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# Family Policy:

Parental and Maternity Leave in the Context of Work-Life Balance and Equal Opportunities for Women and Men.

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**GENDER**  
STUDIES 



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The following texts discuss three essential conditions of a system of maternity and parental leave that observes the principles of equal opportunities and work-life balance. They include: an effective concept of maternity and family care, a well-functioning network of child care services and positive flexibility in the job market. Policy recommendations to improve the position of parents in the society and for a more efficient child care network are included.

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## Introduction: Family Policy - Focus on Parenting

Linda Sokačová – Gender Studies, o.p.s.

Family policy in the context of parenting and equal opportunities<sup>1</sup> is a system of provisions, programs and policies sharing the common goal of supporting families and other types of partnerships. They are financial, material and legislative instruments that influence people's decisions about family and having children. The foundation of family policy is the form of maternity and parental leave, possibly including the provision of father leave<sup>2</sup>.

The goal of family policy in regard to parenting should be the creation of a family-friendly environment in which people can freely decide whether they want to have children and how many. In such an environment people need not worry about their and their children's socioeconomic situation and about their future, and can therefore freely decide to have as many children as they really wish. In the long term, this approach to parenting support is more effective than temporary pro-population measures which typically aim to stimulate the birth rate of some age groups but do not create stable conditions for parenting in the long run. Creating and fostering a positive environment is also more useful than implementing policy approaches based on penalizing one-child or childless families as some family policy or retirement concepts propose<sup>3</sup>.

Family policy that observes equal opportunities principles and promotes work-life balance, allows for a variety of life strategies both for those who decide to balance work and family as well as for those who prefer to look after their families full-time. Neither social group should be neglected or discriminated against – be it by the system of maternal and parental leave or by an associated policy (the retirement system, for instance), as it happens today. A good system of maternity and parental care is grounded in anti-discrimination principles which actively prevent discrimination of parents and other caregivers and promote equal opportunities.

Ideally, a family policy that provides equal opportunities does not support only the types of idealized family units that are in accord with the party lines of the governing political party. On the contrary, a fair family policy understands families are dynamic entities that take many of well-functioning and responsible forms.

A comprehensive family policy also provides for parenting by other than biological parents, including the raising of adopted and foster children. In addition, it offers instruments to help "families in crisis". Finally, a well-conceived family policy always takes into account all the related systems and programs, including retirement and housing policies and the health care and education systems.

The following text discusses only a part of the large spectrum of issues involved in family policy. Namely, it deals with the conditions that are necessary for creating a parent-friendly society: suitable forms of maternity and parental leave, child care services and positive flexibility in the job market.

NGO Gender Studies presents the readers with several texts discussing family policies which promote equal opportunities for women and men and work-life balance, with a special focus on maternity and parental leave. These texts could serve as guidelines in developing an alternative concept for the family policy in the Czech Republic, a concept that supports and understands parenting in all its social complexity.

The articles have been written by experts who shared their opinions and critical views over the course of one year. The result is a proposal for a comprehensive family policy that meets the needs of a contemporary open society.

<sup>1/</sup> Family policy is not and should not focus only on the period of active parenting but it should be concerned with different stages of the life cycle and related types of care (senior care, e.g.) Effective family policy must also go beyond the narrow scope of supporting only parents with small children, which is currently the case with both the national and regional governments in the Czech Republic.

<sup>2/</sup> In Czech, the term maternity/parental leave translates as *maternity/parental holiday*. This wording has received strong criticism from professionals because the nature of maternity leave is in no way similar to a relaxing holiday. On the contrary, it is a period of responsible caregiving. Therefore, the adjectives *maternity* and *parental* are sometimes used as nouns. Sociologists from the Institute of Sociology of the Academy of Sciences have also suggested *parenting work* is used instead of *maternity/parental holiday*.

<sup>3/</sup> An example of this approach was the retirement system concept proposed by the Christian Democratic Party (KDU-ČSL) in its Parliamentary election party program in 2010. Another example is Ivo Patta's proposal of The First Pro-Growth and Pro-population Retirement Reform (První prorůstová a propopulační důchodová reforma) ([http://www.demografie.cz/index.php?option=com\\_content&task=view&id=162&Itemid=36%29](http://www.demografie.cz/index.php?option=com_content&task=view&id=162&Itemid=36%29)).

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In this project, NGO Gender Studies also involved and consulted other NGOs working to promote equal opportunities and their representatives (R. Kolínská of the Mother Center Network CR, E.Hejzlarová, NGO Aperio, K2 and others.)



# Trends in Reproductive Behavior in the Czech Republic

Jiřina Kocourková - Charles University in Prague, Faculty of Science

The reproductive patterns in the Czech Republic have undergone significant changes over the last 20 years, largely in line with European trends. The prevalence of marriage and childbearing at an early age has been replaced by a model of marriage and childbearing of lower intensity at a later age. The so-called *second demographic transition* sparked by the changes in the social and economic climate after the political transformation of 1989 was a major factor in this development. In the democratic countries of Western Europe, these reproductive trends have been observed since the end of the 1960s. We contribute them to the growing importance of individualism, i.e. individual self-fulfillment and self-realization, and the changing attitude toward children. In the past, children used to be a symbol of family success, from simply ensuring their survival to providing for their well-being and successful careers. Now parents pursue their own goals and status aspirations and may view children as a limitation or a barrier. Adult life without children, sometimes called *adulthood without parenthood* is becoming a widespread phenomenon. In the new value system where self-fulfillment is front and central, bearing and rearing several children, or having children at all, represent a contradiction.

## Sharp Decline in Fertility Rate Replaced by Slight Increase

The extremely fast changes in the reproductive behavior among Czechs had led to a sharp decline in birth rates in the mid-1990s. Even though the birth rate started dropping less sharply over time, the number of live births reached a historic low in 1999 when fewer than 90,000 children were born. The resulting gap in the age composition of the population has only one historical equivalent. It is comparable to the demographic development at the time of the First World War when the number of newborns was equally low, albeit for quite other reasons. The main cause of declining birth and fertility rates was the fact that young women who had reached their reproductive age in the 1990s were delaying marriage and having children rate and fertility rate. Coincidentally, this generation of women was born in the baby boom era of the first half of 1970s. Being so strong in numbers, their postponement of childbearing effectively prevented another population 'explosion'. For this reason, the Czech society was less critical and quite welcoming of this trend. Nonetheless, the decrease in fertility rate was surprisingly fast and severe – in 1996, it was less than 1.2 children per woman and the Czech Republic immediately fell to the bottom of the world's birth rate statistics. The statistics indicate that the only countries with birth rates lower than the CR that year were Latvia (1.09) and Bulgaria (1.11). The economic and social hardship many families experienced also played an important role in this decline. The standards of living were dropping, the costs of living and housing were rising, and the fact that many previously available social benefits had been cut undermines families' sense of security. The total fertility rate was predicted to go back up to 1.5 children per woman by the end of 1990s like in other EU countries, but the rates stayed extremely low (less than 1.3 child per woman) for the entire decade. The surprise was that the women who had decided to delay childbearing in the mid-1990s waited longer than anticipated and did not have children until they had reached the age of 30 years. And because the fertility rate in women over 25 years of age did not rise enough to compensate in their younger than 25 counterparts, the total birth rate stayed low for some time. The rate of 1.5 children per woman is considered minimum to keep fertility at the replacement level. In the Czech Republic, the 1.5 rate was recorded again in 2008. Both the fertility and the birth rates started rising in 2004 and reached a peak in 2008. Although interpreted as a baby boom by the media, this small population wave stopped at the level of nearly 120,000 live births per year. At the moment we can expect the birth rate to decrease again in near future mainly because of the declining number of women of childbearing age.

## Emerging Model of Late Fertility

The recent increase in fertility rates has been a result of two simultaneous developments: a delayed compensation effect and a new reproductive pattern. The compensation effect for delaying childbearing to a later age means that the fertility rate among older women (33-37 years old) has been growing since 2004. At the same time, the fertility rate among younger women (28-30 years old) has also risen compared to the past. Women born in the latter half of 1970s have more children between 25 and 29 years of age than the women born in the first half of the same decade. Until 2003, the fertility curve, i.e. the distribution of fertility rates

by age, had been moving toward later age. In the last five years, we have noticed a rise in the intensity of the fertility of women around the age of 30, indicating the emergence of a new model of *late fertility*. Between 1990 and 2008, the peak of the fertility rate grew by 9 years to the age of 30. So while women born in the first half of 1970s initiated changes in the reproductive behavior of the population, women born in the latter half of 1970s have already been exhibiting another reproductive pattern. Today, the average age when Czech women have their first child (primipara women) is 27 years old. The highest average age of women having their first child has recently been recorded in Spain and Switzerland – almost 30 years old. Considering that the average age of primipara women in the Czech Republic is now lower, it is likely that it will rise in the future and match the trend [30 years old]. Prior to 1990, the major events in the lives of Czech people - launching a career, building a home, having children, marriage - used to be take place within a short time span. Most young people used to be married and have two children by the age of 25. High fertility rates right at the beginning of women's reproductive age and families with two children born soon after each other were typical of the reproductive behavior in the country at the time. On average, women used to have their first child at the age of 20 and their second child at the age of 23. The proportion of childless women used to be very low. After 1990, young people started realizing the benefits of spreading the life-changing events over a longer time period – to achieve the highest possible education, they would take more years to study and in order to get married and have family, they felt the need to build a career and have financial security first. Today, motherhood/parenthood is more and more often viewed in terms of *lost opportunity costs*, i.e. time spent away from school and work. Another important factor in attitudes toward childrearing is the loss of real income families experience when the mother takes maternity or parental leave. The women who have children at a younger age are at an economic disadvantage in comparison with women over 30. The living standards of women who decide to have children after they have established themselves professionally (and secured appropriate income) approximately match the standards of living enjoyed by women who are childless.

### Rising Importance of Extra-Marital Fertility

In addition to delaying major life events and spreading them over time, another new feature of the reproductive behavior of Czech people is the decoupling of marriage and fertility. Less and less often does marriage precede the birth of a child. Women who want children often choose to become single mothers. Only some of them legitimize it later by getting married. We have been noticing this separation of marriage and children since 1994 already when the average age of women at the time of marriage began rising steeper than the average age of women at the time they had their first child. Currently, primipara women are 1.5 years younger than single women at the time of marriage. The rising importance of the unmarried women's fertility follows European trends. In the majority of European countries, higher fertility rates correspond with higher numbers of children born outside of marriage. This may be an effect of equal opportunity policies. Family policies which enable women to be financially independent boost fertility rates. The number of extra-marital children has also grown. Before 1990, the share of extra-marital children in all live births never exceeded 8%. In 2009, it reached 42%. On the other hand, the proportion of pre-marital conceptions has dropped. In the past, most pre-marital conceptions were a consequence of ineffective birth control. More than half of all firstborns were born within 9 months after marriage. Today, less than a third of all children are conceived before (or outside of) marriage. We suppose that some of these parents-to-be are intentionally postponing marriage until the woman becomes pregnant.

### Fewer People Marry But Divorce Rates Still High

The transition from frequent marriages at an early age to fewer marriages at a later age and new reproductive patterns are closely related. Before 1990, 95% of women and 90% of men used to get married. Today, only 70% of women and 63% of men marry by the age of 50. The marriage rate declined rapidly in the 1990s and it has remained low throughout the last decade. Over the last 20 years, the age of marriage among women grew from 21-22 to 28-29 years old. The rate of formal marriage have dropped but more couples live in so-called *de facto marriages* these days. In the past, *de facto* marriage concerned mostly older divorcees. In the last 20 years, more and more young couples without children choose to live together and see it as a form of trial marriage. In the course of the 1990s, the rate of re-marriage among divorced women and men also decreased significantly (60% to 40%). In this regard, data shows no differences in gender (divorced women re-marry just as often as divorced men). Both are also likely to choose spouses among the divorced rather than partners never married previously.

The divorce rate in the Czech Republic has always been relatively high. Before 1990, a third of all marriages would get divorced. After 1990, we expected that in theory, the lower marriage rates and more opportunities for mature marriage decisions was going to reflect in lower divorce rates. Surprisingly, the divorce rates kept

rising even after 1990 and today an entire half of all marriages end with divorce. In the past, we used to explain the high rate with the factors of age and the woman's pregnancy at the time of marriage. Now, we contribute high rates of divorce to the low levels of religiosity among Czechs instead. Contemporary Czech society views divorce to be an acceptable solution to relationship problems. Legislation has followed this trend by simplifying divorce proceedings. The divorce records confirm that divorce is easy in the Czech Republic - all but 0.5% of all submitted requests for divorce have been accommodated. The 1998 restrictive measures on divorce for families with younger children did prevent a further rise of the divorce rate but this effect was only temporary. The share of divorces among families with children has dropped in the long term, however. In the beginning of the 1990s, families with small children comprised 80% of divorce cases. Now, 40% of all divorces take place in families that are childless.

### Better Access to Birth Control Has Led to Fewer Abortions

Prior to 1990, legislative regulations had a heavy influence on the abortion rates. The total fertility rates and the total abortion rates were interlinked. The swings we can observe in their respective development over time correspond different population measures such as pro-family and abortion policies. Access to reliable contraception used to be very limited. Most women in their childbearing years had to resort to the rather unreliable traditional methods of birth control. Abortion, which was quite easy to get, represented a socially acceptable solution to unwanted pregnancy. In fact, abortion became a standard component of family planning and was viewed as a type of birth control *ex post*. The changes that took place in the wake of the 1990 transformation created conditions in which the abortion rate dropped significantly. Before the transformation, the rates were very high, as they were in other countries in Eastern Europe. 20 years later, they became lower than in some Western European countries such as Great Britain or Sweden. This time, the rate decline was not an effect of regulation but rather a testament to the effectiveness of modern methods of birth control. The sharpest decline of the abortion rate took place in the first half of the 1990s. At the end of the 1980s, the ratio was 80 abortions to 100 live births compared to 20 abortions today. In 2009, the number of abortions per woman was 0.33, the lowest rate so far. It means that every third woman has an abortion in the course of her reproductive age. This is a sharp contrast to 1988, a year of the highest rate of elective abortions when every woman would have an abortion 1.8 times in her life, according to the statistics. The fact that many women have gained access to contraceptives had undoubtedly been the main reason behind this development. The proportion of women using some prescription method of birth control increased from 17% in 1990 to almost 55% in 2008. Nowadays, as more and more young women wish to control their fertility and postpone childbearing, hormonal contraceptives have become the birth control method of choice. Since 1993, hormonal contraceptives have been pushing out intra-uterine devices. The trend of delayed childbearing also means that miscarriages occur more often than in the past. Finally, there has been leveling of both the factors of age and marital status in respect to abortion. Prior to 1990, abortion was most common among married women 20-29 years old. Typically, they had already had two children and did not want another one. In the 1990s, the greatest decline of the abortion rate among women pertained to this age category (20-29 years old) and the change balanced out the intensity of abortion across the entire span of reproductive age. After 2000, the abortion rate was dropping more slowly and then it stopped in 2005. Recently, the abortion rates of married and single women have been about the same. Thanks to more effective methods of birth control for young women who intentionally postpone having children, the abortion rate is low among women below 30 years of age today. In contrast to the past, the abortion rate among single women who conceive an unwanted child too early is only slightly higher than the abortion rate among married they already have as many children as they have planned and do not want another one.

In view of all the changes in reproductive patterns, the attitudes of Czech people have become more accepting toward single mothers and unmarried couples with children. The attitudes and behavior of married and unmarried women in respect to abortion have become very similar. Until the first half of 1990s, it was more common for unmarried women to have an abortion than to have a child (irrespective of the number of children). Married women, on the other hand, typically used to choose abortion for the single reason of having 2 children already. This was in line with the well-established trend of the two-children family model in which another child was not desired. Today all women regardless of their marital status choose to have a child rather than an abortion. On the other hand, the typical number of children per family has not changed. Abortion continues to be the most common among unmarried women with two or more children.

