
Analyzing contending models of paternity-leave: A critical-comparative approach centered in the non-transferable exclusive license model

Analisando modelos contrapostos de licença-paternidade: Uma abordagem crítico-comparativa centrada no modelo de licença exclusiva não-transferível

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Resumo: O presente artigo apresenta análise crítico-comparativa entre os modelos de licença-paternidade, licença-maternidade e licença-parental da Suécia e da Dinamarca. Isto é feito de modo a pautar a discussão sobre os modelos possíveis de implementação da licença-paternidade, visando melhor alimentar o debate legislativo-acadêmico no Brasil, muito embora se constate o ambiente de contrarreformas estruturais na Seguridade Social, em meio a atual Crise do Capital. Inicialmente, é apresentado um panorama sobre a legislação voltada à licença parental em ambas as nações escandinavas. Após, é estabelecida análise comparativa entre os modelos sueco e dinamarquês. A escolha pela análise de ambos os paradigmas se justifica pelo caráter mutuamente oposto que os mesmos carregam, e pelas derivações que a implementação de políticas de austeridade no âmbito da Licença-parental acarretou no cenário doméstico destes países. O artigo presta especial atenção para o Modelo de Licença Exclusiva Não-Transferível e suas consequências para a ampliação da fruição da licença-paternidade na Suécia. Além disso, através do estudo do modelo dinamarquês, é estatisticamente demonstrado o nexo entre o não pagamento integral dos benefícios da licença-parental e a menor utilização deste direito social por genitores e adotantes homens.

Palavras-chave: Licença-paternidade; Modelo de Licença Exclusiva Não-transferível; Suécia; Dinamarca; Licença-parental.

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Abstract: This article presents a critical-comparative analysis between paternity, maternity and parental-leave models in Sweden and Denmark. We do this in order to inform the reader about the current discussions on the possible models for implementation of paternity-leave, aiming on feeding the legislative and academic debate in Brazil, even though we recognize the current socioeconomic reality, in which structural counter-reforms on Social Security takes place, and while a Capital Crisis is unfolding. First, we present an outlook about parental-leave legislation in both Scandinavian nations. Afterwards, a comparative analysis is established between the Swedish and the Danish models. The article justifies the choice for the analysis of both paradigms by pointing out the mutually opposed characteristics these models encompass, and by the derivations that took place after the implementation of austerity policies through paternity-leave legislation at these countries. The article takes pays especial attention at the Non-transferable Exclusive License Model and its consequences for the widening of the utilization of paternity-leave in Sweden. In addition, through the study of the Danish Model, we demonstrate the intrinsic connection between not paying in full parental-leave benefits and the statistic lesser use by male adopters and genitors of this social right.

Keywords: Paternity-leave; Non-transferable Exclusive License Model; Sweden; Denmark; Parental-leave

1. Introduction

Recently, Sweden, the Scandinavian country with a strong tradition of defense of human and social rights, modifies again its public policies guidelines of Social Security. Starting from 2016, the two months paternity-leave would be increased with another monthly period, assuring Swedish parents a third month of separation from labor sites in other to care for those who just started their family livelihoods, be that by birth or adoption.

The mentioned legal modification was made in a way to impossibilities the free use of two of the available months by both parents, the parental-leave, that previously consisted of twelve months. These two months wouldn't stop from being available to the parents. Each one would be directly associated to one of the genitors, as they are not interchangeable among parents. The Swedish paternity-leave now consists of three months, just like maternity-leave.

It is the insufficiency of public policies that would facilitate the gestion of conflicting demands between work and family care, allied to the low masculine participation in the division of unpaid labor that reverberates in women's working opportunities, notably that of mothers and their dependents, which reinforce gender

inequalities in the labor market. It is from this reality that certain conceptions were created, such as that feminine employment implicates in higher labor costs levels if compared to male labor contracting, which lead to lower salaries for women² (Abramo & Todaro, 2005).

The system adopted by Sweden and other countries, including Brazil, named the exclusive non-transferable leave model is appointed by several scholars as a legal alternative that is more favorable to mothers, fathers, families, and, generally, for the entire society. In the long run, it incentivizes both parents' temporary withdraws from the workplace and the dedication with the care for their offspring.

Some other studies have already analyzed the role of the institution of the right for paternity-leave in proportion to Brazilian mothers. Its consequences for the work market are defended through several papers. Beyond reducing existing income inequalities, these changes can reverberate in the increase of the degree of work opportunities, not to mention the reduction of prejudice linked to women's career ascension and in a greater access to labor unions engagement, thus contributing to a more just and equalitarian society.

