COMPARATIVE ANALYSIS OF THE WORK/LIFE BALANCE SITUATION IN THE CZECH REPUBLIC, POLAND, GERMANY and SLOVAKIA

Gender Studies, o.p.s.

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MINI ANALYSES OF THE WORK/LIFE BALANCE SITUATION IN THE FOUR PROJECT COUNTRIES

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Work/Life Balance and Parental Leave in the Czech Republic

The Czech system of maternity and parental leave is two-tier. A woman goes on maternity leave six to eight weeks before her official due date and it lasts 28 weeks (37 weeks at the birth of more children). The father may go on paternity leave after the elapse of the first 6-weeks after the birth of the child and when he does he has the same rights and responsibilities as women do (this 'paternity leave' is officially termed 'parental leave'). During the maternity leave period, the parent gets maternity benefit, which is a kind of sickness benefit and its rate is calculated based on the level of the previous salary. If the parent comes back to work after the period of the maternity leave, he/she is entitled to the same post he/she had before leaving for maternity leave. After maternity leave the parental leave follows, which lasts until the child's third birthday. The person taking care of the child may afterwards ask his/her employer for a grant of unpaid leave until the child's fourth birthday. The child caregiver gets a parental allowance, which is currently offered based on the parent's choice in three basic rates: fast – until the child's second birthday, classic - until the child's third birthday and slow – until the child's fourth birthday. After return from the parental leave (when the child reaches his/her third year) the parent is entitled to a post in accordance with his/her working contract. Pregnant women are under special protection - for example, they cannot be made redundant by the employer etc.

The biggest problems concerning maternity/ parental leave and harmonizing them:

- **Non-compliance with statutory provisions on the side of employers:** Women as well as men returning from parental leave encounter problems. Their employers suppose that women/mothers leave the company when they go on maternity leave and afterwards they do not count on them after their return from the parental leave, even though according to the law they should offer them a post in accordance with the work contract. One of the reasons is the length of the parental leave – up to the child's third or fourth birthday, but also the fact that employers do not communicate with parents on parental leave, they do not offer flexible working hours etc. It is especially employees from private companies who encounter this problem. Public institutions and organizations generally comply with the statutory provisions and parents employed in these organizations do not have such concerns.
- **A lack of posts with flexible working hours in the job market:** There is currently a lack of posts with flexible working hours or the possibility to work from home. If these posts are in the interest of employers as well as employees, part time jobs or the possibility to combine work from home and office, may contribute to harmonizing the work-family balance. However, when implementing these kinds of working arrangements it is necessary to avoid experience from Germany or Holland where part-time jobs are becoming vicious circles for working mothers and working full-time is very complicated for them. Part-time jobs etc. should be an option, not the only choice. It is best to perceive part-time jobs as a tool for solving specific life-situations (coming back to work from parental leave, care for a dependent person etc.) Parents of children under 15 years old are entitled to a part-time job unless serious operational conflicts do not prevent the employer from providing it. Nowadays however, this statutory provision is abused and is a very frequent and common reason for denying applications for part-time jobs.

The employer does not specify the reasons that led to the denial of the application, which are supposed to be vital for the operation of the company.

- **Systemic problems with parental leave**: parental leave lasts up to the child's third birthday in the Czech Republic. It is also possible to ask the employer for unpaid leave up to the child's fourth birthday. Even though the Labor Code contains many provisions designed to protect parents (usually mothers) returning from parental leave to work, employers – mainly in the private sector – do not comply with these provisions and it is not in their interest that parents do return to work. Unfortunately, it is not customary to keep in touch with parents on parental leave (usually women, who constitute the majority of persons on parental leave) in the Czech Republic. Therefore, women come back to work after three or four years of no communication with their employer, which causes problems for both sides. Moreover, it is fairly complicated to work while being on parental leave because the woman/man on parental leave cannot work at the same post but he/she has to sign a new contract for a different kind of job with the employer. It is a problem to find a completely different position for many employers (for example in public and state administration, non-governmental, non-profit organizations etc. However, the Ministry of Labor and Social Affairs is alleged to be preparing some changes in this area). There are still very few part-time job offers, jobs with flexible working hours or jobs that can be carried out from home, all of which make it easier to harmonize the family-work life balance. The lack of accessible child-care services for children under three years old and the low capacity of nursery schools (from the age of three), caused by the increased birth rate of the past few years, make participation in the working process of mothers and fathers who take care of their children more difficult.
- **A lack of good-quality facilities providing care for children:** The backbone of the system of non- parental[1] care is currently focused in public nursery schools (which may be attended by children from the age of two in theory, however, due to insufficient capacity the reality is from the age of three). It is their regional accessibility and capacity which currently present the main problems. There were 29 632 applications which were denied in the school year 2009/10 in the Czech Republic, which is more than a three-fold increase since the school year 2005/06 [2]. Only in 58% of towns are nurseries available for all interested[3]. There is a fundamental lack of services and facilities providing care for children under the age of three. There are currently about 30 public day-cares in the Czech Republic (the number is in constant flux because some day-cares seize to exist etc.) There are also private day-cares and so called "mini-schools" which are open also for children under the age of three. However, the problem is that they are rather costly.
- **Gender stereotypes:** there are still strong gender stereotypes related to motherhood and fatherhood in the Czech environment. The most appropriate care is considered to be when the woman stays at home with the child until he/she reaches the age of three. About 1% of fathers are on paternity leave. Paternity leave is not enacted in the Czech Republic and it is not being planned in the near future either. The stereotypes related to the idea that women are more suitable for care of small children often spills over into discrimination of women in the job market. Employers mostly hold the view that a women – mothers (above all of pre-school children) are not as effective employees as men or people without children. Nevertheless, women who are expected to become mothers in the near future also experience discrimination.

[1] Non-parental care is defined as those facilities and services that provide care for children outside their own family – day-cares, nurseries, babysitting.

[2] Information of the Institute for Information and Education, Pre-school education: B3.1 Pre-school education – children in pre-school, population proportion of 3-5 year-old children in the school years 2003/04 – 2009/10. http://www.uiv.cz/clanek/729/2009.

[3] Kuchařová, V. et al. (2009). *Care for Pre-school and Primary-school Children (Péče o děti předškolního a raného školního věku)*. Prague: VÚPSV. ISBN 978-80-7416-041-7.

Slovak Republic – Sylvia Porubänová, Institute of Labor and Family Research

The Challenges of Balancing Work, Family and Personal Life in Slovakia

Shifts in the job market, demographic transitions and changes in the value systems and norms held by men and women as well as concerns about preserving social cohesion have all brought increased attention to issues of work-life balance, namely of balancing work, family and personal life. Potential and real dilemmas and struggles associated with these competing priorities make these issues all the more real.

Genuine and effective efforts to promote work-life balance are a new phenomenon in Slovakia and they have only become visible thanks to European agendas which have put work-life balance at their forefront. In contrast with the past, the human factor is of growing importance and companies are being encouraged to better meet the needs of their workers and their families.

In a number of official documents, the Slovak government has recommended that employers offer a range of flexible work options including part-time and temporary contracts, work from home and others. The legislative framework for equal opportunities and their implementation in Slovakia were outlined in the *Strategy for Equal Opportunities for Women and Men* in 2001. This policy was the first to explicitly mention "the duty of the employer to create working conditions that will facilitate the work-life balance of their employees," as well as the need to "provide employers with incentives to create diverse forms of employment for women and men." Finally, the 2006 *Draft Policy to Promote Work-Life Balance* was another provision to "stimulate employability, to raise the employment rates among people with family obligations and to reduce the risk of their being discriminated on these grounds; to prevent them from having to choose either work or family; to expand the range of support and relief services for families so that a space to mitigate undesirable demographic trends in Slovakia is created."

Work-life balance issues in present-day Slovakia:

• Women are typically in a worse situation than men. The position of women is more difficult (women carry the burden of care for all the family members as well as the household) so they (choose to) use all their individual resources, willpower, and other strategies to meet the expectations of both their employers and their families.

• In line with traditional gender stereotypes, women's roles as mothers and primary caregivers in the family are seen as barriers to their top performance at work. This notion reinforces the traditional perception of motherhood and career as contradictions.

• little interest and awareness about work-life balance policies among relevant social actors

• lack of recent representative data on people's attitudes to flexible work options and on the demand for family care services, for instance

• lack of information on the reality of work organization and time management in Slovakia and other EU countries

Experience from abroad suggests that good organization and coordination of work between men and women is important. For example, enabling people to choose their working hours improves their sense of balance and happiness of their families. In Slovakia, women continue to carry the main burden of care for all family dependents. Traditional views on the gendered division of labor are not the only reason, however. There is a lack of accessible social services for mothers and families. In some regions, there is also a shortage of job opportunities which impacts women disproportionately.

Unfortunately, social partners and local councils show little interest in policies that would enable women and men better balance their work and family obligations. This lack of political will creates another obstacle in implementing work-life balance policies, particularly as strong partnerships and cooperation among all the actors involved is repeatedly emphasized in international recommendations and experience, according to information from European institutions. These actors include governments, regional and local councils, employers, unions, NGOs and individuals.

Barriers and stereotypes are not common only in the public sector. In the sphere of commerce, equal opportunity measures are not put to practice. In general, employers ignore the differences among the work and family situations of their employees. Companies tend to prefer traditional models of work organization, based on following established processes and patterns before assessing the results, and view any changes to these patterns as deviations from the norm. This lack of flexibility among employers may be related to their low awareness about the advantages of flexible work arrangements. Another reason for holding back is their concerns about possible complications to their current operational or administrative procedures. In this context, women are expected to accommodate the patterns of work which have been established by men according to their priorities and needs. Unfortunately, these patterns are not well-suited for women - mothers who end up being forced to choose between having children or having a career.

In an environment where the traditional division of labor and family roles is the norm, the need to balance work, family and personal life is felt almost exclusively by women. This struggle is thus viewed as a women's issue not only by the public and the employers, but also by women themselves. Most women strive to balance work and family through mobilizing their own internal resources and to satisfy all the competing demands entirely on their own. Other reasons behind the lack of support for equal opportunities include the traditionalist Slovak culture, a lack of services for families with small children, the women's burden of care and the insufficient attention devoted to resolving the work-life balance problem. Traditional customs, little appreciation of women's contributions and low self-confidence among women all play a role in the work-life dilemma.

Finally, women might underutilize flexible forms of employment for other than merely objective reasons they cannot control. They might be afraid of secondary discrimination on the job, for example that hourly wage of part-time employees is lower than that of full-time employees or that their chances to find a full-time job are reduced because of temporary part-time employment.

Summary:

Factors preventing better work-life balance of women and men in Slovakia include:

- traditional views on the family, gender roles and the division of labor

- unemployment (regional differences)
- little interest in supporting work-life balance policies among decision-makers
- little interest of social partners

Factors preventing greater use of flexible forms of employment:

- financial need to have two full-time earners per family
- lack of awareness about available legal regulations of different types of employment (employers and employees)
- little willingness on the part of employers to offer flexible work arrangements, concerns about additional operational and administrative burden
- lack of representative and up-to-date data on people's attitudes and preferences in regard to alternative and flexible forms of work organization

Gender barriers:

- women are expected to conform to established work organization patterns
- women's roles as mothers in the family are seen as a barrier to top performance on the job – family and motherhood are perceived as contradictions
- the conflict between work and family is considered to be exclusively a women's issue (and not only at the level of "public opinion")
- women are afraid of secondary discrimination in the job market, for instance of lowering their chances to find a full-time employment or of unequal salaries for part-timers
- cultural customs, lack of appreciation of women, low self-confidence and lack of assertiveness among women

Various competitions for employers represent a successful new trend in promoting equal opportunities. Competitions take place in the form of awards and audits which seek to raise the visibility of family-friendly employers. This means employers who openly support their work-life balance and who treat their employees as individuals with respect to their different family, social and personal needs.

On the International Day of the Family, May 15, 2000, the Ministry of Labor, Family and Social Affairs launched a competition for a *"Family-Friendly Employer"* in Slovakia. The primary goal of the competition was to motivate employers to create family-friendly working conditions. Employers who pay systematic attention to work-life balance and equal opportunities are publicly recognized and receive media attention.

To highlight a comprehensive approach to equal opportunities, the 10th anniversary run of the competition is going to be innovative in both form and content. For three years already, the title has been modified to match its new expanded focus *"Employers Friendly to Family, Gender Equality and Equal Opportunities."*

According to the new rules, there is only one category for all companies - all submit the same questionnaire – which need to be interested in a thorough assessment of their practices. In this way, the competition process better reflects the European agenda of gender equality as a cross-cutting and integrated policy and accounts for other potential grounds for discrimination

(age, ethnicity, race, health limitations). In addition, the committee awards a special prize every year, each year according to different evaluation criteria. This adds an element of surprise to the competition – the winner does not learn about their award until the last minute, neither does he know about which aspect of their work has earned the committee's appreciation.

In the Slovak reality today, shortcomings and a sense of asymmetry are to be expected in respect to the situation in the job market. The needs and expectations of employers do not necessarily meet the needs of their employees. Trends common elsewhere, such as corporate responsibility, cooperation and networking among different actors or a level of equality between men and women are not an integral part of Slovak practice. This situation prompted the competition organizers to explicitly include the following categories in the competition:

- *father leave and shared parental leave* - supporting active fathers among employees, responding to partner's needs in planning their personal development programs, adjustment of working hours to family responsibilities and so on

- *companies observing principles of social responsibility* offer friendly working conditions, support diversity, invest in their human capital, contribute to or undertake projects aimed at improving their local environment or run philanthropic programs

- *networking and cooperation* among organizations and institutions at the level of state, region, municipality or sector who support pro-family and equal opportunity policies, NGOs and other organizations serving families; sharing of good practices in respect to work-life balance among groups from different cities and abroad

- *challenges and goals of family-friendly and equal opportunity measures* – this category includes ideas and policies which are seen as important or interesting although they have not been implemented

The goal of these competitions is to motivate employers to create and implement policies, provisions and benefits that enable their employees better balance their family and work obligations. It is assumed that employer support leads to greater satisfaction and loyalty of employees and contributes to the long-term sustainability and prosperity of the company.

Emphasis has been added on supporting social groups which are usually discriminated against in Slovakia (people with disabilities or Roma people from marginalized communities) and on areas where multiple discrimination takes place. This new development demonstrates a gradual shift of the evaluation and monitoring focus from family-friendly policies and pro-gender measures to other aspects of potential discrimination.

A major challenge in this country continues to be a lack of genuine political interest. Neither experts nor employers or politicians are interested in addressing discrimination, particularly discrimination against other social groups (migrants, lesbians and gays, older employees). True diversity demands that representatives of these demographic groups fully participate and enjoy respect in the workplace just like their co-workers.

The economic crisis faced European and national decision-makers with unprecedented challenges, which seem much greater than any other problems in the recent decades. In these circumstances, some equal opportunity experts worry about the "fate" of equality agendas, saying we might expect a slowdown or stagnation in the implementation of equal opportunities. One of the impacts of the crisis is going to be further loss of jobs and a

potential lack of motivation to create equal opportunities and family-friendly benefits on the part of employers (including work-life balance).

At the time of various cuts and savings it is possible that the equal opportunity issues formerly addressed are going to be trivialized and compared to other “matters of great importance”. On the other hand, optimists suggest that the crisis might serve as a catalyst for a transformation of the job market and if equal opportunity agendas are upheld, future employment structures are going to incorporate it.

In line with this development, equal opportunities would become not only an integrated agenda but also a “parallel” strategy for investments into new technologies or infrastructure. High quality, sensitive analysis would be necessary, however, to turn these visions into meaningful and effective practice. We may thus conclude that the recession represents an unexpected opportunity to re-set work-life balance policies and measures and to rethink equal opportunities in general.

Poland - Julia Kubisa

Work/Life Balance in Poland

Analysis of the subjective and objective barriers that prevent Polish parents from returning to the labor market may be seen in several different dimensions. The individual, subjective decisions and choices are influenced by the labor market, social policy, cultural and social factors.

The activity rate of mothers at the labor market is a significant dimension. While the activity of mothers of children under three years of age is similar to the OECD average (OECD countries - 45,1%, Poland - 49,3%), there is a difference in the case of mothers of children 3-5 years old. The OECD average is over 60% and in countries like Iceland, Finland, Sweden, Slovenia, Denmark, Netherlands, Estonia, Cyprus, France, Portugal over 70% of mothers enter the labor market, whereas in Poland it is only about 55% of mothers (Kurowska 2010, data for 2007).

What is also interesting and important are the changes in fertility rate during the last 20 years. While in the beginning of the 90's, the average number of children was 2, in 1997 it was 1,5 and in 2005 – 1,2. The patterns of motherhood decisions changed – when in the early 90's, the largest group of mothers with the first child was between 20 and 24 years old, now it is between 25-29 (GUS 2006). The probable reasons may be found in the family policy system, cultural attitudes and social demands as well as unemployment rate.

