

## **Work-Family Programs for Child care and Social Protection in Spain**

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### **I. Introduction: New social and family needs and the role of social protection systems in their coverage**

The demographic changes which have taken place over the recent decades and the modifications in the job market -which has become more precarious and involves the growing incorporation of women- have diversified the family structure, which is now more flexible and unstable. Among the most significant transformations in the family structure are the following: the average size of households has been reduced, single parent households have increased, two person households have increased, marriage and the birth rate have decreased: this may be related to new cultural models, but it is also the result of difficulties couples have to form the type of family they want as they are conditioned by their insertion into the world of work, the need to maintain the family with two wages and the disappearance of the traditional supporting networks.

The change in the family structure and the diversity of vital employment and family cycles<sup>1</sup> oblige the public authorities to flexibilise public policies concerning conciliation in order to respond to the new, singular needs of families and to provide solutions to the conflict between productive work time and reproductive time, allocated to the care of minors and dependents. This response must take into account policies concerning the organisation of work schedules and social services which cover the reduction of earnings associated to a more flexible organisation of the work schedule, as well as the extension of the public services aimed at attending to minors and dependent relatives.

As regards the time assigned to work and family, there is a basic time difference between men and women, which can still be seen in Spain, regardless of the social structure: this shows that there is a conflict between the period of time remunerated and domestic time, however, “the conciliation of family and professional life continues to be related to women”<sup>2</sup>.

When this share-out of time involves the needs of minors who require special attention (such as minors who are ill or hospitalised) and the possibility to flexibilise the time required for their care is reduced and there are no adequate public policies, the difficulties involved in adaptations productive work time to the new situation entails its abandonment and, in most cases, the woman is the person who renounces this.

The following is an analysis of the public employment policies on conciliation approved in Spain in the last decade and the response of the Social Security System to cover these, as well as its response to the more and more diversified family needs .

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<sup>1</sup> MONEREO, J. L. (2008), “Ciclos vitales y seguridad social: trabajo y protección social en una realidad cambiante”, RMTAS, num. extr. Social Security.

<sup>2</sup> RAMOS, R (2007), “Metáforas sociales del tiempo en España: una investigación empírica”, in PRIETO, C. (2007) *Trabajo, género y tiempo social*, Universidad Complutense de Madrid.

## **II. Public family protection policies in Spain as regards the care of minors.**

In Spain, with the Workers' Statute (Law 8/1980) and the Measures for the reform of the Civil Service (Law 30/1984), salaried employees and civil servants have the right to fourteen weeks maternity leave with 100% of their salary and pauses or reductions in the day's work to feed babies, plus two days leave for fathers on the birth of a child together with the right of men and women to unpaid parental leave for a maximum period of three years in order to take care of each child. These measures were soon extended thanks to the boost given by the First Plan of Action for the Equality of Opportunities for Women (1987-1990) drafted by the Women's Institute: maternity leave was extended to sixteen weeks, eighteen weeks in the case of a multiple birth. Parental leave was also allowed in order to care for adopted children and the job was ensured during the first year of this leave (Law 3/1989).

In Spain, the landmark legislation associated to the development and boosting of public policies on conciliation is Law 39/1999 on Conciliation of family and work life of workers, which includes and integrates the previous legislation and extends its scope of application regarding time and its subject, recognising and extending the rights to the father and broadening the protection of child care to other dependent relatives. The following are some of its measures:

- The extension of the reduction in the working day and a proportional reduction in remuneration for men and women (as regards premature children, family members and incapacitated persons),
- Two days paid leave in cases of adoption and serious illness of a relative and a family member which is equal to the duration of maternity leave in the event of adoption or protection.
- It establishes a new paid leave in order to have prenatal checks and learning birth preparation techniques;
- It recognises the suspension of the contract due to risk during pregnancy;
- It includes the fact that maternity leave may be taken “part time” and shared by the mother and father on condition that the mother decides to assign part of her leave to the father;
- It recognises the right to leave in order to care for relatives or dependent persons (up to one year).

Furthermore, the law “on the effective equality of women and men” (Law 3/2007), besides the extension of some of the measures already existing has regulated the creation of an exclusive leave for fathers amounting to thirteen days, leave which is similar in duration to paternity leave in France and the United Kingdom, but far from the two months recognised by legislation in Scandinavian countries<sup>3</sup>.

## **III. The effectiveness of public policies and social protection cover**

The basic instruments of public policy regarding the promotion of conciliation of work and the care of minors are the flexibilising of the working day and leave (maternity, paternity, parent leave and leave for specific reasons). Added to these are the public services providing attention to minors and dependent persons.

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<sup>3</sup> FERNÁNDEZ, J. A. and SOLER, C. (2005), “Conciliar las responsabilidades familiares y laborales: políticas y prácticas sociales”, Documento de Trabajo 79/2005, Madrid: Fundación Alternativas.

