*Makedonka RADULOVIC*

MATERNITY LEAVE IN THE REPUBLIC OF MACEDONIA

(OPINIONS OF THE YOUNG)

***Summary***

*Maternity leave is always a topical issue. In the public, there are often analyses for increasing the duration, equal opportunities for its use, its effect on the overall care of the child, payment/unsettled compensation of the salary etc.*

*Maternity live practice in different countries shows great dispersion on this issue. From a maternity leave of several weeks to a childcare leave that may last for several years. Also, the issue of the use of maternity leave by fathers is increasingly more frequent.*

*This paper presents an analysis of the legal framework of maternity leave in the Republic of Macedonia and the current situation regarding its utilization and. At the same time, a comparative analysis has been made with other countries in Europe and beyond.*

*For the needs of this paper, a quantitative analysis was also conducted to examine the attitudes of young people in the Republic of Macedonia related to the issue of maternity leave.*

***Keywords****: MATERNITY LEAVE, FAMILY, CHILD CARE, EMPLOYMENT RELATIONSHIP, YOUTH.*

**Introduction**

Maternity leave is an important segment of childcare and, in general, of children’s wellbeing. The duration of maternity leave is an issue that is relevant for debate. However, what recently attracts attention to this issue is the use of maternity leave by fathers. Although this possibility is the practice in many European countries, in the Republic of Macedonia it is still the subject of much debate. Despite the legal possibility for fathers to be able to use maternity leave, the figures show that this option is almost not used. On one hand, the reasons can be found in the cultural and traditional settings in our region, economic viability (men earn more than women), but also in the prejudices and stereotypes. On the other hand, the changes affecting families and the way they operate are imminent. Single parent families, reconstructed families, extramarital communities, same-sex communities, increased number of divorces, declined number of marriages, declining birth rate etc. This raises the question whether the manner of understanding the childcare is also changing? Is the awareness of young people changing in the direction of equal representation of both parents in raising their children? Can it be expected that in the future the number of fathers on maternity leave will increase?

1. **Legal frame work for maternity leave in the Republic of Macedonia**

One of the basic rights enjoyed by women as special protection in employment is the right to protection during pregnancy, childbirth, and parenthood “Workers shall have the right to special protection in an employment relationship, due to pregnancy or parenthood” (Labor Relations Law (LLL), Article 161). Protection in Labor Relations Law is first laid in the notification that a worker is pregnant. No matter the stage of the pregnancy, the employer is obliged to introduce multiple assessment of the risks that may affect a pregnant woman, her unborn or new-born child. Further risk assessment is applied during change of working conditions, equipment, or machines.

Furthermore, the employer must not terminate the employment contract of a worker during pregnancy, childbirth, and parenthood, while placing a child in foster parent, absence of work for parenting by the father or the adoptive parent and the like. The termination of the employment contract is void if on the date of delivery of the dismissal the employer was aware of the circumstances of the pregnancy, or if the employee informs the employer within 15 days of receiving the cancellation of the existence of circumstances of pregnancy by submitting an appropriate certificate of a doctor or a competent authority. The employer may not require any data on employee’s pregnancy, unless she does not submit them herself for the exercise of the rights during pregnancy. If the employee performs work during her pregnancy that may adversely affect her health or the health of the child, the employer is obliged to provide her with another job and salary, as if she was performing her job, if it is more favorable for her.

Also, during pregnancy the worker cannot perform overtime or work at night (Articles 120, 161, 162, 163, 164 from the Labor Relations Law, 2015).

**1.1 Right to maternity leave**

Under the Labor Relations Law, the worker during pregnancy, birth and parenthood is entitled to paid leave work for a period of nine months continuously, and if she gives birth to more children at once (twins, triplets and more) for 15 months (Article 165, part 1, 6 and 7). In addition, the worker who adopts a child is entitled to maternity leave until the child is nine months old, and if more children are adopted (two or more) for 15 months. The period when a worker can start the leave due to pregnancy, birth and parenthood, based on the findings of authorized medical institutions is 45 days before delivery and compulsorily 28 days before delivery (Article 165, part 2). If for medical reasons a child is detained for the care or treatment in a health institution and in the meantime the mother or father return to work, the leave due to childbirth and parenthood is terminated and they have the right to additionally use it (Article 165, part 4).