The family policy system has been subjected to increasing limitations from the early 90's. The maternity leave that lasted from 4, 5 to 6 months was fully paid. However, after many political decisions focused on cuts in social policy (due to the fact that the Polish state budged had to be relevant to International Monetary Fund criteria), the parental leave (which lasts up to 3 years and is available for a mother or a father with a job contract) is paid only to the very poorest (Heinen, Wator 2006). The same changes that limited parental leave, led to closing most of the nurseries and kindergartens in Poland. Currently, according to the Eurostat (2009) only 2% of children 0-2 attend nurseries and according to Polish Ministry of Education, only 59% of children 3-5 attend kindergartens. Therefore, the procreation decisions are made in the light of losing half of the family income for almost 3 years or seeking for private care for children which is usually paid "under the table". Regarding the fact that women 55-59 years old are the smallest group active at the labor market, one may assume that it is them to offer private childcare, whether to their own grandchildren (usually unpaid) or to other children (paid without a contract). The private sector offers "toddlers' clubs" for children older than 1 year and private kindergartens; however, their prices are relatively high, above half of the medium wage in Poland.

The unemployment rate is always an important factor for procreation decisions. In the years just before the EU accession, the unemployment rate reached 20%, then decreased to 7% in 2008 and now it is 13% (GUS 2011). The decrease in unemployment was connected to the phenomenon of massive migration to the UK and Ireland as both countries opened their labor market for Polish citizens in 2004. The relatively high unemployment rate strengthens the precarious situation of young women and men at the labor market and forms a serious obstacle for decisions about having children and then about coming back to the labor market.

All the labor market and economy factors are supported by traditional expectations about the role of the mother and the father. Traditionally, the father is supposed to support his family financially and the mother is responsible for household duties and care of children. This approach is mirrored in the family policy system which for years was preventing women from returning to the labor market through a very low provision of childcare institutions, but due to the cost-cutting approach also led to the establishment of unpaid parental leave. The family policy system did not question a highly gendered division of care duties and household duties (Titkow, Budrowska, Duch-Krzystoszek 2004, Woycicka 2009). Women are supposed to be responsible for care duties and most of the household duties. Therefore, women are the majority in case of parental leaves. At the labor market, they are perceived as more occupied with domestic duties and "mother identity" than men which may be referred to as the gender model for women and job model for men, described by Feldberg and Nakano (1979). Polish trade unions and women's NGOs admit that discrimination of young mothers at the labor market is a common phenomenon. They have worse access to promotions and trainings, their job positions are changed for worse or lower paid (which is argued as an effect of restructuring).

Work-life balance programs in Poland are still in the process of development. First of all, in the younger generation, the cultural change is visible – younger people more often declare that they are willing to follow a truer partnership pattern in their relations (Titkow, Budrowska, Duch-Krzystoszek 2004). Young mothers are willing to enter the labor marke,t despite the traditional expectations (and low number of nurseries), because of their both material and self-development needs. Therefore, there is more space for the initiatives supporting work-life balance.

Young mothers who face difficulties when returning to the labor market may create their own companies with financial support from the European Social Fund and Polish labor offices. Self-employment is perceived as a solution for combining maternity duties with work as it offers flexible time and no hostile workplace environment. However, it is worth mentioning that self-employed mothers may face financial difficulties when they decide to have a second child, as they have to cover their sick leave, they have to pay social insurance on maternity leave (while not earning) and they cannot take parental leave.

Employers participate in "Mother Friendly Company" competition which is a good practice campaign to show that combining work and family duties may be satisfying for employees and effective for employers. Companies offer part-time jobs with good financial conditions, flexible work time and telework. Initiatives like "Mother Friendly Company" are supposed to create a different vision of mothers at the labor market, as dutiful employees whom employers may trust (if both sides respect partner relations).

Part-times for mothers with children under 3 years old are now facilitated by the novelization of the Labor Code. It means that mothers may use part of their parental leave while working part-time. Telework was also introduced as an instrument for balancing work duties and care duties.

However, the most interesting and challenging to old cultural patterns was the introduction of paternity leave in 2010 – full paid 2 weeks. It is not much regarding the time needed for a newborn or a toddler, but it is a socio-cultural novelty. When the debate about paternity leave began a couple of years ago, it was perceived as an additional holiday, as fathers were not perceived as willing to participate in care and responsibility for their children (apart from the

financial support). After the first year, it is visible that the access to paternity leave is not equal to all, which is a result of a lack of information campaign from the Ministry of Labor and Social Policy. Fathers employed in the public sector take paternity leave more often than in the private sector. Employees and employers are not aware about this solution and sometimes treat it as some kind of a "privilege" and not a right.

The second change in the family policy which was introduced recently (2011) is a so-called "nursery bill" which facilitates the building of new public nurseries (financed partially by the state and partially by local governments), facilitates legal employment of nannies (the state pays a part of their wages) and introduces the "day care person" who may take care of a small group of children in a private apartment, working on a contract with a local government (day care person must have some kind of professional experience and education).

Those two legislative initiatives may be interpreted as a result of the EU influence. The European Commission presents countries with high rates of participation in nurseries and kindergartens as a good practice enabling women to combine work and family/private life. This kind of argumentation is better understood in Poland now. However, women's activity at the labor market must be balanced with men's activity in the domestic and care domain – introduction of paternity leaves was only the first step. Both women and men need stability to plan a family and the Polish labor market is offering more precarious conditions with higher rate of fixed term contracts or even civil contracts instead of job contracts (regulated by the Labor Code).

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Germany – Monika Goldmann, Maresa Feldmann, sfs TU Dortmund

An analysis of the situation concerning work/life balance in Germany

1 Materials concerning Work/Life Balance in Germany

Compendium of literature which deals with the following topics as they are "lived" in Germany:

1. maternal/parental leave,
2. work/life balance problematic (especially in the case of the target group of parents on parental leave),
3. childcare facilities situation,
4. offers of flexible working arrangements

1.1 Maternal / parental / childcare leaves

Working mothers and expectant mothers are protected against dismissal and (partly) against loss of income. This affects all employed women in Germany, including part-time workers and women in vocational training, but not self-employed women, students in an obligatory Internship, etc. Female employees cannot be dismissed during pregnancy or within four months after birth. The **Maternity protection period** takes at least 14 weeks.[1] It starts six weeks before the child is due, and usually ends eight weeks after birth (twelve weeks after multiple births and preterm births). For preterm births, the period is extended for the number of days that the child was born earlier. Maternity protection period and employment ban due to pregnancy are stated as working time and cannot be subtracted from holiday time. Employers must allow expectant mothers to go to screenings during their working-time.[2]

During the maternity protection period, employees gain **maternity benefit** from their health insurance, which is half of the average salary received during the last three months, and a maximum of 13 Euro a day. When the average salary was higher than 390 Euro, the employer pays an employer's contribution up to the average income.[3]

Employees can claim parental leave for 36 months. The period can be extended up to the time when the child is eight years old (if the employer agrees). Both mother and father can be on leave simultaneously. They have the right to return to their former workplace (regarding function, benefits, etc.). During parental leave, employees can work part-time (up to 30 hours per week).[4]

About three quarters of all families which are entitled actually **use parental leave**. There are two models that families usually follow. Model 1: The mother is on leave and does not work

[1] bmfsfj: Mutterschutzgesetzt, http://www.bmfsfj.de/BMFSFJ/gesetze,did=3264.html, 28.02.2011
[2] Bundesministerium für Justiz: Gesetz zum Schutz der erwerbstätigen Mutter, http://bundesrecht.juris.de/muschg/index.html, 28.02.2011
[3] bmfsfj: Das Mutterschaftsgeld, http://www.bmfsfj.de/bmfsfj/generator/BMFSFJ/aktuelles,did=33804.html, 28.02.2011
[4] bmfsfj: Die Elternzeit, http://www.bmfsfj.de/BMFSFJ/Service/rechner,did=16318.html, 28.02.2011

while the father works full-time (60% of these families). For 0,2% of the families the situation is reverse. Model 2: The mother is on leave and works part-time (two to 30 hours a week) while the father works full-time (32%).[5]

If parents take care for their child at home, and work maximum 30 hours a week, they can gain **parental benefit** which is 67% of the average former income (300 Euro minimum, and 1.800 Euro maximum a month). If one parent is not employed, he or she receives 300 Euro per month, in addition to the family income. Parents can share the period during which parental benefit is paid. The benefit it paid up to 14 months, if both mother and father use part of it. In case only one parent uses parental leave, the benefit is paid for 12 months only. Single parents get the benefit for 14 months. In 2007, almost all parents made use of the paternity benefit.[6]

Each employed parent is allowed to stay off for ten days to **care for a sick child** (single parents 20 days). For more than two children, parents can stay off a maximum of 25 days. Some enterprises pay the salary for 5 days but in most cases, parents have to turn to their health insurance. The public health insurance usually pays 70% of the gross salary for five days' absence from the workplace because of a sick child. In 2007, about 9% of those using this benefit were fathers.[7]

Employees (in a company with more than 15 employees) with **family members in need of care** are allowed to stay off for ten days in cases of emergency (unpaid leave). They can extend the period of an unpaid leave up to six months to care for a family member at home (full-time or part-time). After this period, they have the right to return to their former job.[8]

Returning from parental leave

The economic activity of mothers in the former West Germany has been rising for several decades now; in the former East Germany, mothers' employment was common. In sum, more and more mothers are returning to employment after taking shorter or longer leaves to raise their children."[9]

The biggest change can be seen in the terms of returning to work after parental leave. In contrast to several decades ago, the number of mothers who come back to work after taking a parental leave is higher and they tend to come back sooner than they used to.[10]

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[5] bmfsfj: Gender Datenreport: http://www.bmfsfj.de/Publikationen/genderreport/5-Vereinbarkeit-von-familie-und-beruf/5-7-elternzeit-familienfreundliche-massnahmen-in-betrieben-und-deren-inanspruchnahme,seite=2.html, 28.02.2011

[6] bmfsfj: Das Elterngeld: http://www.bmfsfj.de/bmfsfj/generator/BMFSFJ/familie,did=76746.html, 28.02.2011

[7] bmfsfj: Familienwegweiser: http://www.familien-wegweiser.de/wegweiser/stichwortverzeichnis,did=40872.html, 28.02.2011 and Brigitte.de: Was tun, wenn das Kind krank ist?, http://www.brigitte.de/job-geld/karriere/berufstaetig-kind-krank-545374/, 28.02.2011

[8] DGB Bundesvorstand: Vereinbarkeit von Beruf und Pflege, http://www.beruf-und-familie.de/system/cms/data/dl_data/cedced0e031107096390158b19d8017a/2008_Beruf_und_Pflege_fuer_Betriebsraete.pdf, 28.02.2011

[9] Institut demoskopie Allensbach: Monitor Familienleben 2010, http://www.bmfsfj.de/RedaktionBMFSFJ/Abteilung2/Pdf-Anlagen/familienmonitor-2010,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf, page 19

[10] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 19

Length of parental leave

1 year max.

More than 1 year,

2 years max.

Dauer der Elternzeit	Mütter, die nach Unterbrechung in einen Beruf zurückgekehrt sind: unter 40 Jahren %	40 bis 59 Jahre %	60 Jahre und älter %
längstens ein Jahr	44	36	25
über 1 Jahr bis längstens 2 Jahre	43	40	27
länger als 3 Jahre	13	24	48
	100	*100*	*100*

Basis: Bundesrepublik Deutschland, Mütter, die ihre Berufstätigkeit nach der Geburt eines Kindes unterbrochen haben und Mütter, die nach einer Elternzeit in den Beruf zurückgekehrt sind
Quelle: Allensbacher Archiv, IfD-Umfrage 10053, April 2010

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Mothers who have returned to work after leave

less than 40 40-59 60 and older

Chart 1: Shorter maternity leave periods for mothers [11]

In the older generation, only 25% of the mothers who returned to work had requested a short maternity leave period – less than one year. 27% of older mothers took their leave for an average length of time (up to three years) and 48% interrupted their employment for a period longer than three years. Among the 40-50 year olds who are approaching the "limits of this demographic", 36% have already taken a leave from employment for a period shorter than one year. Unlike the mothers of the older generation, only about a half of younger mothers have interrupted their career for longer than three years.[12]

Fathers-to-be show strong interest in taking parental leave

The number of fathers who have interrupted their employment in order to look after their children has multiplied in the context of parental leave policies. Currently, 20% of fathers claim parental leave benefits (*Parental Benefits Statistics, first quarter of 2010; Federal Statistical Office of Germany*). Public surveys suggest these trends as well. According to a survey of family life (Monitor Familienleben 2010), 10% of fathers younger than 45 have already taken at least one leave from their employment for the purposes of childcare. Among fathers over 60, only 2% have taken parental leave in their lives.[13]

The fathers who consider taking parental leave and claim parental leave benefits indicate their motivations as follows: almost all of them (92%) believe taking parental leave will facilitate a closer bond with their child. 79% also believe that their children will benefit from spending a lot of time with their father. The third most common reason for fathers to take parental leave is that they hope to ease the burden of care for mothers (65%). Every tenth father (11%) sees parental leave as a form of extended holiday.[14]

Many people are of the opinion, however, that fathers who show family-friendly attitudes still face barriers in the society. 56% of all population and 64% of fathers of children younger than 18 years of age believe that companies are not pleased with fathers claiming parental leave, while 51% of fathers worry about the negative consequences taking a leave would have on their professional lives. The company size seems to play a role in these perceptions. 67% of fathers and mothers who work in companies with fewer than 10 employees expect taking a

[11] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 20, 28.02.2011
[12] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 20
[13] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 27
[14] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 27

leave would hurt their career prospects. On the other hand, only 43% or 50% of parents employed in mid-size and large companies feel the same way.[15]

In addition, given the primary breadwinning role of most fathers, there is also often a concern about the financial impact on the family if the father takes parental leave. 54% of fathers feel that if they do so, their families would really struggle financially.[16]

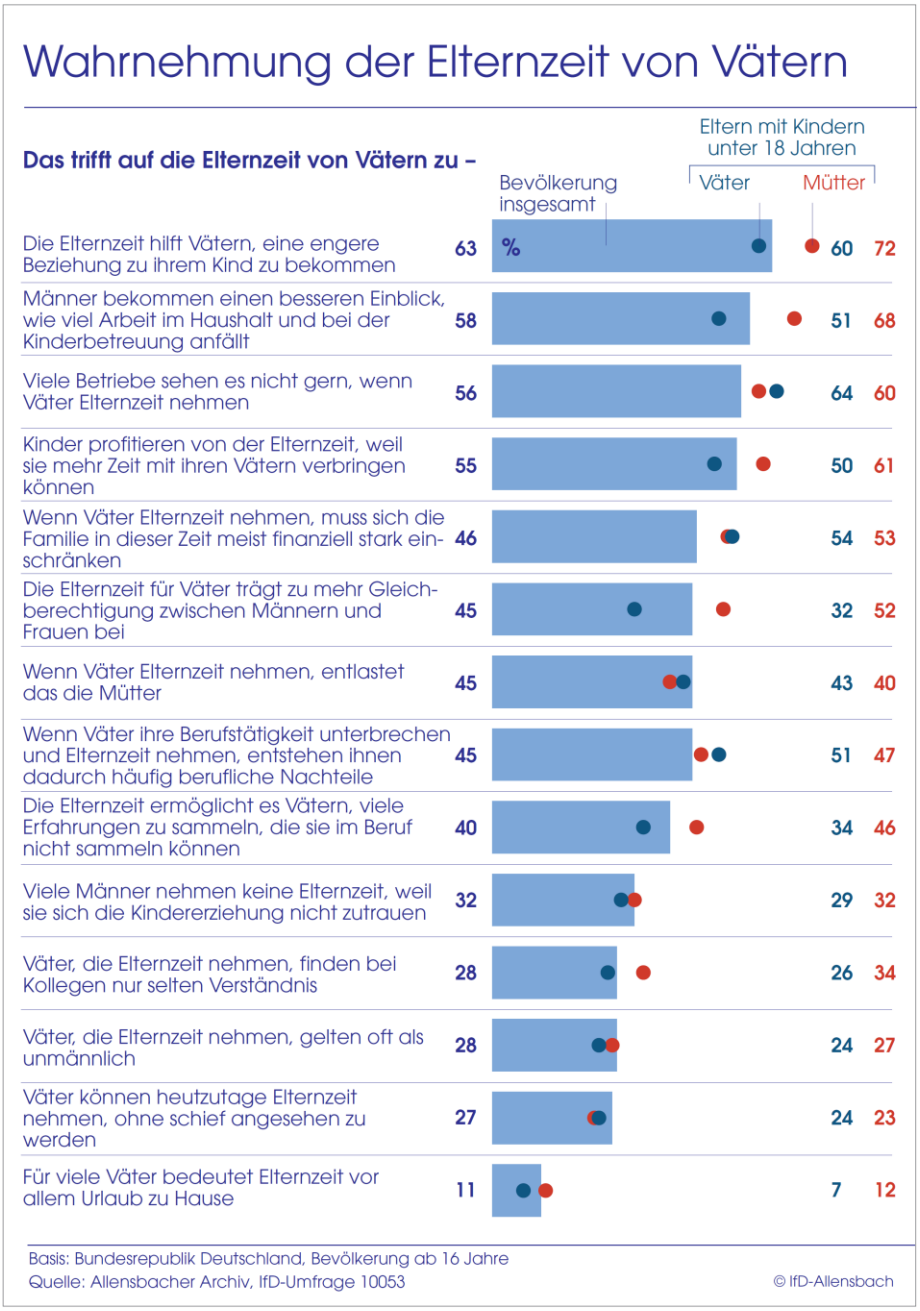


Chart 2: Fathers' perception of parental leave[17]

