

Towards Gender Equality in Care Work

The Case for Inclusive Paternity Leave Policy in Asia

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Executive Summary

This document provides an analysis of policies and practices regarding paternity leave in five Asian countries—Bangladesh, the Philippines, Nepal, Thailand, and the Republic of Korea. Across the selected Asian countries, policies and practices in regard to paternity leave are diverse, ranging from no formal recognition of paternity leave, a short period of paternity leave for male workers who meet certain conditions, to equal parental leave for both men and women. Policy recommendations address the gender gap in care work.

Introduction

Current State of Paternity Leave in Asia

Across Asia, paternity leave policies differ significantly. Some countries offer relatively generous paternity leave, whereas others provide limited or no statutory paternity leave. Cultural and economic factors also play an important role. Traditional gender roles and economic constraints influence the extent of paternity leave. In many Asian cultures, caregiving is predominantly seen as a woman's responsibility, which affects the uptake and design of paternity leave policies. Legal frameworks also look different across the region. In countries with statutory paternity leave, the duration ranges from a few days to several weeks. In some countries, paternity leave is provided under broader family leave policies, while in others, it is minimal or non-existent.

In many countries care work, whether paid or unpaid, is mostly carried out by women. This can be attributed, among other factors, to social norms and the reproductive role of women who customarily bear the responsibilities of care work, particularly childcare and domestic work. Care work responsibilities in the household not only create the 'double day' problem—where women shoulder the burden of both paid work and unpaid care work at home—but also hinder women's labour market participation and career advancement, contributing to a pay gap between genders. It is therefore essential to promote gender



equality through policies and cultural changes that encourage a more equitable distribution of care responsibilities between genders. Policies and practices in regard to paternity leave are indicators of the extent to which countries promote men's participation in care work within the household. Hence, this policy brief focuses on analysing the paternity leave policies of Bangladesh, Nepal, the Philippines, Thailand, and the Republic of Korea in order to make policy suggestions to progress towards an equal sharing of care work between men and women in Asia.

Benefits of paternity leave and how it contributes to gender justice:

- Inclusive paternity leave helps break down traditional gender roles by encouraging fathers to take an active role in caregiving, thus promoting a more balanced sharing of family responsibilities.
- Increased involvement of fathers in the early stages of a child's life enhances the father-child bond, improves developmental outcomes, and strengthens family bonds.
- Organisations that offer inclusive paternity leave often see higher employee satisfaction and retention. Fathers who take paternity leave are more likely to return to work with improved morale and productivity.
- By supporting both parents in balancing work and family life, inclusive paternity leave can contribute to a more equitable workforce and reduce gender disparities in career advancement.
- Paternity leave encourages a more equitable division of childcare and helps to enhance shared responsibilities. It also helps the mother in postpartum care and recovery.
- Paid paternity leave strengthens an inclusive environment where all parents, regardless of gender, are supported in their role as caregivers.

Discussion and analysis of research findings

Across the Asian countries under study, policies and practices in regard to paternity leave are diverse. They range from no formal recognition of paternity leave in Bangladesh, a short period of paternity leave for male workers who meet certain conditions in Nepal, the Philippines, and Thailand, to equal parental leave for men and women in the Republic of Korea. Paternity leave policies and challenges in the selected Asian countries are as follows:

Bangladesh: Bangladesh has no formal policy or law on paternity leave, so workers seeking to take such leave are dependent on the generosity of their employers. While some non-governmental organisations (NGOs) allow their male workers nine days of paternity leave, other private organizations provide only three days. Without a formal national policy, paid paternity leave in Bangladesh is still a distant goal.

Nepal: In Nepal, fathers are entitled to paid paternity leave of 15 days. The previous labour laws had no provisions for paternity leave for fathers, but the Labour Law of 2015 guaranteed this right to all male employees, including those in public and private sectors, provided that they are registered employees with formal employment contracts. Workers in the informal sector, which includes small businesses, self-employed individuals, and workers in unregistered enterprises, often face challenges in claiming this entitlement. The law also limits the rights of unmarried fathers or those in non-traditional family arrangements.

Philippines: Recognising the role of men in raising a family, Republic Act (RA) 8187 or the Paternity Leave Act of 1996 was enacted on 11 June 1996. Section 3 of the law defines paternity leave as the legally mandated leave credits extended to married male employees "for purposes of enabling him to effectively lend support to his wife in her period of recovery and/or in the nursing of the newly-born child". It covers employees in both public and private sectors, entitling them to seven days of paternity leave with full pay for the first four deliveries of their legitimate spouse with whom they are cohabiting. Delivery includes both childbirth and miscarriages.



However, paternity leave only applies to males who are legally married to their legitimate wife. While RA 8187 is a welcome change in the Philippines' pursuit of gender equality, it does not come without challenges. On one hand, seven days is insufficient for fathers to bond with their newborn child. On the other, it excludes men who become fathers outside of marriage. Moreover, the implementation of the law is rather a challenge for small businesses due to financial and operational constraints. Additionally, enforcing paternity leave in the informal sector is difficult.

