

FACT SHEET

Paternity leave in selected places

1. Introduction

1.1 In his 2011-2012 Policy Address, the Chief Executive of the Hong Kong Special Administrative Region announced that "*[t]he Government will take the lead in promoting [the] good practice [of paid paternity leave], beginning with a study into the provision of paid paternity leave for civil servants.*" Subsequently, the Civil Service Bureau published a consultation paper on 21 November 2011 to set out the main proposals relating to the provision of paternity leave by the Government to its employees, and invite views from them.

1.2 The purpose of this fact sheet is to provide the Panel on Public Service with information on paternity leave in the United Kingdom, Australia and Singapore. To facilitate members' deliberation on the issue, this fact sheet will compare the different features of paternity leave and other forms of leave/pay among these places, including the eligibility requirements, duration and period of leave, as well as additional and unpaid parental leave.

Table — Paternity leave in selected places

	The United Kingdom	Australia	Singapore
Whether paternity leave is legislated	Yes, the Ordinary Paternity Leave.	No.	No.
Other form of leave/pay in lieu of statutory paternity leave	Not applicable.	Pay received under the statutory Paid Parental Leave scheme.	<ul style="list-style-type: none"> • Leave and pay received under the statutory Childcare Leave scheme; and • Leave for government employees⁽¹⁾.
Eligibility for taking paternity leave/other form of leave	<p>The person must:</p> <ul style="list-style-type: none"> • be the biological father or adopter of the child, the mother's (or adopter's) husband, partner or civil partner; • have or expect to have responsibility for the child's upbringing; and • have continued to work for the same employer without a break for at least 26 weeks by the 15th week before the baby is due, or employed up to and including the week the wife, partner or civil partner was matched with a child. 	<p>The person must:</p> <ul style="list-style-type: none"> • be an Australian resident; • be the primary carer of a newborn or recently adopted child; • prior to the birth or adoption, have worked for at least 10 of the 13 months, and have worked for at least 330 hours in that 10 month period (just over one day a week) with no more than an eight-week gap between two consecutive working days; • have received an individual adjusted taxable income of A\$150,000 (HK\$1,072,500) or less in the financial year prior to the date of birth, adoption or date of claim, whichever is earlier; and • be on leave or not working from the time of becoming the child's primary carer until the end of the Paid Parental Leave period. 	<p>For Childcare Leave, the person must be covered under the <i>Child Development Co-Savings Act</i>⁽²⁾ which in turns covers all parents of Singapore citizens if all the following conditions are met:</p> <ul style="list-style-type: none"> • the child (including legally adopted children or step-children) is below seven years of age; • the child is a Singapore citizen; • the child's parents are lawfully married (including divorced or widowed parents); and • the person has worked for the employer for at least three months, or the person is self-employed and has been engaged in a particular business/trade/profession for a continuous duration of at least three months; and such person has lost income as a result of not engaging in the trade, business, profession or vocation during the Childcare Leave period.

Notes: (1) In Singapore, government employees are eligible for three days of paid paternity leave for the first four children. See Civil Service Bureau (2011).

(2) Enacted in 2001, the *Child Development Co-Savings Act* aims to encourage married persons in Singapore to have more children, to facilitate the provision of cash grants and the making of financial provision for the development of children, to enable financial provision to be made for children of parents who have been granted a divorce, a judicial separation or an annulment of marriage, and for matters connected therewith.

Table — Paternity leave in selected places (cont'd)

