

The Potential of Paternal Leave
A Human Capital Theory Examination of Saskatchewan's leave System and
Possible Reform*

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INTRODUCTION

Women around the world experience a varied, but always significant gap in earnings relative to men in their domestic economy. This difference is attributed to forms of direct and indirect discrimination, different levels of investment in education, and choice of fields as well as different levels of education and experience through-out individual work histories. Governments have attempted to implement different policies to address this earnings gap such as affirmative action hiring and increased education opportunities for women, but few have attempted to redress a fundamental imbalance in society which lies at the foundation of the earnings gap. The historical predominance of women as primary child caretakers and homemakers has had a huge affect on women's ability to participate in the work force. The Scandinavian nations of Norway and Sweden have attempted to prescribe a political solution to this issue through their maternity and parental leave policies. By legislating paternal leave, campaigning for new gender roles in the home, and encouraging men to take a four week paternal leave these countries are focusing their efforts at one of the roots of the earnings gap, the intra-household division of reproductive labour. Human capital theory will be used as a tool to explain how the distribution of reproductive labour within the household affects women's opportunities within the workforce. If Canada wants to change workplace norms and the structure of gender relations in the private sector we should consider adopting paternal leave into our arsenal of weapons to fight the barriers to women's full participation in the labour force.

OUTLINE

This debate will begin with an examination of the present regulations of maternity, parental, and paternal leave in Canada. As leaves are provincially mandated the focus will be on the provisions established by the province of Saskatchewan through the Labour Standards Act. The suggestion of additional reserved paternal leave will be discussed with reference to the Scandinavian systems of Norway and Sweden which have already enacted this provision. Norway, as the originator of paternal leave, and Sweden, as a prominent practitioner of paternal leave, will be

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examined for the reasoning that these governments have given for implementing such a radical strategy and for the impacts these countries are presently experiencing. The contributions that the reservation of leave for fathers could bring to Saskatchewan, (and indeed Canadian society), will be presented in conclusion as a promotion for the adoption of these policies as a provincial or federal measure to redress overwhelming imbalance of reproductive responsibilities.

SASKATCHEWAN MATERNITY AND PARENTAL LEAVE PROVISIONS

According to the Labor Standards Act, to be eligible for maternity leave a woman must be, "a) currently employed and has been in the employment of her employer for a total of at least twenty weeks in the fifty-two weeks immediately preceding the day on which the requested leave is to commence; b) submits to her employer an application in writing for leave under this section at least four weeks before the day specified in the application as the day on which she intends to commence the leave; and c) provide her employer with a certificate from a qualified medical practitioner certifying that she is pregnant and specifying the estimated date of birth." ("Maternity Leave", p.17). This leave provision is reserved for mothers.

Maternity leave is mandated by the province of Saskatchewan to be eighteen weeks and to be started no earlier than twelve weeks before the estimated date of birth. If the birth is later than the estimated date, a maternity leave applicant must still receive a minimum of twelve weeks after childbirth ("Maternity", 18). After returning from maternity leave, the employee must be reinstated to her previous position or a position of comparable worth without a decree in pay, seniority, or benefits. Maternity leave is not to be considered a break in employment for employers therefore any promotions, seniority privileges and benefit plans must be maintained as if no absence had occurred ("Maternity", 19). An employee seeking maternity leave, or having taken maternity leave, cannot be fired, laid off, suspended or otherwise penalized for the leave, her pregnancy, or any pregnancy related illness ("Maternity", 19).

Saskatchewan also has provincially-mandated parental leave which can be accessed by either parent in conjunction with or in succession of maternity leave provisions ("Maternity", 21). An applicant for parental leave must have fulfilled the employment requirements for maternity leave. These requirements, in brief, include having been employed for at least twenty weeks of the fifty-two weeks preceding the presented date of leave ("Maternity", 21). The parental leave provision is of twelve weeks duration beginning "on a day with in three weeks after the date of birth of the child on the day which the child comes into the employee's care." ("Maternity", 21) Saskatchewan has no specific provisions for paternal leave, and indeed no provisions for fathers outside of the parental leave which is open to either parent. Fathers have shown that they will not take parental leave in a system which provides no special incentives

