

PATERNAL LEAVES IN INDIA: MAINSTREAMING THE ROLE OF FATHER IN EXPECTING FAMILY

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In India the debates and discussion on gender equality have been making news since a past few decades with special emphasis being on bringing women and their rights at par with men. While women were recognised to be a marginalised community, stress was laid on the role of female in all walks of life. In furtherance to this thread of thought, India granted maternity leave to mothers in 1961 through the Maternity Benefit Act but it was only in 1999 that the benefit of availing paternity leave for 15 days was granted only to government employees. On the other hand, across the globe, in Italy, a male employee receives 13 weeks leave with 80 per cent pay, eight weeks in Sweden and 45 weeks in Norway, both offering 80 per cent pay to employees on paternity leave. Canada gives its employees 35 weeks of leave with 55 per cent pay.

This clearly elucidates that in India the role of father connecting with the new born infant and the expecting mother is not yet understood to be of utmost importance. Somewhere, in the middle of all the voices advocating gender neutrality, none of the voices are raised for the father who is simply trapped between his double role of a family man and a breadwinner as well. Even though it is the mother who delivers the child but a father is equally expected to be emotionally and physically available for both, mother and child, before and after the delivery. Therefore, the present paper highlights the significance of a father for a child and expecting mother and spells out the need for having the better provision of paternal leave in India.

INTRODUCTION

In the traditional patriarchal society, men were considered to be the provider for the family while women of the house were assigned the role of a caretaker. Men fetched bread for the home, while the lady fed that bread at home. Since it is the mother who gives birth to a young one, it was the mother only who was primarily the responsible one for looking after the child after birth. However, with time women stepped outside the bounds of the house and home-making and started demanding equal rights as given to men.

Gone were the days when it was only men who would go out, work and earn, whereas the women would be at home, taking care of the household and depend on the men functioning as the bread earners. Women became equally independent and educated as men. As more and

more women population was employed as labour force and as a woman by the will of God has to be a mother, this issue came to forefront that naturally an expecting mother could not work up to the exact same level as that of any other labour in the market. Being a mother requires her to be available for her child, emotionally and physically. Therefore, it became incumbent upon the employer to provide for maternity leave to expecting women. This was recognised by the Government through the enactment of Maternity Benefits Act in 1961.

This was done keeping in view the health of both the mother and the child. Taking maternity leave allows the mother the space and time to heal physically after giving birth without having to worry about the work pressures. As a result, the mother is able to take better care of the child as her focus and attention is not divided between her work and her child. Maternity leaves also provide an opportunity to the woman to spend more time with her infant. This ultimately strengthens the parent child bond which can last well beyond the childhood.

For years the priority for women's' rights campaigners has been to increase the provision of maternity leave. These days, more governments are starting to believe that the best way to improve women's career prospects is instead to turn to the fathers. Therefore, the trend which is emerging is that in order to make maternity benefits effective, women alone should not be granted the leave. Along with the mother, the father should also be allowed some time off the work so that he is better able to focus towards the needs of his family. Moreover, since long the role of a father in the family has been undermined and men have not been given an opportunity to stay and look after the child and the mother without compromising on their financial position.

Therefore, the need for having strong paternity leave benefits for men is recognized and discussed in this paper. The present paper emphasizes that it has been since long that a husband and a father has been marginalized when it comes to taking household and family roles. They have not been given adequate opportunity to embrace their fatherly role free of work stress. Thus, providing of paternity leave can be one step in this direction.

WHY DO WE NEED PATERNITY LEAVE?

- GENDER EQUALITY

Since long the world has been arguing for the cause of gender equality in every field. Yet when it comes to parental leaves, men have been totally ignored as in India; the legislation is still debating about the increase in the maternal leave benefits. Paternal leave is one of the

policy measures to encourage greater gender equality both in the family and labour market. Looking after the child is the duty of both the parents and therefore, both the father and the mother are required to be present since the early years of a child's life. However, due to non-existence of effective paternal leave, men do not prefer to take the leave and are therefore, prevented from being there for the vulnerable mother and the child in the early days. The rights and duties of a father in an expecting family are somewhere been ignored. With paternal leave, men would be able to discharge their duties towards their wife and child more effectively without having to worry about the work pressure, meeting the deadlines etc.

Also the concept of parental leave emphasizes on the fact that sharing the responsibilities of a child is not only the work of a woman but a man as well. As per ILO figures, an Indian women on average spend 297 minutes daily on unpaid work, mostly caring for children or elders; the average male, on the other hand, puts in just 31 minutes. No wonder India is bucking the global trend of improved gender parity in labour force participation but the proportion of female labour force participation in India is just 27%, as compared to 79.9% among men. Therefore, as the practice of equally shared parenting is fast gaining ground in the West, India also must pave the way for attitudinal change by making changes on the legislative front. This would allow fathers to be just as engaged in childcare, while enabling women to balance their productive and reproductive roles.

