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Parenting Leave Policies in Spain and Inequalities





Spain constitutes a particularly relevant case for examining the impact of extending very well-paid parenting leave rights to fathers, equating their duration with those granted to mothers, while rendering them non-transferable and partially mandatory. Unlike other countries that have attempted to encourage fathers to take long periods of leave with limited success, Spain's leave policy design—together with cultural attitudes toward well-paid leave—has proven effective in motivating most fathers to take paternity leave for a relatively long period of time.



Parenting Leave Policy in Spain

- **Birth and Care Leave:** Each eligible parent is entitled to 19 weeks (4.5 months) of fully paid leave—covered by Social Security at 100% of the previous salary, subject to a high ceiling and exempt from taxation—plus an additional 3 weeks of breastfeeding leave, which are paid by the employer. Eligibility criteria depend on the parent’s age at the time of the child’s birth and on previous Social Security contributions; however, the requirements are not particularly stringent (for individuals over age 26, at least 180 days of contributions within the 7 years preceding parenthood are required). The scheme offers substantial flexibility in its use: 6 weeks must be taken immediately following the birth, 12 weeks may be used on a weekly basis at any point during the first year, and 1 additional week may be taken until the child reaches 8 years of age. The optional portion of the leave may also be taken on a part-time basis.
- **Parental Leave:** Unpaid. However, employees taking this type of leave are credited by the Social Security system with social security contributions for the entire period, which affects pension entitlements, health coverage, and future Birth and Childcare Leave rights; unemployment benefits and sickness leave are excluded. Some regions also provide allowances for low-income families. Parents may take a leave of absence until the child reaches the age of 3 (with the right to return to the same position during the first year or to a position within the same job category thereafter) plus an additional 8 weeks that may be used until the child reaches the age of 8 (in this case, Social Security contributions are paid by the employer). The leave may be taken flexibly in blocks.
- Additional leave provisions include a care leave in case of accident, hospitalization or serious illness for relatives, including children; full or part-time fully paid parental leave to take care of a seriously ill child under 23 years of age (cancer and “similar” illnesses) during the period the child is in hospital or in need of continuous treatment at home.
- All leave rights are individual and non-transferable.



Parenting Leave Policy in [2023-2025]: recent changes

Derived from the transposition of EU 2019/1158 Work-Life Balance Directive:

- **Birth Leave (2025):** Extended from 16 to 19 weeks for each parent (2 weeks to be taken during the first year and 1 week till the child is 8 years old), and to 32 weeks for single parents, following a 2024 Constitutional Court ruling (who considered that children born into this type of family should have the same amount of time to be cared at home by his/her parent as those born into a two-parent family).
- **Parental Leave (2023):** Each parent has been entitled to 8 weeks of leave until the child reaches the age of 8. The leave may be taken in shorter, discontinuous periods and on a full-time or part-time basis. It is unpaid, although employers are required to cover Social Security contributions during the leave.
- **Care Leave (2023):** Extended from 2 to 5 days per event of leave paid by the employer. The Supreme Court has ruled in 2025 that those days have to be working days.





Inequality-Reducing and Inequality-Generating Elements of Parental Leave Design in Spain



Who is eligible, who not?

- **Birth leave**

Eligible: All parents who have contributed to Social Security for at least 180 days during the previous 7 years (lower requirements apply to individuals under 26) and who are registered with the Social Security system. Eligibility is irrespective of the parent's sex, marital status, employment situation (full- or part-time; fixed-term or open-ended contract; intermittent or non-intermittent employment; unemployed receiving benefits; and self-employed), and applies equally to biological, adoptive, and foster parents.

Non-eligible: Individuals not registered with the Social Security system, those who have not met the minimum contribution requirements, and carers who are not legally recognized as parents.

- **Parental leave**

Eligible: Employed parents, regardless of contract type (open-ended or fixed-term), contract duration, or seniority within the job.

