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SELECTED LEGISLATIVE INSTRUMENTS OF FAMILY POLICY SUPPORTING WORK–LIFE BALANCE: A COMPARISON OF ITALY AND THE SLOVAK REPUBLIC

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Abstract: *Achieving an optimal work–life balance has been a policy objective of the European Union for many years. Despite progress in this reconciliation, inequalities in the labour market and in gender equality still persist. It should be emphasized that we are not just talking about inequalities in the private sector, the issue of reconciling family and working life is also relevant in local government conditions, and it also affects private and public sector employees who are responsible for families. In the context of European social and legal culture, the legislature, by means of family policy, not excluding legislative measures taken by labour legislation, creates the conditions for workers – women and men caring for children and other dependants – to ensure that they are not subject to economic and social instability. In this study, we analyse the minimum standards of Directive 2019/1158 on work–life balance for parents and carers, focusing on the institutes of maternity, paternity and parental leave. Comparatively, we examine the extent to which the Slovak Republic has adopted legislative measures of family policy with the legislation of Italy.*

Keywords: Labour law, Public administration, Work balance.

Introduction

Work–life balance is an approach based on the basic principles of Maslow’s pyramid of human needs (Kenrick, 2011). Abraham Maslow believed that employee performance could be increased up to natural physiological limits if not only material but also social needs were met,

i.e. the needs for self-actualization, esteem needs, belonging and love needs, creativity, safety and security needs, status, etc. For employers this approach is the right way to retain a high-quality workforce and, in addition, to increase employees' performance at work.

As stated by Križan (2020), an agenda aimed at reconciling work and family life has been emerging since the 1990s. j. taking measures to enable employed persons to combine work with the care of children or other persons. Reconciling work and family life is a necessary requirement that must be addressed in order for society to be able to respond to many economic and demographic challenges. *“For thousands of years, human society considered the so-called traditional division of labor between men and women to be natural, but this began to be questioned at the turn of the twentieth century in connection with the need for women to enter paid labor”* (Čajková, 2014).

Symbiosis of work and family is of particular importance in Slovakia (and also in the broader European context) in relation to gender equality, as there is still a historically rooted stereotype of the division of gender roles between men and women. Due to the rational reason to provide for the family's economic security, the two-income model of the family, with both partners employed mainly full-time, persists. Choice between work and family faced in particular by young women, often results in the voluntary, or for them the necessary postponement of starting a family for a later date (Hajduová et al. (2021).

Legislative instruments aimed at reconciling family and working life in the conditions of the Slovak Republic very closely affect employees of the private sector, as well as employees of the public sector, more specifically employees of local government, which is an integral part of modern understanding of democratic and rule of law. The functioning of local self-government is directly dependent on its financing, in this sense fiscal decentralization is a significant milestone as well as the rules and principles of financial management of local government. The aim of fiscal decentralization is to ensure the financial independence of local governments, which took place in Slovakia in several phases. The first phase of financial decentralization took place in the years 2001-2004, when it was a transfer of powers of local governments in the field of expenditure, and then decentralization continued in 2005, when the transfer of powers in the area of local government budget revenues began (Horváth, Cibík & Švikruha, 2018).

1 Gender equality as a core value of the European Union

Gender equality is a fundamental right, a core value of the European Union, a critical component of economic growth and a key principle of the European Pillar of Social Rights. „*Anti-discrimination legislation at European Union level consists of a significant number of legislative acts, whether primary or secondary. Specific commitments in this area stem from directives of the European Parliament, the Council or the European Commission for Member States*” (Peráček, 2021). Under the European Commission’s agenda until 2020, gender equality was an important policy priority, with the aim of introducing a new European gender equality strategy and improving the Gender Equality Index score (Eurofound, 2017). The European Commission continues to pursue this agenda and on 5 March 2020 it launched a new Gender Equality Strategy 2020–2025 (Eurofound, 2021). The Strategy’s main topics are: violence against women; pay transparency and the gender pay gap; gender balance on company boards; and work–life balance. It is also guided by the vision of “*a Europe where women and men are free to pursue their chosen path in life, where they have equal opportunities to thrive, and where they can equally participate in and lead our European society*” (Eurofound, 2021).

One important factor in achieving this balance is the significant participation of women and older workers in the labour market, in order to ensure that work is sustainable for all (Eurofound, 2021).

