

PARENTAL LEAVE : PRESENT SCENARIO AND FUTURE DIRECTION

EXECUTIVE SUMMARY

Children are priceless treasures and gifts from God. We have an important responsibility to take care of their physical, emotional and psychological needs. Parenting is one of the most important jobs in which both the mother and the father have a major crucial role to play. Children may be 20% of the total world population, but they are 100% of our future. They should be well cared for and groomed into responsible citizens of the world. Of late, with the increase in nuclear families and more and more women coming out to work, children are losing the protection and values of joint families. Parents now find that there is an overwhelming need for them to spend more and more time in nurturing their children. Here, the role of the state emerges, where, the policies of the Government should be such that the parents should be given sufficient parental leave to take care of their children. Parental leave aims to help women return to the workplace and men to become more involved in caring for new babies. Paid parental leave policies have a significant impact on infant and maternal health. Long-term studies have shown that providing paid maternity leave lowers infant mortality. Women who have sufficient paid maternity leave are much more likely to breastfeed, and breastfeeding lowers the risk of all sorts of infectious diseases. It increases and improves cognitive outcomes, and it also benefits the woman's health. The Government of India and various other countries have been making legislations for providing various kinds of parental leave. Here, Parental leave includes Maternity leave, Paternal leave, Child Care Leave, leave for adopting mothers, surrogate/commissioning mothers.

Research Questions

The research questions are

- i. What is the need for parental leave, how important it is for working parents and what benefits accrue from it?
- ii. What are the policies/laws dealing with the various kinds of parental leave in India?
- iii. What is the national / international scenario of parental leave?

Research methodology

The research methodology used was

- i. Quantitative and qualitative analysis.
- ii. Secondary data was collected from the literature read & policy documents of the government of India
- iii. Primary data was collected through structured questionnaires that were developed with the relevant questions and canvassed among the employees (both male/female) of central government and private sector (about 61/60 in each case), separately.

Recommendations and suggestions for Government Employees.

Maternity Leave

Majority of the respondents were agreeable to the existing period of maternity leave. While few wanted the maternity leave to be increased to 12 months and some more wanted it to be increased to 9 months. There were marginal few respondents who wanted that the period of maternity leave may be decreased, which can be ignored keeping in view the need and the benefits which accrue from it. At present, maternity leave may be continued to be 6 months. However, the need to increase the maternity leave up to 9/12months may have to be explored,

keeping in view the experience of Tamil Nadu, where maternity leave has already been increased to 9 months.

Paternity Leave

Majority of the respondents felt that the existing 15 days' paternity leave is insufficient. Maximum of them i.e., 47% opined that it should be 30 days, while 37% felt that it should be 3 months. As such the air was that the period of paternity leave should be increased. The feasibility of increasing the same to 30 days/90 days should be looked into right away, so that the period of paternity leave becomes reasonable. West Bengal is ahead in this aspect as the fathers in West Bengal get 30 days Paternity Leave.

Child care leave

i. The existing child care leave may be continued with the same duration, as has been opined by majority, i.e., 69% of the respondents. Some respondents have said it should be more even up to 5 years, some have said it should be reduced, but the existing period appears to be reasonable and that may be continued.

ii. The child care leave should be granted to single fathers too. An overwhelming 95% of the responded a 'yes' to it.

iii. Fathers may be allowed to share child care leave with the mothers, when both are in Government service, as has been opined by 78% of the respondents. The extent of sharing may be as desired by the mother/father as per their requirement, but limited to the maximum of 2 years.

Maternity Leave for Commissioning / adopting/ surrogate mothers

i. Leave for commissioning mother may be for the period of 24 weeks (6 months). This has also been opined by majority of the respondents. Though the Hon'ble High Court has stated that commissioning mother does not need convalescence leave as in the case of biological mother, the Hon'ble court has also said that the amount of leave may be decided by the competent authority. As commissioning mother also has to take care of the new born child and also maybe she has to be with the surrogate mother for few days/months before the delivery, 6 months' maternity leave for commissioning mother may be justified. Further, existing leave for adoption is also for 6 months.

ii. Leave for adoption may continue to be equal to the existing period of maternity leave. However, it may be increased as and when the period of maternity leave increases. Maximum number of respondents also opined that the existing period of leave for adoption is reasonable.

iii. Leave for adoption of 6 months may be extended to the single fathers also, whenever a male government servant adopts a child just like a female government servant. 92% respondents also opined the same.

iv. Leave for surrogate mother may be for 6 months as she faces all the changes, trauma and pain like the biological mother. Though the respondents gave a sort of hung opinion i.e., almost equal number of people said it should be 18 weeks/12 weeks/26 weeks.

Recommendations and suggestions for Private Employees.

Maternity Leave

As per the respondents, presently their companies are allowing Maternity leave for 6 months. The period of maternity leave was increased since January 2016, may be as a consequence of the Maternity Benefit(Amendment) Bill, 2016 introduced in the parliament.The

26 weeks' maternity leave recommended in the Maternity Benefit(Amendment)Bill, 2016 is a right step for women employees in the private sector and is at par with the provisions of the Government and so it has to be continued.

Paternity Leave

The respondents have said that there is no paternity leave in their companies. They also said that they need to have paternity leave. Maximum, of the respondents said that it should be of 30 days. There should be at least 30 days' paternity leave to the persons working in the private sector. Necessary addendum to this affect should also be made in the Maternity Benefit Act, 1961.

Child Care Leave

The feasibility of providing 24 months' child care leave to women employees and single fathers of the private sector should be gone into and necessary amendment to the Maternity Benefit Act, 1961 may be made. As all the respondents denied the need to share the child care leave, the same need not be explored.

Leave for Commissioning/adopting/surrogate mothers

The recent Maternity Benefit (Amendment) bill, 2016, has proposed 12 weeks' maternity leave to the commissioning mother and to the mother who has adopted a child who is less than 3 years of age. Maximum respondents, however, felt that it should be for 6 months. Regarding leave for surrogate mother, there is no provision in the Maternity Benefit (Amendment) Bill,2016, maximum respondents have said that it should be for 3 months. Commissioning mother and surrogate mothers may be given 6 months' maternity leave separately for the same reasons as given for the Government employees. Leave for adoption may also be for 6 months as is being given for maternity leave.