The flexibility of the working day through part-time work is not the conciliation model of the Mediterranean countries, where part-time work is not very common and working women are employed full-time. This does not occur in other countries of the EU: Holland, Germany, Belgium, the United Kingdom, where a large proportion of women work part-time in order to ensure the compatibility of working life and family. This is the conciliation model which has been called “one and a half receivers”<sup>4</sup>: it is not men and women who carry out the conciliation, by sharing the family work as this continues to fall on the shoulders of women.

The Spanish rate is the lowest in the countries within its area and is 6.4 points below the average of the EU-27, which is 18.7%. In 2009 the rate increased by 0.85% and reached 22% as regards women in comparison with 4.4% of men.

In Spain, there is a majority of women working part-time by choice or by obligation due to the lack of full-time jobs: 8 of every 10 part-time employees are women 78.4% of the total. By age, the largest difference between men and women lies in the 40 to 44 year old age group, with 77.7% of women, which reaches 88.9% of the part-time workers in this age group. While part-time male workers are concentrated mostly among those under 25 and stands at 38.8%, while women between 30 and 60 years old make up the biggest percentage in this type of work (85.4% of the total).

As regards the reasons, 45.3% of the persons who work part-time do so due to the fact that they have not found full-time work<sup>5</sup>, this is a reason given by more men (49.3%) than women (44.2%). While caring for persons only involves 1.4% of men, while 18.2% of women give this as a reason and 2.1% of men work part-time for other family reasons as compared with 11.4% of women.

Nevertheless, the reduction of the working day in order to care for children under the age of eight and incapacitated children has become consolidated and flexibilised in Spanish employment legislation in recent years, and may involve between 1/8 to 1/2 of the working day. This entails unpaid leave where the wage reduction is proportional to the reduction in the working day. The extension of this measure continues to be conditioned by the non-existence of financial subsidies which compensate for the loss of earnings as a result of the reduction in the working day, and the social welfare system does not provide for financial cover although some Autonomous Communities (regional Governements) recognise allowances for families during the period of the reduction to the working day.

However, there are other welfare measures during the period of the reduction to the working day in order to care for children: during the first two years of reduction due to the care of a child, 100% of the contribution base for retirement, permanent incapacity, death, survival, maternity and paternity is maintained. If this involves a reduction for family care, this improvement is maintained only during the first year. Unemployment benefit in the event of a reduction in the working day would be calculated as if the working day had not been reduced (article 211.5 of the Law on the Social Security). As regards compensation for dismissal, rescission or termination of contract, these will be calculated as if the employee did not have the working day reduced.

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<sup>4</sup> LEWIS, J. (2001), “The Decline of the Male Breadwinner Model: Implications for Work and Care”, *Social Politics*, 8, 2, pages 152-170.

<sup>5</sup> AGETT, half of the part-time workers prefer full-time work, [http://www.aget.com/servicio/notas/NAM\\_79\\_ene10.pdf](http://www.aget.com/servicio/notas/NAM_79_ene10.pdf)

Employment leave in order to care for family members constitutes the second device of public policy in order to promote the conciliation of employment and family life. There are several types of leave: some are intended exclusively for mothers, others are intended exclusively for fathers and others are intended for both of them.

Maternity leave is the one most implanted and the one with most cover. It is also the one most standardised in all European countries. In spite of the fact that these are essential to preserve the right of the workers to motherhood and to ensure the care of children during their first months of life, this type of leave has little impact on family conciliation strategies, mainly due to their limited duration, in comparison with the time when children require constant care. All countries recognise a minimum of 14 weeks maternity leave. In Spain this leave lasts for 16 weeks, two more for each child as from the second, which may be extended in the case of hospitalised premature babies. This extension places Spain in the eighth place in Europe as regards maternity benefits. This leave is covered by the Social Security system up to 100% of the contribution base although the collective agreements usually extend this cover up to 100% of the ordinary monthly salary of the worker.

An exclusively paternal leave is also recognised as well as maternity leave is recognised with the same social welfare cover and this has been extended from thirteen days to four weeks, although this measure will not be in force (due to *vacation legis*) until 2011. The recognition of this leave is based on the idea that the recognition of the right of both parents to care for the children does not mean that both assume this right equally; moreover, as proved by the data on those using parental leave, on many occasions this equal legal recognition finally reinforces the traditional patterns of sexual division in paid and care work. This is why, firstly the Scandinavian countries (Sweden, Finland, Norway) and later other European countries (France, the United Kingdom) have implemented paternal leave with a duration paid up to 100%. The objective is to encourage more participation of men on the care of their children.

Throughout 2009, the Spanish Social Security Institute administered 340,512 financial services for maternity. Most of these services, 334,786, correspond to leave taken by mothers and 5,726 taken by fathers. The number of processes involving paternity in 2009 amounted to 273,024.