From the employers’ point of view, women and men caring for young children are “problematic” because of variable situations associated with their care. They are concerned about the procrastination of mothers of young children, i.e. that due to the care of children they will postpone the fulfilment of important work tasks to a later date and will not fulfil their duties to the required quality and within the timeframe set by the employer. However, the experience of experts suggests that working mothers cannot afford procrastination. It is the necessity of a consistent management of family responsibilities and the organisation of work at home that makes them able to cope with the time demands of work responsibilities, even at the cost of living under stress. Procrastination refers to an incorrect assessment of the situation, judged by experts as the psychological, pathological postponement of important tasks, a tendency to prefer

unimportant or interesting activities to the person, all at the expense of performing and securing essential tasks, matters and duties (Landányi, 2019).

According to Nováčková & Peráček (2021) public intervention by the State promotes equal opportunities for women – mothers, but also for men – parents of young children in the labour market, in access to employment, in remuneration and, later on, in the amount of pensions. H. Grey also notes that full-time employment of employees with family responsibilities would be problematic without some State interference (Grey, 2002). L. N. Dinh (2020) states in his study that *“Employee engagement is one of the most important issues in human resource management in order to ameliorate the turnover intention in organizations. Employers often face different challenges of finding ways to increase the interaction with their employees in order to have good labor force.”*

In the context of European social and legal culture, the State is to create, through its family policy, conditions for young families, women and men caring for children and other dependants, by means of legislative instruments, to facilitate the performance of their work duties in employment. We would dare say that the difficult and complicated reconciliation of family and working life may be one of a number of reasons why many families are failing to fulfil their functions satisfactorily. Achieving this balance and understanding employers’ necessity means showing respect for the fact that each individual has multiple life roles: as an employee, parent, colleague, and partner. Success at work also helps employees manage their household responsibilities and, vice versa, an employee who has no major problems in managing the household and family life also brings satisfaction to the work environment and is more stimulated to perform effectively at work. Finding this delicate balance, but more importantly maintaining it, has a significant effect on the mental health of employees who keep confidence, concentration and a sense of responsibility at work. Balance reduces stress and the likelihood that employees will bring home problems to work, or vice versa. The psychosocial aspects of individuals’ personal engagement and involvement in the work process, which undoubtedly affect families, are addressed by W.A. Kahn in his study (Kahn, 2002).

Scientific studies deal with the issue of reconciling family and working life across the countries of the European Union and seek an optimal model of reconciliation. Regarding

scientific studies in Italy on the position of women in the Italian labor market, focusing on gender inequalities are devoted to Italian authors such as Luigi, Rizza, Santangelo (2021). Scientific studies that has explored barriers to reconciling work and family responsibilities are carried out by authors such as Bozzon, Murgia, Poggio, as well as other Italian scientists. Their study points to the problems of reconciling work and family responsibilities for women working and working in academia and as scientists. The study points out that it is more difficult for women researchers to reconcile work and family. Researchers perceive difficulties in managing work and family responsibilities as a dilemma, and in many cases they deal with this by leaving or suspending a career, or by deciding not to start a family. A large number of women leave their academic careers after marriage and the birth of children, or because of difficulties with balancing work and family life. At the same time, women scientists tend to marry fewer and have fewer children than male counterparts and women in general. In addition, they point out that women feel more frustrated and guilty than men about the difficult decisions that academic and female researchers require (Bozzon, Murgia, Poggio, Rapetti, 2017).

In 2019, the European Union adopted Directive (EU) 2019/1158 of the European Parliament and of the Council (“the Directive”) of 20 June 2019 on work–life balance for parents and carers, the primary objective of which is to facilitate the reconciliation of work and family and to contribute to the achievement of gender equality by promoting the participation of women in the labour market and the equal sharing of caring responsibilities between men and women (Žofčinová & Barinková, 2020).

