
Assessing the Importance of Enacting Laws for Introducing Paternity Leave in Bangladesh

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Abstract

Children being an important asset, proper effort and care should be made to them from the early days of their birth. This proper caring of children must be ensured by the parents for the betterment of their future. Active participation of both mother and father is needed for perfect growing of children. Most developed or industrialized nations have made paternity leave available to fathers in conjunction with childbirth. It increases father's involvement with their children. But father's participation in childcare is severely limited in developing countries. There is a significant connection between father's taking leave around the birth and involvement in the care of their babies and young children later. Bangladesh has no laws relating to paternity leave. This paper addresses the necessity of paternity leave in Bangladesh by making a comparative study of laws of different countries regarding the paternity leave as well as recommends enacting laws regarding paternity leave in Bangladesh.

Keywords: Paternity leave, Male employees, Job sectors, Baby care, Importance of enacting laws.

Introduction

Child is the most precious and divine gift for parents. A new born child is the future, greatest resource and hope for a better tomorrow. A proper parenting is thus essential for the better grown up of a child. Considering the betterment of a new born child, every developed country in the world has acknowledged the paid leave for mothers and many also provide paid leave for fathers. Approximately 70 countries out of 178 countries offer paid leave for fathers in

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the form of paternity leave or shared parental leave (ILO, 2014). But unfortunately Bangladesh has no legislation for paternity leave yet.

There are numerous reasons for the extension of taking paternity leave in the present days. More intense engagement in parenting for men has positive long term effects for both father and child (Brown, Mangelsdorf, and Neff, 2012). This failure of men to be active co-parents in the first few months of the children's lives sets a pattern in motion that is complex to change. The mother develops a close bond with her child as well as the confidence and competence to become the primary caregiver. The father is immediately cast in the role of a supporting actor. So, one can easily realize the importance paternity leave laws for Bangladesh perspective after going through this paper. This paper assess the importance of enacting laws for paternity leave for Bangladesh by drawing examples of the leave rules for male employees of different countries along with addressing the needs of this enactments for us.

Paternity Leave

In the modern world of globalization the concept of taking care of the new born child has changed than the ancient time. Child needs the active participation of both mother and father for its proper growth. Generally paternity leave means the leave which is taken by the father after the birth of his adorable child.

Paternity leave is a period of time that a father is legally allowed to be away from his employment so that he can spend quality time with his new-born baby.

The International Labour Organization (ILO) defines the leave as, "A leave period - paid or unpaid - reserved for fathers in relation to childbirth or leave that can be used exclusively by fathers as paternity leave. It does not include parental leave provisions that can be used by the father or mother or parts of maternity leave entitlements that the mother can transfer to the father. It includes 'special leave' provisions in addition to annual leave that may be used by fathers at the time of birth, but which are not strictly 'paternity leave'."

However paternity leave is a short period of leave exclusively for the father, immediately following childbirth, the main purpose of which is to allow him to spend some time with the new child and his partner (ILO, 2014).

Importance of Paternity Leave in General

Incontrovertibly, children need care from the very moment of its birth. The care includes feeding, healthcare, early motivation, love and everything else

that is part of full development of that child. For this reason both the father and mother play important role for the better future of the child. The benefits of paternity leave are obvious and something very important. Every modern father should be encouraged to take advantage of not only for his child, but also for his own sense of fulfilment and to maintain a healthy relationship with his partner. The benefit of paternity leave has a long-lasting effect on the family life of that person.

The Convention on the Rights of the Child (CRC) establishes in article 18, subsections 1- 3 that “the state must guarantee the recognition of the both parents have common responsibilities for the upbringing and development of the child”. It affirms that “states shall render assistance to parents and legal guardians in the performance of their child rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children”. Furthermore “they shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible”.

Article 10 of the International Convention on Economic, Social and Cultural Rights (ICESCR) establishes that states must provide protection and assistance to families for the care and education of their children.

Paternity leave has a long term influence on the child. If fathers get parental leave, they can be there to help not only with the children, but also help the spouse while she is recovering from whatever difficulties she might have had after birth. The importance of paternity leave is described in below:

Equal spousal partnership

Women are participating in the workforce in growing numbers, both by choice and by economic necessity. The ability to keep working while raising children, and the consequent need for the spouses to share in parenting duties, should not be weakened by policies based on a model of one male breadwinner per family. Paternity leave sets up patterns to boost father’s share of childcare duties and household responsibilities.

Children’s long time benefit

Generally fathering habit of a person formed during a baby’s first year of life and it held on throughout the child’s upbringing. As children grew dads duties in infant care were linked to more education involvement later.