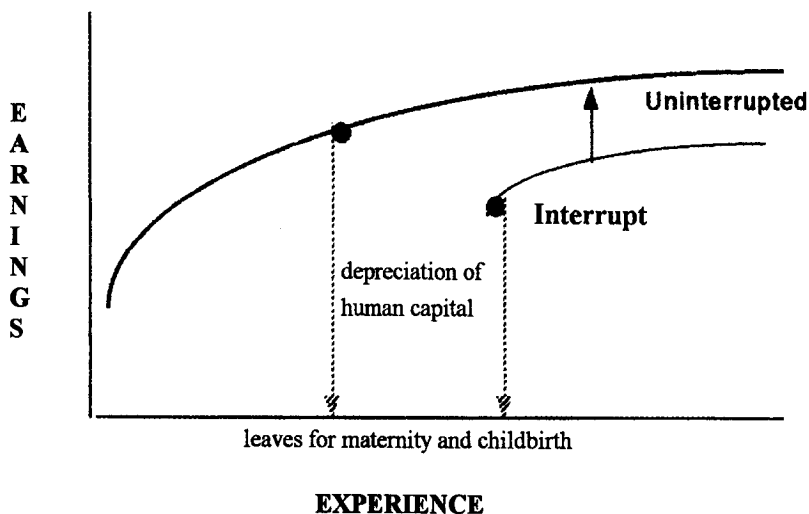
for them to do so (Shibley-Hyde, 1995, p.308). Therefore, it can be presumed that women, if anyone, take advantage of parental leave thus extending women's length of leave from their occupations.

Not all employees have the same package of leave provisions to assess as maternity leave is provincially legislated and varies according to province of residence, and union or employment sector (Labour Canada, 1989). The provisions covered in this discussion relate only to those mandated under the Labour Standards Act of Saskatchewan. The couples referred to in this discussion will be restricted to heterosexual relationships although a proliferation of materials exist debating the issues faced by homosexual parents, especially males, when attempting to assess leave provisions.

Part of Saskatchewan's leave system regulations is the provision that female employees shall not be discriminated against because of having taken maternity or parental leaves. However, human capital theory recognizes the damage done to a woman's career by taking leave for child rearing (Blau, 1998, p.154). Each time that a woman leaves her career to have a child, especially if she takes both maternity and parental leave, she is set back in on the job training, experience, self-promotion, and other possible opportunities. A graphic example of the effects of leaves during work history is shown in Figure 1. The potential earnings and promotion achieved by an employee with a constant work experience record are juxtaposed against the level of achievement reached by an individual with an interruption in their work experience. The gap in earnings between men and women are partially due to women's interrupted work history. The gap in experience which women incur during leave decreases their experience and seniority. They also face challenges when returning to paid labour as their skills and training are likely to have depreciated.

Employers and co-workers may develop discriminatory attitudes towards women who have taken maternity leave or plan to because of patriarchal misconceptions which label these leaves as "vacations", and their own concerns over reassigned work loads in the pregnant employee's absence (Martin, 1995, p.130). These types of discrimination are not only harmful to women attempting to juggle both a family and a career, but to men who may want to take parental leave but feel that it is not socially acceptable. The concern over social acceptability of fathers taking leave, amongst other issues, was addressed by the Scandinavian governments of Norway and Sweden when they instituted parental leave reforms legislating a reserved paternal leave for fathers.

Figure 1 Earnings and Experience



SCANDINAVIAN PROVISIONS FOR MATERNITY, PATERNAL AND PARENTAL LEAVE

NORWAY

Norway provides maternity, parental and paternal leave in a system which prescribes a total of one year paid leave to be split between the mother and father, (Brandth & Kvande, 1998, p.293). In 1993 Norway instituted a radical change in parental leave policy by creating and regulating paternal leave. Of the time mandated for Norwegian maternity leave the first six weeks are reserved for women as time to recover from childbirth and the last four weeks are reserved for males. If the father does not take this leave to spend with the child, the leave is forfeited by the couple (Brandth & Kvande, p.297-8). This policy was followed by a campaign showing nurturing fathers and men doing housework as the "new father" image for Norwegian men (Brandth & Kvande, 294).

SWEDEN

In 1995 Sweden followed with a similar program which would reserve four weeks of the parental leave provision for fathers (Hojgaard, 1997, p.251). In Sweden the total paid parental leave mandated by state regulations is fifteen months (Shibley-Hyde, 308). Sweden had a campaign which preceded their institution of reserved paternal leave unlike Norway's campaign which followed their policy reform. The "Free Men" campaign in 1989 encouraged men to take parental leave by showing a masculine image of parenting and changing the gender perceptions of nurturing (Eveline, 1994, p.164). Men, in both countries, did not take this leave before it was instituted as reserved leave for fathers (Shibley-Hyde, 308). Not only did Sweden want to give men an incentive to become more involved in child-rearing and to take additional responsibilities in the home, but they also wanted to promote women's opportunities in the economy, increase their success in employment, and to get more women into managerial positions (Eveline, 157). The Swedish government determined, as human capital theory has shown, that the time women spend child-rearing has a direct and negative effect on their ability to gain promotions into the top echelons of paid employment. Women are missing from these positions because of the experiences, promotions, and networking they miss while bearing and raising children.