Italian scientist Calafà (2020) states that European Union law is proving to be the benchmark for reconciling family and occupational life. It is characterized by increased attention to care and the corresponding legal instruments, in particular thanks to the efforts of the Court of Justice, although it has not always been particularly innovative and has a dialectical relationship between the relevant EU institutions with uniform rules. The technical improvement of the national labor law of the Member States of the European Union is reflected in the affirmation of new rights, the recognition of new values and the development of new specific legal instruments to strengthen the relationship between parental status and work. At national level, compulsory maternity leave has been replaced by compulsory maternity leave, which has, however, become

more flexible and dispensary than in the past, combined with specific paternity, which has changed considerably, especially from the point of view of case law. This is an ideal path in terms of labor law, which ensures the protection of the weakest party in the employment relationship and engages in a comprehensive search for tools designed to support parenthood.

The European Institute for Gender Equality developed a so-called Gender Equality Index, for the year 2020, for each EU country individually. *“Each year, we score the EU Member States and the EU as a whole to see how far they are from reaching gender equality. The Index uses a scale of 1 to 100, where 1 is for total inequality and 100 is for total equality. The scores are based on the gaps between women and men and levels of achievement in six core domains – work, money, knowledge, time, power and health – and their subdomains. Two additional domains are included in the Index but do not have an impact on the final score. The domain of intersecting inequalities highlights how gender inequalities manifest in combination with age, (dis)ability, country of birth, education and family type. The domain of violence against women measures and analyses women’s experiences of violence. The Index is composed of 31 indicators. The Gender Equality Index 2020 also includes a thematic focus on digitalisation and the future of work”* (European Institute for Gender Equality, 2020). In the Gender Equality Index, which was drawn up on the basis of statistical data on the Slovak Republic, Slovakia scored 55.5 out of 100 points and thus ranked 25th in the EU on the Gender Equality Index. Slovakia was followed by Romania, Hungary, and Greece, which ranked last (European Institute for Gender Equality, 2020).

The Gender Equality Index, developed by the European Institute for Gender Equality, focused on areas such as:

1. Political participation and decision-making – the shares of women in public administration – ministers increased from 16% (in 2010) to 22%. In the Slovak Republic, out of the total number of ministers (16), three women hold the position of minister (approximately 18.75% of women ministers in percentage terms). In the Slovak Republic, Natália Milanová is the Minister of Culture, Mária Kolíková is the Minister of Justice, and Veronika Remišová is the Minister of Investment, Regional Development

and Informatisation, who is also the Deputy Prime Minister of the Slovak Republic (Úrad vlády Slovenskej republiky, 2021).

2. Earnings – women earn around 21% less than men.
3. Unpaid care work – i.e. care for children, grandchildren, older people or people with disabilities – women are more likely to spend at least one hour every day caring for some of these people. The proportion of women in unpaid care work is as high as 35%, while only 19% of men (European Institute for Gender Equality, 2021).

In comparison, Italy, which ranked 14th in the Gender Equality Index with a score of 63.5 out of 100 points, scored in comparable categories as follows:

1. Political participation and decision-making – the shares of women in public administration – ministers increased. As at 24 February 2021, in Italy, out of the total number of ministers (19), 5 women hold the position of minister (26.3% of women ministers in percentage terms) (Easy Diplomacy, 2021).
2. Earnings – women earn around 18% less than men, which is a smaller difference than in Slovakia. Income is a strong aspect of gender equality, or gender inequality, between men and women in both States (European Institute for Gender Equality, 2021).
3. Unpaid care work – i.e. care for children, grandchildren, older people or people with disabilities – the proportion of women is 34% and of men 24% in Italy. The position of women is comparable to the situation in Slovakia, but the proportion of men providing unpaid care is 5% higher than in Slovakia (European Institute for Gender Equality, 2021).

Regarding the level of women's employment (women are mainly those who stay at home and take care of the family (Európske Noviny, 2019), we looked at data obtained from OECD databases for Italy, the Slovak Republic, and the 27 EU Member States overall. On the basis of the data obtained, we determined the reference years 2013, 2015 and 2019 (data available max. until 2019) in Table 1. These data clearly show that the employment rate of women, whether in the EU27, Italy or the Slovak Republic, is lower than that of men. Although the gradual trend

shows an increase in the level of female employment in the States evaluated and the EU, the difference is still significant. The worst employment situation for women is in the Slovak Republic. The difference between the employment rate of men and women is the highest in 2019, i.e. 43.3% of women to 90.5% of men.

Table 1 Employment rate of men and women over the reference frame of working age 15–64 who have at least 1 child under 6 years of age, expressed in %.