Levels the economic playing field

Generally paternity leave can be given to the father either paid or non-paid. Greater access to paid paternity leave has a positive effect on the family. It demonstrates benefits to the children.

Ensures the active role of father

Fathers who take paternity leave are more likely to take an active role in child care tasks. Generally fathers who take paternity leave are more likely to feed, dress, bathe and play with their child as long as the period of leave ended.

Creates early interaction of fathers with their child

Paternity leave creates an early interaction between the father and the new-born child. This early interaction has long term benefits for a child's learning ability.

Paternity leave creates bonding

Paternity leave creates bonding with child as it is the best time to continue the conversation of the father with the child. In most cases baby will recognize that voice and will be comforted that dad is still here. This is a very fundamental time for the father to build up a relationship with his baby. During this period the father needs to dedicate his time to his baby and his wife.

Helping hand for the women

As a dad any person's role is as important to the mother as it to the child. Paternity leave allows both husband and wife to ease into their new life and changing roles. It is as important for dads as it for mum to understand what their contribution will be in this new world order.

Sharing Parenting Responsibility

Today people realize that parenting is a shared responsibility of both, father and the mother. The presence of father at the time of childbirth makes him sensitive towards the special needs of the child. The experience will bring more caring, affectionate and better fathers.

Family Friendly Policies

Paternity leave needs to be taken within a specific time period. This will also lead many men to take some day off and welcome their bundle of joy with a free mind. This makes the father take part in the family and he starts taking larger share of responsibility at home. A strong father- child attachment and equal division of responsibility at home will make fathers more responsible.

Initiatives taken in Bangladesh concerning Paternity Leave

In Bangladesh several proposals were taken to give paternity leave to the employees and workers but later it was failed because the authority did not notice on the necessity of paternity leave. For example, in 2010, 15 days paternity leave was proposed for fathers to take care for new-born. The request was made by the Ministry of Public Administration and is available to government employees and private companies. The proposal was put forward on 18th May, 2010 by the Ministry of Public Administration in Bangladesh, urging the government and Ministry for Women and Children to consider the “paternity leave” as a statutory right for men. Another attempt to provide paternity leave in our country was taken in 2014. But this attempt was also turned into vain due to negligence of concerned authority. Deputy Commissioner of Tangail District Md. Mahbub Hosen proposed at the DC (Deputy Commissioner) conference on 8th July 2014 to 10th July 2014 about this issue. He claimed that service holder mothers are obtaining continuous 6 month maternity leave. But service holder fathers have no such type of opportunity of acquiring paternity leave. So he suggested that 15 days paternity leave should be fixed in Bangladesh (undated-1).

The Scenario of Paternity Leave Laws Worldwide to Justify the Need of it in Bangladesh Context

The worldwide scenario of paternity leave laws has been discussed in this part to justify the necessity of enacting laws for paternity leave in Bangladesh. A comparative study of worldwide paternity leave laws will help to assess the importance of enacting paternity leave laws in Bangladesh.

Paternity leave in Asia

Many countries of Asia have introduced paternity leave policy for their male employees. This policy was introduced in India a decade ago by some technology companies. Now it is also prevalent in government sector. There is no provision on paternity leave in Indian Labour law for private sector workers. In 1997, the Central Civil Services Leave Rules brought in paternity leave for men in government service. Rule 43-A & 43-AA of Central Civil Services (Leave) Rules, 1972 has allowed a male civil servant 15 days of fully-paid paternity leave (Habib, A.Z.M. Arman, 2015).

In Pakistan, the paternity leave of maximum seven days is provided under Revised Leave Rules, 1981 only in the Punjab province. (Awan, Purniya, 2015). In Malaysia, the civil servants are entitled to paternity leave generally from seven to fourteen days (undated-2).

China does not have unified legislation for paternity leave. Paternity leave policies are implemented on a municipal or provincial level by local

population and family planning regulations, and can vary from anywhere between zero to 30 days (undated-3). Recently Hong Kong has changed their laws relating to paternity leave. Pursuant to the Employment (Amendment) Ordinance 2014, male employees with child born on or after 27 February 2015 are entitled to 3 day's paternity. (Norton, Hannah, 2015).

In Singapore, eligible working fathers, including self-employed are entitled to 1 week of Government-paid Paternity Leave (GPPL) (undated-4). Japan has 52 weeks off retaining 60% of the salary on average for the male employee after the birth of a child (Narula, Svati, 2016).

Paternity leave in Europe

In Europe, Finland provides paternity leave for its male employers allowing the father to take longer paid paternal leave after 2015 (undated-5). Sweden was the first country in the world to introduce a parental leave giving both parents the same possibilities of staying at home with their child (undated-6).

