




Position Paper: Parental Leave in Jordan and its Impact on the Economic Integration of Women



West Asia-North Africa Institute, February 2020



This publication is part of a series titled “Towards Inclusive Participation of Vulnerable Women and People with Disabilities in the Social and Economic Life”. The project was implemented by the West Asia-North Africa Institute (WANA) with the funded support of the IM Swedish Development Partner in the Middle East. The project sought to impart essential research skills and tools to twenty-four male and female trainees to enable them to advocate for issues of interest to marginalised women and persons with disabilities. It culminated with trainees drafting policy papers pertaining to social and economic issues facing these populations.

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Cover image: © Alberto Bizzini

Published by the WANA Institute, Royal Scientific Society in Amman, Jordan.

Printed in Amman, Jordan

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Manufactured in Jordan

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1. Definition of Parental Leave

As illustrated in the explanatory memorandum to the proposal for a Council Directive on parental leave issued by the European Commission in 1983 and adopted by the International Labour Organisation, Parental Leave entitles mothers and fathers to time off during and after the delivery of a child to enable working parents to care for their new-born children while giving them security in terms of employment, social security and benefits. Parental leave is important, as it empowers the economic participation of women and promotes the family’s safety and stability by promoting of the father’s involvement in the childcare process, which will thus bear a substantial impact on society.

Parental leave differs from maternity and paternity leaves granted to mothers and fathers subsequent to the birth of a child. Paternity leave is defined as a leave of absence granted to working fathers during the first few months prior to or during birth. Paternity leave is fully paid and generally shorter in duration than that of maternity leave, notwithstanding the fact that international conventions have yet to stipulate provisions pertaining to paternity leave. The leave of absence is not a right in itself, but is a rightful and integral part of parental leave. Furthermore, the duration of parental leave may extend over the period of weeks without loss of employment in accordance with applicable law, as parental leave does not fall within the scope of emergency leaves that only extend over a few days.¹

2. Overview of Parental Leave

The International Labour Organisation (ILO) pioneered in drawing attention towards the need for granting parental leave to working parents after the birth of their children. In the Employment Recommendation (Women with Family Responsibilities) issued in 1965, parental leave was to apply to men and women who bear responsibilities related to their dependent children, “not exclusively for newly born children,” that hinder their ability and readiness to enter and engage in economic activity². Later in 1975, the International Labour Conference sought to emphasise the difficulty of achieving realised equal opportunities and treatment without extending the scope of rights to include male and female workers with family responsibilities. This emphasis represented an acknowledgment of the need for altering the traditional role of men to accompany the changing traditional role of women; such changes should be reflected in joint involvement in family life, in

¹ Maternity and Paternity at Work: Law and Practice across the World, 2014.

http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243314/lang--ar/index.htm

² Refer to the same source.

which women bear greater responsibilities. The vitality of achieving equal opportunities and for men and women bearing family responsibilities was highlighted during the ILO Convention No. 156 of 198. It was rendered applicable to all workers with children and immediate family members in need of support. Furthermore, recommendation No. 165 issued in 1981 concerning ILO workers with family responsibilities addressed the subject of equal opportunities and treatment for workers, both men and women, in addition to seeking the desired result represented in granting paternity leaves to working fathers during and after the lapse of maternity leave without loss of employment or hindering the rights stipulated in Employment Protection in accordance with Article 22,1.³

Over the course of the last century, women have encountered prosecution and violations of their fundamental rights to employment and reproduction. For example, women in the United States and Ireland were forced to leave work and prohibited from seeking employment after marriage in aims of maintaining pregnancy and family care. The saddening prevailing situation persisted until trade unions began the movement to enforce maternity leave for the purpose of enabling women to practice their rights pertaining to reproduction, care and employment.

Some countries have instated maternity and paternity leaves for the purpose of ensuring the fulfilment of parents' rights to care for their children. In Sweden, the ratification of leave began gradually. Free leave was granted first exclusively to the mother. This free leave transformed in time into rightful parental leave for both parents. Britain's first step towards instating parental leave was through the approval of maternity leave, which later turned into a 39-week parental leave, while Norway allocated 112 days of paternal leave for working fathers.⁴ Therefore, it is quite evident that the involvement of the International Labour Organisation in the instatement of paternal leave was in aims of helping wives and working mothers. In 2009, however, the ILO further advanced its adoption of gender equality due to the revelation that household duties and responsibilities are not attributed to women alone, and therefore, paternal leave furthers the involvement of fathers in family care and responsibilities. Consequently, the organisation's decision guarantees countries' commitment to working on the development, expansion and dissemination of laws on paternal and parental leave laws rather than allocating laws strictly pertaining to maternity leave.⁵

At the local level, Jordanian law allocates maternity leave (a 90-day leave for women working in the public sector, and a 70-day leave for women working in the private sector) and paternity leave for working fathers for two business days following childbirth. This duration is not sufficient to aid working mothers and does not allow the fathers the time to contribute to parenting. Therefore, it is vital to shed light on parental leaves from economic and social perspectives, in addition to forging instruments that assist our attempts at changing stereotypical gender roles and contributing to the promotion of women's economic participation in society.