	EU 27			Italy			Slovak Republic		
	2013	2015	2019	2013	2015	2019	2013	2015	2019
Women	63.2	64.7	66.8	58.0	58.2	58.8	37.7	38.8	43.3
Men	85.5	87.6	90.7	86.1	86.2	87.1	84.6	87.1	90.5
Total	73.6	75.4	78.0	71.4	71.5	72.1	58.8	61.3	64.7

Source: Own elaboration based on data from
[https://ec.europa.eu/eurostat/databrowser/view/lfst_hheredch\\$DV_323/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/lfst_hheredch$DV_323/default/table?lang=en)

The introduction of Directive (EU) 2019/1158 of the European Parliament and of the Council on work–life balance for parents and carers could have a positive effect on the development of employment rates for women. The Directive entered into force on 1 August 2019 and should be transposed into the national laws of the Member States of the European Union by 2 August 2022 (Pohorelá, 2020). Due to the transposition of the Directive from 2 August 2022, its effect and the development of women’s employment rates remain a question for the coming years. In the following part of the paper, we discuss three legislative instruments that have a significant impact on the work–life balance of workers caring for their families.

2 Institute of maternity leave

Maternity leave is compulsory for women in Italy. Unlike in Italy, the legal regulation of maternity leave in the Slovak Republic is based not on a legal obligation, but on the legal

possibility to take it. If the employee decides to take it, then she is already obliged to use the minimum, statutory length of maternity leave (Barinková, 2006). Female workers are obliged to take maternity leave from two months before the expected date of confinement until three months following the confinement. An arrangement known as “flexible maternity leave” has also been introduced; this allows the worker to put off her maternity leave until one month before the expected date of confinement and then continue it up to four months after the birth of her child (Istituto Nazionale Previdenza Sociale, 2017).

During maternity leave, the female worker has the right to retain her job, not to work, and to receive a maternity allowance instead of pay. In terms of legal protection against possible termination of the employment contract from the start of pregnancy in its legal meaning until the start of the maternity leave, the worker may only be dismissed for a serious fault which makes it impossible for the employment relationship to continue even temporarily. This protection is not statutory but is enforceable under the collective labour agreement (Istituto Nazionale Previdenza Sociale, 2017).

During the period of maternity leave, the worker is entitled to a maternity allowance from the National Institute for Social Security at 80% of the contractual wage rate on which the national insurance contributions have been paid. This calculation takes account only of periods of employment as a “domestic worker”. A domestic worker is entitled to the financial benefits of maternity protection only if: 52 weekly national insurance contributions have been paid or fallen due in the 24 months preceding the period of maternity leave; or, alternatively, at least 26 weekly national insurance contributions have been paid or fallen due in the 12 months preceding the period of maternity leave, “*mothers resident in Italy who are either Italian citizens, EU nationals or non-EU nationals with an “EC long-stay permit”, are entitled to maternity allowance for each child born, adopted, or fostered with a view to adoption*” (Istituto Nazionale Previdenza Sociale, 2017). Compared to the Slovak Republic, the requirements for a female worker are stricter. Under the Slovak legal system, a woman is entitled to a maternity allowance if she has been insured for at least 270 days in the last two years, whereas in Italy it is as many as 364 days in the last two years (or 182 days in the last 12 months in the latter case) (Social Insurance, 2021).

In Italy, future mothers are also paid the so-called voucher for future mothers, which is granted to pregnant women upon completion of the seventh month pregnancy or to women who are in the process of adoption or pre-adoptive foster parenting; it is a one-off allowance of EUR 800, granted only to women.

Table 2 Number of weeks of paid maternity leave in Italy and the Slovak Republic from 2010 to 2018.