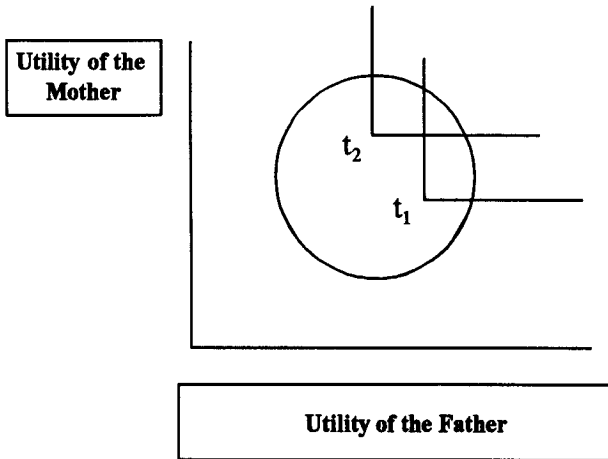
RESULTS

This policy was an attempt by the government of Norway and Sweden to coerce men into taking further responsibility for the rearing of children and domestic labour, and to correct the gender gap which exists between men and women because of the leaves women have taken to bear and raise children (Hojgaard, 252). Fathers have not shown that they will take parental leave without it being reserved for them or without some kind of incentive to take the leave, but with the new incentives beneficial results have become evident (Shibley-Hyde, 308).

The paternal leave policy in Sweden has had the result of increasing the time men spend with their children (Hojgaard, 257). Fathers at home with, and involved with their children promote greater independence of the children (Brandth & Kvande, 302). Men who have taken paternal leave tend to share more of the reproductive labour burden in the home than men who have not taken the leave thereby lessening the labour burden on their partners (Brandth & Kvande, 306). When men take paternal leave domestic labour allocation is renegotiated from different bargaining positions as the gender positions and power balance as well as the "power of the purse" is switched for this period of time (Brandth & Kvande, 310-11). The "power of the purse" refers to the dominance in household decision-making of the partner who earns the most money. This has historically belonged to men, but could change if women are given the opportunity to be the main or dominant earner in the family for a short period of time.

The threat points and bargaining positions for each person change to reflect the new, possibly temporary, power dynamics. For likely the first time in their relationship, the man gains relatively more from the relationship and has relatively more to lose if the relationship was to break down at that point because he is not the main breadwinner at that point in time. The woman gains relatively less, at this time, from the union and has correspondingly less to lose if the partnership was to break down because she has the earner position within the household. It was demonstrated in Sweden that after experiencing the domestic "burdens", or this change in position, men took on more responsibilities (Brandth & Kvande, 306), revealing a change in the gender positions within the household power structure. See Figure 2 for a representation of the possible changes in bargaining position and threat points with the introduction of paternal leave.

Figure 2 Potential Changes to Threat Point During Paternal Leave



At threat point t_1 , the possible outcomes favour the utility of the father as the breakdown of the negotiations would have worse consequences for the mother. At threat point t_2 , the possible outcomes favour the mother. The positions of bargaining power have switched as the real and "perceived" economic contributions of the mother are now greater than the father's.

n Sweden and Norway, a father's level of economic, educational, and social position has been shown to have a slight positive correlation with taking "daddy" leave (Brandth & Kvande, 302). Women's economic position, however, has been the best indicator of whether their husbands will take the leave or not. The higher the social and economic position of the women the more likely the father is to take advantage of the leave. These results are consistent with opportunity cost analysis as the high levels of investment in education that the women in these partnerships have undertaken would place a higher cost on their absence from the work force. Highly educated women are likely to choose mates of a similarly high educational background. As discussed previously, males from this type of background have been shown to be more open to taking paternal leave. The economic costs and benefits of one parent taking leave over another become less clearly in the favor of the man when each of the partners has heavily invested in their careers. This leveling of the domestic playing field increases the opportunities women have to renegotiate the domestic labor allocation and, possibly, decrease their domestic labor burden freeing up more time to advance their careers.

CONCLUSION

Institutional and employment structures within the public sector determine private sector gender roles and relations. Government regulations provide a legal context or framework within which these power relations function to organize and determine societal interactions (Hojgaard, 246). In this sense the government has the power to affect change in the private sector through the public sector. By reforming labor laws and regulations, governments can change workplace culture to accommodate the familial responsibilities of women and men (Hojgaard, 255). Labor laws in Canada fall under provincial jurisdiction and reform could be handled on the province by province basis, but a federal agreement with the provinces which promoted a cost-sharing structure would likely have greater success in encouraging the adoption of this policy. By changing the concept that only women have responsibilities to care for children and incorporating men into the balance between domestic and public sector work attitudes towards maternity and parental leave will be given an opportunity to change. As human capital theory suggests, educational investment, and employment experience all play a role in the gap which exists between the sexes. With a move towards a new balance of time spent on leave from employment for childbirth and rearing during the first year through the institution of reserved paternal leave the gap between men and women in the workforce in Canada can begin to slowly narrow.

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