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NEWS REPORT

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| Country: | Spain |
| Title: | Spain extends paternity leave from four weeks to five weeks |
| Date: | 05 October 2018 |
| Expert: | María Amparo Ballester Pastor |
| <u>Context</u> | |
| Issue at stake: | Law 6/2018, of 3 July 2018 (Final Disposition 38) has extended the paternity leave from four weeks to five weeks and has allowed the possibility to take the paternity leave in two parts. |
| Ground of discrimination: | Sex |
| Source: | Legislation |
| Field: | Maternity and parental leave |
| Applicable law: | Article 48.7 of the Workers' Statute and Article 49 c) of the Basic Statute of the Public Employee |

Content

Law development: Law 6/2018, of 3 July 2018 (Final Disposition 38) has extended paternity leave from four weeks to five weeks and has introduced the possibility to take up paternity leave in two parts. Paternity leave was first established by the Organic Law on Effective Equality, Law 3/2007 of 22 September 2007. The paternity leave was 13 fully paid days. The Law 3/2007 also established that this leave should be extended to four weeks within six years after implementation of the law. However, the promised extension of the paternity leave was continuously postponed. On the 1st of January 2017 the extended paternity leave to four weeks entered finally into force due to an extraordinary situation of lack of parliamentary support to the Government; the State budget act for 2017 could not be approved at the end of 2016 so the State budget act for 2016 was extended. The State budget act for 2016 had suspended during a year the extension to four weeks of the paternity leave. This is why on the 1st of January 2017 paternity leave was automatically extended to four weeks. The State Budget act for 2017 was finally approved in June 2017, by means of Law 3/2017, of 27 June. This act maintained the paternity leave of four weeks that has been in force from 1st January 2017 until today.

The State budget act for 2018 was only approved in July 2018, by means of Law 6/2018, of 3 July. This new legislation, that has changed Article 48.7 of the Workers' Statute and the Article 49.c) of the Basic Statute of the Public Employee, applies to workers and to civil servants. This Act has extended the duration of parental leave from four weeks to five weeks.

The Act has changed paternity leave in another interesting aspect: until now paternity leave was indivisible. From now on paternity leave may be taken in two parts, so the fifth

week can be taken in a separate way during a period of nine months after the birth of the child. To do this, however, it will be necessary to reach an agreement with the employer.

Key points of analysis: The State budget act for 2018, approved by the Law 6/2018, of 3 July 2018, has extended the paternity leave from four weeks to five weeks. It has been the second extension in less than two years when on 1st of January 2017 paternity leave was extended from 13 days to four weeks.

Internet link sources:

Article 48.7 of the Workers' Statute, approved by Royal Legislative Decree 2/2015, of 23 October 2015, modified by Law 6/2018, of 3 July 2018, <http://www.boe.es/buscar/act.php?id=BOE-A-2015-11430>, accessed 14 September 2018.

Articles 49 c. of the Basic Statute of the Public Employee, <https://www.boe.es/buscar/act.php?id=BOE-A-2015-11719>, accessed 14 September 2018.

State Budget Act for 2018, approved by Law 6/2018, of 3 July 2018, https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-9268, accessed 14 September 2018.