Our objective in this work is to do a critical-comparative analysis between paternity-leave, maternity-leave and parental-leave models adopted in Sweden and Denmark. This was done through a previous exposition of the evolution of Social Security Systems of both Scandinavian countries. Afterwards, a critical-comparative analysis is established between the Swedish and Danish models. The choice of these paradigm cases is justified by the mutually opposed character that these States carry and by the derivations that the implementation of austerity policies at the parental-leave legislation enacted in the domestic scenario of these countries. The paper pays especial attention to the Non-Transferable Exclusive License Model and its consequences to the positive diffusion of the use of the paternity-leave in Sweden. In addition, through the study of the Danish case, it is demonstrated that there is a connection between the non-integral payment of paternal leave benefits and the reduction of the use of this social right by both male genitors and adopting men.

² As demonstrated by Abramo and Todaro (2005, p. 22): "According to a recent [International Labor Organization] ILO study, in 2000, women's salaries were, on average, 34% less than those received by men per month and 22% by hour worked (data related to the total urban non-agricultural occupied labor in 15 countries in Latin America, which correspond to 92% to the total of the EAP [Economically Active Population] in the region) (OIT, 2001)".

Our final intention is, therefore, to critically reflect over the effect of these modifications in the legal frameworks of these countries, linking private life alterations and the betterment of in livelihood conditions linked to the public policies mentioned here. At last, we believe that these appointments can, in the future, better inform and influence the Brazilian legislation on the appropriate ways to enact the right to paternity-leave.

2. Preliminary appointments and opportune definitions regarding nordic countries

The Social Security here represented, part of a certain model of Welfare State, has a universalist framework. Social Security here is understood as the rights framework acquired by the working class as a form of socialization of the reproduction costs starting at the early years of the XX century. In a way to placate claims over the necessities faced by the working class in order to keep realizing work – that is, the transformation of the material life – the costs of certain rights started being paid in a redistributive manner, through the taxation of Capital. However, it is a group of limited, definite rights the one that constitute the structure of Social Welfare (Davi et al., 2010; Andrade, 2012).

This same structure takes several forms as one analyzes each State, as well as according to subnational federative entities. In Brazil, the Social Security is composed by Social Security, by the several forms of access to healthcare, notably the *Sistema Único de Saúde* (Unified Health System – SUS), and the Brazilian social assistance network, named *Sistema Único de Assistência Social* (Unified Social Assistance System - SUAS) (Davi et al., 2010).

The institution of Social Security systems is a part of the first adequations faced throughout the start of the XX century. By mid-century, the propagation of the ideas that a State should be composed by these rights gave form to the Welfare State, which propagated, in several different degrees, through the core capitalist countries³ of the world, while also possessing largely incomplete versions in the global semi-periphery, which constituted in countries like Brazil an incomplete citizenship (Andrade, 2012).

However, the systematic of the Welfare State, filled by Social Security systems, materialized the recently constituted Social Rights. It is thus necessary to highlight here

³ *Core Capitalist Countries* is the adopted terminology by István Mészáros (2011) in several of his writings assembled in *Beyond Capital*. The concept comprehends – once we're dealing with the existing countries in the end of the 1980s – to the Western European countries, as well as the United States, Canada, Australia and New Zealand.

that universality as a central valor of Social Security is present only in some countries and is restricted to certain social policies. A certain exegesis can be made from this legal differentiation, reflecting and propagating certain diverse ideological understandings. One can visualize that this is convenient from the historical constructions of local welfare systems, varying between juridical orders of Bismarckian influence – tending in favor of the institution of social rights through social benefits by workers – and Beveridgian inclinations – based on the value comprehended as the solidarity among workers and enterprises, in a way to finance, through social contributions, an universalized form of social security (Castel, 1998; Boschetti, 2009, Tsutiya, 2013).

According to Sori, Fontes and Machado (2007 apud Gornick & Meyers, 2003), the most common public policies in developed countries are of three kinds. They are: work licenses to take care of children without the loss of employment and with salary maintenance, apart from other equivalent money benefits; labor journey time reduction regulations for childcare without economic costs for the development of professional careers.

According to Ray, Gornick and Schmitt (2009), the paternity-leave can provide support to new parents in two ways, which are complimentary between themselves: through the offer of legally protected leave – permitting the absence from work over a legally predetermined period of time – and through the financial support during the use of the leave. All these public policies are available to both genders, and are meaningfully present in Denmark and Sweden, as characterized below.

Nordic countries⁴ generally share a historical evolution when dealing with the adequacy of family protection and family care rights. However, in spite of their similarities, each country had their own legislative and historical developments, as they opted by one or another right (Valdimarsdottir, 2006). Coinciding with the pattern of industrialization developed throughout the second half of the XIX century, the industrial growth of Nordic countries happened in a way do adequate domestica capital to the dynamic of the widening of the pattern of accumulation of the epoch. Its industrial and banking capital also reached monopolistic levels at the end of the XIX century, and, like

⁴ The Nordic Countries, or Scandinavia, is a common expression that traditionally comprehends Denmark, Sweden, Iceland, Finland and Norway, which share socioeconomic traits and livelihood patterns, as well as geohistorical connections (Kuhnle, 2007).

the rest of core capitalist countries, they also constructed their own financial capital at the start of the XX century (Berand & Ránki, 1982).