Fathers' views on parental leave

Parents with children younger than 18

Fathers Mothers

Population in Total

Regarding parental leave taken by fathers

1) Parental leave strengthens the bond between child and father

2) Men better understand the burden of housework and childcare

3) Companies do not like fathers taking parental leave

4) Children benefit from parental leave as they can spend more time with their fathers

5) Fathers' parental leave means strong financial limitations for the family

6) Fathers' parental leave promotes gender equality

7) Fathers on maternity leave alleviate burden on mothers

8) Taking a leave from paid employment for purposes of parental leave typically has negative consequences on professional life

9) Parental leave offers fathers unique experience they would not have otherwise

10) Many men do not opt for parental leave due to a lack of self-confidence in child raising

11) Fathers who take parental leave rarely feel supported by colleagues

12) Fathers on parental leave are seen as non-masculine

13) There is no longer any prejudice against fathers taking parental leave

14) Many fathers view parental leave as a kind of holiday at home

Base: Germany, population over 16

Source: Archiv Allensbach, survey 10053

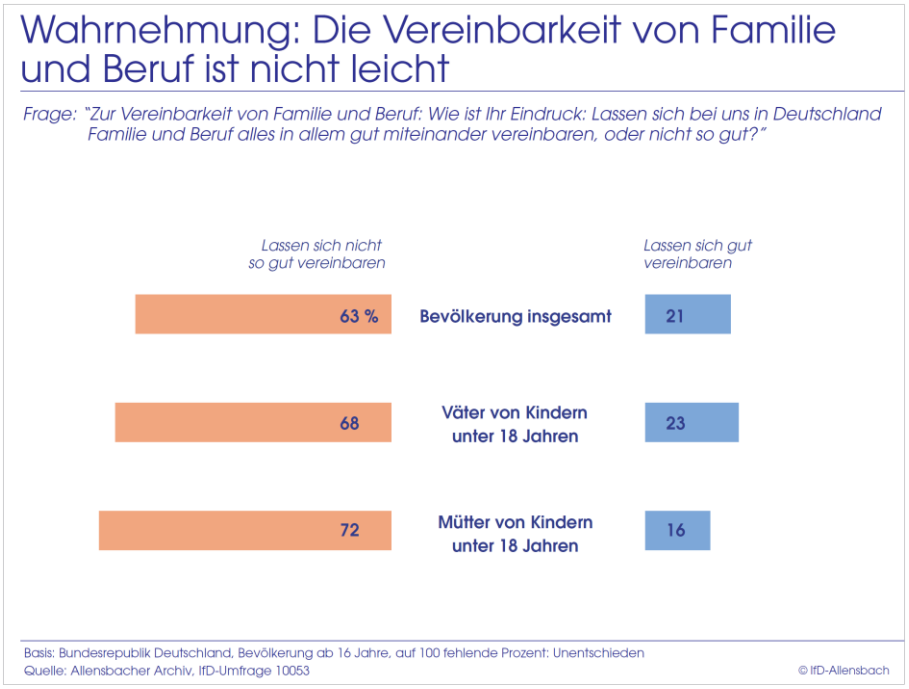
[15] Institut demoskopie Allensbach: Monitor Familienleben 2010, pages 27-28
[16] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 28
[17] Institut für Demoskopie Allensbach: Monitor Familienleben 2010, page 29

1.2 Work/Life balance problematic[18]

About a half of the population of Germany believe that better work-life balance is necessary for the future of the country. This perspective is particularly common among mothers who have returned to employment (70% of the respondents who share this opinion).[19]

69% of all population and 78% of young parents think that work-life balance should constitute the main priority of family policies.[20]

Only 21% of the population think that family-work balance is easy to achieve in Germany today. 63% of people think that the possibilities to balance work and family "are not very good". Especially younger parents who have recently experienced balancing family and work and who see similar challenges among their friends and relatives share this view. 49% of the respondents also believe that work-life balance is harder to establish in Germany than in other countries.[21]



Perceptions: Work-life balance is not easy

Question: „In regard to work-life balance: Do you think it that balancing work and family in Germany today is easy or not that easy?

It is not that easy

It is easy

Population Total

Fathers of children under 18

Mothers of children under 18

Base: Germany, Population over 16, others within the 100% undecided

Source: Archiv Allensbach, survey 10053

Chart 3: Perceptions of work-life balance [22]

[18] Institut für Demoskopie Allensbach: Monitor Familienleben 2010, 28.02.2011
[19] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 6
[20] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 6
[21] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 33
[22] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 33

On the other hand, even though many respondents believe it is hard to achieve work-life balance, they are not struggling with these problems themselves at this time. The majority of working parents experience difficulties with balancing work and family from time to time, such as when their children are ill, for example. Only 30% of parents with children under 18 report that work-life balance is very difficult to achieve. 60% of parents in this category experience a "fairly good" work-life balance and 10% are not sure. The children's age seems to play a significant role in their views: 47% of parents with children under three years indicate they are currently struggling with work-life balance; among parents with children older than three years only 29% of parents report similar challenges.[23]

According to the survey, these parents felt that if more childcare services that meet their real needs were available, it would be most helpful in respect to work-life balance. 54% of them would also like to see more kindergartens and schools providing their services throughout the day. 41% of parents call for more childcare provision for children under three years of age. 56% parents believe that more flexibility is in regard to the providers' opening hours so that they match their own working hours.

In addition, 53% of these parents believe that greater financial benefits would help them balance work and family as well. In in-depth interviews, respondents indicated that greater financial assistance would alleviate the pressure they feel to make money and allow them to work fewer hours and spend more time with their children. This view is especially common among single parents. Finally, 43% of respondents would appreciate more assistance with the process of returning to work.[24]

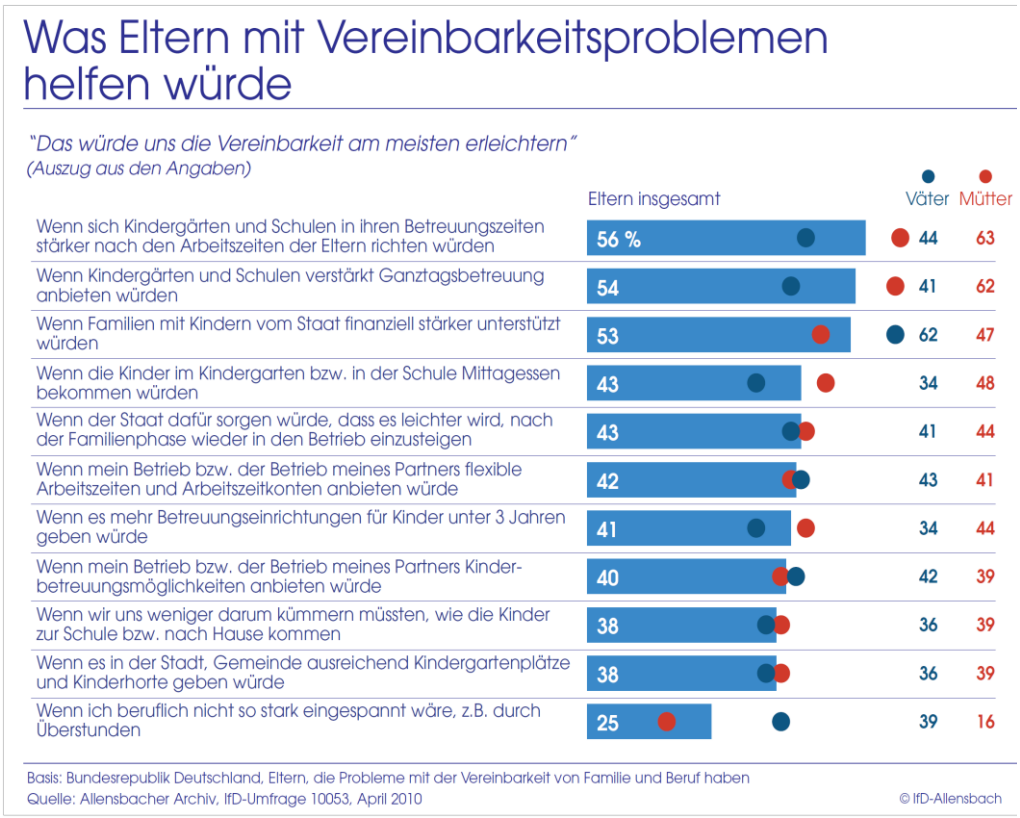


Chart 4: Helping parents balance work and family[25]

Helping parents achieve work-life balance

„This would help us achieve work-life balance the most"

(excerpts)

Parents Total

Fathers Mothers

1) If the operation hours of kindergartens and schools better matched our working hours

2) If kindergartens and schools provided care all day

3) If the state offered families more support

4) If children in kindergartens (or schools) were given lunches

5) If the state ensured easier return to work after family leave

6) If my (or my partner's) employer offered me flexible working hours and working hours accounts (accumulation of hours worked)

7) If there were more childcare services for children under three

8) If my (or my partner's) employer offered childcare options

9) If we didn't have to worry about how our children get to/from school

10) If there were enough places in the kindergarten and after-school programs in my town

11) If I were not so busy (e.g. overtime)

Base: Germany, Parents experiencing difficulties with work-life balance

Source: Archiv Allensbach, survey 10053, April 2010

[23] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 34
[24] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 35
[25] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 36

Institutional childcare services

In **Germany** children at the age of 3 until school age have a legal claim for a place in a kindergarten (four hours a day). Opening times and costs for the services vary in the German Laender (states). There are still strong differences in coverage rates between West and East Germany. The centre-based crèche services are available for 14,6% of children aged up to 3 years in Western Germany and 46% in Eastern Germany. The kindergarten services are available for about 92% of children from the age of 3 to 6 in the West (22,7% all-day services) and 95,1% in the East (65,3% all-day services). The after-school-services are available for 5,3 % of children aged 6 to 10 in Western Germany and 42,1% in Eastern Germany. There is an urgent need for more places, especially for children under the age of 3, and full-day services in Western Germany. The prices for public childcare differ between communities and regions and are massively subsidised by tax payments."[26]

The operation hours of childcare providers serving children younger than three years old range from half-a-day (up to five hours) to all-day (more than seven hours). Gradually, half-a-day services are being replaced by all-day services across all Germany. In the former Eastern Germany, over two thirds of the children who are younger than three and who attend childcare stay there for the entire day. While the demand for all-day childcare is growing in the former Western Germany as well, the proportion of children receiving all-day services out of all the children in childcare is only a half of the proportion of children in the former Eastern Germany. A third of all children receiving childcare services spend five to seven hours per day with the provider, either in a kindergarten or with a female or male babysitter (Tagesmutter or Tagesvater = a registered child minder).[27]

1.3 Flexible working-time arrangements

In **Germany** the employees have a legal claim for work time arrangements and other basic conditions that allow them to reconcile work and family life. Employees in a company with more than 15 people have the right to demand a part-time job, when they have been working for the company at least for six months. The employer may reject this demand, when it clashes with the work organisation. After the change in part-time a worker has no entitlement to return to full-time work.[28] More than one quarter of all employed persons in Germany worked on part-time basis in 2008.[29] The most of them (80%) were women. 46% of all employed women work part-time (and only 10% of men). In most cases, the reason for working part-time is the care for children or elderly people in need of care.

Germany is one of the countries with the highest proportion of enterprises (more than 70 percent) providing flexible working time arrangements.[30] Many enterprises offer their employees the use of accumulated hours for longer periods of leave (21%) or for single days off (17%). Some offer the possibility to vary start and end of daily work but no accumulation

[26] bmfsfj: Gender Datenreport: http://www.bmfsfj.de/Publikationen/genderreport/5-Vereinbarkeit-von-familie-und-beruf/5-8-kinderbetreuungsangebote-und-erwerbstaetigkeit.html, 28.02.2011

[27] bmfsfj: Bericht der Bundesregierung 2010 für ein bedarfgerechtes Angebot an Kindertagesbetreuung: http://www.bmfsfj.de/RedaktionBMFSFJ/Abteilung5/Pdf-Anlagen/kifoeg-bericht,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf, strana 15, 28.02.2011

[28] Bundesministgerium für Arbeit und Soziales: Teilzeit - alles was recht ist: http://www.bmas.de/portal/1426/property=pdf/a263__teilzeit__alles__was__recht__ist.pdf, 28.02.2011

[29] OECD: ALFS Summary tables, http://stats.oecd.org/index.aspx?queryid=451, 28.02.2011

[30] European Foundation for the Improvement of Living and Working Conditions: Part-time work in European companies; http://www.eurofound.europa.eu/pubdocs/2006/102/en/1/ef06102en.pdf, 28.02.2011

of hours (6%).[31] In 2009, 22% of the enterprises offered their employees telework. There are rarely gender differences in this working form.[32]

2 Principal objective and subjective barriers German parents face when returning to work

53% of mothers returning to work (statistical base: mothers of children under 18 who have returned to work) report that they have been able to adjust their working hours according to their family needs. 58% were able to return to their previous job, 17% work in a new position with their previous employer and 19% had to find a new job. A return to work was significantly less common among mothers of older generations. This was partly due to socio-political circumstances – mothers who were on maternity leave in the 1980's did not enjoy the policy of the "right to return to work"- and partly because they stayed at home for longer than three years. 37% of the mothers who have returned to work mentioned challenges related to the double shift (working both in and outside of home) while 31-32% felt support and help on the part of their employers and colleagues (stat. base: mothers of children under 18 years of age who have returned to work). In the process of this transition these mothers had to cope with a variety of issues, ranging from inflexible working hours (28%) or trouble with arranging childcare (17%) to finding a job (14%).[33]

68% of mothers who have returned to work reported at least one significant challenge in the course of their return. This means that this transition entails problems for the majority of parents. [34]

[31] CESifo DICE Report 3/2009: Flexible Working Arrangements, http://www.cesifo-group.de/portal/page/portal/DocBase_Content/ZS/ZS-CESifo_DICE_Report/zs-dice-2009/zs-dice-2009-3/CESifoDICEreport309.pdf, page 73-74, 28.02.2011

[32] bmfsfj: Unternehmensmonitor Familienfreundlichkeit 2009; http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/unternehmensmonitor-2010,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf, page 7, 28.02.2011

[33] Institut demoskopie Allensbach: Monitor Familienleben 2010, pages 23-24

[34] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 26

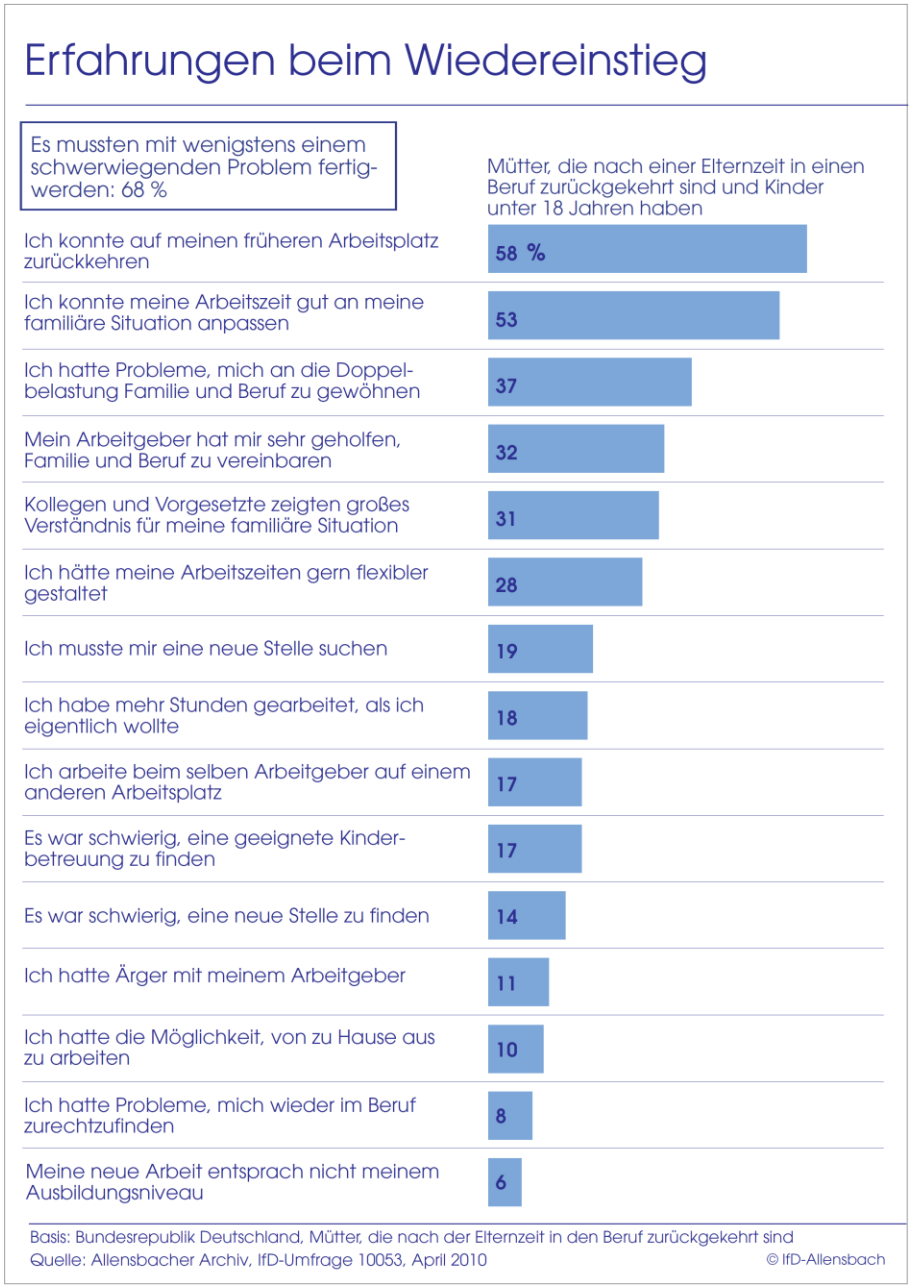


Chart 5: Experience with returning to work [35]