	Italy	Slovak Republic
2010	21.7	28.0
2014	21.7	34.0
2015	21.7	34.0
2016	21,7	34,0
2017	21,7	34,0
2018	21,7	34,0
2020	21,7	34,0

Source: Own elaboration based on data from

<https://stats.oecd.org/index.aspx?queryid=54760#>

To assess the length of maternity leave in Italy and the Slovak Republic, we relied on data obtained from the OECD database (Table 2). The evaluated period is 2010–2018. While in Italy the number of weeks of maternity leave has remained unchanged since 2010 at 21.7 weeks, in the Slovak Republic the duration of maternity leave has increased from 28 weeks to 34 weeks. “*Maternity allowance is determined on the basis of the daily assessment base (DAB) or the probable daily assessment base (PDAB). Since May 2017, the maternity allowance has been increased from 70% to 75% of the DAB or the PDAB*” (Social Insurance, 2021). On the basis of the data shown in Table 1 above, we can conclude that the Slovak Republic is more generous in terms of the length of maternity leave compared to Italy, with approximately 13 weeks more than Italy. The Slovak Republic has been on a positive upward trend since 2010, when it increased the number of weeks of maternity leave from 28 weeks to the current 34 weeks. The question

remains how this trend of increasing the period of maternity leave will develop in the future, i.e. whether the number of weeks of maternity leave will increase in relation to the principle of necessity.

3 Paternity leave

Recital 19 of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work–life balance for parents and carers and repealing Council Directive 2010/18/EU, involve the basic purpose of adopting the institute of paternity leave is to encourage a more equal sharing of caring responsibilities between women and men and to allow for the early creation of a bond not only between mothers and children, but also between fathers and children. Article 4(1) of the Directive states that Member States shall take the necessary measures to ensure that fathers or, where and insofar recognised by national law, equivalent second parents, have the right to paternity leave of at least 10 working days that is to be taken on the occasion of the birth of the worker’s child.

Member States may determine whether to allow paternity leave to be taken partly before or only after the birth of the child and whether to allow such leave to be taken in flexible ways. In this context, we point out that the current *de lege lata* situation in Slovakia does not provide for paternity leave, unlike in other neighbouring countries. Available data show that 19 Member States grant paternity leave (including the UK as at the end of 2019). The length of paternity leave ranges from one day in Italy and Hungary to 28 weeks in France, and financial coverage ranges from 20% to 100% of wage compensation (Pracomat, 2021). There is hope for fathers in Slovakia that the institute of paternity leave will become a substantive part of the subjective social rights of employed fathers, and logically there is a natural expectation that shortly after the birth of a child they will be able to spend time at home with the child’s mother and help her care for the new-born child. However, it is possible that the legislature may have a different legal view of the matter. Hypothetically speaking, the legislature could argue that paternity leave is already part of our legislation (even if it is not called so), since the Labour Code, in Section 166(1), also allows the father to take leave from the birth of a new-born child to the same extent

as the mother if he is caring for the new-born child, and he may also be materially secured for the duration of such leave.

However, Act No 461/2003 on social insurance, as amended, allows another person insured to receive sickness insurance benefits – maternity allowance – at the earliest six weeks after the childbirth and only if the mother does not receive a maternity allowance (or parental allowance) for the same child (Section 49 of the Act). The origins of this legislation are mapped by Barinková (2003). On the basis of the above, it can be deduced at first sight that the Slovak legal system already allows fathers to take the kind of time off referred to in the Directive as paternity leave, even for a much longer period than that granted by the newly adopted Directive. The Directive leaves it up to the Member States to determine the length of the period for which paternity leave may be taken. It is not explicitly stated whether the father may take it during the mother's puerperium or later. However, it must be linked to the event of childbirth for the purpose of providing care for the child and, during paternity leave, an income at least equivalent to that provided in the event of interruption of work for health-related reasons must be guaranteed. In the Slovak legislation, these requirements could already be partially fulfilled even today if we interpret "time off on the occasion of the childbirth" to include the period following the expiry of six weeks from the date of childbirth. However, this would not fulfil the objective of paternity leave – a more equal sharing of caring responsibilities between women and men and the early creation of a bond between fathers and children. Under the Directive, the right to paternity leave shall not be made subject to a period of work qualification or to a length of service qualification. It follows that the principle of merit is overridden in the context of the principle of universality and solidarity. Similarly, Article 4(3) of the Directive grants the right to paternity leave irrespective the worker's marital or family status, as defined by national law (Žul'ová, 2014).