- PREVENTS DISCRIMINATION AGAINST WOMEN IN WORK PLACE

As seen above, the participation of women in labour force in India is quite low as compared to men. Often the employers do not want to hire women because women are expected to be involved in both professional as well as home making business. Since, the legislature for the benefit of mothers provides for long maternal leaves, the employers shirk in employing female because of their long absence from work. Thus, long maternal leave periods negatively affect the women's return to workplace thereby discouraging the employers from hiring or promoting female employees.

Taking leave helps women recover from pregnancy and childbirth, is good for child health, and increases female employment, which in turn reduces the family's poverty risk but the positive employment effects are strongest when the period of leave is relatively short. Parental leave may help reduce discrimination against women in the workplace and particularly in hiring. The reason is that if men and women are roughly equally likely to take leave, employers will be less reluctant to hire women of childbearing-age. It is also widely observed that women who opt for the full term of maternity leave often return

to work to a decreased share of profile responsibilities or at a lower pay. Making paternity leave mandatory could promote the culture of not penalising women for maternity leave and also not discriminating against women during recruitments.

On the employer's front the work would not be affected much as both the men and women would be equally sharing the responsibilities at home as well as managing their work on professional front. Also, paternity leaves help in improving the health of new mother as it provides her time to care of herself without having to worry about the needs of the child as she can be assured that her child is in the safe hands of the father himself. This further enables a woman to work outside the home more, focus better on work and increase their income.

- STRENGTHENING FATHER-CHILD BOND

A mother-child bond is the gift of nature both to the child and the mother. On the hand, a father has to make his bond with his child, which can be enabled only by providing an opportunity to the working father to take some time off to look after his newly born child and to spend some time with the family. Paternity leave help fathers to be present for the child during the early days of the infant and thus, fosters and nourishes the father-child attachment. Fathers can mentally and physically be present for the child without having to worry about meeting clients, making deals, working through deadlines or achieving targets. Further, providing of paternity leaves break the stereotype that men cannot stay home to look after the child. It envisages a man as a father also and not only as a provider to the family. Thus, men taking paternal leaves become more open in taking child-care duties and get involved in their child's life. It makes the father sensitive towards the needs of his child and this experience brings the caring and affectionate side of father on the front.

OECD research shows that fathers who take paternity or parental leave are more likely to perform tasks such as feeding and bathing children. And this is a lasting effect: Fathers who care for children early tend to stay more involved as children grow up. Where fathers participate more in childcare and family life, children enjoy higher cognitive and emotional outcomes and physical health. And fathers who engage more with their children tend to report greater life satisfaction and better physical and mental health than those who care for and interact less with their children.

- BETTER DEVELOPMENT OF CHILD

The early interaction of a child with both the mother and father has a long lasting impact on the child and his

abilities. A child since the very beginning requires both the parents to be present and involved for his overall growth. Thus, paternal leaves benefit the child in various ways. A study by the University of Oslo found that paternity leave improved children's performance at secondary school; daughters, especially, seem to flourish if their dads had taken time off. But this tends to benefit children whose dads come from more advantaged backgrounds. Most paternity leave tends to be short and poorly paid so richer dads are more likely to take the time off. Therefore, a need for effective paternal leave is required if the benefits are to be extended throughout the family, to mother, father as well as the child.

- PHYSICALLY AND EMOTIONALLY BENEFICIAL TO WOMEN

Giving birth to a child requires an enormous amount to energy and strength and therefore, a woman needs to take proper rest both physically, mentally and emotionally post pregnancy. Fathers taking paternal leaves can help their wives in a better way than men who don't. A woman would be able to relax without any worry about her child's need and care. This keeps the woman stress free and allows her to look after her own health. The father would be present to share the equal responsibility. As a result, a mother can properly take her post-natal rest.

- PROMOTES SHARED RESPONSIBILITY

Paternal leave allow the husband and the father to be around which helps especially in a nuclear family. It is a time when the couple is trying to understand the changes in their lives as a couple and parents. The time off also helps the husband to empathise with his wife's condition and lessen expectations from her in other matters. Paternal leave emphasises on the fact that child care is a shared responsibility and not only the concern of a mother. Raising a child is the duty of both the parents and therefore, fathers are allowed to perform their duty by giving them time off from work through the grant of paternal leave.

In fact, legally accepting and providing paternal leave has resulted in a reduced divorce rate in Sweden. Women today are career oriented and are thus postponing motherhood simply because this would impact their career. Paternity leave will make them feel that their partners are also involved and participate in parenting the child equally. This will promote sharing of the responsibility and this is definitely going to make bonds between husbands and wives stronger along with having a special bonding with the child.

NEED FOR PATERNITY LEAVE

Paid parental leave is critically important for fathers. Policies that ensure fathers have the support they need to prioritize their family responsibilities, while also meeting work demands, can significantly increase the personal and economic well-being of their families. However, most organizations don't offer time off for new fathers, and those that do give them about half of what new mothers get. As per a new survey of more than 300 organizations from the Society of Human Resource Management, new moms receive an average of 41 paid days off, compared with 22 days for dads.