The rights relative to maternity and paternity-leave, like the parental-leave, had their start in the Nordic countries, particularly between the mid of the 1940s and the end of the 1960s decade. In par with the conclusions obtained by Abramo and Todaro (2005) in their studies over Latin America, it has also been observed that the unions of these countries, at the start of the XX century, overwhelmingly focused on the protection of male workers (Valdimarsdottir, 2006). Beyond labor conditions, in certain aspects the law aimed at preserving traditional family formations, putting men as house providers. Examples are the Danish unemployment law (1919), according to which the unemployed salaries would only be paid to unemployed fathers, but not to unemployed mothers. Another example can be visualized in the Danish fiscal law (1922), which classified married men, but not married women, as providers, independently if the couple had children or not (Valdimarsdottir, 2006).

In this work, however, we shall not tackle a detailed exposition of all the legal systems of Nordic countries which possess some form of parental-leave. Instead of that, as previously mentioned, a choice was made by selecting Denmark and Sweden, which both detained, at a first moment, directly opposed systems of parental care legislation.

Both legal systems were transformed over the decades following the 1990s. Sweden, up until mid-1990s continued to adopt a parental-leave system that almost expressed totally the freedom of choice in the time sharing among parents, thus being the first country to enable men to also share the living and care of children. By 2020 the country had the system with the world's widest available time for division among parents: the parental-leave in Sweden can reach one year (Valdimarsdottir, 2006). The changes in its legal framework, better described below, were in the direction of reducing the free availability of parents. To do that, it was determined that the specific time to be used by each parent could not be enjoyed by the other parent or genitor in the case of refusal of use by the other.

In what concerns Denmark, it is meaningful to mention that the State was not the first among the Scandinavians to institute a corresponding legislation to a specific paternity-leave, a legal regime that aggregates maternity-leave and parental-leave (Valdimarsdottir, 2006). Throughout the 1990s, the country attempted to reduce the paid amount of paternity-leave to 70% of the contribution salary of Danish workers. With the

following abandonment and reversion of this policy – its downside effects are further described below -, Denmark ended by “choosing the road” of Sweden’s parental-leave model.

Finally, it is noteworthy that since the 1980s, notable importance has been given to the care of children through the public kindergarten system. This is particularly noteworthy because parents that have opted to.

The kindergarten system and the spot guarantee policy for each child is of vital importance for aiding parents in their return to the workplace (Sorj; Fontes & Machado, 2007), a political position that is widely understood as being essential (Abramo & Todaro, 2005).

3. Two opposing interpretations to the right to leave: The swedish and danish models of paternity-leave

3.1 The Danish Model

The first law about maternity-leave in Denmark dates from the year of 1901, forbidding mothers from working during the four first weeks after birth, and restringing itself only to factory work. The period not worked would be left without pay, without having guarantees of return to work once the time period was over. The law ended by being socially ignored. According to the research made at the time of the law, women that seek the benefit were later rejected by their employers, not to mention the short period for body recovery and the lack of condition for self-sustenance in the absence of income (Valdimarsdottir, 2006).

In 1960 a new law guaranteed maternity-leave as a right, establishing fourteen weeks of leave as a comparable compensation to the time established in Denmark for sick leave. It also became possible to start the leave period in the eight previous weeks before the presumable date of birth. The law was applied to all employed women, and the right to the benefit was guaranteed for two weeks to housewives (Valdimarsdottir, 2006).

A restructuration in the Danish pensions system soon after 1960 started to envisage female contributions for social workers and other public service occupations, stimulating their entrance in the workforce. Motivated by that, women started to claim more legal flexibility and coverage (Valdimarsdottir, 2006).

In 1984 the right of maternity-leave was extended from fourteen to twenty weeks, and it was allowed to both parents the use of six of those weeks to be split as they see fit.

Beyond that, it was guaranteed to fathers the usage of their own two weeks of leave, an independent that that would not be deducted from the duration of the maternity-leave – although parents only had the right to monetary compensation (paternity paid leave) in case of the respective mothers of their children being workers, while to every woman a Danish version of the maternity paid leave was owned (Valdimarsdottir, 2006).

A new law in 1989 forbade the demission of pregnant women and of workers who were under the fruition of paternity or parental-leave due to birth or adoption. The leave timeframe was again expanded to 24 weeks, to which eight weeks could be used before birth. The parental-leave time was expanded to 10 weeks (Valdimarsdottir, 2006).

Since 1991 Danish parents had the right to receive paternity salaries when using paternity-leave independently from the work status of their spouses. Since then, a new consensus emerged on the importance of the establishment of a close relation between fathers and their children. However, according to Valdimarsdottir (2006), these arguments did not lead to new legislations conferring paternity-leave increases up until the mid-2000s.

In Denmark it is considered important, since 1964, that a spot for every child is guaranteed at the public educational system at the kindergarten level. This educational right is considered important for child development while also performing an alternative measure to stay-home parents. It is correspondent to daily care for children under 3 years old and it has specific adequacies to parents' employment in a way to facilitate their regress to work (Denmark, 2016).