In Norway, the parental leave scheme offers full (or 80%) wage compensation to parents (undated-7). In Netherlands, the father is entitled to paternity leave of two working days with full pay, to be taken within 4 weeks of the birth of the child (undated-8). In the UK the father is eligible to 1 or 2 weeks paid paternity leave when the baby is born (undated-9). Iceland introduced paid three months paternity leave in 2000 (undated-10).

Paternity leave in North America

In the United States some employers, however, voluntarily offer their employees paid family leave, including leave for parenting and pregnancy related medical conditions. Under the Family and Medical Leave Act of 1993, companies must give qualifying employees 12 weeks of unpaid leave each year for certain family related or medical reasons (undated-11).

Canada now also offer some form of paternity leave. Quebec gives fathers five weeks of paid leave for them (Anderssen, Erin, 2016).

Paternity leave in Australia

Australian mothers and fathers now have access to government funded paid parental leave, and have had since January 2011(undated-12). In New Zealand, the Parental Leave and Employment Protection Act 1987 provides for parental leave when a baby is born (undated-13).

Prospects of Introducing Laws Concerning Paternity Leave in Bangladesh

Bangladesh is being developed day by day. Many developed countries of the world have incorporated rules allowing paternity leave in their legal system which has been described in above. Paternity leave helps to generate a fruitful parenting to child and it is well acknowledged that today's child holds the leadership of a country in future. Thus, Bangladesh should enact laws allowing paternity leave without delay to fasten her development continuity.

The benefits to children of having involved fathers over the course of their childhoods are significant. The notion that only women care for children is outdated now-a-days. Men are also the baby's primary caregiver at present concepts. The father who is actively involved in raising his children can make a positive and lasting difference in their lives. So, he has also responsibility of childcare parallel to mother. If a woman employee becomes pregnant while in employment, she is entitled to take maternity leave. In our country, rule 197(1) of the Bangladesh Service Rules (as amended 9 January 2011) provides for female Government servants six months and section 46 of the Labour Act, 2006 provides for a female workers 16 weeks maternity leave. So, paternity leave is a new concept for Bangladesh (undated-14). The government needs to introduce parental leave for both men and women, instead of only granting maternity leave to ensure equality. According to a survey, women spend an average of more than seven hours on unpaid care work while men spend approximately an hour and a half on it. The paternity leave would allow men to take the greater share of the household work and to look after the children. Thereby women would get more opportunities to get involved in paid work too (undated-15).

However, if the state starts treating parents as having equal rights and responsibilities for childcare, it would be going with the grain of the choices being made by mothers and fathers. Bangladesh is now in a possible situation to introduce laws on paternity leave assessing its importance. The following developments urge the prospects of enacting laws regarding paternity leave in Bangladesh-

- ❖ Educational development
- ❖ Industrial development
- ❖ Infrastructural development
- ❖ Institutional development
- ❖ Technological development
- ❖ Communication development

These developments creates a large number of job opportunities daily and we are receiving a good amount of graduates every year from different educational institutions are availing those posts. So, job sectors are being broadened day by day. It is high time for Bangladesh to become better at

providing facilities to employees from different sectors including enacting laws on paternity leave.

Challenges

In traditional patriarchal society in Bangladesh many criticisms may arise regarding paternity leave. Owner of the factories or industries may oppose against this legislation since this law may cause harm for them to get financial benefit. Another challenge in this perspective is that most men don't take paternity leave as they fear it will restrict their career. Many people may think that Bangladesh is developing day by day for its manpower. If a large number of workers go on vacation then its productivity may be slowed down. If the proposed law is implemented then huge officials or skilled persons keep away from the work. The leave of the employees may also impose huge workloads to their colleagues.

Suggestions

Paternity leave is not a new concept but Bangladesh has no paternity leave opportunity for its male employees. Like other countries of the world Bangladesh should welcome the paternity leave law for the wellbeing of child as well as mother. Many challenges may come before the law makers while they are thinking to implement paternity leave in Bangladesh. Reviewing different countries having paternity leave system, this paper emphasizes on enacting paternity leave law for the male employees in Bangladesh. Paternity leave should be paid. But it can be unpaid depending on the circumstances, terms and conditions of the job. The Government can enact laws for paternity leave in Bangladesh reviewing the existing laws regarding paternity leave in different countries of the world as to ensure optimum opportunity for the fathers so that he can take proper care to his wife and the newborn baby. This paper also suggests the Government to take proper steps to create awareness among people of every sector about the necessity of paternity leave and introduce proper guideline for paternity system. Government should also make provisions of paternity leave available for non-government service holder so that the employees get the same opportunity as like as the public service holder and it would be better for child as well as for the state.

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