	The United Kingdom	Australia	Singapore
Duration of paternity leave/ other form of leave	Either one week or two consecutive weeks. Taking odd days off are not allowed.	The Paid Parental Leave scheme provides for parental leave pay to be paid to the eligible person. It does not provide actual leave or change the existing leave entitlements of the eligible person.	Six days of Childcare Leave per year regardless of the number of children.
Period of taking paternity leave/ other form of leave	The Ordinary Paternity Leave can only start after the baby is born and has to finish within 56 days of the baby's birth.	Not applicable.	The parent has full flexibility to use the Childcare Leave to spend time with the child. He and the employer should mutually agree on a suitable time to take the Childcare Leave.
Type of pay	Ordinary Statutory Paternity Pay.	Parental leave pay.	Childcare leave pay.
Eligibility for pay	The person is eligible to receive pay if he: <ul style="list-style-type: none"> • fulfils the eligibility of taking Ordinary Paternity Leave; • continues to work for an employer without a break up to the date the child is born or placed for adoption; and • earns an average of at least £102 (HK\$1,225) a week before tax. 	Those who are eligible for Paid Parental Leave are entitled to parental leave pay.	Those who are eligible for Childcare Leave are entitled to childcare leave pay.
Pay amount	The weekly rate is £128.73 (HK\$1,546) or 90% of the average weekly earnings, whichever is less.	18 weeks of pay at the national minimum wage, currently A\$589.4 (HK\$4,214) a week before tax.	The first three days of Childcare Leave will be employer-paid at the eligible person's salary. The last three days will be government-paid capped at S\$500 (HK\$2,854) per day.

Table — Paternity leave in selected places (cont'd)

	The United Kingdom	Australia	Singapore
Additional paternity leave			
Whether additional paternity leave is legislated	Yes.	Not applicable.	Not applicable.
Eligibility for taking additional paternity leave	<p>The person is eligible to take Additional Paternity Leave if:</p> <ul style="list-style-type: none"> • he is taking time off to care for the child; • the child's mother or adopter has been entitled to one or more of the following – Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance, Statutory Adoption Leave or Statutory Adoption Pay⁽³⁾, and has started working again; • he is the biological father or adopter of the child, the mother's (or adopter's) husband, partner or civil partner, or have or expect to have responsibility for the child's upbringing; and • he has continued to work for the same employer without a break for at least 26 weeks by the 15th week before the baby is due, or employed up to and including the week the wife, partner or civil partner was matched with a child. 		

Note: (3) Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance, Statutory Adoption Leave and Statutory Adoption Pay are statutory benefits provided for the child's mother or adopter.

Table — Paternity leave in selected places (cont'd)

	The United Kingdom	Australia	Singapore
Additional paternity leave (cont'd)			
Duration of Additional paternity leave	Maximum of 26 weeks.	Not applicable.	Not applicable.
Period of taking additional paternity leave	Once the partner has returned to work, the leave can be taken between the 20 th week and the first year after the child is born or placed for adoption. It must end by the child's first birthday.		
Additional statutory paternity pay	<p>The person is eligible to receive pay if he:</p> <ul style="list-style-type: none"> • earns an average of at least £102 (HK\$1,225) a week before tax; and • either: <ul style="list-style-type: none"> (a) takes Additional Paternity Leave; or (b) is not working for the purpose of caring for the child during the partner's Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period. 		
Pay amount	The weekly rate is £128.73 (HK\$1,546) or 90% of the average weekly earnings, whichever is less.		

Table — Paternity leave in selected places (cont'd)

	The United Kingdom	Australia	Singapore
Unpaid parental leave			
Whether unpaid parental leave/ other form of leave is legislated	Yes.	Yes.	Yes, known as the Infant Care Leave.
Eligibility criteria	The person is eligible if: <ul style="list-style-type: none"> • the child is aged under five, or the child is disabled and aged under 18; and • the parent is an employee and has at least one year of continuous service with the same employer. 	The person is eligible if he: <ul style="list-style-type: none"> • is an employee; and • has completed at least 12 months of continuous service with his employer. 	The persons is eligible if covered under the <i>Child Development Co-Savings Act</i> , which in turn covers all parents of Singapore citizens if all four of the following conditions are met: <ul style="list-style-type: none"> • the child (including legally adopted children or stepchildren) is below two years of age; • the child is a Singapore citizen; • the child's parents are lawfully married (including divorced or widowed parents); and • the employee has worked for the employer for at least three calendar months.
Duration of unpaid parental leave/ other form of leave	Up to 13 weeks.	Up to 12 months.	Six days of Infant Care Leave per year regardless of the number of children.