Experience with returning to work

68% had to cope with at least one serious challenge

Mothers of children under 18 who resumed employment after maternity leave

1) I was able to return to my former workplace

2) I was able to adjust my working hours to the needs of the family

3) I had problems getting used to the double shift

4) My employer was very helpful in balancing work and life

5) My colleagues and supervisors showed understanding for my family situation

6) I would like to make my working hours more flexible

7) I had to find a new job

8) I worked more hours than I wanted

9) I am working for my previous employer but in a new position

10) It was hard to find suitable childcare

11) It was hard to find a new job

12) There were issues between me and my employer

13) I had an opportunity to work from home

14) It was hard to get back on track professionally

15) My new job did not match my qualifications

Base: Germany, Mothers who resumed employment after parental leave

Source: Archiv Allensbach, survey 10053, April 2010

[35] Institut demoskopie Allensbach: Monitor Familienleben 2010, page 25

3 What factors influence the quality of work/life balance programs in Germany as regards

a) Employees
b) Employers
c) Social policies on the national and the international level?

3.1 Factors regarding employees

In Germany the number of working mothers has increased considerably during the last years. Yet many of them work part time with many negative effects for their pay and their career development.

The increase of childcare facilities and longer opening hours have made it easier for parents to combine work and family life.

One of the big problems is the schedules of German schools. Most of them operate only from 8am to 1pm. This means that afternoon child care has to be organised by the parents while the supply of afternoon childcare institutions for school children is very limited. Recently this started to change because in many German States (German Laender) the school system is changing towards an all day system.

3.2 Factors regarding employers

The German government has been promoting family friendly workplaces for several years. The German "Federal Ministry for Family Affairs, Senior Citizens, Women and Youth" (BMFSFJ) together with the German Chamber of Industry and Commerce launched a programme for companies called "Erfolgsfaktor Familie" (Success Factor Family).[36] The corporate programme was attended by a strategic communications campaign. It had the following goals:

- Establish family-friendliness as a management topic
- Turn family-friendliness into a trademark of German economy
- Convince more companies to adopt a family-friendly personnel policy
- Lobby at the highest political levels for more family-friendliness

The programme consisted of the following parts

- Federal competition 'Success factor family 2008'
  (Patron Chancellor Angela Merkel)
- Company network 'Success factor family' in cooperation with the German Chamber of Industry and Commerce
- Funding programme 'Operational supported childcare' funded by the European Social Fund (start: February 2008)
- Company Monitor: survey to examine the status quo of family friendliness in German companies and identify deficits (2003 and 2006)

[36] Parts of the English description of the programme was taken from slides of "Success factor family' - corporate programme" http://ec.europa.eu/social/BlobServlet?docId=1448&langId=en, February 21st, 2011

- A support programme named “Betrieblich unterstuetzte Kinderbetreuung” (Company-assisted childcare) and
- A corporate competition “Erfolgsfaktor Familie 2008” (Success Factor Family 2008).

All activities had the goal to increase awareness of the great importance of a family-conscious personnel policy, provide practical advice (good practice examples, fact sheets and guidelines) and give incentives to start a family-friendly policy in companies (competitions).

Probably the most effective strategy was to refer to family friendliness as a business case. This was supported by studies, which showed that companies could take advantage from a family friendly policy (cf. the cost-benefit analysis of Prognos AG 2003 commissioned by the BMFSFJ[37]). The study showed that for small and medium-sized companies the cost benefits of family-friendly measures are higher than the investment in such measures. The return on investment is up to 25% due to reduced costs relating to recruitment, absenteeism and training

A survey of 1000 companies conducted by the Forschungszentrum Familienbewußte Personalpolitik of the University of Muenster shows that a considerable amount of companies do see positive effects of family friendly measures concerning their corporate image (nearly 40 % of the respondents), an increase in applications for leadership positions (25 %) and a high return rate from parental leave (20%).

[37] Axel Seidel, Marcel Hölterhoff, Tilmann Knittel, Michael Steiner (2005), Betriebswirtschaftliche Effekte familienfreundlicher Maßnahmen - Kosten-Nutzen-Analyse. Ed. by German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Bonn.

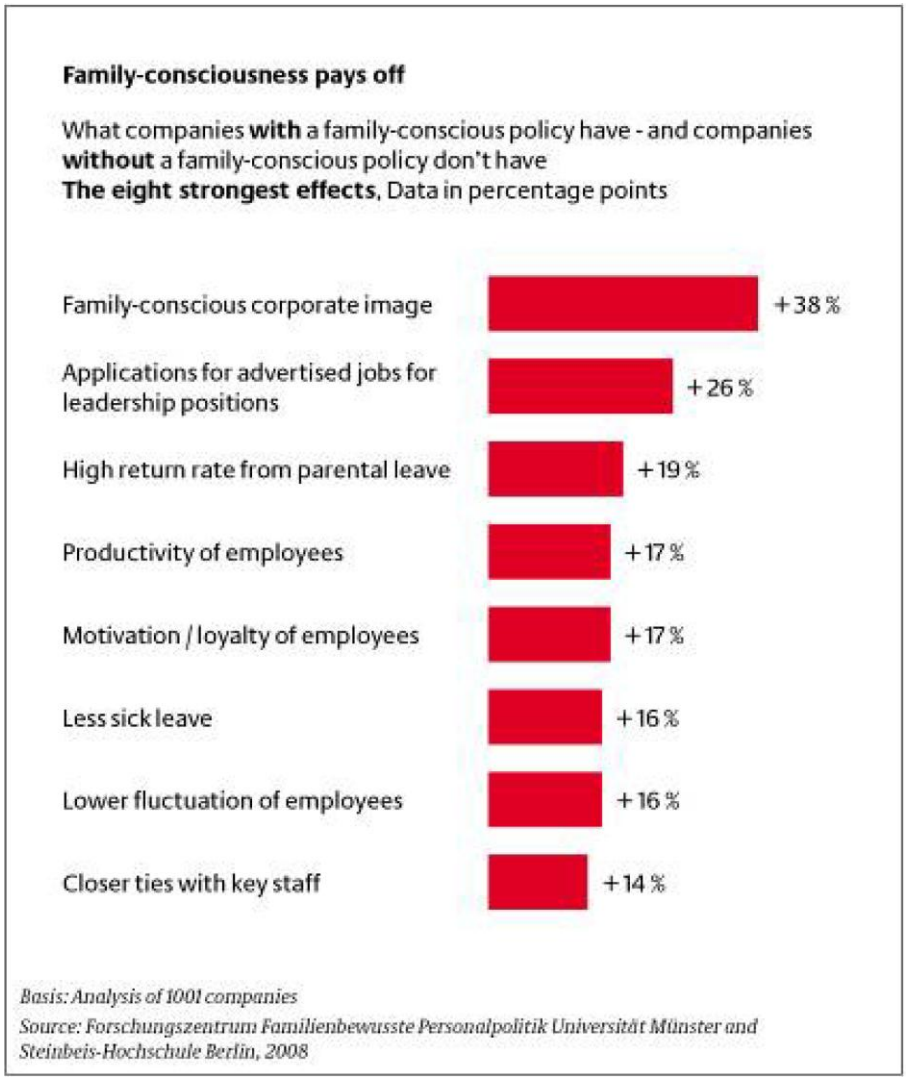


Chart 3: Family-consciousness pays off[38]

3.3 Factors regarding social policies on the national and the international level

The growing importance of gender equality topics on EU-level strengthens the forces in the government who want to introduce family friendly regulations and promote equal opportunities for women and men. One important factor is the European policy on increasing the participation of women in the labor market. The expected labour shortage due to demographic change and the increase of single parents, particularly single mothers, make a strong argument for supporting work-life-balance and the reconciliation or work and family by state regulations but also by campaigns and publicity. In addition, international benchmarks have a very positive effect. Germany often is on a low or medium position in benchmarks which the responsible ministries dislike.

[38] Success factor family' - corporate programme" http://ec.europa.eu/social/BlobServlet?docId=1448&langId=en, page 9, 28.02.2011

REPORT FROM THE FOCUS GROUP WITH MOTHERS ON PARENTAL LEAVE IN THE MOTHERS' CENTER PODĚBRADY

Kateřina Cidlinská – National Contact Centre – Women & Science

Analysis of a group discussion with women on maternity leave about harmonizing family and work life

1. Introduction

The study presented came to existence in the context of an international project focused on the creation and verification of tools for harmonizing the family and career lives of people taking care of children. The aim of the project is to identify conditions for successful adoption of good experience from abroad and to strengthen the position of endangered persons in the job market as well as the position of non-profit organizations that work with these target groups. The concrete aim of the study is to learn about the positive and the negative experiences of caregivers in regards to harmonizing family and work; and positive and negative experiences with flexible working hours. A big emphasis is put on objective and subjective obstacles, which hinder parents after parental leave (PL) from getting back into the job market and which limit the extent to which they are able to function in their position.

2. Methodology

Target group

Regarding the main aims of the project, the target group were parents of small children, who have had several years of experience on the job market and they are going to come back to it after the end of the Parental Leave (hereafter referred to as PL). Previous experience within the job market was required so that the subjects could compare their previous position in the job market with their current one, e.g. the positions of childless people and people with small children (currently on PL or shortly after its end).

Data collection

A qualitative research method called Focus Group, or Group Discussion (Hendl 2005) was used to collect the data. It is a discussion conducted by a moderator in a group of 6-12 participants. The advantage of this method, as opposed to an individual interview, is the possibility to monitor the group's dynamics, what topics give rise to the strongest and/or most controversial reactions, on which opinions the group are able to agree, on what the individuals on the contrary do not agree and how the group as a whole react to these differences.

The moderator of the discussion chose the possibility of a degree of low involvement, where it is supposed that the topic of harmonizing is close and up-to-date for the informants and therefore they will be able to talk a lot. This hypothesis was confirmed to be true. A low degree of moderator involvement also increases the chance to get information about which he/she may not have known or anticipated beforehand. The moderator thus got involved in the subjects' discussion only when it started to divert from the core topic, or when some of them were not involved enough. The moderator was watching two main research lines during the discussion, which were the answers to the following questions:

How do you manage to harmonize your job and family life?

What obstacles do you come across (or what are you expecting) when harmonizing your job and care of children?

The moderator initiated the discussion with a general question:

In what way is it, in your opinion, possible to harmonize a job and care for children and what is your experience with this?

The discussion was recorded on a video camera and dictaphone. The recording enables a detailed analysis and data interpretation since it enables the possibility of investigating various mimics and gestures of individual subjects as well as the group dynamics.

The discussion happened in March 2011.

Sample

7 subjects from a small Czech town in Central Bohemia took part in the discussion, women who are currently on PL. A woman with a 15-year-old child is currently on PL with a younger three-year-old child. Such a big difference between the first and second child's ages was not noted with any other informant. The oldest child's age of the other informants was 6. The sample of subjects covered had an education ranging from an apprentice without a completed secondary school diploma up to a university degree.

The absence of men in the sample is not deliberate. Men were also invited to take part in the discussion but none of them participated.

Subjects:

(the subjects' names were changed to keep their anonymity)

1) Radka
   - 2 children (ages: 4 and 6)
   - 7 years away from the job market (she opted to stay at home on PL for 4 years and it turned out to be 7 years); she finds it too long
   - She is a language teacher at a basic school (she does not want to go back to the original job, she would like to teach adults to have a rest from children)
   - She does not have any possibility of babysitting within her family (grandmothers)
2) Lenka
   - 2 children (ages: 2 and 5)
   - An accountant, she was working as an administrative worker before PL
   - Her husband works in shifts, she is afraid that harmonizing will be very complicated
3) Eva
   - 2 children (3 and 15)
   - She had been working for a Czech radio station before PL, to which she is returning soon
   - The site of the radio station is in a different town, Eva has to commute
3) Sylva
   - 2 children (3.5 and 6)
   - She had been teaching at a secondary school to which she is soon returning

4) Ivana
   - 3 children (almost 3, twins 4.5)
   - A midwife before PL
   - She had the opportunity to work during PL but she did not take it. She could not imagine it (she wanted to care for the children herself at least up to the age of 3)
5) Mirka
   - 1 child (7 months)
   - A trained shop-assistant
   - She had been working in her father's shop before PL. She is not afraid of harmonizing, she continues to keep the shop during PL
6) Šárka
   - 2 children (5 months and 2 years)
   - A garden architect
   - She had been doing her job before PL, she had the possibility to go back to the original employer but she gave up the opportunity because of the demanding pace of work, which did not allow for clearly defined working hours; at the same time commuting to a different town was not convenient.

Since there was only one discussion with 7 subjects, the study does not claim to generalize the analysis output for the entire Czech population.

Specifications of the sample important for the analysis:

There are no men represented in the sample. Therefore, it was not possible to include their experience with the job market, PL, harmonizing and planning to return to the job market and compare it with the experience of women. However, it is necessary to say that Czech men use the opportunity to go on PL only exceptionally and harmonizing job and family life is still mostly a problem for women.

The sample does not contain women with more distinctive career ambitions, who would consider care of children and career on the same level of importance. Only one subject did not define care of children as her absolute priority. Surprisingly, it was a person with the lowest level of education, while the women with a university degree, that is to say women who spent more time preparing for the job market, did not show such career ambitions. Some were even considering a change of career, minimally for the time until their children were more independent and until they could be left without supervision (e.g. till they are approximately 10 years old). Within the discussion, a view of the woman for whom career success was as important as care for her children, was not represented. We may suppose that such women might have different opinions and experience with harmonizing.

None of the subjects had personal experience with harmonizing measures (for example with working part-time or using company nurseries). Therefore, it was not possible to judge the effectiveness of such measures based on personal experience. They only commented on experience of their acquaintances or former employers.

Not even one of the subjects was in an acute financial situation (on or under the level of poverty) as their partners managed (at least temporarily) to support the family with their sole salary. Therefore, there was no point of view from a caregiver for whom it is an absolute necessity to go back to making money represented.

In the sample, there was also not even one single parent. This fact is important especially due to the continuously growing number of single parents in the Czech population caused by the high number of divorces (CR has shown one of the highest divorce rates within EU for many years, Eurostat 2009). Yet the situation of such parents is special concerning harmonization because a single parent-mother[1] is in the position of being the main breadwinner as well as the main caregiver of children and household. It differs from households with two parents, in which there is still a traditional division of gender roles in the Czech Republic, the man being the main breadwinner and the woman the main caregiver. Her possible income is within the family budget considered a secondary one.[2] The subjects' households also corresponded with this traditional division.

The subjects' answers seem to show that none of them had experience with a divorce and that all of them were satisfied with their marriages/partnerships. This fact may have been a reason why the subjects did not particularly make a big deal out of being financially dependent on their partners. They rather expressed relief that their partners (up to then) had been able to provide for them and they could stay at home with their children longer. At the same time, however, they were aware of the danger and what it would mean for them in case of a divorce/split up. Most subjects agreed on the fact that they would not be able to provide for their children on their own. A potential divorce/split-up elicited great fears in them.