The father or equivalent second parent will thus be able to take a minimum of 10 working days of leave around the time of the birth of the child. If the level of material security remained at the level of the maternity allowance for the woman – mother, it would be higher than the maximum allowance granted to the employee for absence from work due to health-related problems, i.e. higher than the income compensation for temporary incapacity for work. Maternity

allowance is a sickness insurance benefit; income compensation for temporary incapacity for work is provided by the employer from its own funds. The amount of maternity allowance in the Slovak Republic is currently 75% of the employee's daily assessment base, but the amount of income compensation for temporary incapacity for work is 25% of the daily assessment base during the first three days of incapacity for work and 55% of the assessment base during the following days of incapacity for work. The income compensation for temporary incapacity for work is max. 10 (calendar) days in total. It appears that the system of financial coverage of paternity leave will also need to be adjusted because the duration of paternity leave of 10 working days, as a strict requirement of the Directive, does not correspond to the length of the sick leave (10 calendar days). In our view, it would be sufficient to cover paternity leave with a benefit corresponding to the amount of the employee's material security during sick leave, since the Directive requires at least that level of income.

However, the source of the financial coverage of the paternity leave itself needs to be resolved, i.e. to decide whether the burden of the cash benefit should be borne by employers or by some of the social security schemes (possibly sickness insurance). And this is the problem of the current "government compromise". According to the calculations of the Ministry of Labour, Social Affairs and Family, such a measure will cost a total of EUR 56.89 million over the next three years (EUR 8,898,679 for 2022, EUR 26,496,648 for 2023, and EUR 21,497,729 for 2024).

Unlike the right to paternity leave, the provision of material security during paternity leave may be subject to a period of previous employment which shall not exceed six months immediately prior to the expected date of the birth of the child. It should not be forgotten, however, that the Directive encourages Member States and recommends them that they provide for a benefit – a contribution to fathers during paternity allowance – in accordance with the objectives of the Directive at the same level as the material security provided to women during maternity leave. In our case, it is 75% of the employee's daily assessment base. However, in order to ensure the principle of equality between men and women and to encourage men to share the care of the child born, the European legislature rightly expects the same level of benefit for both genders for the duration of paternity leave.

In Italy, paternity leave is compulsory and fathers are entitled to receive a financial allowance for its duration. Paternity leave can be taken separately and can be claimed within five months of the child's birth, granted at the same time as the maternity paid leave. In the five months after the child's birth, the father can be entitled to one more day of unpaid leave, if the mother agrees to transfer it from her own maternity leave (European Commission, 2021).

For the year 2021, paternity leave has been increased from 7 to 10 days, noting that it is covered by a full wage (Rödl and Partner, 2021). In the context of the Directive adopted, Italy meets the condition laid down by the Directive on the minimum duration of paternity leave of 10 working days. The European Union's aim in setting a minimum limit for paternity leave is to ensure a more equal sharing of caring responsibilities for a new-born child between men and women (Pohorelá, 2020).

In the Slovak Republic, the relevance of the topic is reflected in the "Concept of Reconciliation of Private, Family and Working Life", which is part of the European project "Gender Equality at the Workplace" (Ministry of Labor, Social Affairs and Family of the Slovak Republic, 2021). The concept of reconciliation of private, family and working life stems from women's employment, which is related to the sharing of work and family responsibilities between women and men. This is reflected in the employment of women with children under 6 years of age, *"despite the relatively low employment rate of mothers with children under 6 years of age, it has increased much faster than the EU average over the last 6 years, rising by 5.3% from 36.8% in 2010 to 43.5% in 2017, before declining again by 0.9% in 2018. Nevertheless, the persistent employment gap for this group of mothers is still significant, as repeatedly underlined in the Council Recommendations on the National Reform Programme of Slovakia"*, but also of women with children over 12 years of age (ÚPSVR, 2019). The concept aims to promote the employment of women who care for families through various measures, such as flexible forms of work, the availability of better quality services of care for children, dependants and other family members, and greater involvement of fathers in childcare (ÚPSVR, 2019).

In connection with the birth and care of a child, the current legislation entitles the mother of the child to maternity leave. As regards the father, he is only entitled to parental leave (Ministry of Labor, Social Affairs and Family of the Slovak Republic, 2017). In the light of these

facts, we compared and summarised the duration of paternity leave in Italy and in the Slovak Republic from 2010 to 2018. We obtained data up to 2018 from the OECD database (Table 5); as we have already mentioned, the length of paternity leave in Italy has been extended from 7 to 10 working days in 2021. We consider it important to highlight that in Italy, the father of the child receives a 100% wage compensation during paternity leave. The Slovak Republic has shortcomings in this area of family policy, since fathers are not granted the right to take paternity leave, and the only option for them is to take parental leave, *“as the Labour Code does not recognise the institute of maternity leave for men, the employer cannot grant it to the child’s father, even if he receives maternity allowance. The father is always entitled to parental leave from the date on which he starts caring for the child, and the employer is therefore also liable to notify the Social Insurance Agency in this respect”* (Social Insurance, 2017).