### Conclusion

One of the arguments why marriage and fertility rates are low in the Czech Republic is that unlike in the past, most marriages and births take place later in life. It is difficult to predict how many postponed marriages



are actually going to happen and how many children people plan to have are not going to be born. In the case of marriage rate, we do not expect it to rise because a whole third of all men and women plan to never get married, according to a recent survey. Their family plans, however, may come true if the social conditions are friendly for young families. The majority of young families plan and usually do have two children, although there are fewer and fewer such families in the society in general. The number of families with one child is also growing as is the number of women with no children. The proportion of childless women among all 50 years old women is estimated to reach 16%, while before 1990 it was less than 7%.

The fertility trend is going to depend on how quickly the population absorbs the new reproductive pattern. We don't know to what extent will the higher fertility rates of older women compensate for the decline in the fertility of younger women in the future. In the beginning of the 1990s, the total fertility rate of Czech women (the average number of children per woman throughout her entire reproductive age), was at replacement level. Recent estimates suggest that younger generations of women are going to have 1.6 - 1.7 children per woman on average. We don't know what the average age of women when they have their first child will be. Considering the biological limits on reproduction, estimates suggest the latest age at which women can have their first child is approximately 33 years old. The trend of delaying having children also means that more and more couples are having problems conceiving. Since the 1990s, the number of children born with the help of assisted reproduction methods has been rising and now account for 4% of all live births. The fundamental changes in the nature of family and reproductive behavior set off in the 1990s have contributed to the aging of the population in the Czech Republic and stopped its natural population growth. In the long run, the current rates of reproduction will not be enough to keep the population size at the level it is today. Already in years 1994-1995 fewer people were born than people who died. While immigration has a rising impact, the number of immigrants at the moment suffices to replace the population in the Czech Republic. It does not help prevent its aging.

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# Principles of Parental and Maternity Leave from the Perspective of Equal Opportunities and Work-Life Balance

Linda Sokačová – Gender Studies, o.p.s.

The Czech family policy is marked by a distinct lack of conceptual approach. Its all too frequent amendments typically accompany each change of the government regardless of current or upcoming demographic developments. Moreover, government decisions rarely utilize **professional research or concrete studies**. The area of child care services exemplifies this problem. Child care is neglected both at the level of state (legislation, institutional support, etc.) and at the level of regions (which are responsible for founding and running nurseries and kindergartens). In addition, effective communication is missing between the two levels<sup>1</sup> and experience and knowledge is not being exchanged. Consequently, policy priorities tend to reflect ideological opinions rather than the situation on the ground. For example, let's look at nurseries which provide infant care. Although the real demand for nurseries has been growing in the last two years, the Ministry of Labor and Social Affairs expresses disfavor toward these institutions, if it expresses anything in this regard at all. This is the case even though the Ministry is not familiar with the form nurseries actually take and the way they operate in practice. In order to really address the needs and interests of different social groups (as equal opportunity policies demand), politicians and government officials will need to go beyond their party lines. These decision makers will have to employ a comprehensive approach that is going to reflect the wide variety of life strategies families employ, including partnerships that do not correspond with the family ideal preferred by their political party. A way forward may be found in the establishment of an **expert working group** that would include members of all the political parties represented in the Parliament and of researchers and other professionals with experience in the field, including non-profit professionals. In its advisory capacity, the working group would examine the real needs of the population and recommend effective policy mechanisms. This approach would secure the political viability of new measures across the political spectrum and the group's professional judgment would prevent potential discrimination policy changes might bring. Every decision to implement a policy change would be carefully assessed in the light of **impact analysis** for all social groups, taking into account a variety of dimensions such as gender or socio-economic status. This should protect families from suffering the consequences of ill-conceived policy adjustments to maternity leave periods or benefit amounts. **All policy changes must be considered in their complexity and must be implemented in a way that does not lead to the collapse of the family policy system or any of its parts.**

## Maternity and Parental Leave System that Promotes Equal Opportunities

In the course of the development of maternity and parental leave systems that ensure work-life balance and provide equal opportunities, close attention must be paid to the following areas:

### Forms of Maternity and Parental Leave

The system of maternity and parental leave, especially their length, flexibility and the benefit amounts, have a direct impact on the position of parents (particularly mothers) in the job market and in society in general. By eliminating anxieties and social insecurity felt by parents, good leave policies help create a parent-friendly society. Designing a well-functioning type of leave does not suffice, however. Other factors, such as the availability of child care services, for instance, also affect the parents' position. Chapter *"Family Policy That Promotes Gender Equality – Fundamental Principles Proposal"* by Alena Křížková looks at these issues in detail.

### Child Care Services

Maternity and parental leave systems have a strong direct influence upon the social position of parents and especially upon mothers who tend to be the primary caregivers. A lack of good quality child care services

<sup>1/</sup> At the turn of 2009 and 2010, a working group for regional family policy was founded with the Ministry of Labour and Social Affairs. One of its tasks is to promote a dialogue between the national and regional governments.

limits parents' work-family balance choices. A network of child care providers that are accessible financially, geographically as well as in terms of capacity is critical to the participation of families in the job market. Without this network, the socioeconomic status of families falls and both the parents and the children face the consequences. Finally, the quality of child care services plays an essential role in the development of our children's social skills and education. For more in-depth discussion, please see chapter "Childcare Services and Institutions".

## Job Market – Forms of Employment and Legislation

In order to participate in the society and in the job market, and thus secure a socioeconomic position according to their skills and interests, parents must be offered flexible work options that allow them to balance family and work duties. Therefore, public or private sector employers need to make these options available, whether by offering part-time employment or other arrangements such as a shared job positions etc. It is important that job flexibility is viewed both from the perspective of the employer and from the perspective of the employees - caregiving parents. This approach is called 'positive flexibility', meaning that the interests of employees and employers are equal value rather than a situation in which employees are required to be available to their employers at all times. To prevent abuse of flexible work options by employers, worker interests must be protected by labor regulations. This demands effective law enforcement and control mechanisms (labor inspection) and adequate protection of the rights of employees. If any of these aspects is neglected, employees in flexible job contracts are in a vulnerable position and their ability to balance work and life is severely restricted. Experience from Germany and Netherlands, among other countries, shows that part-time jobs may not represent opportunities for employing women but rather, they can easily become a form of employment women are forced to take for lack of full-time work opportunities. Due to many associated difficulties, part-time jobs are no easy solution to parent un/employment. Complications include limited opportunities for professional development and career growth, worse working conditions for the women - mothers who are typically employed in these jobs, etc. As far as legislation is concerned, it is important to establish anti-discrimination regulations and to apply them in practice. Chapter "Flexible Work Options in the Context of Work-Life Balance" by Alexandra Jachanová Doleželová and Kateřina Machovcová examines these issues in detail.

**All these factors play a role in how well parents are able to balance their work and family lives and to take advantage of job opportunities. Experience from many European countries shows the quality of work-life balance provisions directly affects the birth rate. Provided that work-life balance provisions help parents maintain their socioeconomic status, parent discrimination shall continue to disappear.**

## Linkages Between (Maternity and Parental) Leave Provisions And Other Areas, Policies and Provisions

The position of caregiving parents and their ability to take advantage of equal opportunities is not only determined by maternity and parental leave provisions but also by other closely related systems. Failing to consider these indirect links can ruin an otherwise well-conceived system of maternity and parental leave. The rule of law (observance of employer regulations in practice) and effective law enforcement are essential for successful integration of parents into the job market. Another key aspect in regard to legislation is the legal awareness of the general public.

**Social Security Benefits and Policies:** child allowances, maternity cash assistance, etc. These benefits are important in aiding the changing economic situation of parents who are facing higher living expenses due to raising children.

**Tax System:** the tax system could include bonuses for parents (in the form of tax discounts, for example). Recently, we have been hearing suggestions to re-evaluate the current system of parental allowances in favor of converting them into tax discounts. It remains unclear whether such discounts would really be helpful for parents. It is also questionable that discounts would replace the income from the existing parental allowances because they work differently than income, especially for the parent on leave who is not working. Converting allowances into discounts might only reinforce the dependence of the parent on leave on the breadwinner in the family.

**Retirement System:** it is necessary that maternity and parental leave periods count as "years at work" for the purposes of retirement benefits. Securing retirement benefits for people who spend long years looking after children and other family members rather than in a traditional job is vital for preventing them from falling into poverty at a late age. In this regard, the concept of shared retirement for couples is worth a consideration.

**Housing Policy:** housing expenses form a major part of living expenses. According to the Czech Statistical Office, housing expenses represent from 27.5% (one-breadwinner households) to 21.5% (three-breadwinner households) of the family budget<sup>2</sup> and this share is expected to increase in the future. Rising energy prices are a part of the equation. A lack of rental housing at affordable prices has been a big problem in the Czech Republic. The price and size of a housing unit thus play a key role in family planning decisions in respect to the number of children.

**Obstetric Care and Health Care System:** health care costs and fees affect families' social and economic status. Although not discussed quite as often, the form and nature of obstetric care also play a role in family planning. Negative and traumatic experiences with giving birth may lead mothers to postpone or stop having children. However, this issue requires further research. Some Czech NGOs (Active Motherhood Movement/Hnutí za aktivní mateřství, Aperio, The Dula Union/Unie porodních asistentek) consistently point out that the standards of mother-friendliness in the field of obstetric care in the Czech Republic do not meet WHO recommendations.

**Architecture and Urban Planning:** To ensure public space is friendly and accessible to all age groups regardless of their different needs, new buildings and urban developments need to follow accessibility guidelines (particularly in the case of publicly funded projects). This should apply to public transportation systems. Public institutions ought to provide baby feeding and changing stations. Children's corners with professional assistance represent a very friendly provision in places where parents need to take care of official business.

## Maternity Leave and Related Systems in CR - Greatest Challenges

### Changes in the System of Maternity and Parental Leaves and Allowances

The **total length of the leave** is a frequent topic of discussion. A three (or four) year long period of parental leave allows parents to prioritize child care without worrying about their living standards and socioeconomic status falling. On the other hand, experts have been pointing out that a long parental leave contributes to a sense of isolation among mothers and alienates them from the job market. However, these facts cannot be explained only by the length of the leave period. The nature of the job market, the system of child care services and commonly held beliefs about the roles of women and men in society all play their part. Let's therefore pause before we simply cut the leave periods and consider all the other factors that influence the opportunities women have in society. To ensure uninterrupted operation of the policy system as a whole, impact analysis and special measures must accompany any transition or adjustment, including shortening of leave periods. If we strive to implement positive flexibility provisions in the job market and provide accessible child care, mothers on maternity or parental leave will not have to experience strong exclusion from economic life.

For example, the parental leave benefit could be made more flexible by giving parents a fixed allotment of time off they could use at their discretion up to a given age of the child (6 or 10 years of age, for instance). This time-bank system of parental leave would thus better meet the individual needs of both children and parents.

**Applying Time-Bank Concept to Public Child Care Services:** Currently, one of the criteria for receiving parental allowances is a cap on kindergarten attendance: up to 5 days per month or 4 hours per day. This rigid stipulation makes finding and keeping jobs by caregiving mothers and fathers difficult (and these problems multiply for parents who commute to work). Amending the measure in the way of a time-bank system would give them greater choice. For example, the limit for public child care could be set at 25 hours per week. In current practice, some parents are in advantage over others because private kindergartens are not regulated as strictly as public kindergartens. Another possibility to make parental leave more flexible is eliminating the limits on child care services altogether. Parental allowance would then be interpreted as cash assistance with childcare expenses which parents could use at their discretion.

**Creating Father Leave** The provision of father leave can take different forms: a one- or two-weeks long period of leave immediately after the birth of a child, a type of bonus for fathers (who receive extra time off in addition to the family's leave allotment, like in Germany), or a kind of penalty (the total parental leave period is shorter if the father does not take any time off, like in Iceland). The goal of father leave is to stimulate better sharing of child care among the parents and increased participation of fathers in family life and care. For more detail, see Hana Maříková's article "Active or Caregiving Fathers...".

**Securing employee rights** is another challenge in improving the maternity and parental leave system. In other words, **employers must be forced to observe the labor law** regulations especially in respect to

<sup>2/</sup> Czech Statistical Office, <http://www.czso.cz/csu/2010edicniplan.nsf/p/3002-10>, June 2010.

taking and returning from maternity and parental leave. Research and experience of specialized NGOs<sup>3</sup> show that in practice, mothers returning from maternity leave are often forced to leave their jobs with the help of illegal and inappropriate means. Understandably, leaving a job for three or four years makes returning to the same position difficult because the team and work environment might have changed. On the other hand, the dynamic nature of workplaces cannot serve as an excuse for illegal or inappropriate conduct on the part of the employers. Staying in contact with the employer, working part-time or utilizing occasional job opportunities with the same employer are several ways of breaking up long leaves of absence. In order to protect the precarious position of parents in the job market, it is particularly important that the labor law protects pregnant or breastfeeding women and caregiving parents (by prohibiting giving notice to a woman who is pregnant, for instance). All these provisions can work only in an environment where the rule of law applies and where law enforcement and relevant control and inspection mechanisms are in place.

Finally, a constructive family policy debate must be developed and become institutionalized among the state, municipalities, counties and other professionals including academics and NGO representatives.

### Public Support for Child Care Services

**The management and regulation of all child care services (nurseries and kindergartens)** should be under the jurisdiction and management of only one Ministry (which is currently not the case). The Ministry of Education, Youth and Sports would be ideal because the institution has a wealth of experience and methodology at its disposal. Both types of pre-school care (nurseries and kindergartens) could then be developed in a comprehensive and complex manner. The Government Council for Equal Opportunities for Women and Men approved this recommendation already in 2009.

### Reassessment of Sanitation, Safety and Capacity Norms and Regulations of Pre-School Care

**Standards and norms should not be lowered across the board. Rather, they need to be re-evaluated in view of contemporary needs.** Updating existing norms could improve spending effectiveness of pre-school institutions. For example, a portion of sanitation expenses could be redirected to the professional development of the staff or to the area of care and education in general. Again, any changes must be carefully examined though because they reflect the quality of care.

State and municipal authorities should be responsible for establishing **a network of accessible child care service providers**. In addition, we should support alternative methods and forms of child care but demand both traditional and alternative institutions meet the same standards and that parents using them are entitled to the same benefits (services satisfy the legal criteria for receiving parental allowance, e.g.). Alternative child care may include company kindergartens, parent groups that exchange care or others. At the moment, public institutions constitute the backbone of non-parental child care. The educational role of the current system of public pre-school care is of great value and worth maintaining. We do not think this should change but traditional public pre-schools should be supplemented by functional and accessible alternatives. Let's emphasize that all **planning decisions in the area of child care must be grounded in professional sociological and demographic research**.

The system of **funding for nurseries** begs a re-evaluation as well. At the moment, municipalities cover the majority of the costs and parents are responsible for the remainder. This is another reason why pre-school care is not accessible. The state needs to take on a portion of the financing so that the costs are divided between the state, the parents and the municipalities.

### Tax breaks need to be offered to companies which decide to establish company kindergartens.

**After-school programs for children and youth (hobby groups, mother/parent centers, after-school programs) require further support.** They need to be **widely available (geographic accessibility) and affordable** for all children including children from low-income families. This requires the participation of governments at all levels - the state, municipalities and counties.

<sup>3/</sup> Sokačová, L. (ed.) (2006). *Career- Family – Equal Opportunities: Research on the Position of Women and Men in the Labor Market. (Kariéra – rodina – rovné příležitosti. Výzkumy postavení žen a mužů na trhu práce.)* Prague: Gender Studies, 2006, ISBN 80–86520–12–9. The examples given above are based on the experience of the Gender Studies legal aid service that specializes in counseling in the area of equal opportunities, discrimination and maternity and parental leave.

### Mother and parent centers that offer programs for parents with children also deserve support.

Finally, new public child care facilities and relevant regulations and norms for their development should all implement the concept of **multi-functionality** so that these buildings can serve the needs of the population in the long term (i.e. so that a kindergarten can be turned into a school if needed).