The current Danish legislation on parental-leave was adopted in March 2002. A total of 52 weeks is currently guaranteed for both parents, and the leave period can start up to 4 weeks before the expected birth-date or adoption (Denmark, 2016). Beyond that, a 2 weeks period is guaranteed to fathers during the first 14 weeks after birth or adoption (Denmark, 2016).

During this period, both parents, in the case of employment in the private sector, have a right to a full standard salary, established by the arithmetic average of the last 12 months' earnings of the receiving father. This benefits system has the nature of non-contributory social assistance⁵. This disposition resembles the Brazilian maternity-leave,

⁵ This notion is connected to the Beveridgean model of Social Welfare, that, as highlighted by Boschetti (2009, p. 02) “[...] in the Beveridgean system, rights have a universal character, being unconditionally directed to all citizens or under resources conditionings, but guaranteeing social minimums to all in the

encompassing both parents independently of their employment status over the last 12 months or of their gender, being named parental leave compensation (Addati; Cassier & Gilchrist, 2014). Public service workers also receive full pay under these circumstances (Valdimarsdottir, 2006).

There was a continuous reduction of the parental leave compensation throughout the 1990s (Valdimarsdottir, 2006). When the right was instituted, its value corresponded to 80% of the monthly salaries of private sector workers. The year of 1995 oversaw the widest usage of the parental-leave system in the history of Denmark by parents from both genders. Of this total, men encompassed 8,6% (Valdimarsdottir, 2006).

In 1996 the parental leave compensation for private sector workers was reduced to 70%, reaching 60% the following year. This was followed by a reduction in the proportional usage of parental-leave by men, which fell to 7%. This is due to both the societal pressure on women for the care of children but also to the usual disparity of salaries between genders. Proportionally, this reduction meant an up to 40% general reduction of family salaries, thus enabling the logical conclusion for choosing restricting parental-leave to women (Valdimarsdottir, 2006).

It is evident that the impact of a badly shaped public policy can cause. The proportional and progressive reductions mentioned above point to the rise of neoliberal public policies in Denmark during the 1990s. Several counter-reforms were instituted in this period, through several stages, split between governments, uniform in their direction, only varying in their amplitude and in the profoundness of their consequences.

The origins to this change are directly related to the core of the neoliberal ideology, which proposed the reduction to ‘stimuli’ to the use of Social Security. What comes out of this is the desire to minimize the role of the State, cutting resources and taxes and transferring services that previously were hosted publicly to the private sector. At the areas in which the State can not act because of lacking specific demand, private philanthropic organizations would be responsible, under the free control of individuals, replacing State action. At the end, the Social Services kept under State supervision were those directed strictly to the poor, once the programs were only justified by the relieve of the extreme necessities of certain social segments (Mota, 1995; Castelo, 2013).

condition of need. The financing originates from taxes, and the control belongs to the public, it is estatal. The fundamental principles are the institutional unification and the uniformity of benefits [...]”

3.2 The Swedish Model

In 1900, Sweden approved a law forbidding women work in factories in the 4 weeks previous to birth. From 1913 women started receiving financial assistance during maternity-leave (similar to maternity-leave salaries) during maternity-leave, but only if they contributed to public health pension funds. A modification was introduced in 1932 allowing feminine contributions in Sweden (Valdimarsdottir, 2006).

Maternity-leave salaries were composed by pension funds and sick-leave contributions. Non-contributing female parents also received the right to paid leave, being paid for a period of 30 days. In 1937 this period was increased to 3 months, together with a slight increase in the value of pensions. Two years later, the time at the disposal for maternity leave was increased again, now to four months and a half. In parallel that same year, work termination during pregnancy or maternity-leave became illegal in Sweden, and women working in the public service received the right to full pay during maternity-leave (Valdimarsdottir, 2006).

In Sweden, six-months maternity-leave was reached by 1945, and it became a right to women in 1954 in spite of their employment status. Financial aid during maternity-leave started for over 3 months, as well as a money compensation after the birth of every child. By 1962 the period of financial aid started to span all 6 months of leave. The benefit corresponded to 60% of the received wages average before pregnancy. Beyond that, pregnant women stated having free dental care for over nine months after maternity-leave (Valdimarsdottir, 2006).

Discussions over the role of men in childcare in Sweden date from the interwar period. In Parliament, discussions over parity of opportunities in the labor market often led to the need for the application of the same equality in childcare (Valdimarsdottir, 2006). Thus emerges a division between parental-leave systems: the legislative systematic existent in the first half of the XX century in Sweden focused on gender equality through women's participation in labor life by the guarantee of the rights of newborns together with a safe return to work as well as encouraging natality (Valdimarsdottir, 2006).