Table 3 Number of weeks of paid paternity leave in Italy and the Slovak Republic from 2010 to 2018

	Italy	Slovak Republic
2010	0,0	0,0
2014	0,2	0,0
2015	0,2	0,0
2016	0,4	0,0
2017	0,4	0,0
2018	0,8	0,0
2020	0,8	0,0

Source: Own elaboration based on data from

<https://stats.oecd.org/index.aspx?queryid=54760#>

4 Institute of parental leave

In its Article 5, the Directive imposes on Member States the obligation to take the necessary measures to ensure that each worker has an individual right to parental leave of four months that is to be taken before the child reaches a specified age, up to the age of eight, to be specified by each Member State or by collective agreement. In this respect, the national legislation of the Slovak Republic is generous. The second obligation is to limit the transferability of parental leave so that a maximum of two months cannot be transferred. Member States shall establish a reasonable period of notice that is to be given by workers to employers where they exercise their right to parental leave. The Slovak legislation meets this obligation, since, under Section 166(3) of the Labour Code, the woman and the man shall notify the employer in writing at least one month in advance of the expected date of commencement of parental leave, as well as of the expected date of its interruption, termination or possible change (Barinková, 2015). Under the Directive, Member States may make the right to parental leave subject to a period of work qualification or to a length of service qualification, which may not exceed one year. In the case of successive fixed-term contracts within the meaning of Council Directive 1999/70/EC (14) with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period. The Slovak legislation is more favourable to employees. The Directive also provides for the possibility to postpone the granting of parental leave for a reasonable period of time on the grounds that the taking of parental leave at the time requested would seriously disrupt the good functioning of the employer.

In Italy, parental leave is granted to the parents of a child until the child reaches the age of eight years, even in situations where the child is adopted. The amount of the allowance during parental leave is 30% of pay (European Commission, 2020). Parents are entitled to take parental leave for a total period of 11 months. This possibility also applies to adoptive parents and guardians. The allowance is paid for a maximum period of 6 months in total between the two parents in the first 3 years of the child's life or the 3 years following the entry of the child into the family, in the event of adoption or guardianship. Once the 6 months have passed (and until

the child reaches the age of eight), the child's parents will be provided with compensation for a further five months (European Commission, 2020).

In the Slovak Republic, parental leave is available to parents who are caring for a child under the age of three, or under the age of six if the child has long-term adverse health problems. A woman who has received a maternity allowance is entitled to a higher amount of parental allowance, the difference in the amount of parental allowance being based on a previous benefit, or on a maternity benefit or another similar benefit received in a Member State of the European Union. If a woman or other eligible person has received a maternity benefit (maternity allowance) for at least fourteen weeks before becoming entitled to parental allowance, she is entitled to parental allowance of EUR 378.10 per month (Ministry of Labor, Social Affairs and Family of the Slovak Republic, 2021). Parental leave can be taken by the child's mother or father (European Commission, 2020). In 2021, the amount of parental allowance during parental leave is EUR 275.90 per month or EUR 378.10 per month (Ministry of Labor, Social Affairs and Family of the Slovak Republic, 2021).

Table 4 compares the number of weeks of parental leave with job protection and its trend in Italy and the Slovak Republic. We used data from 1985, mainly to show the change in the number of weeks of parental leave in the Slovak Republic. The length of parental leave with job protection in Italy has not changed over the years, as confirmed by data obtained from the OECD database, and has been 26 weeks for a long time. Changes in the length of parental leave with job protection are perceived in the legislation of the Slovak Republic. In 1985, the length of parental leave with job protection was 86 weeks; in the historical context, the length of parental leave increased until 2010, when the number of weeks of parental leave with job protection was 136 weeks. According to OECD data, the number of weeks of parental leave with employment protection has decreased to 130 weeks since 2011. However, it can be stated that within the framework of the family policy of the Slovak Republic, the legislature, by means of legislative instruments, has been accommodating towards parents bringing up and caring for a child.