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Czech Statistical Office: <http://www.czso.cz/>



# Family Policy for Gender Equality – Fundamental Principles

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## Introduction

European concepts of welfare state faced a wave of strong criticism in 1990s for ignoring gender equality and reproducing gender inequities. It sparked a wide debate that eventually led to a shift in the theoretical understanding and framing of the welfare state regimes (Esping-Andersen 2000; 2002). Another political consequence was a change in the priorities of the European Union (Commission 2003; 2005a; 2005b). Women's employment and policies for work-life balance of working parents are now among the priorities of the architects of welfare states in the 21<sup>st</sup> century. It is also becoming evident that demographic changes such as the dropping birth rate and the aging of population need to be counteracted by policies based on gender equity and equal opportunities for starting families and developing diverse strategies to balance work and care (Gornick, et al. 1997; Hobson, Oláh 2006; Knijn and Kremer 1997).

The male breadwinner - female carer model no longer works in contemporary democratic societies (e.g. Crompton 1999; Lewis 2001) and the policies based on this model are not sustainable any more. Welfare state theories based on democratic values including gender equality in opportunities and treatment, have constructed new models that should be free from gender stereotypes, namely **the adult worker** (Lewis 2001) and **the worker-parent** (Leira 2002) models. Corresponding welfare systems would enable all individuals to choose their own strategies of balancing work and care, all of which would be treated equally and neither choice would be penalized.

To facilitate free choice about what share of paid and unpaid work and care parents and carers, women and men want to take on, we need a mix of policies regulating time (working hours, time for work, time for care), money (to buy care services and to support caregivers) and services (childcare and elderly care) (Leitner 2003; Pfau-Effinger 2005; Bettio, Plantenga 2004; Lewis 2006:111). (Hernes 1987; Knijn and Kremer 1997; Leira 1998; Leitner 2003).

The Czech welfare state does not meet the European standards with respect to the abovementioned dimensions of time, money and services and their potential to create and support gender equality in the levels of participation in work and care (Křížková, Vohlídalová 2009).

In the following text I shall propose the basic tenets of a family policy that provides equal opportunities for women and men.

## Family Policy - Components and Actors

Family policy essentially consists of three elements - policies on time, money and services. Time policies regulate the length of protected periods of time for childrearing (maternity and parental leave), time to care for children and elderly family members (care of a family member benefit) and other types of leave associated with childcare, etc. Policies on money concern the types of social benefits and allowances (both in cash and in kind) covered by social or health insurance. In the area of childcare these include maternity cash assistance, pregnancy and maternity compensation benefits, parental and child allowances and tax benefits for families. Policies on services regard mainly childcare services and education. The principal actor that establishes the family policy framework and sets the rules for all its components and provisions is the state. The state also creates the conditions under which other actors (local government - counties, cities, towns, employers, commercial organizations and NGOs) put these policies into practice by implementing measures or by providing services. Finally, the general conditions and criteria for accessing all these provisions and policies (on time, money and services) are also determined by the state. Parents then develop their own family, partner, or individual parenting strategies within the scope of these conditions (taking into account the availability and the limitations on the time, money and services). A family policy framework that reflects democratic principles including equal opportunities for women and men in the context of contemporary European society must be built upon on the pillars of flexibility, gender equality, access, quality and mutual integration.

## Principles of Family Policy Development

### Flexibility

The benefits of money, time, and services on offer need to be flexible enough for parents to combine them according to their own needs and the needs of their children or other family members. The needs, life choices and strategies of individual family members, parents, children and entire families vary and can change with time. They cannot be predicted or definitively planned in the long term - illness, death, divorce or break-ups can hardly be planned. Such events affect people's life strategies and needs to combine social benefits and measures in different ways. Flexibility and inter-connectedness of provisions is the most fundamental principle of family policy.

That individual policies are set up in a flexible way within the framework of family policy is also very important. Parental leave, for instance, could take the form of a "time bank" from which parents could withdraw as much time for (child-)care they need, at a rate and in periods of time they need and decide to do so. In the course of parental leave, parents should also be able to take turns frequently. The parental leave time bank could be used on a part-time basis while working in a part-time job and until their child reaches eight years of age, for example. Some parents would thus be able to save time in their account for when their child is starting school, for instance, as many parents wish they could nowadays.

As far as the age of the child is concerned, parents would be given the option to assess the level of maturity and the needs of their children themselves. They would decide when their child is ready to start school. There would be flexibility in regard to setting the age for entering kindergarten or pre-school as well. Despite the current family policy that regulates schooling, we believe that it is not possible to say that all children are ready for pre-school at the same age.

Finally, it is important that the links among different family and employment policies are flexible as well. This concerns measures that support part-time employment, flexible working hours or work from home, for example. Flexibility must be viewed broadly as flexibility of both work and care together. Family policies and job market policies should not be viewed separately. The concept of flexicurity, that has been neglected and misunderstood as flexibility in the Czech Republic, plays a key role here. For a parent, the combination of flexibility and employment security is of vital importance, however, these factors must be well-balanced. Parents need a protected period of leave to take care of their children but this time off can become a barrier and a basis for discrimination, especially if the leave is long and stereotypically afforded to one sex only. However, a discussion of the position of parents in the job market and in the system of employment policy requires a separate reflection which is beyond the scope of this text.

### Gender Equality

Gender equality must underlie any family policy rooted in democratic values as its principal value. Democratic family policy should not create, preserve or reproduce gender stereotypes, particularly in the area of attributing domestic work and care to women and paid work to men. Policies must be set to avoid preferential treatment of any given gender role organization. In other words, no particular division of gender role in the family should be more advantageous in the way of finances and benefits than another. For example, in the current system, the 3-year track of the parental leave is the most financially rewarding track option. Similarly, the allowances are the highest if both the maternity leave and the subsequent parental leave are taken by the mother. In this way, the system indirectly discourages fathers from taking parental leave even though they could, and effectively reinforces traditional gender roles. However, other factors are at play here:

- 1) Deeply rooted stereotypes suggest that only mothers can provide the quality care small children need. There are no awareness raising efforts about child care among fathers and fathers typically feel no motivation or interest in child care.
- 2) The fixed character and the low amount of the parental allowance which discourages fathers whose pay is typically higher than that of mothers from taking a leave. Most families use a simple economic equation to decide which parent is going to „sacrifice“ their paid job for parental leave.
- 3) The current Czech social security and the child care systems are not complementary. The lack of child care services for small children creates a situation in which the majority of families with children under three years old must choose the three-year parental leave track in order to stay at home full-time to look after their children. This option collides with the professional career (or its vision) of practically all Czech men.
- 4) The system of maternity and parental leave is rather complicated. Moreover, it changes frequently and the changes are not effectively communicated to the public. Studies have shown that many parents are confused about how it works. They often do not know what benefits they are entitled to and what options are available to them.

The goal of gender equality policies is to remove imbalances and inequities in access to benefits and opportunities. Therefore, a family policy for today's world needs to contain these priorities: (1) to support greater participation of men in childrearing and (2) to prevent the alienation of mothers from the labor market. We can achieve the first goal (1) by raising the amount of the parental allowance or by amending the way the amount is set to reflect one's income prior to the leave. Another method to involve more men in childrearing is to reserve (with the help of quota, for example) a part of the parental leave to the other parent (father) and make it only redeemable by them (him). This measure has produced results in Scandinavia where fathers with baby carriages are now considered commonplace (Saxonberg 2008). This measure along with the explicit expression of men's right to take parental leave have brought about a change in the attitude of employers, who gradually got used to the fact that men can take leave to care for their children too. Of course, a system of quota on leave for the second parent must be designed to assist functional families with both parents while not discriminating single mothers or fathers.

Family policy in the European context where participation in the labor market is an important value must not marginalize or push mothers out of the labor market in the long-term (2). It has been shown that leaving the labor market for extended periods of time works as an economic and social trap for mothers in the long term (Gornick, et al. 1997; Leira 2002). A social policy that stipulates three-year long parental leaves with low parental allowances, but fails to provide adequate and accessible childcare for children under three or means to combine part-time work with looking after small children, effectively excludes those who provide care (i.e. have children) from society that honors the value of work. This social policy system does not motivate men - fathers to go on parental leave that is actually reserved for women - mothers regardless of the personal preferences of either the women or the men. In this manner the state creates conditions for discrimination of motherhood and compels employers to follow.

Certainly there are also women who are interested in leaving the labor market for a long time in order to spend their time only with children but this choice should not be the norm. It reinforces gender inequalities in the labor market and makes women entirely economically dependent on their partners.

This means that ensuring accessible high-quality childcare should be a priority of the state family policy. The state ought to provide options to use the services of childcare institutions in the same way it does with mandatory schools. With children under six years old however, it should be up to the parents to assess the interests and the level of maturity of their children and to develop their own strategic combination of work and care. It should also be a duty of the state to satisfy the demand for childcare services according to the Barcelona childcare targets. Parents should have the freedom to make decisions about how they divide paid and unpaid work and childcare and the state should enable them to do so.

Due to the current European trend of emphasizing participation in the job market, we always need to examine employment policies, as well as policies that are related, for their potential to create or reinforce gender inequalities in families. An example of preferring the traditional family model of one breadwinner was a recent increase of tax benefits for families with children where the mother is out of work and the simultaneous reduction of child allowances in the Czech Republic. The benefit entirely omitted families in which both parents are economically inactive and families where only one family member is economically active, such as single parent families with children. Until a few years ago, the benefit of a joint tax return worked in a similar way thanks to the preferential treatment of families organized according to traditional gender patterns.

Let's give some thought to the practical consequences of another recent policy change that transferred a large portion of child allowances into tax benefits. Child allowances come in the form of cash vouchers. They are typically at the mother's disposal because it is usually she who takes care of the relevant paperwork and has the vouchers paid out at the post office. Turning cash into tax benefits may have a dramatic effect on families in which the mother is on parental leave full-time and has no other income than besides the allowance. Tax benefits can be used as tax discounts on wage deductions. Given that she has no income, she has no way of utilizing the child tax benefit. The father, on the other hand, can apply the tax benefit to his wage deductions and then has this money at his disposal. In addition, because the tax benefit is not really an income, we can never be sure who decides about how the money is used and whether it is really used to cover child-related expenses. The three-track parental leave policy proposed by the Ministry of Labour and Social Affairs should also be viewed through the gender lens. Because mothers with lower incomes cannot access the fastest track option, families have been recommended that the benefits be claimed by the fathers with typically higher incomes. This arrangement, however, has no impact on the existing patterns of the division of labor in the family. On the contrary, the father continues to work in his paid job and the mother takes parental leave and claims the parental allowance. This is the case in the majority of Czech households. If the allowance is no longer paid out in cash but in the form of the tax benefit, the mother becomes de facto completely dependent on the financial support of her partner, who receives his pay along with the associated tax discount. A high-quality family policy

should not assume families are harmonious, consensus-based social units in which all members pursue the same collective interest. This new measure effectively deprives the mothers in less-than ideal partnerships of their last income during the parental leave and leaves them completely financially dependent on their working partner (Dudová 2008).

The amount of the parental allowance is also important. It demonstrates the underlying values of the current family policy and the role of the allowance. Does it aim to replace the income of the caregiving parent or is it a kind of a flat fee that indirectly pushes people out of job market? In the long term, the allowance system leads to keeping parents with lower income at home for the entire duration of the leave because it does not make financial sense to go back to work earlier than at the end of the longest track of parental leave. A long absence from work then masks unemployment and/or results in actual unemployment later on. Higher income groups are also at a disadvantage in the short term because their income drops severely at the time of the leave. A parental leave system that applies equal opportunity principles calculates the amount of parental allowance on the basis of income and distributes it on the basis of labor market participation. This system (like the current system of maternity allowance) is in line with the principle of viewing care and domestic work as important social activities and with the European goal of fair reward for good work. It helps motivate fathers to take parental leave and participate in child care and as such, it fulfills the principles of gender equality in the family. The current policy puts parents with average and higher than average income at a disadvantage because they lose a significant portion of their income. Parents' access to child care services and to flexible forms of employment are integral components to a comprehensive system of family policy that promotes equal opportunities. Income-based allowances would strongly motivate fathers to take parental leave and to claim the respective allowance. Women's dependence on the income of their partners when they look after small children would be reduced. Women could utilize childcare services according to their own needs and the needs of the children which would allow them to determine the timing of their return to work more freely. Parents could combine child care and maintain their qualifications in professional work (on part-time or flexible-time basis) or work from home. Surveys among parents suggest that working from home is a popular work choice for the majority of parents with small children<sup>1</sup>. Finally, this would help break the stereotype about mothers of small children taking long periods of time off work and improve gender equality in the job market. When men take parental leave more often, the fact that parents of small children actually can and do work in paid jobs would become a norm. The social benefit system should allow for a range of leave periods and allowance amounts, and ideally offer the leave in the form of a time bank that parents utilize according to their needs (in terms of intensity and time period). The parental allowance amounts would be based on prior income (for instance at 90 %) and the supply of childcare service would meet the demand. With the help of comprehensive and inter-linked systems of social security and child care we could avoid the current "gaps" in care as it is now when public kindergartens refuse to take children at the age of two or younger and parents who need to return to work after two years of parental leave have nowhere to turn.

#### Quality and Accessibility

Quality and accessibility are another two principles of democratic family policy. Services must meet high quality standards and must be accessible - in terms of price, space and time - to as many people as possible. Childcare services should be affordable, easy to reach by transportation and they should be available when most people are busy in their different jobs. The quality of family policy itself is also a concern.

The most obvious (although narrow) dimension of family policy is the quality of childcare. Childcare providers, whether they are state institutions or not, must meet high quality standards including the professional qualification of their staff. The broader understanding extends the notion of access to the ability and possibility to actually take advantage of the benefits available, and examines the barriers that prevent them from being used by the maximum qualified candidates. A complicated system of family policies is easily rendered inaccessible because it is too difficult to grasp. Some parents may not be able to understand individual policies or their confusing and always changing criteria. As a result, they may not realize what benefits they are entitled to. Furthermore, the government sometimes changes policy on the basis of impressions and speculations rather than facts. For example, long maternity leaves for single mothers have been abolished using the argument that the provision had been abused by unmarried couples despite no real evidence of this. Sociological research shows that some parents really do not understand the system of benefits and believing they are ineligible, they may act against their interests. The current system is apparently too complicated not only for parents. Social security officers who implement it in the field are known to use different interpretations of the same measures.

All this evidence suggests the current system calls for streamlining. A single-level system of parental leave that incorporates maternity leave (as a protected period of time reserved for mothers after birth) and stipulates the minimum requirements for the engagement of the other parent, for example, could be a comprehensive but simple solution. The amounts of parental allowances would equal maternity compensation

<sup>1/</sup> Křížková, Vohlídalová 2009.

amounts. Parental allowances and parental leaves would also be granted for the duration of exactly the same periods of time. Otherwise, the situation is unclear and confusing and information barriers represent a great risk that may result in unemployment.

Family policy needs to respond to a variety of social conditions and to prevent social exclusion, especially given that poverty and social exclusion are problems that are often reproduced (in children). A high-quality family policy seeks to break this reproductive pattern. Introducing the free-of-charge provision of the last year in pre-school, for instance, was a step in the right direction. An even greater effect could be achieved by implementing mandatory attendance of pre-school for a term of three years for children in families at-risk of poverty and social exclusion. By stimulating the employment of women in these families, such a provision would improve gender equality in families.

#### Integration

Finally, interconnectedness is critical to a comprehensive policy system. Good family policy needs to be flexible, high-quality and it must facilitate gender equality and all these criteria must be mutually integrated. Each measure has to be linked with access to other measures. For example, granting parental leave for two years needs to be accompanied by the possibility to use childcare services for children over two years old and these must be available near the family's place of residence or workplace.