³ Maternity and Paternity at Work: Law and Practice across the World, 2014.

http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243314/lang--ar/index.htm

⁴ Reforms in the Swedish Parental Leave System and their Effects on Gender Equality, the Swedish Inspectorate for Social Insurance.

⁵ Reforms in the Swedish Parental Leave System and their Effects on Gender Equality, the Swedish Inspectorate for Social Insurance.

While each society has its own characteristics, we find that women's attainment of unpaid maternity leave violates and falls short of the ILO standards in which the duration of maternity leave ought to be 14 weeks. As stipulated in Article 70 of the Labour Law, "Women workers are entitled to maternity leave with full pay for ten weeks including rest before and after delivery. Leave after delivery shall be no less than six weeks long and employment before the expiry of such a period shall be prohibited".

Article 71 guarantees women's right for a leave subsequent to that of maternity leave: "Working women shall have the right subsequent to the expiry of the maternity leave provided for under article (70) of this law, to obtain, within a year of the date of delivery, a period or periods not exceeding one hour in total per day with pay for the purpose of nursing her new born. Furthermore, women who work within an establishment that employs ten or more employees are entitled to a one-year unpaid leave for the purpose of child upbringing. Article 67 of the Jordanian Labour Law stipulates that women who work at an establishment which employs ten or more employees shall have the right to return to work upon the expiry of this leave, though, she shall lose this right if she works and receives payment during such period in any other establishment."

Despite the presence of a law that grants mothers the full duration of maternity leave, such law fails to grant husbands a paternity leave despite the importance of the husband's role in assisting his wife during such times. Article 105 of the Civil Service Law states: "Male employees are entitled to paternity leave with full pay and allowances for the period of two days in the event of the wife's birth based on a medical report from a doctor or a midwife".

3. Research Methodology and Key Findings

For the purpose of conducting a study on local attitudes, the research team conducted four one-on-one interviews and three focus group discussions with members of the Jordanian community. A sample of married women indicated unanimous support for parental leave, while attributing importance to paternity leave as a rightful paternal prerogative that enables fathers' engagement in child care and upbringing, in addition to furthering fathers' involvement. Meanwhile, an interviewed single man indicated his support for the idea of paternity leave, on the condition that such leave does not attribute child care to fathers while wives are at work. The respondent expressed willingness to carry the burdens of upbringing and engage in child care, provided that the mother is present.

Furthermore, in an in-depth interview conducted with Aroub Sobuh, a media and human rights activist, Sobuh indicated that parental leave was not considered a priority in parliament during her work with the Rights Coalition, which is made up of ten women organisations, unions and labour entities operating for the purpose of elevating the economic participation of women and supporting the establishment of family-friendly work environments suitable for women and working families. The Coalition lobbied for prolonging paternity leave to two weeks but the length of paternity leave was ultimately reduced to three days. Mrs. Soubh attributed this to insufficient collective societal awareness of the vital paternal role in childcare. This is evident by the legislators' restriction of the paternal role to the first three days following childbirth in order to register the child and obtain birth certificates. Furthermore, Soubh believes that high birth rates in Jordan make it difficult for institutions adopt longer paternity leaves. Therefore, it is essential that the

community's structural and intellectual beliefs be addressed, because simply enacting a law is insufficient in giving fathers the opportunity to utilize paternity leave to take part in their children's upbringing while enabling wives to return to the labor market after the end of maternity leave.

4. Recommendations

The research team deems it necessary to propose the following recommendations that are applicable in Jordan:

- For the short term: It is necessary to seriously contemplate granting paternity leave beyond the three-day period designated for the release of children's paperwork. This will contribute to establishing a family atmosphere that is suitable for the father and children. Furthermore, extending the duration of paternity leave has an important role in reducing gender inequality, integrating women into the labour market and dramatically eliminating gender stereotyping, in addition to promoting the family stability in the Jordanian society.
- For the long term: There ought to be a stipulation of an obligatory thirty-day paternal leave divisible by three years in the form of ten continuous days per year under the condition that the wife continues her work over the duration of the ten days. Such a solution is consistent with Jordanian society's values, laws and customs. Though, it is certainly insufficient, it will serve as a starting point towards becoming a country that guarantees equal rights to its citizens, a stable financial environment suitable for families, and the advancement of Jordan in regards to women, children, family and human rights.



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