Table 4 Number of weeks of parental leave with job protection in Italy and the Slovak Republic from 1985 to 2018.

	Italy	Slovak Republic
1985	26.0	86.0
1990	26.0	134.0
1995	26.0	136.0
2010	26.0	136.0
2014	26.0	130.0
2016	26.0	130.0
2018	26.0	130.0
2020	26.0	130.0
2021	26.0	130.0

Source: Own elaboration based on data from

<https://stats.oecd.org/index.aspx?queryid=54760>

Conclusion

The granting of maternity leave, paternity leave and parental leave to mothers and fathers of children should, as a matter of priority, serve to better reconcile their family and professional lives, and to make it easier for women to stay on the labour market, especially after returning from maternity/parental leave (Council of the European Union, 2019). In the Slovak Republic there is a significant gender dimension of the impact of parenthood on women's employment, whether we are talking about the public sector or the private sector; in the end, it does not differ from the average employment of women within the European Union.

An effective equal opportunities policy in labour law requires working arrangements that allow for greater flexibility and better organisation of working time, as well as a facilitated return to work after taking time off for the birth of a child. In doing so, it must be borne in mind that positive discrimination should not be to the detriment of the employment of protected persons. Legislation regulating the working conditions of employed women and employed men who, in addition to their work in employment, care for children or other family members can be regarded with all seriousness as being of a high quality and in line with the standards of the present day.

However, the process of harmonising work and family life is also evolving and would benefit from a more equal sharing of responsibilities for the family between the partners. Breaking women's economic dependence on men, who are still perceived as the breadwinners, and abandoning the dogmatic model of their role and function in the family and at work, requires a shift in the understanding of values and a change in cultural habits, not only in families themselves but in society as a whole.

The legislative work associated with harmonising our legislation with European Union legislation is not complete. We believe that intervention in the legislation of the Slovak Republic, namely the Labour Code, or in other laws (social security law), will be necessary to ensure their compliance with the new Directive. We are convinced that it is essential to continue to take measures aimed at protecting the health of pregnant women and the maternal mission of mothers after childbirth. In other cases, the legislature should proceed to meet the objectives of the Directive and introduce new measures to promote equal inclusion of women and men with family responsibilities in the world of work. Undoubtedly, it will be the case of the institute of paternity leave, which is also awaiting regulation in other EU Member States. However, the legislature should consider the level of protection of the subjects concerned so that it does not hinder the development of working relationships of employees with family responsibilities.

The Italian social security system is structured differently from the social security system in Slovakia. In this paper, we point out the different entitlements related to maternity leave and maternity allowances. In the case of maternity leave and maternity allowance, we note that the conditions for entitlement to maternity leave and the length of maternity leave are simpler in the Slovak Republic than in Italy. We are inclined to the same conclusion in the case of parental leave; as we mention in the paper, the number of weeks of parental leave in Italy has remained unchanged at 26 weeks, whereas the Slovak legislation has changed frequently over the years and the length of parental leave with job protection is currently 130 weeks. The difference in the duration of parental leave in Italy and Slovakia is based on different models of social and family policy. Italy is based on the Latin model, which is based on the principle that the state does not interfere in family life, but relies on helping the family to protect its members against economic and social risks. The later departure of young people from their parents' households, weaker state

support for reconciling family and working life, low levels of social benefits, insufficient family policy in the area of childcare, and a poorly developed network of state childcare institutions are typical. The Slovak Republic is characterized by a post-socialist model, which is characterized by a high degree of redistribution of public resources, favorable state support for parental leave, developed system and network of state childcare institutions and state support for reconciling family and work life (concurrence of state parental social benefit allowance and wages for work performed), etc. The mentioned instruments of family policy strengthen the level of "babyfriendly" family policy in the Slovak Republic.

The institute of paternity leave in the Slovak Republic is still at the beginning of its development. And it is currently still the subject of negotiations and discussions within the Government of the Slovak Republic. Italy currently grants fathers 10 days of paid paternity leave. We will monitor the development of paternity leave, as well as other institutes such as maternity leave and parental leave, in the future, and will continue to examine this issue with regard to the EU Directive 2019/1158 of the European Parliament and of the Council and its application in practice.

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