In a second moment, a new concern over the guarantee of family protection through the presence of the father figure as a genitor now in the domestic environment,

strengthening the bonds with newborns in the first months of their lives by sharing leave time (Valdimarsdottir, 2006).

From this change of comprehension, Swedish parents were the first among Nordic countries to have the legal right to paternity-leave, obtained in 1974, the same year in which the first law concerning parental-leave was introduced in the country. According to the new law, both parents could split the seven months' time of leave between themselves, and the financial benefit during maternity-leave was risen to 90% of the wages average previously received. Women also gained the right to star the leave period up until 60 days before the expected birth date (Valdimarsdottir, 2006).

The same legislation enabled fathers to receive 10 days of paternity-leave after the birth or adoption, as well as an additional 10 days for the care of sick children, independent of their age. The law also created the possibility of a parental-leave extension if the parents accepted to work in shorter work shifts. Thus, Sweden became the first country in the world to enable parents the option of withdrawing from work only half the time (Valdimarsdottir, 2006).

In 1995, Sweden established the “father’s and mother’s months” – an untradable month dedicated to the isolated use of each parent. Mothers kept possessing the right to start their leaves two months prior to the estimated birth day. In 2002, this right was expanded: each father started possessing a second untransferable month. This right was again expanded in 2015 to 3 months. Presently parents have six months available for division among themselves; however, each father and/or mother has, individually, a total of 3 months (Swedish Institute, 2016).

Since 2002, parents have a right to financial aid for a total of 480 days. Of this total, for 390 days parents have the right to financial aid of up to 80% of their salaries, with a maximum of SEK 37.083 per salary. Throughout the remaining 90 days, a single amount is paid to all beneficiaries, a sum that is fixated by law. Beyond the 480 paid days, Swedish parents have a right to reducing their usual work-day journey 25% until the child reaches the age of eight years old. However, the daily workday schedule reduction is accompanied by a proportional diminution of salaries (Swedish Institute, 2016).

Table 01: Domestic Norms on Paternal-Leave, Maternity-Leave and Paternity-Leave in Sweden and Denmark (2016)

Country	Denmark	Sweden
Employed Workers		

Maximum Period of Paid Leave *	54	69
Pre-birth Leave*	4	9
Maternity-Leave (exclusive) *	18	12
Paternity-Leave (exclusive) *	2	12
Individual Parental-Leave*	32	52
Parental-Leave of Combined Usage *	2	2
Maximum Period of Paid Leave *	52^{1 2}	69
Proportional Amount of Paid Leave (%)	100%	77%/80%³
Unemployed Workers		
Maximum Period of Paid Leave *	---	69

*The values highlighted here are accounted in weeks. Source: NOMESCO, 2017, p. 48.

¹ - The standard period used by the government as an average for the exercise of the right to leave is 32 weeks. This period can be added by eight to fourteen weeks. When both parents' time is added, this period can reach 58 weeks or 64 weeks. However, given the extension of the leave, the paid benefits become proportional, in a way that the paid sum is equivalent to 32 weeks. As an example, parents that use 46 weeks of leave receive approximately 70% of the nominal salary.

² - The amount of 52 weeks is reached through the sum of 4 weeks of pre-birth maternity-leave with the 13 weeks used after birth, plus the two weeks of exclusive paternity-leave and the 32 weeks of freely divided time among parents.

³ - The applied conversion index factor makes the received amount to correspond to about 77% of the contribution salary, however, nominally, this amount corresponds to 80% of the salary received previously.

As summarized at Table 01, the framework of both countries noticeably differs in some points today. First, one can clearly see that Sweden decided to equalize the periods of paternity-leave and maternity-leave. As previously mentioned, the reserved time for paternity leave in Sweden is significantly greater than the Danish alternative, which stayed at two weeks. Besides, it is worth of mention that the mandatory weeks used in the care of newborns are 9 in the Swedish case and less of that in Denmark.

Taken together, the total aggregate of paternity, maternity (pre and after-birth) and parental-leave is 15 weeks bigger in Sweden than in the rest of Scandinavia. It is evident that the time period duration is astonishing to Brazilian audiences: the aggregate of the Danish leave, alone, accounts more than a full year; the Swedish leave reaches one year and four months. However, several observations should be made, especially over Social Security benefits payments.

It is also mentioned-worthy to highlight the exclusively reserved for maternity-leave in Denmark, exceeding its Swedish counterpart by six weeks. However, we should remember that these same exceeding six weeks are easily compensated by the twenty additional weeks in Sweden.

Finally, one needs to mention that the systematic of leaves is equally exerted in Sweden in smite of employment status, with an equal period of time available to both. In

the Danish alternative, unemployed workers do not possess, at first, the right to maternity or paternity paid leave. The individual pre-requisites needed are: having worked for 23 hours in the last 13 weeks; having the right for social service benefits (that are not cumulative with the leave); having concluded a vocational qualifying course or legally being an apprentice. Except for the Norwegian and Danish exceptions, all the other Nordic countries guarantee the right for money benefits during the leave period.