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# Caregiving Fathers: Theoretical and Empirical Analysis

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Recently, fathers and fatherhood issues have been receiving attention in the Czech Republic. Fatherhood is being studied by professionals who conduct theoretical and empirical research, measures for fathers are incorporated into social policies and naturally, fathering issues are a part of everyday life, particularly in families with small children.

A wider debate on fatherhood<sup>1</sup> was first sparked by feminist women and feminist (or pro-feminist) men during the second wave of feminism in the 1970s. Since then, the body of research has been growing, especially in the USA and Western Europe. The debate on fatherhood can be characterized by two contradictory notions: increasing participation of fathers in family and their “disappearance from families”<sup>2</sup>. There is also the conflict between “new” and “old” or “contemporary” and “traditional” forms of fatherhood. The contemporary normative framework expects fathers to be present and emotionally close to their children as well as involved in child care and household duties. Traditional norms of fatherhood concern primarily the area of work and the professional identity of the father. The time a father spends in paid work is thus indirectly seen as parenting time. In contrast, contemporary notions of fatherhood include some characteristics of traditional motherhood: physical closeness, care, a close emotional relationship, physical presence. The traditional father used to be “represented” by the mother and in the ways she spoke about him with the children and vice versa. The new father is expected to have a direct personal relationship that is not mediated by anyone. The relationship between the father and the child is not the only principle of fatherhood norms, however. The relationship of the parents is another – it should work as a partnership of equals.

## 1. Theory and Practice

There is no single approach to fatherhood among researchers. There is a conceptual disagreement about whether fathers/fatherhood represents a specific social phenomenon. In other words, do fathers possess any unique qualities or abilities that reflect in their caregiving style or child rearing practices and that consequently have a different impact on the child’s development than mothers? This question has several answers.

The essentialist approach emphasizes the unique role of the father in the child’s life and in the society<sup>3</sup> in general, and basically serves as the “apologetics”<sup>4</sup> of fatherhood. According to this perspective, there are fundamental differences in the parenting behavior of men and women due to their biological differences. Fatherhood and motherhood function as opposite but complementary relationship constructs. Consequently, fathers and mothers are ascribed fundamentally different roles<sup>5</sup> that are unique and not mutually interchangeable. In this view, the importance of the father figure in child care and particularly in child rearing is rooted in the conservative effort to restore the traditional organization of gender and parenting roles in the family, according to which the father occupies a position of power and authority.

The constructivist approach sees fatherhood and motherhood as dynamic processes of relating rather than fixed and static entities, i.e. features or abilities individuals might “have”. According to this perspective, fatherhood and motherhood are re-created by people in the course of their daily interactions in the context of constantly changing gender relations. Because the constructivist approach views gender differences as social constructs rather than products of biological determination, it implies that they could be not only deconstructed” in theory” but also changed in real life<sup>6</sup>

The existence of fundamental gender differences in parenting were challenged already by the feminist researcher Nancy Chodorow in the 1970s as a part of her critical look at the ideology of motherhood. In her book *The Reproduction of Mothering* (1978), Chodorow shows how the exclusion of women from the public life (and similarly, the prevention of men’s immediate involvement in domestic life) is a consequence of the ideology

*1/ Even though the following text discusses heterosexual families, issues of active or caregiving fathers are relevant to families with same-sex parents as well (see for example Sokolová 2009).*

*2/ Coltrane 2006.*

*3/ Blankenhorn 1995; Popenoe 1996.*

*4/ Comp. Marsiglio a Pleck 2005.*

*5/ Comp. Silverstein a Auerbach 1999.*

*6/ Deutsch 2007.*

of “active motherhood”. She called for breaking the cycle of gender role reproduction in which new and new generations of women are raised to identify themselves as self-sacrificing mothers dependent on men-fathers. Chodorow believed this system reproduced gender inequalities and saw it as one of the cornerstones of the asymmetric social structure of contemporary societies. As a remedy, she proposed a strategy of “equal parenting”, i.e. parenting that is shared equally and is based on equal involvement of men-fathers and women-mothers in the process of the primary socialization of their children. This strategy was designed to eliminate the sharp differences between how the representatives of both sexes identified themselves, and to gradually lead to the elimination of gender stereotypes and gender inequalities in the society. Louise B. Silverstein (1996) defined fatherhood as a “strictly” feminist “problem” or issue. Like Chodorow, Silverstein also assumed that redefining fatherhood was a necessary step towards transforming patriarchal culture. She believed that men’s experience with caring and worrying about children had the power to strip the cultural construction of masculinity of its repressive and coercive nature for both “sexes”<sup>7</sup>.

Another idea in the feminist theory comes from Sara Rudick (1989). Rudick made a distinction between “mothering behavior” and “motherhood” by proposing that the biological and physiological state of pregnancy that ends with giving birth does not necessarily correspond to mothering behavior. In her view, pregnancy and birth do not have a fatal impact on the quality and nature of mothering care/work/behavior. Caring for a child means to have a positive relationship with the child, to love it and to perceive it as an equal subject - an equal person with unique needs, demands, experiences etc. Child care is intrinsically related to the responsibility for the child’s well-being and as such, it becomes a permanent part of the caregiver’s life. “Motherly care” is conveyed with the means of love, care and education. Because nobody is born a mother but rather, one has to become one. Therefore, anybody can become a mother. It does not have to be the biological mother or any other woman. It can be anyone who is able to provide this type of care.

The notion of de-gendering of the caregiving role of the mother/parent is not limited solely to the work of S. Rudick (1989). Other scholars who have studied parenting behavior empirically have employed it as well, for example D. Ehrensaft (1987), B. Geiger (1996) or M. Lamba (1997). Barbara Geiger concluded that “sex” does not determine the quality of care by the primary caregiver. Geiger’s research showed that fathers were just as able to carry out routine activities as mothers. According to the findings of both B. Geiger and D. Ehrensaft on shared parenting, this style of parenting is based on the refusal of traditional gender roles and the ability to re-define them. The studies of M. Lamba (1997) refuted the importance of “sex” to the quality child care as well. According to his research, the quality factor in child care is the type of the caregiver’s role rather than her sex. This means that if a man-father assumes the role of the secondary caregiver, his behavior is more gender-specific than it is if he is the primary caregiver or a co-parent. In a co-parenting situation, gender differences between the behavior of mothers and fathers are usually reduced.

Much of the research on fatherhood and parenthood<sup>8</sup> has challenged deeply ingrained beliefs, myths and stereotypes only among the general but also among the professional public (e.g. men’s “inability” to look after a child). It has also questioned the importance of father care and “warned” us against attitudes that simplify fatherhood (and masculinities)<sup>9</sup>. In contrast, some foreign studies on the participation of fathers in family life have showed evidence that even if men are starting to get involved in family life more than in the past, the ensuing changes in the family are very slow<sup>10</sup> and incomplete<sup>11</sup>. It must be noted, however, that this assessment is relative. If we examine the differences in the participation of fathers in child care across generations, for example, the changes in the family have been enormous<sup>12</sup>. On the other hand, if we compare the way fathers and mothers participate in domestic life, not a lot of change can be observed. The traditional discrepancies in their respective involvement in child care, household duties or the emotional, mental and management work in the family persist<sup>13</sup>.

7/ Silverstein 1996.

8/ For instance Geiger 1996; Lamb 1997; Dowd 2002; Silverstein 1996.

9/ Silverstein 1996.

10/ Segal 1990.

11/ Hochschild and Machung 1990; Coltrane 1996.

12/ See for ex. Pleck 1987; Deutsch et al. 1993; Aldous et al. 1998

13/ In the author’s opinion, the participation of the father in family life ought to mean more than his share of the essential tasks of „parental work” (Brandth a Kvande 1998). The broader notion of „family work” has been defined as a relatively equal participation of both partners in all the areas of family life: securing financial and material means, basic care and the emotional involvement it requires, family and household management, maintaining relationships with family and friends, etc. Ideally, the performance of all these tasks should impact the lives of both parents in relatively equal ways, including the terms of compromise, burden, limitations and gains (Comp. Maříková Ed. 2007). Comp. Brandth a Kvande 1998; Craig 2006; Wall a Arnold 2007.

## 2. Provisions to support active fathering in practice

Fathers who do not work or work very little in their paid job in order stay at home and look after a child are a very recent phenomenon in the Czech society. There is no single label or term<sup>14</sup> for this social group so far and there are no behavior models or “scripts” for fathers in the role of primary caregivers to follow. In the language of everyday, they are usually called simply “fathers on maternity (leave)” or “on parental (leave)”. Their care is set in a social context that does not value or particularly notice men’s care, whether it is provided to children or anyone else. There are no special measures or proactive policies that make it easier for men to look after small children<sup>15</sup>.

If I only examine the purely “technical” aspects of implementing policies to support active fathering, there are three levels to consider:

The institutional framework of the social state constitutes the macro-level. The law sets the conditions and possibilities for negotiations at other levels, e.g. between the parents or between families (parents) and employers.

The middle level is the level of interaction between employers and employees. Fathering/parenting is negotiated in the context of paid labor.

Finally, the individual level is the micro-level. Here fathers/parents either take advantage of the possibilities provided to them by state policies and employers and their policies or not.

The gender culture and the gender order of the society finally represent the larger context which can be either more or less friendly to active fathering.

### Ad 2.1. Legislative Level

In Europe, policies to support greater involvement of men-fathers in child care are implemented at the level of state (and today even at the EU level). The first country to introduce a “parental leave”<sup>16</sup> was Sweden through its Parental Leave Act in 1974. Its aim was facilitate equality of parents in everyday life (family, paid work, free time, personal life). But even here, the number of fathers on parental leave has been rising gradually over a long period of time. In 1974, the proportion of fathers who took leave was 3%, in 1994 it was 50% and in 2006 it was 90%.

As additional incentives, Sweden and other countries have implemented a special father leave and “parenting quota”.

Now, the *father leave* provision is in place in many European countries including Poland. The policy seeks to stimulate the interest of fathers in their children and to strengthen their relationship. Involving men in the daily caregiving routine should also eventually break the stereotypes about the “feminine” nature of care.

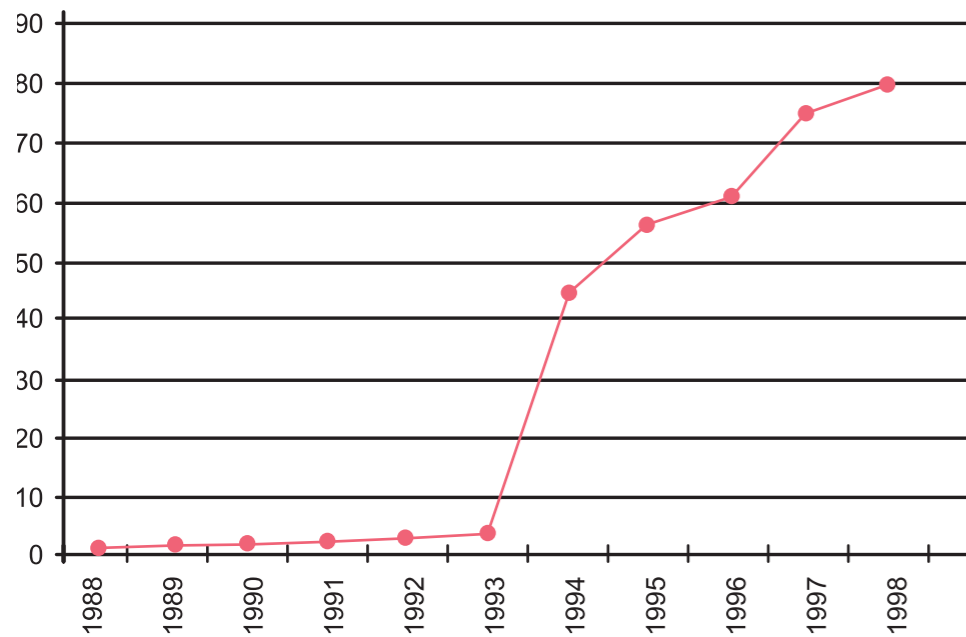
However, legislative provisions alone do not seem enough to involve fathers at a level that would turn it into a trend. In the case of Norway, father and parental leave policies were a necessary step in this direction but they were not enough on their own. Other measures were needed, both at the level of legislation and at the level of companies, to enable fathers to practice their right to be active parents under conditions comparable to women’s. The percentage of Norwegian men who would take parental leave had been about the same as in the Czech Republic today until the country introduced so-called “**parenting quota for the second parent**”. Once it was implemented, the situation and the behavior of fathers in Norway started shifting.

14/ The language of statistics uses the expression „men on parental leave”, in everyday language they are called fathers on „maternity” and Czech professionals use adjectives such as „new”, „caregiving/caring”, „involved” or „active” father. Studies published in English that seek to emphasize the role of the father as the primary caretaker also add „nurturing” and „caregiving” father, and „stay at home dad/ father” or full-time dad. There is also the term that emphasizes equality in parenting: „co-parents” (Comp. Sunderland 2006).

15/ Comp. Křížková et. al. 2008.

16/ The official Czech term for parental and maternal leave is „rodičovská/mateřská dovolená.” The literal translation means „parenting or maternity holiday,” which the author deems unfit for the context given that child care hardly represents a „holiday” in the sense of a relaxing break. Therefore she uses quotation marks for „holiday” later in the text or the more informal term „parental”. The English term „leave” is not problematic.

**Chart No. 1:**  
**Percentage of Norwegian Fathers on Parental Leave between 1988-1998 (out of those entitled to it)**



Source: Brandt a Kvande, 2001.

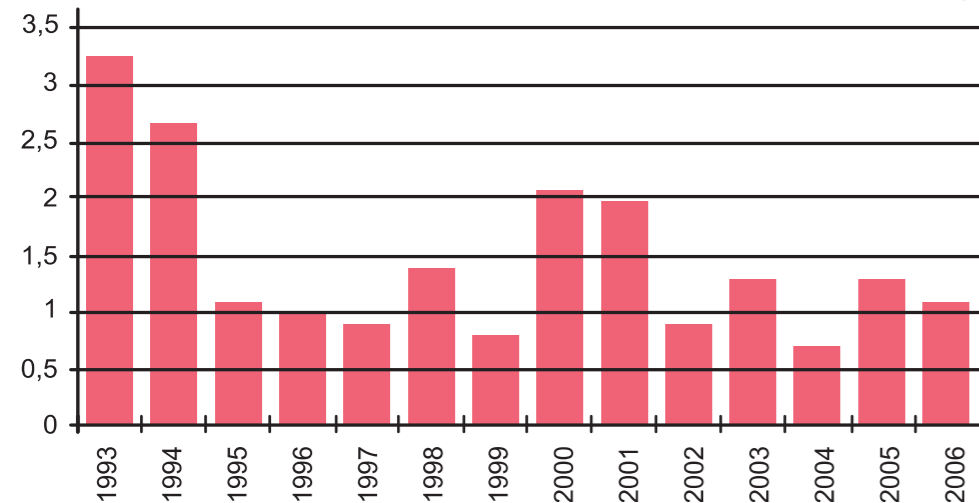
Inquiries into *why fathers do not take parental leave* indicated that (considering all the legal regulations on who is entitled to leave, for how long and for how much) *one of the key reasons is financial*, as far as foreign experience goes. (So far, no similar study has been carried out in CR). Where compensation/parental leave allowances are set to a fixed amount (not reflective of prior income), men-fathers are at a disadvantage because their income from paid work is typically higher than the allowance and therefore they give preference to income from work before father/parental leave allowances. (Other reasons why men do not take leave are discussed below.)

### 1. Legislation, Practices and the Future Outlook in CR

In the Czech Republic, parental leave was introduced in 2001 along with the amendment of the Labor Code. Until then, men could stay at home and claim parental allowances but their job security was not guaranteed to them<sup>17</sup>.

A statistical look at the numbers over a longer period of time suggests that the *numbers of men taking parental leave* in the Czech Republic<sup>18</sup> fluctuates both in absolute and in relative terms.