The worker is obliged to announce to the employer the time of commencement of the use and timing of completion of maternity leave 30 days before the start or before the completion of the exercise of the right to maternity leave (Article 165, part 5)

Worker using leave due to pregnancy, childbirth and parenthood can return to work before the end of the leave, but not before 45 days from the date of birth of the child (Article 166, part 1). The worker, apart from the right to salary, has the right to salary compensation for leave due to pregnancy and parenthood totaling 50% of the amount of compensation for leave under the regulations for health care (Article 166, part 2). At the end of maternity leave the employee is entitled to return to the same job or, if that is not possible, to an adequate position under the terms of the employment contract (Article 166, part 3).

In some cases, the maternity leave due to pregnancy, childbirth and motherhood may be extended. It is possible if the worker gave birth to a stillborn child or if the child dies before the expiration of the leave due to pregnancy, birth, and parenthood. In this case, the absence is extended for as long as based on the findings of a physician it is needed for the worker to recover from the birth and the psychological state caused by child loss, for a minimum of 45 days. (Article 166, part 1). Moreover, during that time the same rights as in the case of leave due to pregnancy, birth and parenthood shall apply (Labor Relations Law, 2015).

**1.2 Salary Compensation**

Employees using leave for pregnancy, childbirth, and parenthood, leave for care and protection of a child are entitled to salary compensation. The resources for compensation for maternity leave are provided from the Budget of Republic of Macedonia. According to the Law on Health Insurance (Article 17) the basis for calculating the salary compensation represents the average monthly amount of paid salary to which the contributions for compulsory health insurance has been paid in the last twelve months prior to the case for which the right to compensation is gained. The amount of the salary compensation during leave for pregnancy, childbirth and motherhood is 100% of the basis of the salary compensation. Compensations for absence from work due to pregnancy, childbirth and motherhood are paid from the first day of the temporary work disability from the funds of the State Budget.

After completion of the leave from work due to pregnancy, childbirth and parenthood, each worker is entitled to unpaid maternity leave of up to three months in the period before the child reaches three years of age for childcare, in up to three parts. If while using this right the female worker gets pregnant again, she does not lose the right to compensation on the basis, of pregnancy, childbirth, and parenthood. A woman should be at least 6 months employed and insured to be entitled to maternity leave (Article 171, part 1, 2 from Labor Relations law, 2015)

**1.3 Paternity leave for men**

The father equally has the right to use paternal leave as the mother. The Labor Relations Law provides that the father can replace the mother and use maternity leave instead of her. Under Article 167 “If the leave from work for parenting of Article 165 of this law is not used by the female worker, the right to leave from work shall be used by the father or the adoptive parent of the child”. However, although the law provides such a possibility, it is rarely used in the country. According to the Health Insurance Fund, annually 10-20 men use paternity leave in Republic of Macedonia. As a comparison, in Montenegro around 110 men use paternal leave annually, while in Serbia 225. In the European countries, fathers use paternity leave more often, and in some countries, it is a regular practice. According to the Report of “OECD - Social Policy Division - Directorate of Employment, Labour and Social Affairs”, Administered paternal leave per 100 live births in Finland is 80, Slovenia 75, Sweden 70, Denmark 65, Spain 60, Belgium 55, Latvia 50, Estonia 45, Poland 35, Hungary 25 etc.

1. **Maternity leave in the world**

The practice of maternity leave is different in the countries in the world. While in some countries maternity leave can last up to 3. 5 years, in others it barely lasts 3-4 months. In addition, the financial compensation paid in the countries is also different. For example, in Russia maternity leave can last up to 166 weeks of which in the first 20 weeks a compensation of 100% of the salary is paid, from the 21st week to 1.5 year 40% of salary, and after 1.5 years there is no compensation in the period of maternity leave. Estonia also offers the possibility of maternity leave up to 166 weeks and for the first 20 months there is full compensation of salary, and for the remaining period it amounts to 45% of the salary. Uzbekistan also offers 166 weeks of maternity leave and in this country, 100% of the salary is paid for the first 18 weeks, and 20% from the 19th to 105th week, and there is no compensation for the remaining period. The Czech Republic provides for 110 weeks, or 2.5 years, of which the first 28 weeks 70% of the salary are paid, and 45% is paid after the 29th week. In Norway, maternity leave can last 61 week with 100% of salary compensation, or 91 weeks with 80% compensation of salary. In Cuba it is 57 weeks, with the possibility of 100% compensation in the first 18 weeks, and 60% from the 20th week onwards. In Canada and Denmark, the maternity leave lasts up to 52 weeks and up to 55% compensation of salary is paid. Australia and the United State are among the countries with the shortest maternity leave, about 12 weeks. (“Economist” Paid maternity-leave entitlement stud).