Table — Paternity leave in selected places (cont'd)

	The United Kingdom	Australia	Singapore
Unpaid parental leave (cont'd)			
Period of taking unpaid parental leave/other form of leave	Before the child's fifth birthday. In the case of disabled child, the leave is to be taken before the child's 18 th birthday.	When one member of the couple takes leave: <ul style="list-style-type: none"> • the leave must be taken in a single continuous period; • the leave starts at the birth or placement of the child; and • the leave may start at any time within 12 months after the birth or placement of the child if: <ol style="list-style-type: none"> (a) the employee has a spouse or de facto partner who is not an employee; and (b) the spouse or de facto partner has responsibility for the care of the child. 	The parent has full flexibility to use the unpaid Infant Care Leave to spend time with the child. He and the employer should mutually agree on a suitable time to take the Infant Care Leave.

Table — Paternity leave in selected places (cont'd)

	The United Kingdom	Australia	Singapore
Latest development			
Latest development on paternity leave	Not applicable.	The Australian government proposes to enact legislation on "Dad and Partner Pay" under the Paid Parental Leave scheme. Subject to the passage of legislation, eligible working dads and other partners will have access to two weeks pay at the national minimum wage, currently A\$589.4 (HK\$4,214) a week before tax, for sharing care of a child born or adopted from 1 January 2013.	Not applicable.

Research Division
12 December 2011
Tel: 3919 3632

Fact sheets are compiled for Members and Committees of the Legislative Council. They are not legal or other professional advice and shall not be relied on as such. Fact sheets are subject to copyright owned by the Legislative Council Commission (the Commission). The Commission permits accurate reproduction of fact sheets for non-commercial use in a manner not adversely affecting the Legislative Council, provided that acknowledgement is made stating the Research Division of the Legislative Council Secretariat as the source and one copy of the reproduction is sent to the Legislative Council Library.

References

Australia

1. Department of Families, Housing, Community Services and Indigenous Affairs. (2011a) *Paid Parental Leave: Dad and Partner Pay*. Available from: http://www.fahcsia.gov.au/sa/families/progserv/paid_parental/parental_leave/Pages/ppl_dad_partner_pay.aspx [Accessed December 2011].
2. Department of Families, Housing, Community Services and Indigenous Affairs. (2011b) *Paid Parental Leave Guide: 1.2 PPL Scheme - Description*. Available from: http://www.facs.gov.au/guides_acts/ppl/pplguide-1/pplguide-1.2.html [Accessed December 2011].
3. Department of Families, Housing, Community Services and Indigenous Affairs. (2011c) *Paid Parental Leave scheme: New Dad and Partner Pay*. Available from: http://www.fahcsia.gov.au/sa/families/progserv/paid_parental/Pages/default.aspx [Accessed December 2011].
4. Fair Work. (2011) *Fact Sheet: Parental leave and related entitlements and the National Employment Standards*. Available from: <http://www.fairwork.gov.au/factsheets/FWO-Fact-sheet-Parental-leave-and-related-entitlements-and-the-NES.pdf> [Accessed December 2011].
5. Family Assistance Office. (2011a) *Latest news & updates: Paid Parental Leave has started*. Available from: <http://www.familyassist.gov.au/> [Accessed December 2011].

-
6. Family Assistance Office. (2011b) *Paid Parental Leave scheme eligibility*. Available from: <http://www.familyassist.gov.au/payments/family-assistance-payments/paid-parental-leave-scheme/working-parents---eligibility.php> [Accessed December 2011].

