to exigencies of service, requests to work on a flexitime basis following PL will be given favourable consideration.

**Duty Travel**

40. **Single Fathers.** UNICEF pays the following travel expenses for infants, who are 24 months of age or less, and who accompany their single fathers on official duty travel (DT) to a family duty station:

   (a) 10 per cent of the cost of the father's ticket; and

   (b) 10 per cent of the applicable DSA.

41. No travel expenses are paid for baby-sitters.

**Other provisions**

- Paternity leave is not mandatory, and staff may choose to use it fully, partly or not to use it at all. As indicated earlier, it may be taken in conjunction with or independently of other approved forms of leave such as annual leave, special leave, uncertified sick leave, etc. Such other forms of leave continue to be subject to existing criteria and provisions.

- Service credits will continue to accrue during the period of paternity leave, such as towards sick leave, annual leave, home leave, salary increment, seniority, termination indemnity and repatriation grant, where applicable. However, no sick leave will be granted during that period.
In August 2001, UNHCR introduced new provisions governing paternity leave. Before then, paternity leave had been granted under other leave entitlements, such as shown below:

- where both parents are staff members in the UN common system, as shared maternity leave entitlement (up to four weeks of the post-natal leave unused by the mother)
- family leave (under uncertified sick leave)
- annual leave
- special leave without pay
- adoption Leave

The new provisions on paternity leave were introduced to align more closely with the policy on adoption leave (which remains unchanged), and in furtherance of gender equity and a family supportive work environment. A staff member who has had a child born recently may benefit from these provisions provided leave is taken and completed before the child is one year old. For those whose child is less than 8 weeks from its first birthday, any period of less than 8 weeks remaining may be utilised under the new paternity leave provisions.

These provisions and the procedures for requesting Paternity Leave are as follows:

**Eligibility**

- Staff members who have completed a minimum of six months’ continuous service in UNHCR and hold an indefinite appointment, and Junior Professional Officers (JPOs) and staff on secondment to UNHCR may be granted paternity leave on the birth of their child.

- A minimum of one year must elapse between the end date of one paternity leave and the commencement date of the next. Only one period of paternity and/or adoption leave will be granted in a single year.

- Where both parents are staff members in the UN common system, paternity leave will be granted independently of the maternity leave entitlement. The paternity leave arrangements do not require that the mother also be a UN staff member, nor that she be the official spouse of the staff member.

**Leave arrangements**

- Paternity leave consists of 8 weeks of paid leave (recorded as Special Leave

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In August 2001, UNDP introduced a paternity leave benefit as part of its Work-Life Agenda. Paternity leave has been structured around the rationale of the current entitlement for Adoption Leave. It consists of up to eight weeks’ paid leave starting at any time during the six-month period following the child’s birth. Unlike Maternity Leave, the staff member may request that the eight weeks be broken into two periods of equal or different duration, provided that the second period begins during the six-month period following the child’s birth. Other specific provisions governing this benefit are:

- All UNDP male staff members governed under the 100 or 200 Series of the UN Staff Rules are eligible for paternity leave. Staff members on Appointments of limited duration (ALD contracts) are only eligible to use all or part of their uncertified sick leave as paternity leave.

- Paternity leave consists of up to eight weeks of special leave with full pay. An eligible staff member is not required to take paternity leave. The staff member may opt to take all eight weeks, less than eight weeks, or not to exercise paternity leave.

- Paternity leave normally may be granted:
  (a) as one continuous period starting at any time within the six-month period following the child’s birth; or
  (b) in two periods of equal or different duration, provided the second period begins within the six-month period following the child’s birth.

- Staff members may opt to combine half-time paternity leave with half-time work.

- Paternity leave may be granted when the child meets the eligibility requirements to be recognized as a dependent child of the staff member (or of the spouse, if a UNDP or UN system staff member) under the applicable rules.

- A minimum of twelve months is required between the ending date of one paternity leave and the starting date of the next.

- The maximum number of requests for paternity leave during a staff member’s career is six, irrespective of whether or not the staff member’s period of service is continuous.

- When both parents are staff members, the father, as a UNDP staff member, is eligible to take up to eight weeks of paternity leave.
A staff member interested in taking paternity leave must complete the "Paternity Leave Request Form", and submit it through his supervisor normally three months in advance of the date on which the father anticipates to take paternity leave. It must be accompanied:

(a) if submitted before delivery, by a certificate from a licensed medical practitioner or midwife attesting to the expected delivery date. A copy of the child's birth certificate must be submitted after delivery (if not available, satisfactory documentary evidence as per local law); and

(b) if submitted after delivery, by a copy of the child's birth certificate (if not available, satisfactory documentary evidence as per local law).

When an eligible staff member does not take all or part of his paternity leave, he does not receive:

(a) payment in lieu of; or

(b) additional annual leave credit

Paternity leave is not increased if the mother gives birth to more than one child.

In the unfortunate event that the child dies during or shortly after birth, the staff member is eligible for paternity leave.

Relationship with other Entitlements, Benefits and Options

Annual Leave

- A staff member continues to accrue annual leave while on paternity leave.
- A staff member is not required to exhaust his accrued annual leave prior to proceeding on paternity leave.
- Subject to the needs of the organization, requests to take annual leave following paternity leave will be favourably considered.

Combination of Half-Time Work with Annual Leave. Subject to the needs of the organization, requests to combine half-time work with annual leave following paternity leave will be given favourable consideration.

Sick Leave

- Sick Leave is not granted while a staff member is on paternity leave.

Service Credit

- A staff member accrues service credit for all entitlements during paternity, except when an appointment is extended solely to enable a staff member to utilize his paternity leave.

Extension of a Fixed-Term Appointment

- A staff member on a fixed-term appointment will be considered for extension or conversion of his appointment under the same criteria as other staff. The fact that a staff member is or will be on paternity leave will not be a factor in that consideration.

Expiration of a Fixed-term Appointment

- If a decision is made not to extend a staff member's fixed-term appointment and his current appointment is due to expire during the period of paternity leave, the appointment will only be extended if he has taken less than four weeks' paternity leave and for the period required to complete the four weeks.
- When an appointment is extended solely to enable a staff member to utilize at least four weeks of paternity leave, such extension will not give rise to any further entitlement to salary increment, annual leave, sick leave or home leave, but credit towards repatriation grant may continue to accrue if the staff member has not returned to his home country. In the event of death during the period of extension, the period prior to the staff member's death may be taken into account in the determination of the death benefit.

Duty Travel

- Single Fathers. UNDP pays a lump sum to help cover the travel costs for infants, who are under two years of age, and who accompany their single fathers on official duty travel to a family duty station. The lump sum per infant is equivalent to:

  (a) 10 per cent of the cost of the staff member's ticket; plus
  (b) 10 per cent of the staff member’s DSA.

- No lump sum is paid for a baby sitter or when the single father travels to a non-family duty station.
- The lump sum is charged to the same funding source covering the travel costs for the staff member and requested with the travel request.

Flexible Working Arrangements

- Subject to the needs of the organization, requests for a flexible working arrangement (for example, flexitime, ten in nine days, etc.) following paternity leave, will be given favourable consideration.