**Chart No. 2: Men on Parental Leave – absolute numbers in thousands in each year**



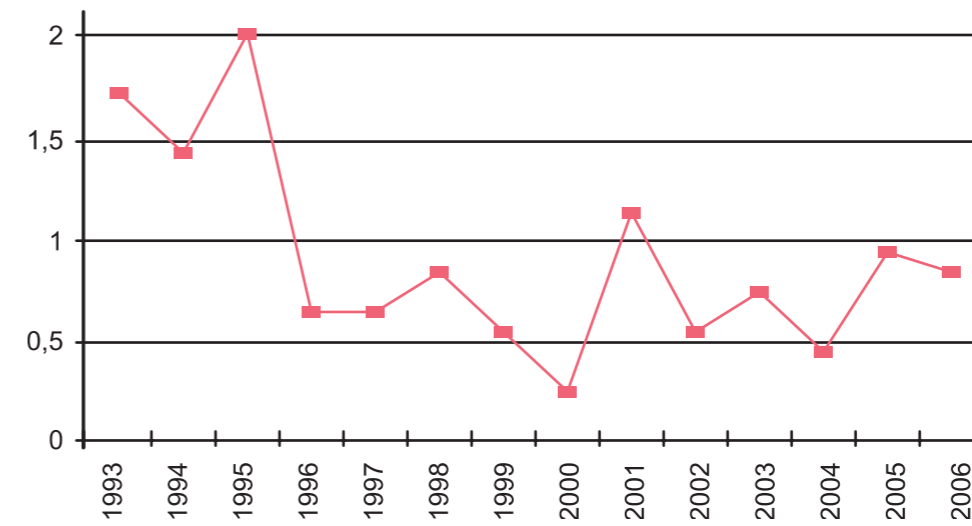
Sources: Labor Market 2006. Czech Statistical Institute (ČSÚ).

<sup>17/</sup> Possible legal developments in the future in this area are discussed elsewhere (Maříková a Radimská 2003, Křížková et al. 2008 či Hašková a Uhde ed. 2009).

<sup>18/</sup> For some mysterious reason, the official statistics by the Czech Statistical Office (ČSÚ) include numbers of fathers on parental leave prior to 2001 even though ČSÚ cannot explain how they had obtained the data. One possibility is that the numbers refer to men-fathers who were unemployed at the time (studies of work force samples) when they looked after their child and claimed "parental allowance" benefits. This was probably not the case with all the fathers.

Year 2001 did not significantly increase in the numbers of men on parental leave. The following chart shows the relative comparison.

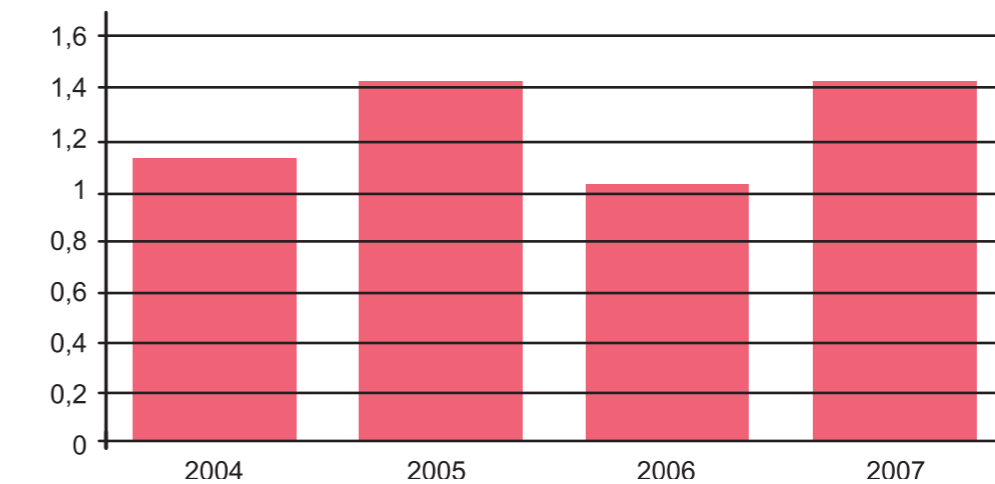
**Chart No. 3: Percentage of Fathers on Parental Leave (out of all parents, in %)**



Sources: Labor Market 2006. Czech Statistical Institute (ČSÚ).

Another factor we can track is the number of persons **claiming parental allowance**. No significant increase has been recorded in recent years either.

**Chart No. 4: Percentage of Men Out of All Parental Allowance Claimants in 2004-2007 (in %)**



Source: Women and Men in Data. Czech Statistical Institute (ČSÚ). 2008

A closer look at the data indicates that there is no particular type of man-father who is more likely to take parental leave than another. Contrary to popular belief (that the typical caregiving father has university education or lives in Prague), the chart below shows there is no specific social group or a geographical area where parental leave is more common among men. The numbers of men claiming parental allowance are low and they share no "profile" or attribute. This leads me to conclude that Czech fathers make their decisions to look after small children on an individual basis, in contrast to women-mothers who behave as a social group.

**Chart No. 1: Fathers on Parental Leave by Age and Education (in thousands)**

Year	2002	2003	2004
<b>Age</b>			
25-29	0,4	0,3	--
30-34	0,2	0,3	0,5
35-39	0,2	0,1	0,1
40-44	--	0,5	0,1
45-49	--	--	--
50-54	0,1	--	--
<b>Education</b>			
Elementary	0,1	0,2	--
Secondary, no School Leaving Exam (Maturita)	0,4	0,3	0,5
Secondary with School Leaving Exam (Maturita)	0,3	0,4	0,1
University	0,2	0,5	0,1
No education	--	-	--
<b>Total</b>	<b>0,9</b>	<b>1,3</b>	<b>0,7</b>

Sources: Annual Statistics 2005.

The data on individual counties also shows that parental leave is no more common among men in Prague than among men elsewhere. In years 2002-2004, more fathers were on leave in areas with high unemployment rates such as the Ústecký, Moravskoslezský or Olomoucký counties than in other areas, according to the Annual Statistics.

So the *formal establishment of parental leave provisions is clearly not enough* to stimulate greater participation in child care among fathers. To promote real change, we must “walk the talk”, learn from the experience of other countries and implement other legislative measures, such as:

- **a special father leave** immediately following the child’s birth,
- **a provision for parents to stay at home and look after their children as a non-transferable individual benefit for each parent** so that they can spend time with their children for a given period of time.
- **establish the level of parental allowance to adequately compensate lost income or to adequately reflect the value of care**

**Ad implementing father leave:**

A 2003 survey on attitudes about father leave reported that Czech people viewed it as a positive development. The majority of the respondents (over 50%) were in favor of a one- to two-week period of leave. About 30% of the respondents would prefer longer than two weeks.

**Chart No. 2: Attitudes On Father Leave**

	Number	%
Yes	577	54,1
No	173	16,2
Don’t know	316	29,7

Source: Our Society (Naše společnost), CVVM 2003 in Maříková a Radimská 2003

**Comments:** Experience from abroad shows that if father leave is granted for a few days (2-3 days), fathers may perceive it as something akin to an “extra” holiday for “recovery” (and use it to celebrate their new child rather than participate in routine child care). If father leave takes too long (2 workweeks or longer), some social groups of men may see it as a threat to job security (particularly in fields with a strong masculine culture or values). In such environments, taking a leave could stigmatize the father in the eyes of his colleagues (who may see it as a lack of work solidarity) or in the eyes of the employers (who may view as disloyal). Therefore, *the ideal time period seems to be 5-10 days*<sup>19</sup>. Of course, the process of setting the length of father leave is also a “cultural” matter and it is subject to political negotiation.

Even though political parties across the political spectrum support (or agree with) the implementation of father leave today, in the context of economic crisis the policy is considered to be “another political species”. Both the label and the economic rhetoric used to describe the measure as too costly seem to conceal the conservative attitude that underlies them. In comparison to the government expenses in other departments, the cost of father leave is inconsequential.

**Ad parenting quota:**

This measure has not been introduced in the Czech Republic.

**Comments:** Experience from abroad suggests the quota should be established in the most neutral way, e.g. as a quota that allows each parent to claim their own part of the total period of the leave. Defining it as a father leave would also help stop the reproduction of the notion that fathers on parental leave are something unique or special. Experience from Sweden shows that even though the non-transferable character of the benefit did prompt fathers to stay at home more than in the past, they didn’t typically stay at home for very long. According to the 2006 statistics, about 20% of the total length of the parental leave is claimed by fathers in Sweden. At this length, it does not exceed the established “parenting quota”. In Iceland, they have taken incentives another step further and introduced a measure that splits the parental leave period into three parts, one for each parent and one for the parent they agree upon.

I believe that given the current system of parental leave in the Czech Republic, implementing similar measures here would be difficult a prior “preparation” of the public to the change. Nevertheless, because it offers no special incentives for fathers, the system today merely reinforces the status quo of the existing gender relations despite its claims to provide parents with a “free choice”.

**Ad Financial compensation for parental leave**

The current three-track system with different allowance amounts is not likely to raise the involvement of fathers in child care because the amount of the parental allowance depends on the track they choose rather than on their prior income (a so-called “hybrid” or “relative coefficient” system). It means that the amounts are fixed for each track.

Again, experience from abroad suggests that **the level of the allowance/compensation for income lost during leave must be desirable enough, i.e. relatively high**, so that people with high income (usually men) would not fall into a financial disadvantage if they stay at home to look after their children. On the contrary, financial motivation should be a positive factor in their decision-making.

**Ad 2.2. Middle Level: Job Market and Workplace Culture**

Approaches to fathering in company policies tend to be framed in terms such as “family friendly policies” or “father friendliness”. Apparently, father-friendly policies are only a piece of the puzzle. The gender culture in the workplace also seems to play an important role. Fathers may not take advantage of father-friendly policies in companies where the company culture is not supportive of gender equality<sup>20</sup>.

In the sphere of paid work, women are still viewed as “second class citizens”. It is not unusual that men dominate professions, companies and entire fields, usually those of greater prestige and higher income. Foreign scholars have pointed out that to achieve gender equality in regard to men’s or fathers’ caregiving, we need to look beyond company policies. We must ask if the company supports equal opportunities and social responsibility or what models of teamwork it applies (cooperative rather than competitive, etc.). For purposes of such comprehensive evaluation, experts have developed a so-called Father Friendliness Index. It includes both **the formal and informal aspects of company processes:**

- **ethics of care** / corporate values: Does the organization value stability, innovation, teamwork, respect for

<sup>19/</sup> Comp. Plantenga a Remery 2006.

<sup>20/</sup> Comp. Haas a Hwang 2007.

- others, aspects and types outcome social responsibility, cooperation or over profit and competition? Does it monitor outcomes of workers' performance rather than the hours they spend at their desks? and so on
- remuneration and promotion of women workers: Does the company promote equal opportunities for women and men?
- male domination: the ratio of men and women at different levels of the management and HR in the company
- value orientation: Are the company values (hegemonically) masculine, i.e. aggressive and competitive? Does the company put its own goals over people? Is profit more important than social responsibility, solidarity and cooperation?<sup>21</sup>
- institutional factors - company size, industry

**Experience from other countries shows that:**

- father-friendly organizations acknowledge that the private and the public spheres are inseparable
- organizations with hegemonic masculine culture are less supportive of caregiving fathers than companies in which masculine culture is reduced
- in companies where women make up a large portion of the workforce, fathers enjoy more informal support in their child care effort as well as formal support in the form of part-time or to flexible working hours
- public sector employers tend to be more father-friendly than commercial companies, including those who boast their father benefits as their "added value"<sup>22</sup>.

**Analysis of statistical and empirical sociological data on fathers on maternity leave in the Czech Republic** suggests that these men work in professions in which:

- the demand for workforce is always high, e.g. they don't feel there is a risk they would lose their jobs (teachers, mid-level health care professionals, etc.)
- they are "their own bosses", for example freelancers in unregulated professions (artists) and entrepreneurs (OSVČ) in some fields.

Naturally, possible combinations of work and care vary<sup>23</sup>. The jobs that make taking parental leave the most difficult are positions of top management and experts in certain fields, such as high-ranking officials, politicians, highly paid employees, entrepreneurs (particularly skilled craftsmen and tradesmen), salesmen etc.

The greatest disadvantage in regard to taking parental leave (not only in CR) is usually felt by men at risk of losing their jobs or whose jobs are not guaranteed, men who are afraid of sanctions on the part of the employer (or in the form of social exclusion by their colleagues), and men who worry that taking a break would have a negative impact on their career growth or income potential. Research that looks at the low levels of father involvement in child care therefore emphasizes the context of the job market and the changes that take place in it<sup>24</sup>. Some scholars believe that the spheres of family and work in contemporary societies are inherently contradictory and incompatible (or compatible only in a very limited extent)<sup>25</sup>. In this view, a career requires that a person has no other commitments and that he organizes his life and biography to meet the demands of the employer (rather than his personal goals or commitments)<sup>26</sup>. This represents the typical male model of work (in contrast to the female model of work). Another interpretation of the job market claims that the importance of traditionally "female" values and models of work is rising in the sphere of paid labor and that it is leading to a transformation in the traditional gender relations both in and beyond the job market. Along with the growing importance of the service industry that is dominated by women, we can find part-time work and other than traditional forms of employment. So-called "sub-contracts"<sup>27</sup>, i.e. job contracts for various limited periods of time are becoming commonplace. These trends have an effect on the traditional division of labor in families. To preserve the stability of family units, men can therefore no longer be the only or the main breadwinners nor can they avoid family and household responsibilities.

**Ad 2.3. Individual Level**

At the level of the individual we can find a several stereotypes that serve as arguments for why fathers do not participate in child care. These are: the higher income of men vs. the lower income of women, men's fear of losing his job or slowing down his career vs. women's low career aspirations, women's better "caring skills"

21/ The Haas and Hwang (2007) study found no correlation between the ethics of care and masculine values which led the authors to the conclusion that these indicators refer to different dimensions of the gendered organizational culture.

22/ Some foreign studies examine the links between company's work-life balance policies (incl. benefits for fathers) and its competitive edge, productivity, profit, etc. A common argument against father benefits is that they must be cost-effective to the company, rationally speaking. But father benefits can be used as a form of added value.

23/ They are usually jobs with flexible working hours (and can be performed while the child is asleep, for instance) or jobs where a child's presence is not viewed as an obstacle.

24/ Comp. Beck 2004, Perrons 2005.

25/ Comp. Beck and Beck-Gernsheim 1995, Hakim 2000.

26/ Beck and Beck-Gernsheim 1995.

27/ Comp. Bradley 1999.

vs. man's inability to give care, and the apparent protests of the mother or other women against the father's caregiving. With the help of these arguments, people rationalize and legitimize the traditional gender model of the male breadwinner and the female caregiver in their everyday lives. These notions express reflect the deeply rooted ideology of hegemonic masculinity and the ideology of domesticity and active mothering.

Qualitative studies of fathers on parental leave in CR<sup>28</sup> have demonstrated that the primary motivation for taking father leave is financial – the mother in the family makes more money than the father. However, people have also mentioned other reasons such as the woman's self-realization or her career, or the health conditions of either a parent or a child. It means that there is not a single motive but rather a mix of factors that play a role in the decision that the mother goes to work and the father stays at home with their child.

**Chart No. 3: Public opinion on the reasons why fathers may take parental leave**

Reason	Number	%	N
1. man's unemployment	573	54,0	1061
2. woman's work is better paid	449	43,2	1040
3. woman's health problems	354	34,7	1021

Source: Our Society (Naše společnost), CVVM 2003

In the beginning of the last decade, Czechs typically believed that financial reasons may constitute the only possible reason why a man would consider taking parental leave. They would allow that health reasons might also play a role. But the aspect of the father's emotional motivation was not worth any attention. What if the father feels a need to stay with the children? It is likely that the attitudes among Czechs have changed because active fathering is a little less unusual nowadays.