Singapore

7. Asiaone. (2008) *No need for paternity leave*. Available from: <http://www.asiaone.com/Business/News/Office/Story/A1Story20080826-84289.html> [Accessed December 2011].
8. Central Provident Fund Board. (2011) *Service Standards: Government-Paid Childcare Leave / Government-Paid Maternity Leave*. Available from: <http://mycpf.cpf.gov.sg/CPF/Svc-Stds/GML.htm> [Accessed December 2011].
9. EnterpriseOne. (2011) *Statutory Childcare Leave*. Available from: http://www.enterpriseone.gov.sg/en/Topics/Hiring%20and%20Training/Employers%20Responsibilities/Wages%20and%20Benefits/hiring_benefits_childcare.aspx [Accessed December 2011].
10. Family & Community Development @.eCitizen. (2011a) *Pro-Family Leave Schemes: OverView*. Available from: <http://fcd.ecitizen.gov.sg/profamilyleavescheme/> [Accessed December 2011].
11. Family & Community Development @.eCitizen. (2011b) *Pro-Family Leave Schemes: Government-Paid Childcare Leave*. Available from: <http://fcd.ecitizen.gov.sg/ProFamilyLeaveScheme/GovernmentPaidChildcareLeave/> [Accessed December 2011].

-
12. Ministry of Community Development, Youth and Sports. (2011) *Extended Paternity Leave*. Available from: <http://app1.mcys.gov.sg/PressRoom/ExtendedPaternityLeave.aspx> [Accessed December 2011].
 13. Ministry of Manpower. (2011a) *Childcare Leave* Available from: <http://www.mom.gov.sg/employment-practices/employment-rights-conditions/leave-and-holiday/Pages/childcare-leave.aspx> [Accessed December 2011].
 14. Ministry of Manpower. (2011b) *Unpaid Infant Care Leave*. Available from: <http://www.mom.gov.sg/employment-practices/employment-rights-conditions/leave-and-holiday/Pages/infant-leave.aspx> [Accessed December 2011].

The United Kingdom

15. Advisory, Conciliation and Arbitration Service (Acas). (2011) *Paternity and Pay*. Available from: <http://www.acas.org.uk/index.aspx?articleid=1806> [Accessed December 2011].
16. Directgov. (2011a) *Additional Paternity Leave and Pay*. Available from: http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Paternityrightsintheworkplace/DG_190788 [Accessed December 2011].
17. Directgov. (2011b) *Entitlements during Ordinary Paternity Leave and returning to work*. Available from: http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Paternityrightsintheworkplace/DG_170383 [Accessed December 2011].

-
18. Directgov. (2011c) *Expecting or bringing up children benefits.* Available from: <http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expectingorbringingupchildren/index.htm> [Accessed December 2011].
 19. Directgov. (2011d) *Ordinary Paternity Leave.* Available from: http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Paternityrightsintheworkplace/DG_10029398 [Accessed December 2011].
 20. Directgov. (2011e) *Ordinary Statutory Paternity Pay.* Available from: http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expectingorbringingupchildren/DG_10018750 [Accessed December 2011].
 21. Directgov. (2011f) *Parental leave.* Available from: http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Parentalleaveandflexibleworking/DG_10029416 [Accessed December 2011].
 22. Directgov. (2011g) *Parental leave and flexible working: changes proposed.* Available from: http://www.direct.gov.uk/en/N11/Newsroom/DG_197335 [Accessed December 2011].
 23. Directgov. (2011h) *Paternity rights in the workplace.* Available from: <http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Paternityrightsintheworkplace/index.htm> [Accessed December 2011].

-
24. Directgov. (2011i) *Pregnancy and maternity rights in the workplace*. Available from: <http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Pregnancyandmaternityrights/index.htm> [Accessed December 2011].
25. Directgov. (2011j) *Taking Additional Paternity Leave*. Available from: http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Paternityrightsintheworkplace/DG_190786 [Accessed December 2011].
26. Directgov. (2011k) *Work and families*. Available from: <http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/index.htm> [Accessed December 2011].
27. HM Revenue & Customs. (2011) *PAYE and NICs rates and limits for 2011 – 12*. Available from: <http://www.hmrc.gov.uk/helpsheets/e12.pdf> [Accessed December 2011].
28. WORKSMART. (2011) *Parental leave*. Available from: http://www.worksmart.org.uk/rights/parental_leave [Accessed December 2011].

Other

29. Civil Service Bureau. (2011) *Provision of Paternity Leave to Government Employees*. Available from: http://www.csb.gov.hk/english/events/files/Consultation_paper_on_paternity_leave.pdf [Accessed December 2011].