4. The exclusive non-transferable paternity-leave legal model: A critical approach

To leave to the free choice of parents the disposable time for the leave may bring undesirable consequences. Once there is an excessive valorization of men's work, this translates into a choice between the withdraw frequency of the full parental-leave time to women (Thomé, 2009).

Previously in this paper we pointed out our conclusions over the upsides of the exclusive non-transferable paternity-leave model existing side-by-side with maternity-leave under the same criteria, in detriment of the parental-leave used together and split between parents. This comprehension started from the appointments made by Lotte Blocksgaard (2015), that, through the study of the Danish legislation points to the failures in the existing model. According to the author, the average of days used by parents in Demark is of 26 days, while the median of days used by Danish mothers is 276 (Blocksgaard, 2015).

The inequalities continue happening of the male labor market, even in the formal sector. The leave regimen system of the Danish legislation isn't exclusively regulated by law – it is also established by a series of collective labor deals. This generates, according to the research conducted in three enterprises that vary in size, economic sector and in employment requirements, very unequal regimen of paternity-leave exercise (Blocksgaard, 2015).

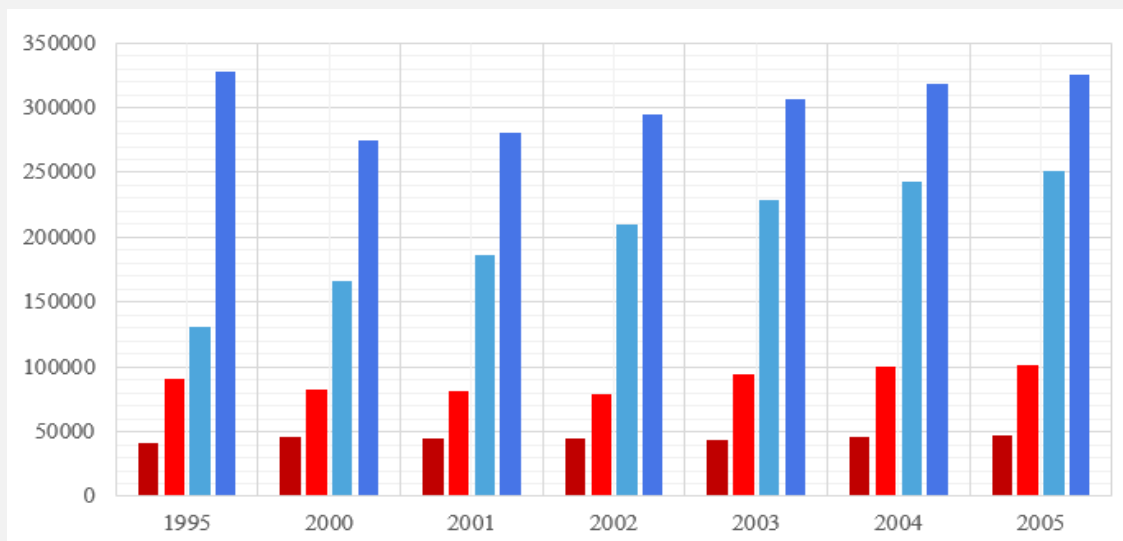
In Denmark, each worker, in order to exercise their right to paternity-leave or parental-leave, has to negotiate with his superiors the duration of the leave, as well as the starting and ending dates of the period. This isn't replicated with women workers in the same company (Blocksgaard, 2015).

Starting from the assumption that the construction of paternity leave is built over preexisting notions and over continuously constructed assumptions of masculinity, the paper demonstrates that there is a limited connection between the idea that this concept and labor relations. It also explains how the need for negotiating the withdraw for

paternity-leave or parental-leave influence the construction of paternity among workers. This is made through mechanisms of incentive and disincentive the male use of the leave-system, a fact that is not repeated in the women labor relations (Blocksgaard, 2015).

By presenting three separate intra-enterprise dynamics, Blocksgaard (2015) attests their arguing on several different labor sectors. By guaranteeing the law and the exclusive license to fathers, in the Swedish model, parents started to interpret as a right the use of paternity-leave, giving wider importance to the time of separation from work.

Chart 01: Total Number of Maternity, Paternity and Parental Leave Beneficiaries by Pregnancy, Birth or Adoption, Women and Men (1995, 2000-2005)