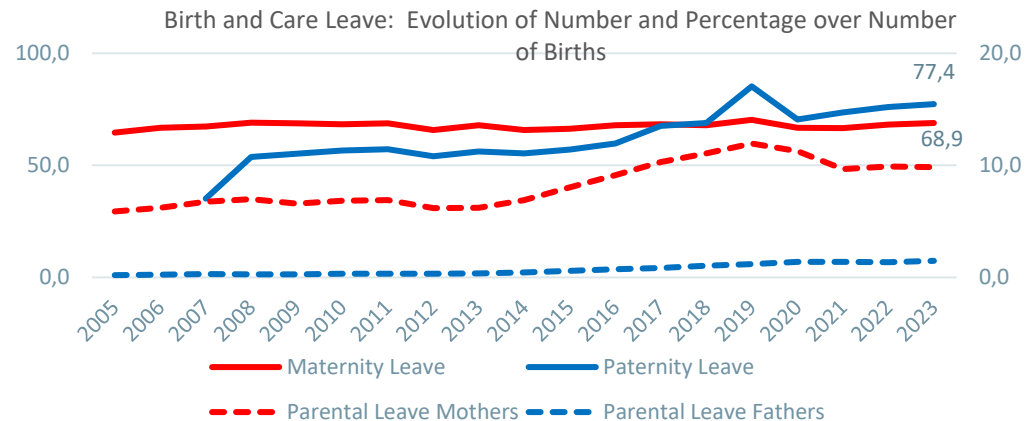
Non-eligible: Individuals who are not employed under a work contract, including the self-employed, working without a formal contract and unemployed persons (regardless of whether they receive benefits).

What do we know about take-up rates?

According to Quidan Survey II (2025) to parents with children less than 7 years old. N= 3,149:

- 94% fathers and 95% mothers used birth leave
- 17% fathers and 13% mothers used less time than the legal right
- 42% fathers and 12% mothers split leave use
- 42% fathers and 66% mothers used breastfeeding leave (mostly as an extension of birth leave)
- 11% fathers and 22% mothers used at some point unpaid parental leave to care for their children.

However, putting in relation the officially registered number of leave benefits with the number of births, take up rates are somehow lower:



- Making leave rights “equal and non-transferable” for both parents from 2021 onwards has been a big success: Quidan II survey data show that nearly all (95%) eligible parents used some period of paid leave and the great majority all of it, without statistically significant gender differences. Most of them, the whole period acknowledged by law. A high proportion could add breastfeeding leave, not only mothers (66%), but also fathers (42%), mostly accumulated in weeks.
- Not all children, however, have a parent that could benefit from birth leave. Parents with unstable work contracts or without contracts, self-employed, managers and to a less extent migrants are disproportionally more frequently among those who don't use birth leave
- Unpaid leave is rather scarcely used and its use is very gendered.

Parenting Leave Policy in Spain and Gender Equality

- Parenting leave policy has gradually evolved into an effective instrument for promoting gender equality, guided by the principles of high income-replacement rates and individual, non-transferable leave rights that are equal for both parents. Fathers' use of paid leave has become as frequent as mothers', but this is not the case for unpaid leave, which remains highly gendered, even though it is useful for quite a number of families.
- Various analyses of the relationship between leave-taking and gender inequality in childcare and housework show that fathers' use of leave—particularly when they care for the children “alone” after the mother returns to work—has a significant impact on reducing gender inequality in family life. According to the Quidan 1 Survey (2021), in families where the father took 12 or more weeks of birth leave, the weekly time gap between parents in childcare decreased by 4.9 hours compared to those where he did not take leave, and by 2.4 hours in time devoted to housework, controlling for other relevant variables. An additional reduction of 4.5 hours in childcare and 3.3 hours in housework is predicted if at least four weeks of solo caregiving leave were taken (Meil & Rogero, 2026).
- However, according to the same survey, which covers a period before and after the reform, the gradual equalization of birth and care leave for both parents has not led to a reduction in the gender gap in the parenthood penalty, measured as the subjective perception that having children has been an obstacle to one's career. Once relevant work and family characteristics are controlled for, there is no statistically significant relationship between the length of birth and care leave used and fathers' perception of a parenthood penalty. In contrast, a significant increase in perceived penalty is found among those who used full- or part-time unpaid parental leave arrangements (Meil & Romero, 2026).

Selected publications

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Thanks for your attention

More info in <https://quidan-project.com/en/resultados-list>