In most European countries, maternity leave is shorter compared to the Republic of Macedonia. However, various opportunities for its improvement have been envisioned. Thus, the mother may take additional days of unpaid leave, or be assisted financially by the state to be able to pay the care of the infant, and of course, the option for father to take maternity leave.

Due to the efforts of the European Union to ensure a balance between family life and work trends in favor of increasing the period of maternity leave are visible. Thus, the European Union decided that maternity leave for mothers be extended from 14 to 20 weeks with full payment of salary (Council Directive 92/85 / EEC). With the decision of the European Parliament new fathers are granted at least 2 weeks paid leave. The average duration of maternity leave in the EU is 23 weeks. The shortest is 14 weeks and the longest maternity leave is 58 weeks. The shortest maternity leave is provided in Germany, Sweden, and Croatia, i.e. 14 weeks. Bulgaria has the longest with 58 weeks, Great Britain and Poland with 52 weeks, Ireland has 42 weeks. Greece, Netherlands, Spain, Latvia, Belgium, Austria, Slovenia, France, and Luxembourg have maternity leave lasting 15, 16 or 17 weeks. All countries do not provide for full payment during maternity leave. (“Maternity, paternity and maternity leave: Data related to duration and compensation rates in the European Union”).

In Serbia, maternity and childcare together last 365 days and begin between 28 and 45 days before delivery.

In many European Union countries, it is provided for the fathers to be able to take a number of days of leave after the birth of the child. Also, some countries allow mothers and fathers to share the maternity leave

California is the first state that offers paid family leave.

1. **Attitudes of young people about maternity leave in the Republic of Macedonia**

A research on the opinions of young people with regard to maternity leave in the Republic of Macedonia has been conducted. The purpose was to gain an impression on the opinions of young people regarding the length of maternity leave, in terms of whether it should be of shorter or longer length and whether they think that fathers should be entitled to maternity leave, as well. Youth, i.e. students were the target group of the research considering that they are the ones that ought to create a family and offspring. The research was conducted via a survey. 200 students (100 male, 100 female) at the Faculty of Philosophy during November 2016 were the respondents.

According to the analysis of the responses, the largest number of respondents believes that the maternity leave should be in duration of up to one year. Although responses stating that maternity leave should be in duration of up to two or three years were an option, they still opted for up to one year of maternity leave as optimal and sufficient. Synonymously, 70% of the respondents think that maternity leave should be in duration of up to 1 year, 20% opted for 1 to 2 years of maternity leave, whereas 10% believe that up to 3 years is the right duration of maternity leave. An interesting note to make is that 30% of the respondents expressed their support of maternity leave of more than a year are female.

 The question whether men should take advantage of maternity leave, was answered confirmatively by 60% of the respondents, whereas 40% said no. Out of 60% of the confirmative respondents, the largest portion, i.e. 50 % are female, whereas the largest part of the remaining 40% answering with a negative answer were male.

Regarding the question referring to how often men in our surroundings use maternity leave, almost everyone agreed that the opportunity of fathers using maternity leave is not utilized. 80 % state that fathers do not use maternity leave in the Republic of Macedonia, whereas 20% believe that it rarely happens that fathers are on maternity leave. No respondents answered that fathers often utilize maternity leave.

Furthermore, the survey asks whether women need assistance in childcare and how the environment sees fathers on maternity leave.

The respondents were given an option to choose on a scale from 1-3 in determining how big of an assistance a mother requires while caring for a new-born. 50 % think that a mother requires assistance by choosing 3 on the scale, meaning that she needs maximum assistance from the spouse. All 50%, i.e. 100 respondents were female whereas the remaining 100 male respondents believe that either the mother requires minimal assistance – 27% or that she requires partial assistance – 27%. The question whether the father would provide equal care to the baby as the mother would, as much as 80% responded that the father would not be as successful in the childcare as the mother. This answer statistics cannot be gender specified.

Accordingly, the standpoints regarding the following question were expected: **Do you think that it is right if the woman works and the man uses maternity leave?** The largest part of the respondents stated that this is illogical and 35% think that it is logical that the man takes advantage of the maternity leave right instead of the woman. The largest part of male respondents does not see any logic in the option of the man using maternity leave instead of the woman, as well as 15% of the female respondents. 75% of the respondents answered the question whether they hold prejudice against fathers using maternity leave negatively, whereas the remaining 25% made of mostly male population are biased.