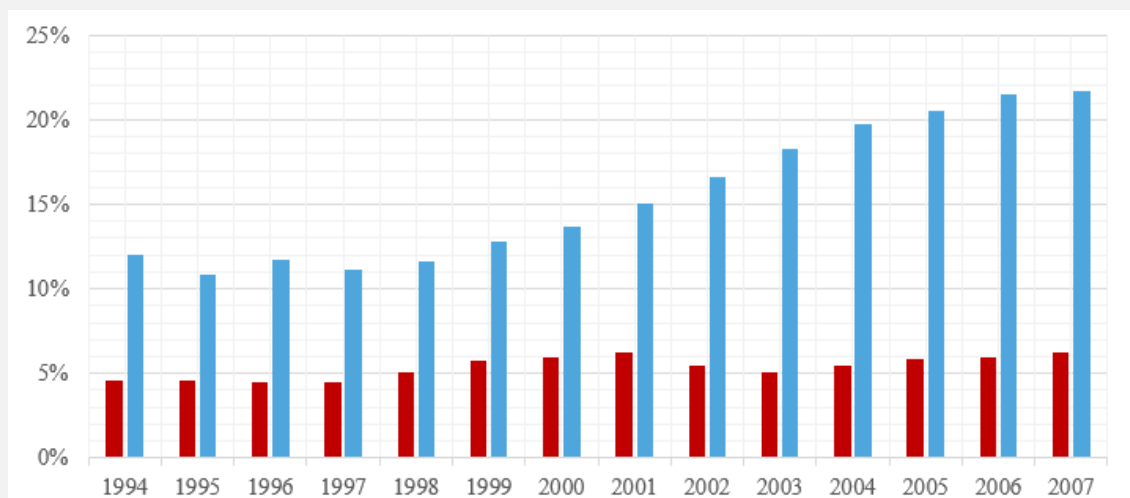


Deep Red: Danish Men. Light Red: Danish Women. Light Blue: Swedish Men. Dark Blue: Swedish Women. Source: NOSESICO, 2003, NOSESICO, 2004; NOSESICO; 2006; NOSESICO, 2008.

However, when one creates a system in which the division of the parental-leave is freely shared by parents and their use by men is also necessarily negotiated in a relation between employee and employer, therefore marked by the inequality of forces intrinsic to the selling of the labor force, once can understand that there is a higher tendency to the non-usage of the parental-leave by men. This is also repeated in the paternity-leave through stimuli to the non-interruption of the male career, at times presented in an indirect form, as promotions, capacitation courses inconveniently offered in odd hours and other varied and unavoidable opportunities (Blocksgaard, 2015).

The study of the Danish case leads to the conclusion that, when a system is designed to split between genders the Exclusive Non-Transferable Paternity-Leave, that is, an independent paternity-leave, increases the exercise among them, helping to establish beacons for the coexistence between life and labor (Blocksgaard, 2015).

Chart 02: Usage Rate of Parental Leave by Fathers, in Percentage of Total Time Available (Parental-Leave and/or Paternity-Leave increased by the Parental-Leave)

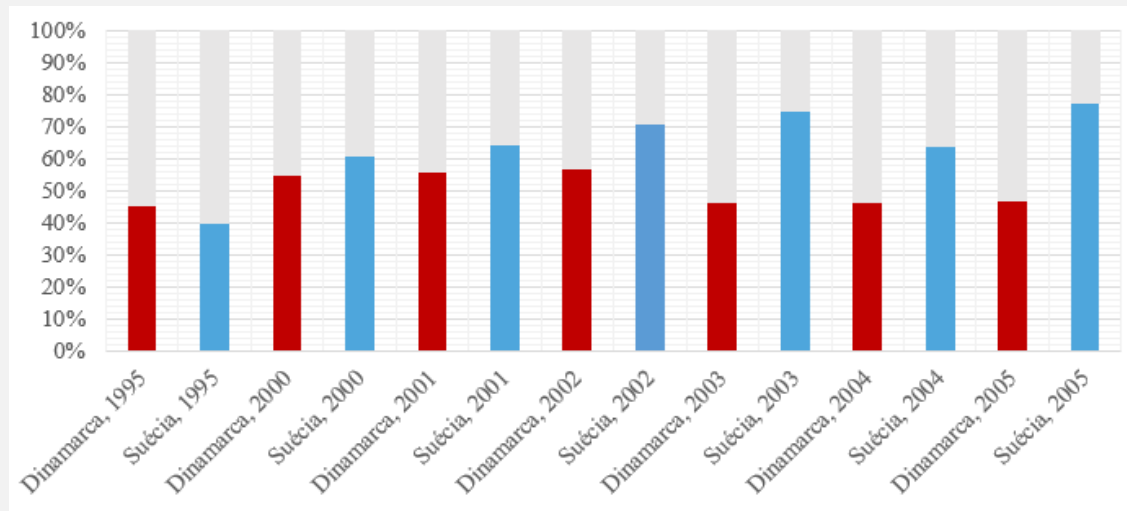


Red: Denmark. Blue: Sweden.

Source: HAATAJA, 2009.

Other studies also highlight how badly-designed public policies of parental-leave can end up reinforcing tendencies of gender inequality. As stated by Rebecca Ray, Janet C. Gornick and John Schmitt (2009) in their study on public policies of parental-leave related to 21 countries, at first, by providing mothers – and not fathers – with a long and generous maternity-leave can seem that it will benefit men. In practice, this policy increases the responsibilities in the care of children relative to the “women’s role”, stopping career opportunities progression, hardening the return to the workplace chances and favoring wages disparity between genders (Ray; Gornick & Schmitt, 2009).