Data interpretation

The analysis was conducted through the effort to find answers to the research questions. Standard basic ("open") coding was used to process the data, within which there were topics identified in the text which were afterwards sorted and connected into more general categories (Hendl 2005: 247). The basic key for coding was what the subjects considered important and interesting – topics which came up most often and/or caused the strongest reactions, subjects' answers to the final question: "What was most important in this discussion?" The group of subjects thus decided on the topics which are taken into consideration in the research. The most important decisive factor was how many subjects mentioned a particular topic (or how often it was mentioned – some subjects mentioned certain topics repeatedly) and what reaction and atmosphere it caused in the group.

3. Outputs and analysis

During the discussion it turned out that none of the subjects has gone back to work after PL nor has tried doing it yet. All of them were at the time of the discussion still on PL and they did not have any personal experience with harmonizing work and family. Therefore, the question: "How do you manage to harmonize your work and family life?" was not answered during the discussion. The main stream of discussion was obstacles of the planned return to work from PL and suggestions for making future harmonizing easier.

Obstacles of a comeback to the job market

The obstacles can be divided into objective and subjective ones. However, we have to mention that such a division is simplistic because not all obstacles can be clearly defined as objective or subjective due to the strong connection of the two categories. Especially with subjective obstacles, it is important to realize their connection with the general social context. This fact is pointed out in the text. Despite this simplification, the division of obstacles into objective and subjective is important from an analytical perspective because individual problem areas fall into the sphere of various agents (especially the state and employers). Thanks to this, it is possible to indicate on whose side there are particular faults and who should therefore make good and in what direction changes should be going.

Objective

A lack of possibilities for babysitting

Although the subjects did not consider the lack of possibilities for babysitting as the biggest obstacle to harmonizing, it was still an important topic. The subjects pointed out at the inaccessibility of babysitting a) within the family, e.g. none of the other family members could take her place in the care for children, b) within institutional care of children. In both cases, they considered the social situations which make it a bigger problem for parents than in the past. The first change is related to the changes of life-style (mainly with greater mobility of the population) and the higher retirement age of women which make the former matter-of-fact "institution of grandmothers" less common. Most subjects stated that grandmothers cannot help them significantly with harmonizing because either they themselves still work or they live too far.

"The way I see the problem is that we have a problem with grandmothers. One is far and the other one doesn't often babysit, she mainly works. I think that when we were little and we had a summer holiday or such, our grandmother had already been retired for 4 years. So my mom took us to our grandmother." (Lenka)

The second change is connected with changes in the institutional pre-school care system which started after 1989. The institution of the daycare, e.g. a facility for care of children under 3, almost ceased to exist within these changes and the number of nurseries (for children from the age of 3) was also significantly reduced. In some geographical locations there are no nurseries at all and in those where they are, their capacity is not sufficient enough to accept all applying children. Another problem besides the lack of vacancies, are the opening hours in nurseries. Some provide care of children for only 4 hours a day. Subjects often mentioned that they would need babysitting for 6 hours a day, which made it clear that they do not have such a possibility.

However, the lack possibility of pre-school children care was not the only obstacle to harmonizing. A problem was also with children who already attend school but who are not yet, in parents' opinion, independent and responsible enough to be left without supervision. This problem usually bothers parents who have more than one child. They can easily get into a situation when, paradoxically, they have a bigger problem to find babysitting for older children. The period of summer holiday was especially considered extremely demanding because while nurseries provide care even during summer months, schools do not.

Paid private babysitting was not considered a possible solution of the lack of options in child care by the subjects. The reason was its financial demand. The mother's salary would have to be much higher than the average full-time job salary in the Czech Republic in order that such babysitting would pay off as a harmonizing strategy. In reality, however, many women are not able to reach such a salary even within a full-time job, let alone within a part-time one or temporary jobs. Paid babysitting then loses its sense as a subject said, who made some extra money in a temporary job, while she was on PL.

"I made 50 Crowns/hour so I could not do it anyway because babysitting costs 60 Crowns/hour and then every other hour 40 Crowns. So I would make approximately 50 Crowns a day. The same thing, for washing stairs you get more but it is still half, isn't it? So imagine it, go cleaning for 6 hours somewhere and leave half of the money here [in the mothers' centre]" (Lenka)

Unreadiness of the Czech job market for working parents / mothers

The subjects perceived the current situation in the job market to be the biggest problem. According to them it is not ready for working parents, or mothers (the subjects kept talking only about mothers and women, more details of this are to be found in the category Harmonizing – women's problem). The job market does not count on employees being parents as well which shows mainly in a lack of part-time jobs. Part-time jobs are not a common thing and in some geographical locations there are none.

"*The market is not, in my opinion, ready for it at all, for the women, and there are tons of them, aren't there? They say there is a baby boom, thousands and thousands of mothers are coming back to work, well [throwing up her hands as if not knowing what to do], and they don't have anywhere to go." (Šárka)*

Commuting to a part-time job is, however, not very convenient, if not pointless, in the same way as paying for private babysitting. The time spent commuting takes exactly the same time which they needed to cut their working hours due to the care of children and thus decided to work part-time.

"But then when you add it up, it is like a full-time job, when somebody goes there and back for 4 hours or 6 hours, then it turns out to be easily 8 hours in the end." (Sylva)

For the time being, part-time jobs are also offered only to certain professions and fields in the job market, especially in education and health care or in such fields where high qualifications are not necessary. Many mothers, however, choose, due to harmonizing, such jobs where they can flexibly plan their time themselves and which do not require their presence in the working place regularly - a certain number of hours a day for these jobs are conditioned by the possibility of having regular babysitting. The subjects agreed that most of their friends and acquaintances earn money through cleaning. It was interesting that nobody considered this fact from the perspective of decreasing the social status of women in connection with motherhood, not even the subjects with higher education.

The subjects did not blame employers alone for the lack of part-time jobs. They blamed above all the state, which does not, in their opinion, create such conditions for employers that providing part-time employment is not disadvantageous for them. Particularly, this reproach towards the state concerned the fact that currently, it is financially disadvantageous to employ two people on half-loads in a position which requires one person working full-time. One

subject lost the possibility to come back to her original post after PL. She was afraid of the demanding working pace and suggested dividing the amount of work between two people. The employer, however, did not agree with this solution because it would be more expensive for him.

Due to these obstacles connected with the job market situation, the moderator asked what the subjects thought about self-employment as a possible strategy for harmonizing. The subjects refused to accept that self-employment could be considered a broadly used solution, including the subject who, as the only one from the sample, is self-employed. The reasons were the costs connected with starting a business, e.g. the necessary starting capital, which not every person (or every woman) has.

Haphazard and random state family policy

Just like the job market does not count on employees being parents, it seems that the state does not count on parents being employees. The current concept of multi-speed parental leaves is not in accordance with the public institutionary pre-school children care system and with legislation concerning employers' duties towards parents. Although a parent may choose from two-, three- and four-year variants of PL, the current system is in accordance only with the middle option. Nurseries do not accept children under 3 and daycares for younger children are unavailable in almost all places in the CR. Moreover, employers have to enable the employees to come back to the same post, or an equivalent one, only until the third year from the beginning of PL (this second problem, however, was not mentioned by the subjects). In case of nurseries, the disharmony in their opening hours with job market demands, e.g. with working hours in some jobs, was also criticized.

"So we have here maternity leave for 2,3 and 4 years but here in the nursery nobody will accept a 2-year-old child. […] There are not enough nurseries, right, so should I put him to a nursery for 6 or 7 thousand as a small child? […] The two-year long maternity leave would make sense if either one goes on in giving birth to children and stays at home, that's how I did it – I have a five-month old baby and I still have the two-year-old girl at home, or if one has some babysitting or if you pay for some expensive service so I can put somewhere the two-year-old one. […] A friend has a job starting in April but they won't take him to any nursery so she is going to lose the job." (Lenka)

"The nurseries are open from between 6:30 to 7am, so it seems to me that if I went to work from 6 I wouldn't have anywhere to put the children, right?" (Lenka)

We can say that the Czech Republic has not started to operate with the category of so-called working parent within the family/working policy yet. It is the central topic of these policies for example in Scandinavian countries (Winkler 2001). Operating with the category of a working parent means creating such policies and measures in real life which actively aim to help maximalize the harmonization of family and work. It results from the belief that harmonizing is not only a problem of individuals but also of the state, which needs for its existence individuals who decide to become parents as well as workers, and by that they mean also women mothers. While the Czech policy supports a rather conservative organization, which basically forces women to stay at home after the birth for a long time and accept the main role of a caregiver. The man thus becomes the main breadwinner.

Negative relationship of employers towards women in productive age and towards mothers of small children

The subjects do not see a problem on the side of employers only in the more or less understandable unwillingness to provide part-time jobs due to their financial inadvisability, but also in the generally negative relationship of employers towards women in productive age, especially towards mothers of small children. A discussion on this topic was very lively, most subjects had their personal experience with this phenomena. The subjects explained that employers perceive young women as non-lucrative employees as they expect them sooner or later to leave for a long time on PL and so they do not want to spend time and money for their training. This presumption is applied at large towards all young women regardless of their real life plans. They automatically assume that work will always be in the second position behind care of children for women. Nevertheless, they do not operate with fatherhood as an obstacle for full assignment at all. These gender stereotypes manifest themselves in life through discriminatory practices of employers, such as deliberately not providing employment to women, requiring information about family situations (if they have children and how many) or family plans of women within job interviews or they even require a certificate from potential employees that they are not pregnant or they have to sign a contract declaring that they would not become pregnant within 3 years, or they do create unfriendly atmosphere in the working place towards mothers of small children, for example in the form of spite. A subject, Ivana, described the last one when speaking about the experience of her sister.

"When half past three is coming close and she needs to leave, the boss comes, she is supposed to finish in 3 minutes, and he desperately needs something. And that's been happening every day for about half a year. [...] Well, it's simply spite and she is a totally scorched by it" (Ivana)

"She was told directly that they'd prefer to take a boy after his military service rather than a woman of the same age because they simply know that she is going to have children. When I was going on job interviews: "are you married, are you not married, do you want children, when?" and they always asked me about children. I got married fairly early but I didn't have children until later. But they kept thinking that as I was married that I would have them. No matter how many times I told them that I did not want to have children at the age of 20 but they still asked every time. And I think that when there is a job interview, nowadays they'd prefer to take a 18-year old, 20-year old girl to me, at my age of 30, although I do have some office experience and experience in accounting." (Lenka)

The subject also expressed an opinion that being a mother she would not fit into the working team, which does not count on its individual members (female members) to have any duties other than work and expects 100% devotion to work. She pointed out the job market characteristics, e.g. in principle the hostile attitude toward the family, because the ideal employee is an individual without any obligations living just for work. It originates from an emphasis on achievement and reaching maximal profit and creates a hostile atmosphere towards families in working places.

"*When I was working in Prague, I had a feeling that it was such a young motivated team where nobody played according to some working hours…." (Šárka)*

Although the behavior of employees was a lively topic and the subjects perceived it as a big obstacle in coming back to work, they actually expressed their understanding for employers rather than clearly and explicitly criticizing such behavior (more about this phenomena in the category Perceiving Oneself as a Non-lucrative Woman Employee). The subjects also did not even once identify employers' behavior as unlawful, although it is a criminal offence in accordance with the Czech legal order (more about it in the category Ignorance and Helplessness).

At the same time, though, there were some critical voices calling such employers' behavior stupid because they deprive themselves of a loyal and experienced working power. In so doing they do not consider the profit they may have from a family friendly attitude in the future.

"Employers don't seem to get that they could appreciate mothers after maternity leave, that they already have experience, they will be glad that they have a job, they will try to keep it and when the employer accommodates them in case of illnesses then the mothers will be able to do something extra for them. I think that I was a very loyal employee, but not everybody was. We were extremely busy and I think that it would have paid off much more to the employer if he had been more loyal and he would have got it back from mothers coming back after maternity leave." (Šárka)

"A sick society" – a negative attitude of the whole society towards family and family values

Negative attitude towards mothers, however, is not only a problem of employers according to the subject. It is connected with a general negative attitude towards family and family values in the society, which devalves these values and instead it puts emphasis on values of individualism. Šárka called the current society as "sick".

"It is in the whole society, it seems to be sick. [...] The people – the way they behave behind the steering wheel, they behave towards themselves in the same way and that's the way they behave in life in general towards everything. So they do not respect at all any status of a family but they don't need it, they have money and they probably don't miss it much. And they are thinking well, she can't so I'll find another one [woman-employee], right. [...] Everybody is replaceable." (Šárka)

<u>Subjective</u>

Harmonizing – a women's problem

As it has already been said, employers presume that care of children is the duty and priority of women, therefore they do not like employing women. On the other hand, the subjects as well as specialized research (Maříková 2007) say that employers do not consider parenthood anyhow with men as they do not suppose that it would have any impact on their job performance, they do not expect men to be caregivers. The answers of the subjects, however, also show that they view the problem of care of children and the whole process of harmonizing work and family as theirs, e.g. a female problem. None of them spoke in connection with harmonizing about parents of small children but only about mothers and women. Fathers were totally missing in the discussion. When a father was actually mentioned

then it was only in connection with taking children to a nursery, school or after school-activities and picking them up. However, picking up children was viewed as mothers' matter. If the father was able to substitute them, it was seen as great luck or almost above-standard.

"… I say, that's a luxury that somebody would take my child to school, that's something unreal." (Ivana)

Not even one subject talked about the father of their children as an equal partner in taking everyday care of children. Fathers were not included in trying to find solutions for babysitting, in such cases where grandmothers or public institutions cannot help. The subjects came up with various solutions within the network of their friends or colleagues from work, hiring paid babysitters or agreement with seniors who might be interested in babysitting (more about involving seniors in childcare in Examples of Good Experience from Abroad).

The talk about fathers in relation to childcare only happened thanks to the moderator's intervention into the discussion. The moderator talked about a research about fathers on PL. The subjects' reactions showed that under the term care there are different ideas about men and women. While being on maternity/parental leave automatically meant for the subjects to be responsible also for housework, in case of fathers being on parental leave, they counted only on care of children. This, however, they did not see with criticism. They considered this disproportion in expectations from mothers and fathers rather as an automatic fact. This was clearly seen also from their using the word "must" in connection with housework and women.

"[…] I have to do the laundry, cook and clean beside it, while my husband, although he has absolutely no problem with taking care of children, he won't cook, clean or do the laundry." (Šárka)

The subject did not consider it strange that the duty to carry out housework was taken off them not even in the case when talking about a couple where the husband was on PL and the woman worked full-time.

"And he liked it very much, I don't know about cleaning, I think that was worse, probably his wife had to do it." (Ivana)

One subject was even defending this by saying that "they [men] are not equipped for it [housework]". The subject actually used a typical argument of so called biological essentialism, e.g. an idea about inborn difference of men and women, by which the unequal status of men and women in society was justified in the past, especially the division of duties in a family when it is up to the man to provide for the family and up to the woman to care of the dependant members of family and household (Renzetti and Curran 2005: 103). Needless to say, however, that theories of such kind were many times impeached as being strongly biased and disproved.

From what the subjects said it was obvious that there is a very traditional division of work in their families, where women are the main caregivers and men the main and often the only breadwinners, on whom the whole family, including the subjects, financially depend. This was probably the reason why the subjects thought about their partners as providers, not as caregivers, and they did not include them into their ideas of harmonization nor did they criticize them for not taking part in everyday care of children and household.

The fact that harmonizing in the subjects' households is viewed as their personal problem may in itself be an obstacle to their return to the job market. The reason is that the feeling that

they are on their own and the insecurity how they will manage by themselves reduce self-esteem, motivation and zest.

The idea of irreplaceability of mother care

The idea that harmonizing is a women's problem is related to the fact that the subjects viewed themselves as indispensable for their children and mainly irreplaceable caregivers. It was obvious from their answers that they consider mothers, themselves, to be the only people who can take care of small children well. Therefore, they were not particularly excited about various suggestions of providing care of the youngest children, which were said during the discussion (for example babysitting in the working place, by friends, acquaintances, paid babysitting). One subject did not trust even her mother, e g. children's own grandmother, in looking after children under the age of 3. This distrust was the result of two main reasons given by the subjects. One being the already mentioned distrust towards other potential caregivers (the feeling that only they themselves are able to provide the care which their children need), the other being a strong fixation of children to the mother. One subject said that she could, for example, leave her child in a university children's corner, if she was a student, because her son is so fixed to her, that he would cry a lot and misbehave, which would be unbearable both for the volunteer babysitting and for herself, who wouldn't want to expose her child to such a situation. She mentioned several times that "it wouldn't be worth it". Another subject mentioned several times how happy her children were that she could spend a long time with them at home.