A study of a sample of 18 caregiving fathers carried out as a part of the project "Supporting fathers in taking parental leave"<sup>29</sup> in 2003 revealed that men who look after a small child may, but also may not self-identify with the role of the primary caretaker. Some fathers were actively involved with caregiving, they nurtured a close relationship with their child and were very perceptive to its needs. These fathers did not mind the tasks of caregiving and perceived it as a self-realization at the time. This category of men displayed the characteristics of the "new father"<sup>30</sup>. On the other hand, there were fathers who looked after their children but performed only the essential caregiving duties. Their interaction and communication with the child was limited and was of technical rather than emotional nature. Neither was their relationship with their child particularly wholehearted. These men did not view their current situation either as fulfilling or as especially welcome. They possessed traditional views on parental gender roles that could be exemplified by the claim "mother is mother" and others.

This demonstrates that a situation in which "a man stays at home with the child" may be unfulfilling to them and can even be perceived as undesirable. We can conclude that direct and frequent interaction with the child in itself may not lead to a re-defining of the father-child relationship if the man is not willing or able to transform his own father role (to re-construct his identity). The essential precondition of man's self-identification with caregiving appears to be some kind of internal motivation. External pressure<sup>31</sup> must not be the only reason that child care is provided by the father and his participation in caring must be properly negotiated by the parents and at least partially internalized by him.

In addition, qualitative studies have shown that even in families with active caregiving fathers, gender stereotypes are often reproduced:

1. Engaging men in the daily child care routine does not preclude the stereotypical perception that a woman is "naturally predisposed" to caring. This is true despite the contradiction that the stereotype of men's inability to provide care is being defeated in the family at the time of father's leave. Re-defining men's ability to give care and men as caregivers does not re-define the "source" of caring like a woman.<sup>32</sup>

28/ Maříková a Radimská 2003, Nešporová 2005, Šmídová 2007, Maříková 2007.

29/ Project was funded by the Ministry of Labour and Social Affairs (GK MPSV-01-93/03).

30/ According to J.Pleck (1987), for example, the „new father“ is at the child's birth, participates in child care from the first day (vs. waiting till it is older), performs everyday child care tasks (vs. only playing with the child), and spends equal amounts of time with his children regardless of their sex.

31/ If the mother is not present, notwithstanding the reason: her death, conditions of her mental or physical health or other that prevent her ability to provide care (Comp. Maříková a Radimská 2003).

32/ Comp. Maříková 2009.

2. Both domestic<sup>33</sup> and foreign<sup>34</sup> studies show evidence that even though the caregiving role effectively weakens the man's position of power in the family, he is able to develop a close and intimate relationship with the child. On the other hand, his position of dominance over the woman may not necessarily be affected because he continues to be the one with the freedom of choice and the freedom to realize his plans and ambitions. This phenomenon has been discussed as "child-oriented masculinity"<sup>35</sup>. The heart of gender equality in the family rests in the spheres of free time and household work in which men continue to enjoy more freedom than women.
3. Some women profess that the father "does a better job" in caregiving than themselves. By assigning masculine care a higher status than the status of their own mothering practice, these women put men in a superior position and in this way they reproduce gender inequalities<sup>36</sup>. While fathers tend to be highly praised by mothers for their child care, mothers are rarely valued for their breadwinning<sup>37</sup>.
4. Moreover, the caregiving father is not subject to "differential appreciation" only in the home. In some situations, the father is viewed as "a star" (by other mothers at the public sandbox), "sexy" (by female friends or strangers), or as "a class act" (by his friends). Sometimes even the fathers give themselves "badges of excellence", for example by saying "a man can do it better" or other comments<sup>38</sup>. This type of reaction or self-reflection means that child care could represent a new area for potential success<sup>39</sup> for the father, or an alternative to success in his career (in case he either has not been very successful in his job or does not have career ambitions). The domain of success can also be extended to child care or to care for others in general. This may be the case of men in positions of high social and professional status and with strong career ambitions, for whom taking a break to care for a child represents a "break to relax" before they resume full time work on their career plans.

As Brod (1987) pointed out, this particular class of men may see child care as a part of their new lifestyle or as a new territory, a challenge. Both "success" and affording men "privileges" are attributes of hegemonic masculinity. Therefore, if child care represents a new territory for success and the man is able to preserve the privileges he has already gained, his hegemonic masculinity does not have to suffer in the context of his "active fathering". It could even be bolstered by attaining new privileges.

Let me thus conclude that even if the behavior of caregiving fathers is changing in practice and even if this is a desirable and important change, it is not important in itself. It must always be considered in the context of its social reflection and value. The tendency to maintain his privileges, his orientation to success in a new territory but also the high level of appreciation from others works to preserve a particular type of male identity and consequently the man's higher social status. Therefore, the change in the gender behavior of men - caregiving fathers as can be considered insufficient and incomplete because it might not generate any new perception or construct of the male gender identity, nor result in reducing the dominant position of the man in the family and in society.

### 3. Conclusion

Domestic and foreign research so far tells us a lot about the "factors" that increase the probability of fathers taking parental leave:

**Socio-demographic factors:** Unmarried fathers take parental leave more often than married fathers<sup>40</sup>. In general, fathers usually take leave at a later stage of the child's life, usually a few months after its birth<sup>41</sup>.

**Biological factors:** Breastfeeding and the health needs of the mother are the biological factors frequently used in the debate on fathers and caregiving (Haas 1988). The issue of breastfeeding is central to the hegemonic discourse of motherhood and serves as a strong reason why the mother should "naturally" stay at home and look after the child (at least in the first few months of its life). A Czech study confirmed, however, that even

33/ Maříková a Radimská 2003, Nešporová 2005, Šmídová 2007, Maříková 2007.

34/ Tereškinas a Reingardienė 2005, Craig 2006.

35/ „Child orientated masculinity“ see Reinicke et al. 2005.

36/ Comp. Brandth a Kvande 1998.

37/ For more, see Maříková 2007.

38/ Unlike fathers, mothers still experience negative social labeling. They are often called „bad mothers“ („krkavčí matky“) (Comp. Janoušková a Sedláček 2005, Maříková 2008). In Arendell's hegemonic discourse of motherhood (Arendell, 1999), he juxtaposes „intensive motherhood“ and the ideal of the „good mother“ against alternative forms of motherhood that are less socially legitimate (or not legitimate at all) and the images of the „bad mother“ or „not-very good mother“. The ideology of intensive motherhood in the hegemonic discourse of motherhood effectively labels any other than the traditional (intensive) understanding and practice of motherhood as deviant.

39/ The territory for success demarcates a social space in which men can gain social credit for the work/activity they currently perform that is higher or at least the same as he can gain in other fields. Consequently, men are able to maintain or raise their social status, never lose it. Some men can thus use their caregiving situation for „their own ends“ and to demonstrate their success in the private sphere to their colleagues in the company once they return to work, particularly if they work in a company that values personal life.

40/ Pleck 1987.

41/ Maříková a Radimská 2003

in families where mothers continued to breastfeed even after they went back to work, breastfeeding did not present a barrier - neither to work performance nor to the continuation of breastfeeding<sup>42</sup>.

**Economic factors:** The socio-professional category and the income of the wife both play important roles. If a woman is in a better professional position than the man, he is likely to take parental leave<sup>43</sup>. The income factor is much stronger in countries where parental allowances are low.

**Factors related to work and workplace culture:** The positive attitude and the support of the employer, supervisors and colleagues is as important as the introduction of family/father-friendly policies, particularly if the culture of the workplace promotes gender equality<sup>44</sup>.

**Gender role perception:** Studies show that the man's view of gender roles is crucial to his decision to take parental leave or not<sup>45</sup>. It is, in fact, the most important factor in the family decision-making<sup>46</sup>.

**Interpersonal factors:** The fact whether he knows other men (more than one) who have taken parental leave and whether his friends would support his decision to take parental leave are very important for a father in his considerations of father/parental leave. His relationship with the mother of the child is also vital because the father's participation in child rearing has a positive influence on her happiness with the relationship (provided she is actually interested in the father's involvement in child care<sup>47</sup>).

**Socio-political factors:** Research has shown that the macro-level, i.e. the system of provisions that promote the participation of father in child care influence family child care decisions. The so-called liberal approach that leaves the decision on how to combine work and family obligations in practice entirely up to the parents, reinforces the status quo. Proactive gender-equality policies must concern all the dimensions of social life if they are to support greater involvement of fathers in child care, household work and in domestic life in general. Countries with non-conservative social policies show higher birth rates and higher employment rates for women (as well as higher rates of men's participation in domestic life.) In conclusion, conservative policies seem to work against gender equality<sup>48</sup>.

Consensus ought to determine policies on the participation of fathers in caregiving (like all gender equality issues). If we strive for gender equality (and a rising birth rate), rather than to divide the society into caregivers and breadwinners on the basis of gender, the only way forward appears to an implementation of the Scandinavian model<sup>49</sup>. However, it would be naive to believe that a policy itself could generate progress. Changes in the system of child care would have to become topics of wide debate, they cannot be merely introduced by politicians. Systemic changes must also be preceded by "field research" (focused the needs and expectations of parents) and by a critical reflection and public debates of policy proposals. Employers need to be an integral part of these debates and issues of social responsibility their integral topic. Changes in Scandinavia did not take place without additional awareness-raising campaigns aimed at people and employers or without programs for general public focused on new perspectives on parenting, the new role of fathers in the family and the new role of women in public life.

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42/ Comp. Maříková 2007.

43/ Hass 1993, Pleck 1987, Sandqvist 1987.

44/ Haas 1995, Haas a Hwang 2007.

45/ Hyde 1993.

46/ Haas 1993.

47/ Lamb 1986.

48/ Comp. Gornick a Meyers.

49/ The goal is to break the separation between the men's and women's spheres in which the other is always at a disadvantage. For example, neither parent should be entirely financially dependent on the other (vs. more free than the other) and the activities and their „space for living“ should not be disproportionately reduced due to their caregiving duties. This is why neither parent should be only „breadwinning“ or „caregiving“ so that the burden of earning the financial means to cover the costs of family could also represent a disproportionately heavy burden, as could the full responsibility for the child care and the child's well-being.

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# Flexible Work Arrangements in the Context of Work-Life Balance

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Job market flexibility has become a topic so frequently discussed in the media that it sounds like a new mantra. It seems that we must begin to consider flexibility a necessary precondition for all employment relations. The following text reflects on the ways flexibility relates to family policies, particularly work-life balance and equal opportunity policies. Experience shows that flexibility has both positive and negative effects. Some types of flexible policies help create better work-life balance but on the other hand, they often result in lower wages and worsening of the working conditions.

## Flexicurity – Flexibility and Social Security

Globalization and the aging of the population have been presenting us with new challenges. To address these challenges in the EU, the Commission has developed The Lisbon Strategy<sup>1</sup>. The principal aim of the Strategy was to create a dynamic information and knowledge-based economy that is environmentally sustainable and leads to greater social cohesion. For example, the Strategy created the conditions for an increase in employment from 62% in 2000 to 66% in 2008. Strategic targeting of the funds from the European Social Fund has been another great success of the Strategy, particularly with its EQUAL Initiative. Despite the remaining challenges identified in the final evaluation of the Initiative<sup>2</sup>, it is clear that the projects funded by EQUAL have introduced flexible work options and raised a debate on the position of parents in the workplace in the Czech Republic.

The goal of 70% employment by 2010 has not been met, partly due to the economic crisis. On the other hand, the involvement of all the EU member states in implementing flexicurity (a combination of security and flexibility<sup>3</sup>) as they adjust their job markets to meet new demands is an important achievement.

The concept of flexicurity responds to the faster pace of social and economic changes, international cooperation, new technologies, demographic shifts and the growing diversity of lifestyles in the society. Flexicurity creates space to reflect on the level and need for flexibility and security of the employer and of the employee. It demands that their needs are defined in greater detail so that they respect both the positives and the negatives flexibility and security present to each party. A survey by Eurofound (European Foundation for Improvement of Living and Working Conditions) showed that in the EU, 27, 56% of employers (with staff over 10) offer at least one flexible work option, such as flexible working hours or *comp time* (the possibility to accumulate hours that can later be used to compensate a full day off). 67% of employers who responded to the survey offer part-time employment. The leading country is Netherlands where 91% of employers have part-time employees<sup>4</sup>. In positions that require more skill or qualification, part-time employment is still a challenge. Ensuring that part-time employment arrangements do not lead to a drop in workers' qualifications or inhibit their professional growth is one of the points of flexicurity.

The study pointed out that temporary job contracts with short notice terms are used by two thirds of survey respondents. These include temporary job contracts, using staff employed through agencies or hiring freelance experts. Similar trends can be found in the Czech job market. In the current economic climate, many employers see the traditional terms of employment (full time contract for an indefinite period of time) as too costly and burdensome. Rather than actively looking for flexible arrangements with employees part-time work, „working time accounts” or temporary job contracts) though, employers prefer more radical solutions - firing or the so-called „Svarcsystem”, ie. semi-legal hiring of contractors in the place of employees. Employees hired for indefinite periods of time have traditionally enjoyed strong protection in the Czech Republic. Today, the fundamental rights of workers in a variety of flexible employment arrangements call for new protections. We need to maintain the flexible aspect of work and provide at least a minimum level of security at the same time. Justice and fairness in general, must be secured across the wide range of business and employment relations. Flexicurity is an essential concept of the Lisbon Strategy which commences in 2010. The follow-up steps

<sup>1</sup>For details, go to [http://ec.europa.eu/ceskarepublika/abc/policies/art2377\\_cs.htm](http://ec.europa.eu/ceskarepublika/abc/policies/art2377_cs.htm)

<sup>2</sup>Final evaluation of the Human Resources Development Program (OP RLZ): <http://www.esfcr.cz/file/7365/display/>, CIP EQUAL – evaluation of gender mainstreaming: <http://www.esfcr.cz/file/7303/display/>

<sup>3</sup>European Commission, 2010

<sup>4</sup>The European Company Survey - first findings, Eurofound, 2009.



have been outlined in the Europe 2020 strategy<sup>5</sup> and subsequent Czech policies. The Czech National Reform Programmes 2008-2010, for instance, highlights four basic components: a modernization of employment relations, pro-active policies in employment services, functional and physical mobilization of workforce and a modernization of the social security systems.<sup>6</sup> Experience from Czech Republic and abroad shows that while flexibility is frequently applied, security is usually neglected. The following chapter discusses this issue in greater detail.

## Alternative Employment Arrangements - Supply and Demand

Employers in the Czech Republic are not very open to flexible work arrangements for purposes of work-life balance, a current study by the expert team of the Research Institute for Labour and Social Affairs<sup>7</sup> reported. Even though 75% of employers think positively of efforts to promote flexible types of employments and do not perceive these as a great potential burden, they do not use them in practice. 42% of commercial (privately owned) companies offer no part-time positions to any type of employees. This is the case in only 19% of public institutions. Flexible working hours are even less common. 9% of all employers offer flexible working hours to all staff, 43% of companies to some staff and 48% of employers do not allow any modification of the working hours.

Companies continue to rely on the state to initiate changes. 60% of respondents said the state had a great impact on whether they take the family obligations of their employees into consideration. 33% of respondents thought the state made little difference to their attitude and 7% though state of no consequence in this respect.

In these circumstances, national and local government agencies could step forward and model effective flexible employment arrangements. In a survey by Smetáčková and Pavlík (2010), 61% of the 75 county and municipal councils that answered the survey questions indicated they offered flexible working hours and 49% of them mentioned they employed part-time workers. This type of data is also being tracked by relevant ministries and is reported in the Summary government reports in the area of equal opportunities and equal treatment. The report for 2009 is not available yet but representatives of the Government Council for Equal Opportunities said that most ministries offer flexible working hours to their employees. Here the key is that the ministries apply these standards across their respective sectors and that they promote the concept of flexicurity as an essential element of the institutional culture of civil service institutions.