However, leave by both parents normally has a longer duration, although this is variable depending on the countries and goes from 3 months in Belgium and Greece to 36 months in Germany, France and Spain. However, the efficacy of parental leave as an instrument of conciliation depends not only on its duration, but basically on its remuneration. The level of remuneration has a clear effect on the number of applicants for this permit and on the parents that apply for it. For those who work in better remunerated work, the costs of unpaid or lower paid parental leave are greater, thus, this involves that mainly women (whose salaries are usually lower) are those who apply for this type of leave.

Spain recognises the right to leave in order to care for children, that is to say, unpaid parental leave of 36 months, which turns this into an instrument which is seldom used in conciliation strategies. However, there are Autonomous Communities which grant financial aid to mothers and fathers who request leave to care for children and some only grant aid when it is the father who applies for aid.

The current statistics refer to the data corresponding of the last three years. In 2007, the number of leave periods for child or family care reasons was 40,237 (37,910 women and

2,327 men); in 2008, the figure reached 32,038 periods of leave (29,561 women and 2,477 men); finally, in 2009 there were 39,244 (37,083 women and 2,161 men).

The real conciliation of work and family can be seen in those measures which day by day facilitate the care of minors, adults and dependents while permitting employment services of the parents or tutors responsible, among which are the existence of public centres for attending to minors.

This aid makes it possible that work and care for family members might be compatible as regards the majority of those mentioned and more consolidated which are undoubtedly essential as they make it possible to attend to extraordinary needs as regards family welfare<sup>6</sup>. These benefits are characterised by postponing employment obligations in order to focus on the family obligations with the least risk possible for the worker, thus providing successive cover<sup>7</sup>. In many cases, these have the limitations which entail the suspension of employment service in many cases with no adequate economic cover besides the inevitable repercussions on the non-controversial renewal of work in the future.

Among the daily work conciliation and compatibility measures and attention to minors are the following: public nursery education services for children from 0 to 6 and the compatibility of school and work schedules through the morning and afternoon schedule. The objective is to cover the divergences between the work schedule and the school schedule and the attention required for minors on days when school is not in but parents or tutors must work.

The public services involved in child care from 0 to 6 years constitute the most effective instrument for promoting the conciliation of work and family life as they enable both men and women to participate in the job market and do not establish differences in the service received by children regardless of their social origin. While Spain provides almost 100% of pre-school cover to children between 3 and 6 years old, its public services for children between 0 and 3 years old are substantially insufficient.

## **V. Conclusion**

Despite the increase in public policies intended to improve conciliation of working and family life over the last decade, there have been no substantial changes which make it possible to eliminate the conflict between the share out of the time of work and the time allotted to attending to the family: the welfare responsibilities assumed by the State, the structuring of the job market and the time of work together with the share out of roles in Spanish families have undergone no fundamental transformations despite the substantial increase in conciliation measures over the last decade.

Neither have the public social welfare systems resolved the question of adequate cover for the needs of families: insufficient financing of parental leave, unpaid parental leave, the non-

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<sup>6</sup> Births, adoptions or protection, the first months or years of life of the minor, illness or hospitalisation, etc...

<sup>7</sup> LÓPEZ and CARRILLO (2008), *Protección sociolaboral de la familia en el ámbito autonómico: Especial referencia a la conciliación de la vida familiar y laboral*, Fundación BBVA, <http://www.fbbva.es/TLFU/tfu/esp/publicaciones/informes/fichainforme/index.jsp?codigo=296>

existence of specific leave to care for sick children and the lack of public nursery education for children 0 to 3 years old, constitute the main limitations of the social welfare system.

Unfortunately, despite the increase and improvement of current conciliation policies, these still fail to provide proper instruments to put an end to the conflict between work and the family and with the inequality that continues to exist between men and women due to several reasons, among which are the following: they seem to be directed only towards women, they do not question the social centrality of the time involved in salaried work and they still do not adequately develop the public services for the care of dependents<sup>8</sup>.

The required change will require more flexible policies on the time of work adapted to the demands of the workers and not vice versa, especially taking into account that the time involved in taking care of minors and dependents and attending their needs, that is to say, the reproductive time, is less flexible in its demands than the time of productive work. This would also have to be supported by an extensive, adequate network of centres and resources dedicated to minors and dependents.

In accordance with this flexibility of the time of work, the response of the social welfare systems must also be flexible and provide services which cover the oscillations in the earnings from productive work, and must be more adapted to the new vital cycles of workers and their families.

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<sup>8</sup>TORNS, T. (2007), "El tiempo de trabajo y las relaciones de género: las dificultades de un cambio ineludible", *Trabajo, género y tiempo social*, Universidad Complutense de Madrid.