"[...] I am glad that I was able to be at home, that my husband could provide for us and I didn't have to improvise in care with the help of friends. The fact that my children have their routines, if they were with different people every while and in a different group of kids……" (Ivana)

In this respect a question arises as to what extent are other persons than the child's own mother incompetent in looking after children well, especially if it is only for a limited period of time (a few hours a day), and to what extent this idea is strengthened or created by experts' (doctors', psychologists') discourse, which spreads into the subconscious of the wider society. As mentioned above, Czech family policy prefers rather the conservative family model, which views the mother as the primary caregiver. The Czech psychological discourse is also to a great extent very conservative and it transfers almost all responsibility for a healthy and successful child's development to mothers. It presents the mother as a totally irreplaceable person for the child. Any care other than that of the mother is within this discourse perceived as being only second rate, which can endanger the child's development.[3] Mothers are thus exposed to a great stress and fear of not hurting their children by not giving them 100% of their attention.

We have to mention here that the ideas about the irreplaceability of mother's care have already been disproved many times. A lot of researchers showed that a child needs above all close people, who will provide him/her with care and the feeling of safety but it does not necessarily have to be their biological mother (Renzetti and Curran 2005). So their father or other close people can look after them just as well. At the same time there is a question whether children's dependency and fixation on the mother (mentioned by several subjects in the study) is an ingrained tendency or if it is created or basically supported by the maximal attention they are trying to give to their children. There is also a question if children really

would not manage with other people, or if they would quickly get used to it after several times of being looked after by somebody else other than the mother.

The Bad Mother Syndrome

Along with this socially spread out and by the subjects confirmed notion of the irreplaceability of the mother's care there is another obstacle, which we called the "bad mother syndrome", e.g. the feeling that women who don't want to give all their time and energy to their child are bad mothers, i.e. also those mothers who want to go to work before their children reach their 3rd birthday. The scarecrow of "bad" mothers, mothers who do not consider care of children their main or rather their only life priority and goal, which allegedly hurts their children, is a very strong tool to keep women at home in the traditional family division. Nobody wants to be labeled or have the feeling of being a bad parent. Mothers themselves should therefore suppress their interests in favor of children's interests, or children should be their only natural or at least main interest.

"I have a lot of colleagues-women, who don't take it so seriously and take their children with them. For example a colleague studies and I say [surprised]: and where do you put the half-year girl? And she says: [with a non-chalant voice] well, somebody always comes up. I don't understand. I would never do this, I would simply not study." (Ivana)

The fear of the "bad mother" label showed also in a declaration of Mirka's that she is "no career-oriented woman", when Ivana talked about the fact that they had a different attitude towards motherhood because Mirka tries to take care of her business (a family shop) apart from care of her child. The subject, Ivana, also realized the danger of how it is going to sound, and chose her words very carefully in order to explain the difference between them and she kept emphasizing that she liked Mirka even though her attitude is strange to her so that she would not get the impression that she was being accused of something.

"Such types of people, I really like you [towards Mirka], but such types of people have the child as if their career -- you really like it, don't you?" (Ivana)

"But I am not a career-oriented woman, wait, I'm not at all a career-woman, I like the child, too, but…." (Mirka)

"But when you divide it the scale is in this position [she shows scales in equal position] *but I have the child as my priority." (Ivana)*

The idea that mother should fully devote herself to her children minimally up to the age of 3 was obvious also from the question asked by Radka. She asked the others: "Does any of you want to go to work before the age of 3? Really work?" Apart from Mirka, they all shook their heads "no". In the end they subconsciously reformulated the original question "how to harmonize the work and family life" to the question whether to work at all.

"Well, we keep talking over the question of whether to work or not to work basically." (Lenka)

This question pointed to the above-mentioned facts that the current family policy system (e.g. PL, institutional children care, legislation) and the job market force women to be with children for a long time after birth. They hinder harmonizing and pose to them a question – career or family; force them to choose one or the other, a choice which men do not have to

make. Men are thus rewarded by employers by being considered more lucrative employees than women and are not disadvantaged even if they are fathers. The subjects felt that they had to make a choice whether to work or (duly) provide care. They did not suppose they could do both, e.g. harmonize. Unlike men who do not face the choice of either career or family by society (and politics). This also influences the employers' attitude towards men and women.

However, the subjects' answers showed that although they were trying to be good mothers in the sense of fully devoting themselves to children while they are small, they are not quite happy with this state. So within their answers they were contradicting themselves. On one hand they were all talking about the great psychic and physical demand of care of children, feelings of great exhaustion and dissatisfaction with the fact that they were actually constantly with the children and do not have a moment for themselves (for relaxing or for their interests), but on the other hand they assured one another that they were doing the right thing because children should be their priority. So there was a certain contradiction of personal feelings and society's discourse.

"I could not be with the children all the time, I would go crazy, but I could also not push them away because, or I don't mean push away in the bad sense, well but I would simply not do it at their expense. [...] Of course, money is important, but I would rather go without a holiday at the sea than feeling bad the whole year." (Radka)

The impression that the subjects were not quite happy with their position as the primary caregiver, showed also through the way they expressed their relationship towards their job. Most of them said that they did not expect an increase of the family budget in the first place but relaxation from children and household, escape from isolation, contact with adults and motivation to take care of themselves more.

"I expect from the job to get out, to change my social environment, it will make me dress nicely in the morning, put on make up etc." (Radka)

With this category, just like with the two previous ones, it is very important to realize that it is not clearly a subjective category. The fact that the subjects consider harmonizing a female problem, feel that their care of children is indispensible and irreplaceable and also feel that if they do not devote themselves to the children 100% they will be bad mothers, as we will talk about in the following category, does not only come from their personal feelings but also from the society's awareness and the reality that women in most families are still those who have the main responsibility in taking care of children and household. These subjective categories have, therefore, their basic general dimension.

Perceiving oneself as a non-lucrative woman employee

With regard to the fact that the subjects viewed harmonizing and care of children almost exclusively as a women's problem and at the same time they took such a state as being to a certain extent a matter-of-course state, it is not surprising that they perceived themselves as being non-lucrative for employers and they actually expressed understanding for the negative attitude of employers towards women in productive age, especially to mothers of small children. It was obvious from their answers that they only meant themselves when talking about a caring parent. When talking about the fact that harmonizing is also a problem when children start going to school, mainly because they are often sick, not even one subject mentioned that their partner could stay at home with children. They automatically considered it to be their responsibility. The perception of themselves as being difficult employees was

very strong. Some subjects explicitly said that if they were employers, they would not employ themselves.

"And would you, being an employer, take a mother of two children, when you know what it takes? (Radka)

"I guess not gladly" (Šárka)

"Not me, I wouldn't take her." (Mirka)

"Me, when I know what it takes, I wouldn't either."(Radka)

Perceiving oneself to a certain extent as a non-promising employee is certainly a big obstacle in returning to work and at the same time we can suppose that it is also an obstacle for valid legislation being enforced, legislation which prohibits sex discrimination, that is to say it is an obstacle in fighting for their rights in case employers breach the law. This could also explain the above-mentioned fact that the subjects did not identify the discriminatory behavior of employers as illegal. Viewing oneself as being an unequal employee may reduce the feeling that they have the real right and self-esteem necessary for a successful comeback onto the job market. At the same time, though, the lack of mentioning the employers' illegal behavior may come from the subjects'' experience that there are not many (especially in certain regions) job offers and thus women job applicants (as well as men) are willing to accept terms which are illegal. Since the subjects are acquainted with the situation, they did not feel the need to point to the illegality of such behavior.

Ignorance and helplessness

The fact that none of the subjects called the common discriminatory behavior of employers illegal, leads to another obstacle of subjects to return to the job market. It is, as it seems, ignorance and helplessness about how to start with harmonizing and how to cope with it successfully. The subjects explicitly expressed their helplessness several times.

"[...] the situation is as it is and probably a lot of women are unhappy about it and they don't know what to do and they talk about it in sandpits." (Ivana)

It was the feeling of not having enough information which also brought two subjects to take part in the group discussion. They had understood the aim of the discussion incorrectly and thought the aim was to inform mothers on PL how to get back to the job market.

Ignorance and helplessness was obvious also because whenever the question was asked how to harmonize the care of children and get a job, the subjects often shrugged their shoulders and the discussion was slow as opposed to the moments when they started talking about care of children, babysitting or personal priorities. The subjects also tried to come up with some new, original solutions, rather than talking about their own or somebody else's experience and reacted to solution examples from their environment or from abroad. During the whole two-hour-long discussion there were only three real examples of harmonizing experience from the Czech environment and they all concerned women's part-time jobs.

Pessimism and passivity

The above mentioned obstacles, objective and subjective ones, especially ignorance and helplessness led to pessimism and passive attitude. The subjects were skeptical regarding possible parents' position improvement, or the position of mothers with small children, in the job market, and for some subjects their pessimism caused a passive acceptance of the current situation and a skeptical attitude to solutions suggested during the discussion by other subjects or the moderator (for example part-time jobs, company nurseries, babysitting in companies where several employees with small children meet).

"And can you imagine going to Prague with a child at 6 am? The kid would be crying, it wouldn't be worth it. I wouldn't put them into any company nursery, nowhere." (Radka)

One subject expressed her distrust of the possibility of any active systematic solution (both from employers and from the state) and instead she raised her hopes to a natural positive development in which will occur a change in society, especially in its values (it will respect family, e.g. mothers, more), and along with this change in society there will be a change in the system, especially the job market system.

"I think that it won't be solved, that after these generations die out, there will be a different family model where for example the mother works part-time or not at all or in general the people will behave to each other differently. This generation is still somehow defective and it can't be directed by any law, well, or anything like that, it is simply in people and even if the state set some better rules, advantages [for employers so that it would be advantageous to employ mothers after PL], I still don't know." (Šárka)

However, we have to mention here that to rely on natural development is a rather risky plan. Partly because society may not be going towards any change of its values at all, the values of individualism on the contrary are becoming stronger, and also such a development may be so slow that the position of the current and nearest generations of parents, or women, will not be changed at all, no matter how unjust and for the future society disadvantageous it may be.

One subject, Šárka, also expressed her opinion that expecting any solution from institutions is useless and instead everybody has to help him/herself.

"Everybody has to help him/herself, I mean you cannot rely on any institution, everybody has to try and make some internal compromise, if I spend the time with family, even though for some temporary time they won't be as well off, or even if you would like to spend more time with children, you will give it up and when you manage to get a job, you are lucky that you can work somewhere so you opt for that." (Šárka)

This attitude hides in itself a similar danger since relying on natural development thus giving up as it does on any required improvements within institutions, which are, to a great extent, responsible for it. This attitude reflects the currently dominant neo-liberal discourse on the Czech political scene, which takes away the responsibility of institutions, especially the state, and puts all responsibility onto the individuals. The individuals, however, have to face obstacles given to them by the system which they personally did not create. The systemic problem thus becomes a problem of the individual. Nevertheless, there was also a voice which considered the state passivity concerning harmonizing to be inappropriate because the state itself should be interested in successful harmonizing due to its own prosperity.

"They (mothers after PL) will go to the Labor Office and it will be more expensive, it will be as expensive as if they went to work." (Sylva)

Solution

Subjects' suggestions

Individual

As it was said above, the subjects put most emphasis on individual solutions, e.g. help within wider family in the form of grandmothers, within the network of friends and acquaintances; or a subject, Mirka, suggested involving seniors from close neighborhood, who are interested in babysitting. She herself lets her child be watched by a retired woman, who lives in the same building. This solution was not accepted enthusiastically by the other subjects, who considered it unacceptable because they would never let a strange person look after their child (see the category Irreplaceability of Mothers' Care)

Systemic

On the side of the state

In the first place, the system of parental leaves should be harmonized with the system of public institutional care of pre-school children and legislation concerning employees' duties toward parents. Especially the network of public institutional care of pre-school children is currently insufficient and does not give parents the possibilities to harmonize family and work life. It would be suitable to reestablish and spread the now almost non-existent institution of day-cares providing care for children under the age of 3. The network of nurseries should also be broadened so that the capacity corresponds to parents' needs, e.g. the number of children in the society. Apart from increasing the number of nurseries and ensuring their accessibility in individual regions, it is also necessary to adjust their working hours so they correspond to the demands of the job market, e.g. parents' working hours. The subjects suggested also an increase in the number of mother centers in individual towns apart from public day-cares and nurseries. At the same time, they did not consider them to be an ideal solution because they are more expensive than nurseries and thus may be disadvantageous for some parents.

Moreover, the subjects suggested a legal change, which would remove the current disadvantageous division of one working position among several people working part-time. Apart from removing this obstacle of employing people who could be interested in these part-time jobs (e.g. mainly parents of small children), it was suggested to make employment of parents on or shortly after PL directly more advantageous, either in the form of financial bonuses (like it is with employment of graduates), or through tax relief for employers.

However, we have to mention here that given preferential treatment for providing part-time jobs for parents of small children may also have negative impacts on parents, as we can see from the countries where such system is in operation (for example in Germany). Employers therefore, may abuse the possibilities to provide advantageous part-time jobs and people with small children, especially women, may have problems to find, if they want or need it financially, a full-time job. A lot of feminist economists also warn against part-time jobs abusing. They point to the fact that a part-time job often means the same amount of work as when working full-time, but for a half or 70% salary.

On the side of employers

Despite the above mentioned dangers, the subjects viewed the possibility to work part-time as one of the most suitable solutions. They would, therefore, welcome it if employers could widen job offers with part-time jobs, especially regional employers, so that parents would not have to spend precious time commuting to other towns.

They perceived as especially functional the division of one post between two people working part-time. Part-time jobs could be, in the subjects' opinion, advantageous for employers themselves because they could be certain that when one woman would have to stay a whole week at home because of children, there would be somebody who can substitute and do the necessary work. At the same time it would be beneficial also for female employees, whose stress caused by the fear that their children might get sick would be reduced. Another subject mentioned mediated experience as another advantage – the fact that two people in one position do more work than one person. As was mentioned above, however, this may be a disadvantage for women, who will work more but get a salary corresponding to a smaller load, which in reality often happens.

Work from home was mentioned as another possible solution, there, where it is possible. This possibility was not accepted as enthusiastically as part-time jobs. In the first place, it does not correspond to the subjects' expectations that the job would not only bring them money but also social contact with people out of their home environment and psychological relaxation from care of children and household. Secondly, the subjects were afraid of low working efficiency due to the inability to focus fully on the work at home, where they may get disturbed by children as well as (never ending) housework.

"Honestly, when you are at home and have a spare moment, you see all that needs to be done, well that's not ideal." (Radka)

Another solution, which could be done on the side of employers, is company nurseries. On the other hand, the subjects did not look at company nurseries as something which could fully substitute state nurseries, especially due to the fact that small and middle-size employers do not have the capacity to establish a nursery.

Best practices from abroad

Šárka mentioned that she read about a German program which was based on putting seniors (without a family and grandchildren) and parents of small children together. The aim was to ensure inexpensive babysitting for parents (the seniors look after the children on a voluntary basis) and active fulfillment of seniors' free time and prevention of feeling isolated. This program, on one hand, seemed to be a good idea to the subjects, but on the other hand, they said that they would not use the opportunity if they had the chance, because they would not want their child to be babysat by a stranger (see the arguments in the category Irreplaceablity of Mother's Care).

The subject, Lenka, talked about an experience from some American companies, where the employer hires a person for babysitting his staff's children in case there are several employees who have small children and need to find babysitting for them. This example also elicited a non-definite reaction. It is true that the subjects liked the fact that the employer is trying to accommodate his/her employees, but again, some said that they would not let their children be babysat in this way. Either due to the fact that their children would not have an educational

program like in nurseries, where there are obligatory set syllabi, or because their children are fixated on them very strongly and they would probably misbehave a lot and be stressed.

Recommendation based on the discussion analysis output

It seems, due to the profound feelings of helplessness and ignorance of the subjects, that a job market and network of facilities providing childcare should not only start to be built so that parents can start harmonizing, but also information programs for parents planning to come back to the job market after PL or during PL should be created (preferably by the state /towns). Two subjects took part in the discussion expecting it to have such informative character.

Further, to make harmonizing of work and family life easier it is necessary that both parents are equally involved in care of the child or that fathers start to be more involved. Until this condition is fulfilled, harmonizing will remain only a women's problem (see the category Harmonizing – a women's problem). Introducing parental leave especially only for men could help to improve the situation in Czech families, such parental leave which would be non-transferable to the mother, such as is employed in Scandinavian countries. In reality it means that there is a certain part from the whole PL which is only set apart for the father, which can only be used by the father. If he does not use it, a part of parental leave will be forfeit.

What the subjects considered the most important

Information included in this section repeats data contained within individual categories. We repeat it here again to emphasize the most important facts for the subjects themselves. First of all, we are going to talk about what was the most important part of the discussion, in the subjects' opinion, and then, we are going to show which topic could be heard most often and caused the strongest reactions.

Explicit answers to the question: "What was the most important thing for you which could be heard here?"

The subjects agreed that the discussion was beneficial for them mainly due to the realization that they all basically had the same problems, e.g. they are not alone.