Therefore, some of steps which India can take in this direction in light of the emerging global trend are enumerated below.

- EXPANDING PAID PATERNAL LEAVE

In India, the Central Government in 1999 by notification under Central Civil Services (Leave) Rule 551 (A) made provisions for paternity leave for a male Central Government employee for a period of 15 days to take care of his wife and new born child. He can avail this leave 15 days before or within 6 months from the date of delivery of child. If such leave is not availed within the period, it shall be treated as lapsed. For paternity leave he shall be paid leave salary equal to the pay last drawn immediately before proceeding on leave. The period of two weeks is little too less for a father to take care of his wife and child who require constant care and comfort in both pre and post natal period. Parliament has recently extended the benefit of maternity leave to women from 12 to 26 weeks which is an applaudable action. However, the benefit would be of no avail if the mother is still alone and vulnerable without the father being present at her calls. Therefore, in order to shorten the stereotypical gender roles assigned to father and mother and also to provide comfort to mothers, the period of paid paternal leave should be expanded. European countries have taken a big step in this direction providing a larger time period as off days.

PATERNAL LEAVE IN OTHER COUNTRIES

COUNTRY	TIME PERIOD	PAY
Norway	45 weeks	80%
Sweden	8 weeks	80%
Italy	13 weeks	55%
Canada	35 weeks	55%

The paid family leave program in California has brought out how broad and equal access to paid parental leave for

mothers and fathers can substantially increase the number of fathers taking leave. This program more than doubled the odds that men would take paid parental leave after the birth of a child, and the proportion of men filing claims for bonding leave increased from 17% in the first year to 26% after five years. California employers also reported an increase in men taking leave as well as an increase in the amount of leave they took, and the median length of leave was higher for men who used paid family leave than for those who did not. In surveys men report they are much more likely to take leave if it is paid.

- PARENTAL LEAVE INSTEAD OF MATERNAL LEAVE ALONE

As of today India has a law in place on benefit of maternity leave to women while no effective law remains for men regarding the same. Since, looking after child is the shared responsibility of both the father and mother, instead of maternity leave, India can introduce the concept of parental leave. In this, both the father and mother can avail the benefit of leave to look after the care and health of the expecting mother and the child as well. Certain mandatory period can be fixed for both the father and the mother to take the leave.

Sweden was the first country which woke up a snoozing corporate world to the notion of paternity leave. In 1974, they pioneered the concept of parental leave where both parents were encouraged to take time off when a child was born. But only 6% of fathers were availing parental leave. So in 1995, the government stepped in, reprimanded the fathers by introducing one month paternity leave with a caveat: If the men did not avail this leave, to be with their newborn, the families lost one month of subsidies from the government. In the hope of further amplifying the role of fathers, in 2002, the government added a second month to an already existing plan. As a result, divorce and separation have decreased in Sweden while it has increased throughout the world.

Since Sweden pioneered the concept four decades ago, paternity leave has been enshrined in the laws of 78 of 167 countries. The country has constantly fine-tuned its policy since then, from reserving one month of parental leave as an exclusive 'daddy's month', to 16 months of paid parental leave, of which three months have to be taken by the father before the child's eighth birthday.

- REGULARISATION OF PATERNAL LEAVE

As can be seen above there are various reasons why paternity leave should be provided as a work policy by employers. India has through legislation provided for the

maternity leave for expecting mothers, but for expecting fathers no such effective legislation is existent till date. Even though Civil Services Rule provide for 15 days of paternal leave, this leave is sanctioned only for government employees. As a result, private companies in India are not bound to provide any paternal leave to their male employees and refuse so at their own will. Since there isn't any such law that indoctrinates the private sector to make it obligatory, paternity leave is open to interpretation by individual companies.

However, recognizing the global trends of paternal leave, foreign private companies have started making sure to add paternal leave as an incentive in their work policy for men.

PATERNAL LEAVE BY PRIVATE COMPANIES

COMPANY	PERIOD
Facebook India	16 weeks
Google India	4 Weeks
Adobe India	10 days
Airtel	1 week

Even though some of the companies are providing a good number of off days as paternal leave, it can still be seen that the period varies from company to company. Since, there exists no law regulating the same, the period of leave ranges from 10 days to about 16 weeks. Thus, on the one hand you have a Cisco Systems (India) which grants its employees 12 weeks paternity leave and on the other, you have Infosys which offers 5 days of paid leave. Some companies even shy away from identifying it as paternity leave, instead they have christened it Compassionate Leave. And then there are many companies that don't care much for the concept.

CONCLUSION

There is a greater need for understanding a man's role during childbirth in contemporary times and an increased desire on the part of the modern man to be an involved father right from the beginning. The hard reality of Indian patriarchal society is that the companies and people till date consider women's job as secondary and thus feel that their stay would be temporary until they get pregnant. India has to start taking baby steps in the right direction to have a balanced holistic society rather than only become economic power with a zombie-like workforce as raising a child is not only restricted to mothers but to both the parents.

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