In the commercial sector, examples of good practices are rare. Existing flexible jobs are of administrative and management nature. Last year, the **Company of the Year** competition winners in the category of **Equal Opportunities** were:

1. Česká Spořitelna: flexible working hours, part-time employment contracts, work from home and combinations of all these forms. The company also has a scheme to stay in touch with staff on parental and maternity leave.
2. IBM: *flexible office* arrangements using laptop computers (enables work at home, in the office or on-side at the workplaces of IBM clients).<sup>8</sup>
3. Unicredit Bank: offers flexible work arrangements and operates a company website offering practical tips for its employees who are raising children.

Special Prize: OLHO Technik Czech: Olho employees have so-called „flexi time banks“ by means of which they can save up extra hours they can use to compensate time off when needed. These time accounts include 20 extra hours employees can use as a „debit“ which means they „dip in the red“ and make up for them later.<sup>9</sup>

Other research (a study commissioned by Gender Studies and carried out by Ipsos Tambor in 2009 among mothers of children under ten years of age or interviews conducted as a part of *Mouse Can be Your Friend* project<sup>10</sup>) suggests that mothers of young children are interested in part-time work. They believe that in combination with appropriate childcare, they could balance work and family responsibilities and could thus return to work sooner than in three or four years or later. The women also mentioned possibilities such as flexible working hours, shared job positions, compressed working weeks, work from home and childcare provision (or a contribution to help cover the cost) as incentives employers could offer to help employees who are parents achieve work-life balance. They also appreciate when their employer makes an effort to stay in touch with them in the course of their parental leave. Only very few Czech employers currently employ such measures. 27% of fathers and **17% of mothers** who are employed utilize the provision of flexible working hours. Part-time work is currently

<sup>5/</sup> It should be noted that unfortunately, the new EU 2020 Strategy (and its notion of flexicurity) emphasizes flexibility at the expense of security, or Social Security.

<sup>6/</sup> [http://www.mfcr.cz/cps/rde/xbcr/mfcr/National\\_Reforme\\_Programme\\_of\\_the\\_Czech\\_Republic\\_2008-2010\\_pdf.pdf](http://www.mfcr.cz/cps/rde/xbcr/mfcr/National_Reforme_Programme_of_the_Czech_Republic_2008-2010_pdf.pdf)

<sup>7/</sup> Haberlová, Kyzlinková, 2009

<sup>8/</sup> This arrangement may lead to *negative flexibility*, i.e. work in the evenings that is not acknowledged as overtime.

<sup>9/</sup> Details can be found in the Equal Opportunities in Companies newsletter, No. 01/2010: <http://zpravodaj.feminismus.cz/cisla.shtml?x=2211174>

<sup>10/</sup> a course in computer skills for mothers by Attavena NGO. Maříková, H. (2008).

available for about 8% of women and 2% of men and work from home for 10% of fathers and 5% of mothers.<sup>11</sup> From the perspective of the employers, the benefits of employing part-time workers consist in lower wage-related costs and in greater productivity and effectiveness. As drawbacks, employers saw insufficient flexibility of part-time employees to respond promptly to company's needs, lower levels of loyalty and self-identification with the company, administrative burden, and the limitations to being able to require overtime. The benefits of flexible work arrangements typically concern well-paid employees and management positions where the interest of the employer in keeping a specific staff member is high. The current legislation stipulates that if the wage for a half-time job is lower than the minimum wage, the employer must pay taxes (and social and health insurance contributions) as if the wage was at least as high as the minimum. This results in increasing wage-related costs, not the contrary.

For employees, the most attractive aspect of part-time work is maintaining their professional skills at a time they would otherwise not be economically active. Some also highly value staying in contact with their employer. Others welcome the opportunity to make extra money and are willing to take a job they can be rather overqualified for. The economic situation of the family also plays a role in whether parents choose part-time or full-time employment. According to Mysíková, the typical part-time workers are women married to men with high incomes. Many full-time employees simply cannot afford to go part-time. Moreover, transition to part-time often entails a reduction in wages but not a reduction in workload. Finally, women's economic activity closely relates to the issue of childcare. Institutions providing child care services must be available and accessible to mothers if they are to work.<sup>12</sup>

Projects funded by the European Social Fund can play a positive role in helping parents manage their work-life balance. Here it is crucial that the supervising agencies (Ministry of Labor and Social Affairs and the Prague City Hall) focus on the outcomes of the projects so that they can be used and built upon in the future. The other issue we must keep in mind is that we cannot keep on promoting flexibility without being fair and disclosing its potentially negative aspects to (at least) those who are already working on the basis of untraditional job contracts.

## Flexible Working Arrangements According to Czech Legislation

Some forms of flexible work are regulated by the Czech legislation, specifically by the Labor Code and the Employment Law. Here are the main ones:

<b>Shift-working</b>	<b>No. 262/2006 of the Czech Labor Code</b> <sup>13</sup> Part 4: Working Hours and Rest Periods
<b>Overtime Work</b>	Part 4: Chapter V, Overtime Work § 93, § 93a
<b>Flexible Working Schedule</b>	Chapter II: Working Hours Schedule § 85
<b>Working Hours Account (Konto prac. doby)</b>	Chapter II: Working Hours Schedule § 86, § 87
<b>Compressed Workweek</b>	not regulated
<b>Job Sharing</b>	not regulated
<b>Part-Time Work</b>	§ 80

<sup>11/</sup> "Parents 2005" in Křížková A., Vohlidalová M. (2008)

<sup>12/</sup> Chapter Childcare facilities.

<sup>13/</sup> Unless stated otherwise, the references apply to the Labor Code

<b>Time Off to Study</b>	partly regulated Part 10: Care of Employees Chapter II: Vocational Development of Employees § 232
<b>Maternity and Parental Leave</b>	Part 8: Obstacles to Work Chapter I: Obstacles to Work on an Employee's Part § 195 - § 198
<b>Temporary Work</b>	Part 2: Employment Relationship § 39
<b>Agreements Outside of an Employment Relationship</b>	Part 3: Agreements on Work Performed Outside of an Employment Relationship § 74 - § 77
<b>Telecommuting</b>	not regulated as such
<b>Work from Home</b>	partly regulated Part 13: Joint Provisions § 317
<b>Employment Agencies</b>	<b>No. 435/2004 Coll., Law on Employment</b> Part 2: Brokering Employment Opportunities Chapter IV: Brokering Employment by Employment Agencies § 58 - § 66

This list demonstrates that official opportunities to make working conditions more flexible for their workers are available to employers. In addition, employers may develop their own internal regulations. In the near future, the law will need to address two key areas: the regulation of work from home, particularly if it is performed in addition to traditional employment, and tax benefits for employers who offer childcare provisions.

Employers also have the possibility to contract persons who are self-employed. This type of employment relationship must not resemble traditional employment because then it qualifies as illegal „hidden employment“ or the so-called *švarcsystém*. Contracts with self-employed persons need to be limited to a pre-determined amount of goods or services and a period of time. From the gender perspective, there has been a significant improvement in the situation of self-employed persons (OSVČ) in regard to sickness insurance<sup>14</sup>. Self-employment makes caregiving at home easier because the entrepreneur can work from home and regulate their workload. The problem with this type of employment was that sickness insurance was expensive and many self-employed women did not make their voluntary contributions. Because maternity benefits (PPM), are linked to sickness insurance, these self-employed mothers were not entitled to them. The situation has changed dramatically since 2009. Maternity benefits are easily accessible to self-employed mothers and they are easy to reach in the highest amounts. New caps might be introduced in short future but this dramatic policy turnaround is an example of the lack of systemic and well thought out family policy on the part of Czech government.

### Recommendations for the Future

A current legislative measure that is particularly parent-friendly is the legal obligation of the employer to accommodate a request for switching to part-time if the employee is pregnant or looking after a child younger than fifteen, unless this change would „serious operational reasons“. Here, employers as well as citizens would benefit from a closer definition. A set of guidelines should be issued by the Ministry of Labor and Social Affairs that would clarify the definition and list legitimate operational reasons employers may have to deny an

<sup>14</sup>/ No. 187 Coll., Law on Sickness Insurance

employee request for part-time employment. At the moment, the decision of whether a „serious operational reason“ is legitimate is determined by the court but this process is lengthy and inefficient.

Another form of part-time work that calls for more comprehensive legislation is work from home as it currently does not even lay down some essential guidelines. One of the reasons why employers are not willing to let their employees work from home may be that the regulation of working hours does not apply to this form of work. On the other hand, when facing obstacles to work on the part of employees (e.g. when they need to see a doctor), employees are not entitled to wage compensation but are obligated to make up for the lost time. Neither is an employee working from home entitled to compensatory time off or to wages for overtime work. Finally, among the challenges to setting one's own working hours that are not covered by the Labor Code are issues of health and safety. For instance, is the employer liable when an employee is hurt at work when performing work-related duties at home, as it would be in the workplace?<sup>15</sup>

Some political parties have been proposing tax breaks as incentives for employers willing to employ people on part-time basis. The Committee for Work-Life Balance under the Government Council for Equal Opportunities for Women and Men fully supports these incentives. The Committee proposes to:

*“1. Introduce a discount of up to 1,500 CZK per month in social security insurance and state employment policy contributions for those employers who employ part-time workers caring for children younger than ten years of age.*

*The discount applies to the insurance contributions employers must pay to their regional branch of the Czech Social Security Administration (OSSZ). The employer would then be obligated to pay insurance contributions in the amount of 24.1% of the employee's income.*

*This measure requires an amendment of law No. 589/1992 Coll. on social security insurance and state employment policy contributions and of subsequent amendments.*

*2. Amend the law on general health insurance contributions so that the minimum assessment base does not include the workers for whom the employer can claim a discount.*

*3. Insert a definition of working conditions for working from home in the Labor Code and introduce tax breaks for employers who offer this type of employment.<sup>16</sup>*

Considering that part-time work entails many drawbacks (discussed below), flexible working hours when employees set the start and end of their working hours on their own seem to deserve more support. For companies, flex time (flexible working hours) may not raise the costs but could present challenges to work organization and workflow. For this reason, flex time is particularly suitable for jobs of administrative nature.<sup>17</sup> The provision on incentives for employing part-timers must distinguish between part-time contracts that are forced upon employees and flexible contracts drawn upon the request of the employees. The tax breaks could also reinforce the discrimination of women in some professions, for instance in the case of women working in supermarket chains. The insufficient protection of employees with flexible contracts was the reason the Government Council for Equal Opportunities for Women and Men didn't pass the abovementioned proposal. Perhaps limiting the incentives to parents caring for children less than four years old could be a satisfactory compromise.

Nevertheless, part-time job options will never be taken advantage of if there is a lack of childcare services. Employment of parents of small children in general is heavily contingent on their access to adequate childcare.<sup>18</sup> One of the goals of advocating part-time job options is to help parents, especially women, to return back to work from maternity leave earlier than they do nowadays. In view of this goal, we must reconsider the guidelines on parental allowances and the use of childcare institutions. Parents lose the allowance if their child is in institutional care more than five days per month - this applies for children less than three years old. In the case of children three to four years old, parents are not entitled to the allowance if their child is in institutional care for more than four hours a day. In making their decision whether to work part-time or not, parents must weigh all these conditions: their part-time wage is going to be lower than it would be if they worked full-time and if they utilize childcare services, they are also going to lose their parental cash allowance. When we add the commuting costs, the allowance guidelines for allowances may be impossible to meet, particularly when parents need to use institutional childcare. Besides, many kindergartens do not accept children only for four hours a day due to the space limits. The authors of the proposal therefore suggest that the limitations on the use of childcare services be either removed or amended in favor of greater flexibility. As the recommendation of the Government Council for Equal Opportunities for Women and Men recommends that *“the government of the Czech Republic presents an amendment of Part b), par. 30b, Act on State Social Security, No. 117/1995 Coll. so that the parental allowance guidelines concerning time take the form of a time bank.*

<sup>15</sup>/ Štěpánková, M. (2009)

<sup>16</sup>/ Proposal on Promoting Part-time Work and Work from Home by the Work-life Balance Committee of the Government Council for Equal Opportunities for Women and Men. 2010.

<sup>17</sup>/Dudová, R. (2007).

<sup>18</sup>/ Chapter Childcare facilities

*We propose the following options:*

a monthly time bank – max. 80 hours per week

*If these limits are observed, the person providing care would not lose their parenting allowance.*<sup>19</sup>

When on parental leave, some parents take temporary jobs, usually on a contract-for-work basis. According to the study by Ipsos Tambor mentioned earlier, 62% respondents indicated they worked during maternity leave, typically in temporary jobs (49%). By law, persons on parental leave continue to be in an employment relationship and therefore they enjoy protections against losing their jobs or their social or health security benefits, even if they take flexible, temporary jobs in the course of the leave. If they continued to be employed in temporary and flexible forms of work once their parental leave has ended, the level of their protection would drop significantly. Also, a lot fewer benefits would be available to them (e.g. insurance, lunch vouchers, etc.). The Labor Code suggests that the contract-to-perform-a job type of employment contract should be used only occasionally precisely because they only offer a minimum level of protection.<sup>20</sup> The other type of job contract by the Czech law is a contract-to-perform-work. Its drawback is that it enables short-term notice and it entitles the worker to holidays only with the employer's consent. The advantages are that the employer makes contributions to the employee's health and social security schemes.

### Negative Flexibility and the Protection of Part-time Workers

The supply of part-time jobs in the Czech Republic, by far, does not satisfy the demand. In our advocacy of part-time contracts though, we must stress adequate protection of part-time workers. In the time of financial crisis, introducing employer incentives may lead to a rise in imposing part-time contracts upon workers against their will. Part-time employment is intended to serve as a temporary employment strategy for people looking after family members (and others who may prefer part-time work for different reasons) while they enjoy the same working conditions as full-time workers and can return to full-time work as soon as they are ready. Unfortunately, the counseling experience of Gender Studies NGO shows that the working conditions usually change along with the transition to part-time work. To prevent this, observing the following principles is particularly important. Accountability systems to ensure the application of the principles must also be put in place:

- maintaining hourly wages at the same level as during full-time work
- a reduction in working hours must be accompanied by a corresponding reduction in workload
- a reduction in working hours must be accompanied by a corresponding reduction in benefits
- equal access to professional growth – promotion and training
- employing of part-time workers for an indefinite period of time and according to the same contract as when they worked full-time

According to the Labor Code, part-time employees are obligated to work in the working hours set by their employer. In some fields, such as health care, education, sales or services, companies rely on part-time (and other flexible) labor force quite heavily and part-time contracts are typically forced upon the employees. These employees often work in very unfriendly working conditions. As Tomášek a Dudová (2008) have pointed out, the paradox is that part-time work can then become an obstacle to work-family balance. Employees who are at risk in the job market are often forced to accommodate the demands of the employers who only offer undesirable, flexible job contracts. This phenomenon has been called *negative flexibility*.

In addition to accountability mechanisms aimed at preventing negative flexibility, protection measures should also be included in collective agreements.

Finally, part-time employment reduces one's ability to get a loan or a mortgage (Mysíková, 2007). Some aspects of one's financial security are not compromised by part-time work, however, Mysíková says. For example, the amount of retirement pension is not affected by part-time work (if it does not exceed 5 years) because pensions are set to reflect one's economic activity rather than wages.

If a parent decides to switch from full time to part-time during the time period when one child is younger than four and another one is born, the income drop due to part-time does not affect the amount of the maternal allowance<sup>21</sup>. The allowance will continue to be calculated on the basis of the parent's income before the first child was born. In this case, the decision of switching to part-time employment is therefore not sanctioned in any way.

19/ Podnět Výboru pro sladění pracovního, soukromého a rodinného života Rady vlády pro rovné příležitosti žen a mužů k potřebě řešit nerovné podmínky pro rodiče pobírající rodičovský příspěvek. 2010.

20/ Nekolová, M. (2008).

21/ The same principle applies if the parent works for another employer during the course of the leave unless the original employment relationship has not been discontinued.