Chart 03: Share of Men in relation to Women Receiving Parental-Leave and/or Paternity Leave, by means of Pregnancy, Birth or Adoption



Red: Danish Men. Blue: Swedish Men. Grey: Percentage remaining until gender parity.
Source: NOESCO, 2003, NOESCO, 2004; NOESCO, 2006; NOESCO, 2008.

This is also the conclusion of Swedish legislators and it is from them that a change has been occurring, since the mid of the 1990s, from a conception of the parental-leave as a right freely sharable by parents to a system progressively more divided legally in its leave regimes (Swedish Institute, 2016).

As shown in Chart 01, it is attainable that an increasingly higher number of men is using the paternity-leave in Sweden, growing almost two times in about ten years, while the number of women practically kept being identical if we compare the final and the starting years. Conversely, the contrary effect can be observed in Denmark: although the number of women has slightly increased during the same period, the number of men using either the parental or the paternity leave has kept stagnant during the entire period.

Chart 02 corroborates this reality, point out the growth from 5% to 6% during the parental-leave used by men. This points out to the lack of social recognition of the need for paternity presence in the first years of child development. This affirmative becomes even more staggering by the limitation to only two weeks for paternity-leave available through the Danish system, which already existed at the start of this period. If from the low usage of these weeks was already showing in the continuation of the total populational of men using any form of leave in Chart 01 when compared to the number of women that use maternity or parental leave, we can see that only about 5% of the parental-leave available time is used by the male-identified population. Conversely, in the same period, the usage of parental-leave by Swedish men almost doubled, growing from 12% in 1994 to about 22% in 2007.

Finally, Chart 03 points to the growth and ulterior reduction in the percentage of Danish men in relation to women using parental-leave and/or paternity-leave. Although the proportional share reached 56% by 2002, the number started to fall at the end of the period, returning to levels of ten years before in 2005. At the same period, Sweden overcame Danish rates in the first five years of the study, reaching 77,20% of gender parity in 2005, more than 150% of the Danish levels.

5. Conclusions

Our hope is that, through these expositions, we could have clarified the reader that both Sweden and Denmark proved that paternity-leave institution is a part of the path towards substantive gender equality. Even though we restricted this analysis to the 1995-2007 period due to the discontinuity of the same indexes in the NOSESCO reports, we believe that we have demonstrated that the implementation of austerity driven policies – like the non-integral payment of salaries received previous to the license, or the establishment of labor criteria for social rights – stopped Denmark from following the same path as Sweden, damaging its population by undermining existing possibilities for salaries gender equality and the shared raising of children among parents.

Once we've arrived at this conclusion, we saw the question over the models of leave legislation – and which to follow. This is why we chose to present both the Danish and Swedish cases. Both differed on the appropriate direction for the legislation. Denmark opted for establishing specific weeks that could only be used by one of the parents, leaving the remaining time for division. The country's legislation put itself in an extreme position in comparison to its Nordic neighbors, because, as we exposed, this was the country that conferred the fewer weeks for parents for sharing.

In the opposing post from Denmark was Sweden, which, at the start of the 1990s had only the weeks of pre-birth maternity-leave as exclusive for parents. The rest of the entire period, which wasn't short – a full year –, was available for division.

However, we remind the reader, all that changed in 1995. Sweden opted for conferring one exclusive month to each genitor/adopting parent, extending that to a second month in 2002 and to a third in 2015. This conclusion by Danish authorities is based on the fact that the choice for conferring almost the totality of the months available to mothers is a reflex of unequal salaries. Mother careers matter less, they inevitably

conclude, in the end, that the salary is effectively inferior, and the career progression opportunities are also few.

And this is also why, allied to socio-cultural conventions over the role of each gender in the raising of children that there is a tendency of greater withdraw of women's time for leave in comparison to men.

In order to fight this discrimination, Sweden started to establish specific months for each gender, in a way to progressively incentivize men in passing time at home and in the care of children.

Beyond that, one should highlight the need for keeping the payments of maternity and paternity leave equal to the salaries received previously by the parents. One can clearly see that in the Danish case the proportional reduction of the salaries enabled a reduction in the use of the paternity-leave. Given the preexistent wages' difference between men and women, the economic disincentive that comes out of this is palpable: more men will stop using paternity-leave because their choice implicates in cumulative wage losses. By preserving the continuity of the conceptions which link the leave to the female gender, there is a direct route to the upkeep of gender connected power dynamics within the labor market (Galiza; Fontoura & Pinheiro, 2009).

Finally, it is out duty to state that it is not because there are meaningful discussions over the limitations of the public budget and over the necessity of adjusts in social welfare that one cannot make changes within the dynamics of financing social security. If we understand that there is no unilateral alternative to dealing with the context of the structural crisis of capital, it is imperative that one concludes that there is a political choice in the way in which the State puts forward counter-reforms.

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