

Thirty Successful Experiences of Redistribution, Reduction,
Recognition, Remuneration and Representation in Care Work

Postnatal parental leave in Chile



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Country and/or location of implementation: Chile

Instances and/or legal framework responsible for its implementation: Social Security Superintendency, Government of Chile.

Specific issue covered and beneficiaries of the action or policy

In Chile, one of the objectives of Parental Postnatal Leave was to promote the participation of men in caregiving and to reduce labor inequalities between the sexes. Access by fathers to maternity protection leave was one of the proposals of the Presidential Advisory Commission on Women, Work and Maternity, formed in 2010, which aimed to increase the co-responsibility of fathers and mothers in the care of children (General Secretariat of the Presidency (Chile), 2010).

This measure came into force at the end of 2011 and consists of a maternity protection benefit intended to complement the maternity leave period by 12 or 18 weeks, depending on whether it is used in a full or part-time mode. According to the legislation, the working mother can transfer her leave of absence from work to the father of the child from the seventh week of the leave and for as many weeks as she deems necessary (Social Security Superintendency, 2016). If the mother decides to take 12 weeks full-time, she may carry over a maximum of six weeks to the father full-time, but if the mother decides to take 18 weeks part-time, she may carry over a total of 12 weeks part-time. In both cases, the weeks used by the father must be within the final period of leave (*Law No. 20.545. "Modifies the Norms on Maternity Protection and Incorporates Parental Postnatal Leave," 2011*). When the father makes use of the parental postnatal leave, the subsidy is calculated based on his own remunerations (Social Security Superintendency, 2012). In this way, parental leave provides fathers with a tool to actively exercise co-responsibility in the family and is considered attractive for men, since 100% of the salary is paid on a full-time basis and 50% on a part-time basis. These payments are assumed by the Single Fund for Family Benefits and Unemployment Subsidies of the Chilean Social Security Superintendency.

Results expected from and obtained with the action or policy

The core objective of the policy was to extend maternity leave in order to guarantee better conditions for its exercise. However, the legislation also included the possibility of transferring part of this paid care time to the father in order to promote co-responsible care schemes between men and women. However, as discussed in the following section, results were limited in this second objective.

Obstacles and challenges in the implementation of these policies and actions

If one of the objectives of the policy was to redistribute the work of caring for young children, the results obtained are not very encouraging. According to a report prepared by the Superintendency, the number of leave periods transferred to fathers is still very low (see Table 4).

Since the implementation of parental postnatal leave in late 2011 and up to December 2019, a total of 1,872 leave periods have been transferred, which represents a very low proportion of the total subsidies initiated during the full period of analysis, amounting to 0.23% of the total number of subsidies initiated. It can also be observed that the highest proportion of leave transfers to the father was reached in 2012 with 0.32% of the total subsidies initiated. (Benven et al., 2020, p. 27).

Three types of obstacles were clearly identified: legal, cultural, and economic incentives. Among the reasons that might explain the low usage of this option are legal issues, as the regulation stipulates the use of leave by the father as subject to the will of the mother (since she is the one who may transfer the paid care time to the father); cultural issues, which wrongly set the pattern that childcare lies solely with the mother, despite the fact paternal and parental benefits were introduced in Chilean legislation almost three decades ago; and issues related to family finances, due to the existence of an impossible monthly cap, which means there are incentives to leave transfers when the mother's remuneration is higher

than the imposable cap, and the father's is lower than said cap (Social Security Superintendency, 2016).

Justification of compliance with the inclusion criteria

This policy seeks to redistribute care work between men and women in a fairer and more balanced way. Although it is an achievement on the road to equalizing care and child-rearing roles, the data presented here shows the legislation can be improved and urgently needs to be accompanied by measures to accelerate cultural change in the tasks involved in maternity and paternity. Leave as a regulation is not enough to change the sociocultural patterns that prevail throughout the region.

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