### Employer Inspection

Parents are frequently discriminated against. Another Ipsos Tambor study for Gender Studies found that 54% respondents have experienced discrimination based on their status as mothers or parents, and 70% respondents personally know at least one parent who has been discriminated against. Naturally, discrimination is an important barrier to work-life balance. The Employment Act prohibits discrimination in access to employment. One of the roles of the government Job Centers (ÚP) is to enforce the policy. There are also measures in the Labor Code and the Anti-Discrimination Act aimed to prevent discrimination on the job. Complaints about discrimination on the job can be lodged with a court or with a Job Center. Offices of Labor Inspection do not initiate inspections of individual employers but they act upon submitted complains. In practice, it is often the case that if evidence of discrimination is indeed found, the penalty is excessive and has no motivational effect on the employer.<sup>22</sup> In the current system, Labor Inspectors will never hear of differential treatment of employees who do not report discrimination they have experienced. Victims of discrimination would benefit from much stronger enforcement on the part of inspection authorities. Job Center inspectors could perform random checks to see if employer practices are not discriminatory or whether employers of a certain size observe the law in respect to gender audits<sup>23</sup>. The inspection authorities should also check if all the job contracts in the company meet the legal standards for working conditions. Tenders for government contracts or grant competitions could offer incentives in the form of bonus points for companies that support work-life balance and equal opportunities, for example.

In Spain, the law requires that companies with more than 250 employees negotiate their equality policies and plans directly with the employees. Spanish companies turn to NGOs that carry out a gender audit of the company, which then serves as the groundwork for equality policies.<sup>24</sup>

Some leadership styles and team management techniques, particularly decentralized styles based on the autonomy of small groups, also seem to promote flexibility. Organizations striving for excellence tend to practice principles of ongoing learning and development.<sup>25</sup> This management style is common in Scandinavian countries. In the Eurofound survey mentioned earlier, 22% (27) organizations from all over the EU said they employed decentralized leadership. Such organizations seek to respond to the constantly changing conditions with utmost flexibility, creativity and innovation.

### Conclusion and Recommendations

In the Czech Republic, flexible forms of employment are generally used to save HR costs and wages and to increase the efficiency of the workforce rather than to promote work-life balance. We hope that the following recommendations will help break this stereotype and that they will inspire practices that would be beneficial to employees and employers alike. Lifestyle diversity demands flexibility on both sides – from companies as well as workers. It is important that we manage these new challenges so that the social security of at-risk populations is not compromised.

When seeking a balance that is right for each individual company or field, let's keep both the positive and negative aspects of flexibility and security in mind. Let's be open to experimenting with different and unusual types of flexible work arrangements.

Let's ensure that gender mainstreaming is an integral part of the development of flexibility and security policies and measures. Let's remember that it is usually women who work part-time, whether by choice or by necessity.

Let's motivate employers to offer part-time work options (part-time and shared jobs and positions, flexible working hours). Let's ensure that the employer incentives are not abused and that negative flexibility is prevented (part-time positions with lower wages that do not enable transition into full-time, cutting working hours without reducing the workload, inadequate benefits, denying workers training or professional growth).<sup>26</sup> Let's involve social partners in the development and negotiation of pro-active policies or incentive schemes (tripartite).

Let's secure greater protection for employees with untraditional job contracts (contract-for-work or contract-for-the performance of a job basis).

22/ An example is a 2008 case of the company Plus Diskont that was fined 10.000 CZK for disrespecting the rights of its employees. For details, see: <http://feminismus.cz/fulltext.shtml?x=2090632>

23/ Gender audit: policy, program and institutional assessment from the perspective of gender equality, i.e. differential impact on women and men. For details, go to: <http://www.feminismus.cz/slovnicek.shtml#G>

24/ Spain Chose Equality (Španělsko se vydalo cestou rovnosti). Jachanová Doleželová, A. (2007). [http://zpravodaj.feminismus.cz/clanek.shtml?x=2038088&als\[nm\]=2037833](http://zpravodaj.feminismus.cz/clanek.shtml?x=2038088&als[nm]=2037833)

25/ See for example: <http://www.infed.org/thinkers/senge.htm>

26/ Jachanová Doleželová, A. (2010)

Let's call for the adoption of the proposal of the Government Council for Equal Opportunities for Women and Men on more flexible social security guidelines regarding the use of childcare services.

Let's call for stronger enforcement of the Labor Code.<sup>27</sup> Let's stimulate greater involvement of the Labor Inspection authorities in the form of random anti-discrimination inspections and audits of fair working conditions across all types of company contracts.

Let's motivate employers to implement equality policies and to include protection provisions for workers employed in untraditional contracts in collective agreements.

Let's support a systematic development of childcare institutions (see other chapters of this publication).

Let's call upon the Ministry of Labour and Social Affairs to conduct and present recommendations for employers that will help them better understand the law, e.g. „serious operational reasons“, etc.

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# Child Care Services in the Czech Republic

Linda Sokačová – Gender Studies, o.p.s.

Child care services play an important role in enabling parents with children of different ages to balance their work and family lives. Only high quality services and institutions can provide high quality care and pre-school education outside of parental care<sup>1</sup>.

The system of non-parental care<sup>2</sup> in the Czech Republic currently rests on a network of public kindergartens (that accept children older than 2 years old). Due to its tradition and the structure of child care services in the country, we expect public kindergartens will continue to serve as the main providers of non-parental child care in the future. Parents can also utilize the services of public nurseries (accepting children over 1 year old), private nurseries and kindergartens, and of private persons who work as childminders or babysitters. The role of the network of mother and parent centers is also quite important in the Czech Republic. Although the primary purpose of the centers is to offer programs and activities for children accompanied by parents, some centers provide babysitting services for a fee either on a regular or one-time basis. Finally, several corporations<sup>3</sup> in the Czech Republic run employer-sponsored kindergartens but their availability is very limited due to the significant financial and logistical constraints associated with running child care services.

Considering the rising birthrate and the lack of supply of child care services, it would be useful to broaden the traditional range of providers (which are still of vital importance) by other alternatives such as mutual care exchange by parents, mini-kindergartens and others. The guidelines for the use of traditional services (allowance regulations, etc.) by parents should be the same as for alternative care.

## Nurseries and Kindergartens - Main Principles

The main concept of public child care must be accessibility: accessibility in terms of finances, geography, capacity and quality. Geographic accessibility and the capacity of the existing providers are currently the greatest challenges of the Czech system.

In 2009/2010 school year, 29,632 kindergarten applications were denied, which was three times more than in 2005/2006<sup>4</sup>. The demand for kindergarten child care is met only in 58% of Czech municipalities<sup>5</sup>.

### Numbers of Denied Kindergarten Applications in School Years 2004/05 – 2009/2010

Data	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
denied kindergarten applications	.	6,810	9,570	13,409	19,996	29,632

Source: Institute for Information on Education (IIE) database

By law, kindergartens are allowed to take in children younger than two years old, but due to their limited capacity this happens only rarely. A consequence of current capacity limitations of kindergartens is a general lack of services for children younger than three. In all of the Czech Republic, child care services for infants (children under 3 years old) include approximately 30 public nurseries, private nurseries and commercial babysitting services. All of these options are quite expensive, including the public nurseries that usually cost between 2,500 and 5,500 CZK per month. Private nurseries, charging approximately 10,000 CZK per month are even more expensive. Babysitting services in large cities cost about 100 - 150 CZK and over. The high cost renders these child care services inaccessible for most people. In addition, public nurseries are only available in some locations and do not meet the demand even of the parents who can afford them.

1/ On February 1, 2010, Gender Studies, o.p.s. held a roundtable on public child care. Notes from the meeting are attached.  
 2/ Non-parental care includes services and providers of child care that takes place outside of the family: in nurseries, kindergarten, with babysitters, or, as has been proposed, in mini-kindergartens or in a parental group of care exchange, etc.  
 3/ The exact number of employer-sponsored daycare providers in the Czech is not available but the experience of Gender Studies suggests there are between 3 and 10 such organizations in the country.  
 4/ Institute for Information in Education (VÚPSV). Pre-school Education: B3.1 Pre-school Education – Children in the Pre-School Education System. Share of 3-5 Year Old Children in School Years 2003/04 - 2009/10. (Předškolní výchova: B3.1 Předškolní vzdělávání – děti v předškolním vzdělávání, podíl na populaci 3–5letých dětí ve školním roce 2003/04 až 2009/10.) <http://www.uiv.cz/clanek/729/2009>.  
 5/ Kuchařová, V. and other authors (2009). Day Care for Children of Pre-school and Early-school Age. (Péče o děti předškolního a raného školního věku.) Prague: RILSA. (VÚPSV.) ISBN 978-80-7416-041-7.

The need and value of nurseries has recently been subject of discussion. Politicians at regional and national levels do not give the issue much attention, however. The little attention nursery services do receive from politicians has a negative undertone. (For example, the Ministry of Labour and Social Affairs assumed a critical position toward nurseries when the current Prime Minister Nečas was the Minister of Labour. Preceding administrations shared similar views.)

In 2007, Gender Studies carried out an survey of nurseries<sup>6</sup> which revealed that their quality was very high both in respect to care and in respect to children's early development (the staff was professional and the facilities were spacious and well-equipped). The caregiver - children ratio was about 1:5, which defeats the argument about the insufficient number of staff for the number children in Czech nurseries. Moreover, the type of care children receive in public nurseries is in line with the proposal to establish mini-kindergartens the Ministry of Labour and Social Affairs made when Minister Petr Nečas of the Social Democratic Party was at the head of the institution.

The limited capacity of public kindergartens means that they are also becoming unable to satisfy the demand. This varies by location because parents in larger cities can apply for care with more than one provider. However, even here it happens that parents are unable to place their children in institutional care. So even though public kindergartens are affordable, they are not always geographically accessible. Although parents who have been denied public kindergarten care can turn to other providers, they may not be able to pay cover the high costs. In addition, not being able to place their child in kindergarten care effectively prevents caregiving parents (usually mothers) from participation in the job market as full-time workers. Naturally, this has consequences for the socioeconomic situation of the family. A closer look at the situation of mothers reveals that she is in a kind of vicious circle. One of the criteria for accepting a child into a kindergarten is that the primary caregiver, typically the mother, has a job. In practice, however, it is extremely difficult to return to a full-time job or to take on a new job if the care for her child is not secured. And this is the nature of the vicious circle: they will only accept your child into kindergarten if you have a job, but you cannot resume or find a job unless you are sure your child is provided for (usually with the help of kindergarten).

Furthermore, expensive private kindergartens and other child care services are usually available only in large cities. In regard to the aspects of both care and education, we know the quality of both private and public care is satisfactory, although the providers certainly differ in style and focus. The sanitation and capacity standards are the same across the board because are set by the law.

In a study on child care services<sup>7</sup>, the Research Institute for Labour and Social Affairs writes: *"Experience from abroad highlights an important aspect of child care that, even though not currently a problem in the Czech Republic, should be kept in mind in the future. It is that the system of financial support to ensure access to daily child care must not precipitate a decrease in the quality of care."* This means that the quality of services must always be given careful attention. Alternative forms of care such as the parent care exchange circles proposed by the Ministry under Petr Nečas as a part of the 'Package or Pro-family Measures' must therefore be held up to standards as high as other institutions. The proposal neglected the aspects of quality and professional education of parent providers. The authors of the proposal assumed that because care providers were parents of their own children qualified them to provide collective child care. This was heavily criticized by education professionals. Experience from Germany and Austria shows that quality of alternative forms of child care needs to be standardized and guaranteed with the help of an official body, e.g. by a network of parental assistance providers.

Today, Czech parents on maternity leave also struggle with the regulations. Currently, the criteria for receiving parental allowances and for attendance of nurseries and kindergartens in the official public network (MŠMT Kindergarten Network) put parents in a complicated situation. If a child goes to kindergarten for more than 5 days per month or more than 4 hours per day (more than 5 days a month in the case of nurseries), the family loses parental allowance. These strict limits prevent parents from economic activity and impede their work-life balance. Adjusting the rigid limit into a **time-bank of days for nursery or kindergarten attendance** would be very useful, as was officially recommended by the Government Council for Equal Opportunities for Women and Men in 2010. The cap could be 25 hours per week. We believe that this provision would make flexible working options much more common. Time-bank accounts would be especially helpful for parents who commute because it is practically impossible to commute to work and fulfill the limit of 4-hours of kindergarten per day, as it is today.

Now, if a child is in child care for more than 4 hours a day or more than 5 days a month, its parents are no longer eligible for parental allowance. The regulation also applies to private kindergartens registered in the

6/ Kolářová, J. (Ed.) (2007). *Key to Nurseries. (Klíč k jeslím.)* Prague: Gender Studies, ISBN 978-80-86520-22-3.

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Ministry network. In reality though, in private kindergartens these limits are neither adhered to nor enforced. This leads to a certain „wasting“ of public funds that could be invested into their institutional development.

Finally, employer-sponsored kindergartens have often been mentioned as the appropriate alternatives for public kindergartens. However, their operation is complicated and costly and only big employers can afford them. Foreign experience (e.g. from Austria) shows that employer-sponsored kindergartens tend to be provided with large-scale employers in big cities which means that they will never be able to fill the role of public kindergartens. Not only would corporate care providers not be geographically accessible, but they would only be available to company employees. Moreover, parents who would discontinue employment with the company would lose access to child care. altogether.

#### Pre-school Education – Expenses in 2003 - 2009

	2004	2005	2006	2007	2008	2009
education expenses total	121.3	128.6	141.2	151.6	149.8	159.3
share of kindergarten-related expenses in the total	8.5%	8.6%	8.5%	8.4%	9.4%	10.0%
GDP in mil. CZK, typical prices	2,811.2	2,982.0	3,225.6	3,539.1	3,687.3	3,630.4
kindergarten-related expenses as % of GDP	0.37%	0.37%	0.37%	0.36%	0.38%	0.44%

Source: Institute for Information in Education

#### Recommendations for The Support of Child Care Services and Providers

**The management and regulation of all child care services (nurseries and kindergartens) should be under the jurisdiction of one Ministry only.** Ideally, this would be the Ministry of Education, Youth and Sports because its staff are well qualified in terms of experience and methodology. This would allow for both types of pre-school care to be developed in a comprehensive and complex manner. The recommendation to bring all child care under one roof was approved by the Government Council for Equal Opportunities for Women and Men in 2009.

#### Reassessment of Sanitation, Safety and Capacity Norms and Regulations for Kindergartens and Nurseries

Standards should not be lowered across the board. Rather, they need to be re-evaluated in view of contemporary needs. Updating the norms could improve spending effectiveness in pre-school organizations. For example, a portion of the current sanitation expenses could be redirected toward professional education of the staff and to area of care and education in general. Again, any such changes must be carefully examined because they impact the quality of care.

The state and municipal authorities should be responsible for operating **a comprehensive network of accessible child care**. Alternative methods and organizations offering child care must also be supported while they are help up to equally high standards. The users of alternative child care must also be eligible to the same benefits as those who use traditional providers (parental allowance regulations, etc.). Alternative provision of child care includes employer-sponsored kindergartens, care exchange groups among parents and others. At the moment, public institutions serve as the foundation of non-parental child care. This should not change but the current range of services should be supplemented by functional and accessible alternatives. The educational role the current system of public child care system plays in our children's development is vital and that is why it needs to be preserved. Finally, **all planning in the child care system needs to be grounded in professional sociological and demographic research.**

The funding system for nurseries needs to be re-assessed as well. At the moment, municipalities are covering the majority of the costs and parents pay for the rest. This financial aspect makes nurseries largely financially inaccessible. The state should take on a portion of the financing so that all the costs are divided between the state, the parents and the municipalities.

### **Tax breaks need to be offered to companies which decide to establish company kindergartens.**

**After-school programs for children and youth** (hobby groups, mother/parent centers, after-school programs) **require support as well so that they are financially and geographically accessible** to all children including children from low-income families. This requires the participation of institutions at all levels - the state, municipal and county governments.

**Mother and parent centers** that offer programs for children accompanied by parents also need our support.

Finally, the legislation and norms for the development of new public child care facilities should apply the principle of **multi-functionality** so that they can serve the needs of the local population in the long term (i.e. so that a kindergarten can be turned into a school if needed).

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