Republic of Korea: The Equal Employment Opportunity and Work-Family Balance Assistance Act, first enacted in 1987, and the Labour Standards Act clearly stipulate that both men and women are entitled to parental leave and strictly prohibit employers from discriminating against their employees for going on parental leave. However, in the case of paternity leave for childbirth, application of the law is not mandatory. Only upon the request of a male worker to go on paternity leave on grounds of his spouse's childbirth shall the employer grant leave for 10 days. In such cases, the worker will be paid for the period of leave used. However, both mother and father are entitled to up to a year of parental leave for childcare. Eighty per cent of their wages will be paid during the duration of childcare leave. If both parents use their parental leaves, 100 per cent of the second parent's wages is guaranteed for 3 months. This stipulation is to be revised in the latter half of this year, and the length of parental leave will be extended to one and a half years, under the condition that both mother and father participate in childcare. The government partially reimburses employers who provide at least 30 days of parental leave to their employees, up to a year. Despite this legal entitlement, many men still feel constrained in going on paternity leave as they are concerned about potential discrimination or unfair treatment by their employers.

Thailand: Paternity leave was introduced in Thailand with the Ministry of Labour's Announcement 2555 BE (2012 AD) asking for employers' cooperation in granting paternity leave to male employees so that they can support their wives after childbirth. This announcement, however, does not have legal binding power as it is at the discretion of the employers to grant paternity leave. In addition, employees who work in private employment are not entitled to mandatory paternity leave if their partner gives birth. This is in contrast to the benefits male government employees receive. Following the Cabinet Resolution of 11 January 2022, male government employees are entitled to 15 days of paid paternity leave. According to the Government Employees Executive Committee's announcement in 2023, paid leave has to be taken within 30 days of the birth of a child. After 30 days, the father may take up to 15 days of leave without pay. The same Cabinet Resolution extends maternity leave from 90 days to 98 days.

Policy recommendations

Notwithstanding cultural, social, and economic factors, gaps in terms of coverage of entitlement, duration of leave, and enforceability are evident in paternity leave policies in Bangladesh, Nepal, the Philippines, Thailand, and the Republic of Korea.

To address these gaps and improve men's participation in childcare across Asia, the following policies and actions are recommended:

- **Governments should mandate compulsory and inclusive paternity leave for male workers in both the public and private sectors**, covering those who are employed on a regular as well as temporary basis.
- **Employees should be aware of their legal rights, and employers have a responsibility to inform male workers of their paternity leave entitlement and encourage them to take advantage of this benefit.** Public awareness and education campaigns through the use of mass media, workplace incentives, and non-stigmatising leave policies could help inform and encourage employees.
- **The leave period has to be long enough for fathers to meaningfully participate in caring for their newborn.**
- **Flexible leave arrangements**, including part-time or intermittent leave, should be put in place to accommodate varying family needs and work schedules.
- **Legal protections should be enhanced** by strengthening legal frameworks to ensure job protection and prevent discrimination against fathers taking paternity leave.
- To ensure the successful implementation of paternity leave rights as stipulated by the law, **governments should dedicate resources to monitoring and evaluation.** Regular assessment of the impact of paternity leave policies on child well-being, workplace dynamics, and gender justice should be prioritised to inform ongoing policymaking.

Conclusion

Fair and inclusive paternity leave is an important step towards achieving the equal sharing of care work between genders, and thus a gender just Asia. It is a critical component of modern family policy and plays a key role in advancing gender justice and improving family well-being. While some Asian countries have made significant strides in this respect, there remains a need for more comprehensive and supportive paternity leave policies across the region. By adopting and implementing the recommendations outlined in this brief, Asian countries can foster a more equitable and supportive environment for working families.

References

- Central Bureau of Statistics (2019). Report on the Nepal Labour Force Survey 2017/18. Available at https://cbs.gov.np/wp-content/uploads/2019/05/Nepal-Labour-Force-Survey-2017_18-Report.pdf.
- Labour Law PH (n.d.). RA 8187 Paternity Leave Act of 1996. Available at <https://laborlaw.ph/paternity-leave/>.
- Office of the Civil Service Commission (OCSC), Thailand (2024). The OCSC's Organizational Structure. Available at <https://www.ocsc.go.th/en/about-us-en/ocsc-structure/>.
- Law Commission, Nepal (2017). The Labour Act, 2017 (2074). Kathmandu: Government of Nepal. Available at <https://www.lawcommission.gov.np/en/wp-content/uploads/2021/03/The-Labor-Act-2017-2074.pdf>.
- Office of the Council of State (2008). The Labour Protection Act B.E. 2541. Available at https://www.labour.go.th/attachments/article/47756/Labour_Protection_Act_BE2541.pdf.
- Women in Informal Employment: Globalizing and Organizing (WIEGO) (2020). Domestic Workers, Risk and Social Protection in Nepal. Policy Brief No. 20. Available at https://www.wiego.org/sites/default/files/publications/file/WIEGO_PolicyBrief_N20_Nepal%20for%20Web.pdf.
- Ministry of Employment and Labor, Korea (2020). Parental Leave (both spouses). Available at <https://www.ei.go.kr/ei/eih/eg/pb/pbPersonBnef/retrievePb0302Info.do>.

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