 In terms of role division on male and female, when it comes to childcare, most of the obligations are mutual and cannot be divided by gender as per the opinion of a large part of the respondents – 67% but the standpoint of the remainder is that there are obligations which are strictly female.

The questions on the factual situation in Republic of Macedonia: whether they know that a man can take advantage of the right of maternity leave and why men in Macedonia do not use maternity leave, i.e. if the reason is shame and environmental judgment, the respondents answered as it follows: The largest part of youth is not informed that men can be on maternity leave in the Republic of Macedonia. Almost everyone answered no – 93%. Also, the largest part of them thinks that men do not use maternity leave as they are concerned about the surroundings’ point of view. 73% answered confirmatively, meaning that maternity leave in Macedonia is not utilized by men, due to the fear of social judgment.

**Conclusion**

After analyzing the legal frame of maternity leave in the Republic of Macedonia, comparative analyses with other countries and the results from the survey, the following conclusions can be drawn:

* The Republic of Macedonia stipulates protection of pregnant women at the workplace, the maternity leave is in duration of 9 months, meaning 12 months for twins and this is strictly defined by the Labor Relations Law.
* According to the duration of maternity leave, Republic of Macedonia rates in the middle among the countries in the world, but far above the European Union countries.
* Men in Republic of Macedonia are equally entitled to maternity leave as women, but the practice shows that they almost do not use it at all.
* Opinions of youth in regards of maternity leave duration correspond to the current regulations. Namely, most of the respondents believe that maternity leave in Macedonia should be up to one year.
* A part of the respondents agree that man should also take maternity leave but these respondents are mostly female. Male respondents answered negatively.
* Similar standpoints are noted in terms of division of obligations and responsibilities of the new-born. Mostly the respondents do not think that fathers can replace the mother’s role in raising children. Male respondents do not think that mothers need big assistance in raising children. Although respondents do not believe that chores should be divided in male and female, stereotypes regarding raising children can be noted. It can be drawn as conclusion that even female respondents believe that they are the ones that should take maternity leave and take care of the new-born.
* Maternity leave for men is still a taboo in the Republic of Macedonia, which can be also proven by the respondents’ answers. They do not know men that ever took maternity leave, they consider it as illogical for the man to take maternity leave instead of woman. They agree that the reason for this situation is the fear of judgment by the environment. Most of the respondents agree that men in the Republic of Macedonia do not wish to take maternity leave as they fear of being the subject of mocking. It can be concluded that the tradition in division of male and female roles is deeply tabooed in the conscience of young people and that the woman is naturally connected to childcare. There are still stereotypes and prejudices regarding progressive changes taking place in the European Union countries and fathers increasingly take maternity leave instead of the mother or along with her and often take care of the children alone. It is still concerning that young respondents answered that they are not informed of the possibility of a father taking maternity leave, nor do they condemn the rejection of this possibility. Further research should answer the question on how these situations could change and achieve progress in youth standpoints.
* The results of the conducted research undoubtedly show that greater gender sensibility and raising awareness among young people is needed in order to overcome the existing stereotypes and prejudices regarding gender roles, through appropriate education, media campaigns.

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SURVEY: MATERNITY LEAVE IN REPUBLIC OF MACEDONIA

**Gender: M**

 **F**

**1. How long should maternity leave be?**

 А) up to 1 year B) between 1 and 2 years C) up to 3 years

**2**. Do you agree that men should take maternity leave?

 А) YES B) NO

**3. How often do men in our surroundings take maternity leave?**

 А) often B) they do not take maternity leave C) rarely

**4**. **On a scale of 1-3, in your opinion, rate the need of assistance of a young mother from her husband:**

А) 1 B) 2 C) 3

**5**. **Do you think that the man will provide the same care for the baby as the mother?**

А ) YES B ) NO

**6**. **Do you think it is right that the woman works and the man takes maternity leave?**

 А) YES B ) NO

**7. Do you hold prejudice against a man taking maternity leave?**

А ) YES B) NO

**8. Do you think there should be division of male and female obligations in terms of childcare?**

А ) YES B ) NO

**9. Do you think that men do not take maternity leave as they believe they will be judged by the surroundings? (shall be mocked)?**

А ) YES B) NO