"For me, I guess, [the most important thing] is that everybody has the same problems with their job and children, and how to do it right. [...] Like when a person tells herself that you are not alone out there, but there is also somebody else." (Lenka)

Apart from the feeling of solidarity from sharing the same or very similar problems, the subjects considered important the mutual assurance in the feeling that children should be a definite priority for mothers, e.g. that they were doing the right thing by suppressing their own career and devoting themselves fully to children.

"I have to say that I am really happy now that we are in the same boat all of us here and that also the children are our priority and that is actually where we come from." (Sylva)

The most lively topic

The topic of babysitting, the care of children by people other than the mothers themselves, caused the strongest reactions and the most lively discussion. Each subject had her own opinionated view. The contrast with the main discussion topic, e.g. the possibilities of harmonizing, was interesting. When the moderator repeatedly directed the discussion towards this topic (subjects often diverted from it, most often it was particularly because of the question of babysitting), the discussion slowed down and accelerated only very slowly and hesitantly. As mentioned above, the subjects were rather helpless regarding the topic of harmonizing.

4. Conclusion

In the course of the discussion it turned out that the research question: " How do you manage to harmonize work and family life?" cannot be answered because all subjects were still on PL and they had not yet tried to get back to the job market. Nevertheless, they are all planning the comeback and two of them already had, at the time of the discussion, arranged one in their previous job. However, the other important question" Which obstacles do you come across (or which do you expect) when harmonizing work and care of children?" was possible to be answered due to the fact that the subject are thinking about how to get back to the job market.

Obstacles to the return to the job market after PL turned out to be both objective and subjective ones, e.g. within the way of thinking and family situation of the subjects. The objective obstacles were the Czech job market character, which does not count on employees also being parents. Therefore job divisions which would make harmonizing easier, especially the extensive expansion of part-time jobs are not common here. However, not even the state counts much on employees being parents either, the state which does not ensure a sufficient network of facilities providing care for pre-school children, e.g. day-cares and nurseries. Nurseries are more accessible than day-cares but their number and distribution still does not correspond to the parents' needs and also the working hours of these facilities often does not correspond with the parents' working hours. On the whole, the current system of parental leave, institutional care of pre-school children and legislature concerning the employers' duties towards workers leaving on PL seems to be random and haphazard. The reason is that when a parent opts for 2-year-long PL he/she does not have the possibility the put the child in a nursery when the two-year-long period is over, because they do not accept children until they reach the age of 3. Also the employers are obliged to reserve the post for their employee only for the period of 3 years, although the longer PL takes 4 years. The state does not even support employers in providing employment to parents. The current legislature disadvantages financially such an employer who would like to employ two people in one job position. Nowadays, women are something like inferior workers in the job market who often have to face discrimination from employers. Employers do not see them as lucrative employees since they expect their work performance not to be 100% due to the care of children. In the Czech job market, there are common illegal practices when employers find out about the family situation or family plans of women employees, or they even force them to sign a contract that they will not get pregnant. Parents, mothers, find employers as well as the whole working environment hostile, where the ideal worker is an individual without any obligations, devoted fully to his/her work. Such a hostile atmosphere is, in the subjects' opinion, present not only in the job market but also in the whole society, where family values are suppressed in favor of the values of individualism.

As far as the subjective obstacles, the biggest problem subjects have to face when coming back to the job market is the idea of irreplaceability of mother's care of the child, e.g. the idea that until the child is big and independent, its should be the mother taking care of him/her so that the child is not stressed and does not suffer. Last but not least, also because the subjects expressed their distrust in anybody else caring for their children. Another subjective obstacle is connected with this feeling, which we called the Bad Mother Syndrome, e.g. a feeling that if the mother is a good one, care of the child should be her priority. It is a feeling which is created and supported by discourse of society en masse where the woman, who divides her care between her professional career and children, or even devotes even more care to her career, is something unnatural, dangerous and definitely negative. Thus, women are put into the position when they have to choose between their career and family because to harmonize both together is not possible. What is important is that such an 'either-or' position only applies to women. Men, although they are parents too, do not have to opt in such a way and the society sees it as something matter-of-course, because it does not consider them as caregivers but only providers. Such an idea showed through in the subjects' answers, who perceived the whole problem of harmonizing as a women's problem only. They did not count on men as equal caregivers at all. It was obvious that there is a more or less traditional division of gender roles in their families, e.g. they are the main caregivers of children and household and men the main providers. This fact, it seems, led to their feeling that they were alone in the harmonizing process and undermined the feeling that they could manage harmonizing successfully. The subjects also expressed understanding for employers who see them as non-lucrative employees. At the same time, they did not know how to change their situation. It was obvious that they did not have sufficient information to have an idea of how to harmonize. They were very helpless and pessimistic in this relation. Although they agreed that they were facing similar obstacles, and they identified also objective obstacles, they still thought that harmonizing was an individual problem to be solved by every individual alone. Therefore, most probably, most suggestions for the harmonizing process were from the category of self-help, e.g. babysitting provided by grandmothers or other mothers – friends or colleagues.

However, there were a few suggestions within the discussion on how employers and the state could make harmonizing easier. Employer could help by providing more part-time jobs, by enabling work from home where the character of the job makes it possible, and the employers who have the capacity could start company nurseries or by the employer paid babysitting in company's premises in a large scale. Care of employees' pre-school children should not, however, be primarily up to the employers, mainly because small businesses would not be able to afford a company nursery. The state should, therefore, extend the network of day-cares, which almost do not exist, also a network of nurseries, which are not, in some parts of the country, accessible. Nurseries should also adjust their working hours to the job market demands, e.g. to the parents' working hours. The state should also improve the legislation, which is currently disadvantageous for employers who would decide to support harmonizing and enable their employees to share one post in the form of part-time jobs. Apart from that, the state could also directly support employment of parents coming back from PL by providing employers with financial reward or for example tax relief for their employing.

Furthermore, based on the subjects' statements, we identified one more recommendation towards the state or towns. One of the main problems of the subjects was the helplessness and ignorance regarding harmonization. It would therefore be appropriate to arrange information programs for parents on PL concerning the possibilities of harmonization in order to give them a better idea of how to return to the job market and how to manage the comeback. Another recommendation, a more general one, is to involve fathers more actively in the care

of children. In this respect, we could draw inspiration for example from Scandinavian countries, where they set apart a certain part of PL, which cannot be transferred to the mother, and can be made use of by fathers only.

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TEXTS FROM THE PARTNERS' COUNTRIES

How do women working as cashiers in hypermarkets harmonize their jobs with their family?

Radka Dudová, Marcel Tomášek – Czech Republic

Harmonizing work and personal life is an inevitable reality of all working people – women as well as men. However, the greater part of work connected with family and household care is still done by women. Women have to solve the problem of combining their job and family to a greater extent than men; and their real or supposed responsibility for care of the family is one of the main handicaps to asserting themselves in the job market. Employers generally consider the private lives of employees to be their private thing. Apart from legislation regulating the job market and various state and private institutions providing care for children, an important factor influencing whether women trying to harmonize their work-family life balance will be successful is the attitude of their employers especially in regards to the possibility of working flexi-time and possibly the willingness to accommodate an employee's requirements or needs.

In this text, we are going to focus on a specific area of the job market: women (and men) employed as cashiers in big international business chains and their problems with harmonizing the job with their family. It is based on a qualitative study within a larger research project focused on changes in the Czech job market and private life [1] carried out in 2007 (see also Tomášek 2008; Dudová, Tomášek 2008). The study consisted of executing and further analyzing 16 half-standardized interviews with cashiers or employees of business chains[2]. There were 13 women and 3 men. The topics of the interviews included working conditions and the lives of cashiers from international chain stores in 7 different places of different sizes in the Czech Republic (some participants had experience working at international chain stores of different sizes). Due to the threat of sanctions from the international chains and the necessity to keep anonymity as much as possible, there are no further details about the research participants (employees of international chain stores are obliged not to talk about their job conditions or general conditions and practices in the store, and such a condition applies also in case of workers who no longer work for the store). A great number of requests for an interview were turned down. Most probably it was contractual obligations of employees and protection from the size of employers which were the main factors discouraging participation in the research.

The job of cashiers

According to our findings, the job of cashiers nowadays is a time-demanding job very often including night and weekend working hours. However, the standard work-load in this sector of the job market is decreasing and nowadays often comes close to a half-load (5.5 hours). That is to say the regular "official" work-loads in this sector are decreasing, e.g. from the standard 8 working hours at the beginning of the international chains' operations to 6.5 or 5.5 work-loads, which is common at present. Instead of full-time workers with indefinite contracts there are mainly temporary workers or employees working part-time (however, in reality their working hours are more than 8 hours a day). We can deduce from this fact that much pressure is put on the functional flexibility of workers at international chain stores. The requirements can be met more easily by secondary school graduates without experience, students (with whom the employment may be easily terminated or renewed) or part-time workers (where the real number of hours worked conforms to the immediate employer's

needs), and possibly employees at pre-retirement or retirement age (see also Tomášek, Dudová 2008: 69-70).

Although a part-time job is in the Czech environment understood primarily as a means enabling women taking care of children to work, most employees of international chains are commonly pushed into this work-arrangement against their will or preferences. Part-time jobs are used primarily as a means of decreasing the levies for social and medical insurance of employees required by the state. The remaining hours of the "full-load" are normally paid through personal bonuses and overtime hours. There are extended working hours, which are usually added to the overtime hours, without counting them or paying for them. It is usually working "overtime" at a cashdesk after closing hours and the end of the shift (last customers pay and leave the store after closing hours, and there is the cleaning of the cash-desk to be done) or cleaning the work place after a shift or storing goods in shelves for the next day (in discount stores). Such expected and regular but unpaid work may reach up to several hours in a month with one employee (Tomášek, Dudová 2008: 71).

Who are cashiers?

A question arises whether it is possible at all for parents with children to work as cashiers. The employees' conditions and specific features of the job market concerning this process have been described in specialized literature and they are known as being characteristics of "the secondary job market" (see Sirovátka, Mareš 2006: 637; 19 – 27). Based on the foundation that it is mostly women who work in the secondary job market (Bartáková 2006), it is, however, questionable where the space for women with children in this job market is. At the same time it is commonly women who work in this sector. The interviewed partners described the development which they had observed around themselves identically. They characterized the situation of full-time permanent jobs as being limited while the number of part-time temporary workers is increasing. One woman from a middle-sized town, for example, characterized the people working at cash-desks as : "probably a woman, probably a temporary worker rather than a permanent employee, of various ages – from twenty years old or women before retirement age" (a student, age 21). Another interviewed person defined the typical age groups: "a friend of mine took the job because she had not been able to find anything for a long time and she wasn't getting any unemployment benefit anymore", "such elderly women who have lost their jobs or cannot find any job and due to their age nobody will employ them anywhere" (a student, age 23) (Tomášek, Dudová 2008: 69-70).

Job of a cashier and parenthood

Working thus "part-time" is demanding even without children. On top of that, it brings along a direct danger of falling into a social trap in case of unemployment. Unemployment benefit is calculated based on the "official" part-time load, not from the actual regular income, which is salary paid to a great extent repeatedly through personal bonuses and paid overtime hours. Under these circumstances, women who go on a maternity leave tend to use this time to a maximum, possibly joining it with another maternity leave; they often leave the jobs at an international chain after coming back from maternity leave.

The increasingly growing enforcement of flexibility of employees in this sector together with the dominant position of international chains influence the job possibilities of parents with children. From what an interviewee told us, it is obvious that women coming back to work from maternity leave only rarely go back to the job in the store (a cashier finishing her shift in a chain store, age 54, 2 grown-up children). In her opinion, women do not come back after maternity leave because they do not have the possibility of having a regular morning or

afternoon shift. What usually happens when a mother comes back into the working process from maternity leave is that "she practically agrees to terminate the job through an Agreement and she signs up at a Labor Office and she looks for a job with only morning shifts or a part-time job" (a cashier finishing her shift in a chain store, age 54, 2 grown-up children).

Another interviewee, a mother of two small children, who had been exposed to the dilemma of whether or not to go back to the discount store in a small town, describes her thoughts: "When you have small children, you have to have such a partner where it is given that he will come home exactly at a certain time. He should also work somewhere in shifts, get done at two and then the husband and wife can alternate. But if somebody has a husband who works long hours, it isn't possible" (a cashier on maternity leave, age 27, two small children). A divorced colleague of an interviewed woman, who was debating a similar dilemma of coming back from maternity leave to a discount store, came to the conclusion that because of these increasing time-demands "she cannot afford it because she doesn't want her children to become street urchins" (a cashier on maternity leave, age 27, 2 small children). Along with the pressure of competition (e.g. existence of another discount store) the situation for mothers with children gets worse even in discount stores in small towns (which usually extend their working hours until late in the evening as well as weekends including Sundays) (see Tomášek, Dudová 2008: 70-71).

Even though working in a chain store does not a priori exclude the employment of parents with children, it is usually mothers of bigger and independent children who work there: "……but usually there are mothers who are a bit older and their children are bigger so they can either stay at home alone, with children over 10 years old, or they stay at home with children in the morning and go to work in the afternoon" (a cashier finishing her shift in a chain store, age 54, 2 grown-up children). The general conclusion based on the interviews is that the space for employing parents ceases to exist with the growing pressure on flexibility. Although shortening workloads and generally extending part-time jobs in the sector of sales should theoretically lead to wider job opportunities for parents, paradoxically it doesn't happen. In France, for example, it is common for parents, especially mothers, with children to be employed in this job sector. They form up to half of part-time job employees (an interview with a financial manager of a French supermarket of an international chain, 1st January 2008). By contrast, in the Czech environment when some of the interviewees mentioned employees with children, he/she pointed at their privileged position usually connected with the fact that they had been a part of the first team with whom the chain store started at that location, and they were still employed at the original full-load, and they were therefore given priority in working regular shifts (for example a student, age 27) (see Tomášek 2008:141).

Impacts on private life and combining a job and a family

Time and the psychological pressure connected directly with working at an international chain store had an impact on the interviewed people, their intimate lives and lives together with their close ones, even for non-parents. Two young interviewed women talked about a certain "discrimination against single people", when the overtime evening and weekend hours in the store were loaded particularly on them, the reason given being that they do not have a family. These women decided to change their job eventually because otherwise they weren't able to spend any time with their partners due to the division and organization of work in the discount store. Shifts, including those at the weekend, were organized irregularly and often at the last minute. Their partners, on the other hand, had some free time practically only at the weekends (lorry drivers, students studying in the capital). Although older interviewed women did not identify harmonizing their working hours with their partner lives as a problem (often though

due to the fact that these women did not have a partner), one of them related her partner's requirement that she should not work at night (a cashier finishing her shift in an international chain, age 54, 2 grown-up children).

With other women, the question of managing life with children and care for them arose. Women with older children (however, there were only two among those interviewed, not taking into account two other women whose children were grown-up) had a problem to manage their up-bringing when the woman was alone and on top of that had to commute to work from a nearby town and adjust her life to the store shifts. One of them in such a situation decided to resign from the job after she found out that her child, due to insufficient supervision, plays truant. She tried to get a job in a recently opened discount store where she lived. However, she also had to leave this job because of health problems caused by the hectic character of the job in the store (a shop assistant, age 47, a teenage child). There were no women with smaller children among the interviewed, except for one, who was at the time on maternity leave: "Actually, as far as I know, two came back after maternity leave but they don't work there anymore." (a cashier in an international chain store on maternity leave, 27, 2 small children) (see Tomášek, Dudová 2008:73).

Conclusion

The job of a cashier in a store was, to a certain extent, associated with a certain elevated status before 1989 and being a shop assistant definitely did not mean the necessity to conform one's personal life to work to such extent. During the past 15 years, however, this career shifted to the pole of the most time-demanding jobs, in which family and children are very difficult to combine. Moreover, it is paradoxical that although it is nowadays a time-demanding job, often and extensively involving work in the evening and during weekends, the standard scope of work-load in this part of the job market is decreasing and nowadays is getting rather close to a half-load (5.5 hours).

The job of cashiers in international chains and discount stores is an example of a job market becoming secondary. The "secondary" job market is characterized by enforced flexibility and non-standard working conditions: part time jobs and contracts for a determinate period, or possibly even work without a contract, no possibilities of promotion or further training, and a very low salary. At the same time, it is an example of involuntary flexibility enforced by the employer.

The research showed an important fact that under current conditions it is practically impossible for a cashier with a small child/children to assert themselves in this job, unless he/she works according to some specific privileged conditions. Even though part-time jobs are in the Czech context considered as measures of making work for women taking care for children easier, in the case of the people interviewed by us it was used as a way to decrease expenses and financial obligations connected with providing employment. This kind of "part-time" job is demanding even for people who do not care for children. In the case of unemployment, the cashiers are confronted with the fact that the unemployment benefit is calculated based on a lower work-load. On top of that, the income of those interviewed was often not higher than the minimum wage and in big towns it was not enough to cover common everyday expenses. Under such circumstances, it is not surprising that the interviewed leaving on parental "leave" used it to the maximum possible scope, or they joined it with another parental "leave". To do this may be theoretically made easier due to the fact that the job of a cashier in an international chain store is not conditioned by a career promotion and one can

seemingly always come back, regardless of the length of the interruption due to parental leave. This is, though, a rather theoretical possibility, because working requirements in international chain stores result in the fact that mothers with small children can only work there with great difficulties.

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Work conditions and respecting of employees' rights in supermarkets in Poland from the gender equality perspective (1)

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1. Introduction

At the turn of 1989 one of the important and at the same time very new elements of the developing free market in Poland were chains of foreign super- and hypermarkets. Politicians, media and public opinion are interested in the large area retail stores usually in the context of limiting their expansion in Poland and protecting the rights of small retailers. The problem of work conditions and respecting of employees' rights is omitted altogether, which is puzzling, taking into account the number of workplaces these outlets provide. Several years ago public opinion started hearing from the courtrooms clear signals of violating employees' rights in supermarkets, in connection with the publicised cases against Jeronimo Martins Dystrybucja S.A., the owner of the chain "Biedronka". Former employees have won cases of unpaid remuneration for overtime, work during statutory holidays and overnight. During the court proceedings it often became clear that in the supermarkets there often functions a system of purposeful lack of recording overtime for which, in result, the employees were not remunerated.

Moreover, the employees were expected to perform various tasks which were not part of their job responsibilities. They were forced to perform hard, exhausting physical work, exceeding the norms of BHP (work health and safety) rules. It was affecting both their mental and physical health. Despite proving and publicising the existing violations, thanks to either those cases or reports of the State Labour Inspection, no detailed analysis of work conditions in super- and hypermarkets and no specific solutions to protect the rights of the persons employed in the large area shopping centres and to improve their working conditions have been worked out.

This issue – with a particular focus on improving work conditions of female employees in super- and hypermarkets who constitute 90% of the staff of shopping centres – has been in the interest area of the KARAT Coalition, which has been, for years, acting and realising projects concerning the economic and social situation of women, monitoring the situation of women on the labour market and developing programmes related to the problems of the labour market from the perspective of gender equality. In order to influence the improvement of work conditions and the level of protection of employees' rights in supermarket chains, in the years 2008-2009 the KARAT Coalition, supported by the Open Society Institute and the Freidrich Ebert Foundation, is carrying out the project: "Labour Rights Protection from Gender Perspective in Super/ Hypermarkets in Poland." (2) The hereby report discusses the regulations of employment law in the context of violations identified during the research.

1.1. Polish employment law

Polish employment law is mainly regulated in the labour code which describes the rights and responsibilities of employees and employers, as well as the work system in Poland, ways of signing and terminating job contracts, work hours, salary protection, vacations, time off,

maternity/paternity leave, issues of job safety and health. Apart from the labour code these issues are also regulated by other laws, executive acts, decisions of collective work settlements, collective agreements, regulations and charters in specific work places. An important influence on the shape of the Polish employment law were the norms set by the International Labour Organization and European Communities. The necessity of adjusting the rules to the law of the said organisations brought many significant changes introduced mainly in 2001-2004. The work week was shortened to 40 hours a week, terms of work relation and vacation rules became better defined, regulations concerning prohibition of discrimination in the work place, including gender discrimination, were introduced, regulations on setting and calculating work time were changed, an obligation of informing employees about employment conditions was introduced, regulations concerning safety and health conditions were improved, mandatory contents of work regulations were broadened.

2. Discrimination and lobbing (3)

2.1. Discrimination

It seems that women, even though they constitute 90% of staff in stores, are less desired as employees due to commitments connected to housekeeping and childcare. Even at the recruitment level the "problem" of their motherhood surfaces. According to the interviewed women questions about their marital status, age and number of children, life plans and planned pregnancy are common. There are opinions showing that not all employees-parents are in a worse situation or are treated worse at work because of it: it is only the women, and it is the women who receive remarks such as: "and who told you to give birth?". During the interviews the women said that men proportionally more often than women are given managerial positions in super- and hypermarkets.(4) Preference for placing men in managerial positions is an example of unequal treatment, however, it seems that the interviewees did not define these practices as discrimination. In supermarkets the division of labour according to gender is evident. Security and warehouse personnel are men exclusively, while cashiers and sales staff are mainly women. Security and warehouse staff, if there is such a position in a given store at all, because it is not a frequent practice to have such positions, are positions better paid than cashiers or sales staff. However, if women hired as cashiers or sales staff do some work in a warehouse, it is not considered additional work and is not better paid. According to the interviewees the job of security personnel is to not only to watch over customers and store property, but also the working women, which causes troublesome situations (5) for the latter, and security guards are, unlike cashiers, not required to do physically hard jobs like unloading or carrying merchandise. One should note that women (with minor exceptions) did not point out examples of discrimination. It may mean that indeed there is no unequal treatment in large area retail stores. The research, however, shows that discrimination and mobbing are terms that are difficult to specify, and, therefore, difficult to identify.

2.2. Mobbing

The interviewed women described the work atmosphere as "terrible". It was caused mainly by the bad relations with direct superiors, which consisted of: lack of good will of the managers towards the employees, ignoring needs of the employees, instrumental treatment, ridiculing, insulting, degrading in front of other employees and customers, threatening, using female employees to perform work exceeding their physical capabilities. Those were repeated situations. Contacts with the superiors were usually accompanied by fear and mistrust. The

women who openly complained about the work conditions or demanded respect for their rights were met with persecution and unequal treatment by the superiors, which transpired in, for example: malicious work hours, long sequences of work days, work on weekends and all holidays, lack of breaks during work, insults, etc. The interviewees also pointed out that it is difficult to receive a promotion because the abilities and predispositions are worth less than good relations with the superiors. The described occurrences are characteristic of mobbing.

The definition of mobbing in the labour code used unclear and under-specified terms. Therefore, in practice it is very difficult to prove all, and very complex, traits of mobbing, and they always have to appear together. If an employee cannot prove it, he or she can sue for violation of personal rights in a civil court. While violation of personal rights is easier to prove, the costs of a civil case are higher than that of a case in labour court.

2.3. Conclusions

The line between prohibited discrimination and allowed differentiation of employees is vague and every doubtful case should be considered separately. Similarly, mobbing circumstances are also unclear and every case should be analyzed independently. It seems that the present laws regarding mobbing, due to being so unclear, significantly limit the possibility of being used by the employees for protection they are supposed to provide them with.

It seems that mobbing is such an unwelcome phenomenon in the workplace that it should be possible to effectively eliminate its existence. In order to minimise the threat of the situation of mobbing it should be possible to, for example, describe in the employment regulations what kinds of behaviours and activities are considered harmful and undesirable, describe the way of internal explanatory proceedings and ensure its confidentiality, specify sanctions with regards to the mobber in case the complaints were confirmed. It should also be possible to ensure the employees the possibility of freely voicing their opinion on subjects related to work and relations between the co-workers and between them and their superiors, organise workshops on the subject of mobbing and discrimination, and, periodically, carry out anonymous questionnaires with questions on mobbing. The management staff should be carefully chosen and properly trained on subjects of mobbing and discrimination, and also proper methods of managing a company should be used.

3. Contracts

3.1. Job Contracts

The most frequent basis for work relations is a job contract. The research shows that the agreements signed in super- and hypermarkets are usually temporary job contracts or mandate contracts. (6) It happens that for some tasks, for example putting merchandise out on the shelves, employees are hired by outside companies called “services”. (7) Employment based on the job contract usually starts with a trial agreement for a period of 1 to 3 months. The next contract is for a specified time period, extended to additional periods of time, even up to 10 years.

The problems indicated by the interviewed women with regards to the scope of their responsibilities concerned two matters: discrepancy between the tasks listed in the scope of responsibilities and the actual tasks they were required to perform, and the lack of clarity in

the clause “other tasks not specified in the contract” which, according to them, was used to force cashiers to unload merchandise or clean stores. (8)

It seems, based on the rules of labour code, that signing temporary job contracts for a specified period of time can be justified only if certain regulations describe in high detail the circumstances and conditions allowing for such contracts, or if the common goal of both parties was to sign such a contract. However, none of the interviewees wanted to sign a temporary job contract. There are no circumstances or rational reasons for supermarkets to sign such long-term temporary job contracts. One can assume that this solution is there exclusively in order to make it easy for an employer to terminate the job contract and lessen the obligations during the termination period, and therefore, can be treated as a way to circumvent the regulations of the employment law about protection of stability of permanent job relations. These types of job contracts are usually disadvantageous to an employee, because he or she is void of the sense of stability and employment security (9).

The scope of responsibilities is usually defined in a separate document, which is an appendix to the job contract. If the scope of responsibilities is put on paper, it has to be included in the personal file of the employee. The determined by the employer scope of responsibilities must agree with the type of work or the given job position held by the employee. It is a specification of the type of work. Depending on the type of work, listing all of the responsibilities related to the position of an employee may be impossible or difficult. Therefore, the scope of responsibilities may contain an expression such as: “tasks other than listed”, “carrying out other jobs as stipulated by the superiors” where those “other ones” must be performed by the employee provided they were ordered by an authorised person and according to the law. However, even those ones have to correspond to the type of work described in the contract. Therefore, it may seem that an employee hired as a cashier or sales representative may refuse to do a job related, for example, to the responsibilities of warehouse staff and it should not be treated as a refusal to fulfil an order/obligation. An employee confirms with a signature a statement of understanding of what his/her scope of responsibilities is and commits to fulfilling it. This is the moment when she/he can ask questions about validity and relevance of the given scope of responsibilities to the type of work. The scope of responsibilities cannot be arbitrary and the employee is allowed to rely on it also whenever he/she is ordered to do tasks outside of the type of job or position he/she is assuming.

3.2. Commission Contract

Commission contract is a civil-law agreement and does not offer the same protection to an employee as a job contract. Commission contract may be terminated by either party at any time. Furthermore, entering into a commission contract instead of a job contract when all the conditions of a job contract are present, is a violation of the employee’s rights and a subject to a fine.

3.3. Conclusion

Both the job contract as well as the scope of responsibilities should be as clear, easy to understand to an employee and as precisely formulated as possible. Employers should also accurately describe the position and tasks that an employee is to fulfil, as to leave no doubts with regards to the type of the job and tasks/responsibilities both parties had agreed upon.

4. Remuneration

From the employee's point of view remuneration is one of the most important elements of a job contract, because this is what ensures his/her own and his/her family's well being. In the opinion of the majority of the interviewees their monthly earnings were not adequate to the performed tasks or work conditions or living expenses. Monthly salary was usually only enough to cover bills and food, while other important family expenses had to be paid for with loans. It seems that the most pressing issues related to the remuneration of female employees in super- and hypermarkets were not taking into account all of the elements of the remuneration in the monthly paycheques and not paying for overtime.

In the context of wages, correct, meticulous and honest records of the hours worked play a particularly important role for setting the amount of remuneration and other payments related to the job. The employer is obligated to record the hours worked in a way that would allow for calculating remuneration of the employees and other benefits related to the job. The employer also has the responsibility of allowing the employees, on their request, to view the records of the work hours so that the employees could constantly control the honesty of the records.

Overtime work is an another service by an employee for an employer, exceeding the obligatory norm and the required work hours. This type of work is particularly regulated, cannot be planned and absolutely cannot be a constant element of a work arrangement. In supermarkets, however, it is a part of the work arrangement system which means that the interviewees treat it as a regular way of earning additional income. Of course, such an approach is illegal, however it makes it possible to understand why lowering the remuneration or the lack of payment for overtime is for the interviewed women such an important problem. In such a situation they feel cheated and abused. Such an action of an employer has negative consequences for their lives: they receive less money (or none at all) for the actual overtime worked, which meant less time for their private life because of having worked additional hours. Besides the normal remuneration an employer should pay for overtime additional 50% or 100% or give additional paid vacation days. Overtime remuneration is paid at another time than the basic salary and it is given without a paystub, which makes it possible, as it seems, to conceal violations related to exceeding allowable overtime and its regularity. Moreover, as described above, it results in cheating the employees when it comes to the amount of the remuneration, which generates concrete profit for the employer. And the lack of payment, regardless of the reason, means a serious violation of an employer's obligations.

4.1. Conclusions

A poorly paid job is usually performed carelessly and unwillingly, and a poorly paid employee, who is also cheated on, will quickly start looking for another job. This is a problem that supermarkets in Poland have been dealing with for a long time. A significant rotation of employees or lack of people willing to work is a daily issue for supermarkets which either decide to keep hiring new people or to improperly record time worked, which is meant to use the employees to perform tasks that should be done by additional workers. It seems that it does not solve their problems, but leads to serious violations of the employment law. A recommended solution is raising remuneration and proper calculation of the overtime hours. The female employees who are faced with the latter problem may be advised to keep their own record of the hours worked in their private calendar, which can then be used as proof in case of a legal claim for unpaid remuneration for overtime.

5. Work hours and vacation time

Supermarket employees, according to the interviewees, usually work a shift system: 8-hour shifts Monday to Friday and 12-hour shifts weekends and holidays. It happens that they work several (even more than 10) days in a row without a day off. The norms concerning overtime are constantly violated. In order to keep the violations secret there may be two different schedules: an official one which ends up in the human resources documents and which is correct with the regular and overtime norms, and an unofficial one, which is in the hands of a manager and shows the actual hours worked. In all the supermarket chains the employees have no influence over their work schedules and are completely dependent on the superiors responsible for the schedules. It is important to point out here that during internal controls carried out by regional managers, all the responsibility for violations and irregularities related to the hours worked is transferred from the schedule managers onto the employees.

As the research shows, the norm of 11-hours of rest between work shifts is respected in the international chains, but not in the local, Polish ones. In the latter ones a very common situation is for the employees not to be able to use a 15-minute break at work that they are eligible for. Many women stressed that in their exhausting work 15 minutes is not enough to use the restroom, eat something and rest a bit. Women working as cashiers said that they are often not allowed to leave in order to use a restroom. Based on these findings it can be concluded that employees of large shopping centres work a lot more and longer than would be indicated in their job contracts, work schedules and hourly records. They are not eligible for adequate breaks and time off.

5.1. Conclusions

The policy regarding hours of work and hours of time off, seems to regulate the issue appropriately. The interviewees, when asked for the reasons for irregularities related to the time spent working, unanimously pointed to underemployment, which they believed was due to the store managers' thriftiness. One should agree with that. The most important reasons for having two schedules is, as it seems, hiding violations. If the extent and regularity of the actual overtime was disclosed, it would be evident that the law is being violated. This way, however, formally, on paper and in records, everything remains in agreement with the law. We recommend honest controls of work hours records by work inspectors.

6. Vacations and other days off

When it comes to vacation time there are significant differences between large international chains and, for example, Biedronka and Polish chains. In the former ones, at the beginning of a calendar year, the employees determine dates of their vacations and they have a guaranteed period of at least 10 days in a row of vacation time. In the latter ones – vacations are given very unwillingly with forced dates of when they can be used. The interviewed employees claim they often had to change vacation plans. It is similar with requesting time off for other reasons. There is no problem with this issue in the international chains, whereas time off is almost impossible to obtain in the local chains.

As the research shows only a small portion of the people employed in super- and hypermarkets use sick leave at all. Instead, they either use vacation days for their own illness (or care over sick children), or they work while sick. It is caused by fear of the sanctions (11),

and also the fact that sick leave (confirmed with a doctor's note) results in lower paycheque while the financial situation of female employees of super- and hypermarkets is already bad.

6.1. Conclusions

Refusal to grant vacations or making it impossible to use any time off when it is essential for an employee (or, as described earlier, lack of possibility of using a break during work) – are issues so important, that they can significantly affect work relations in the super- and hypermarkets. A doctor's note confirming an illness is given to an employee in order to justify her absence at work if she is not able to perform the job-related tasks due to her own illness or in case of having to take care of a sick family member. It is the basis for a claim for sick leave benefits. It must be pointed out how incredible and difficult to understand is the fact, that employers, with no resistance, give unplanned vacation days to sick employees (instead of sick leave) and do so very unhappily when an employee actually needs it. One should note that whenever vacation days are used for an illness, the actual yearly vacation time gets shortened. If a person is forced to take vacation days several times a year instead of sick leave, but use it in place of sick leave, she will have no actual vacation days left to use as her rest time, or the period of rest will be so short that the norm of 14 consecutive days off will not be satisfied. It is unclear what the reason behind an employer giving vacation days for illness is.

7. Parenthood and work

During the focused research the women pointed out to such problems related to their motherhood as: discrimination during the recruitment process or impossibility of using 2 days for child care they should be eligible for. The interviewees stressed the difficulties of balancing care of preschool- and school-aged children with their job. But the deciding role in this matter is being played not by law and regulations, but by practical agreements, or the lack thereof, between the employee and her superiors. The superiors, according to the interviewees, never take into account accidents or life and family situations of the women, which is particularly problematic for single mothers.

Admittedly, the Polish law does not contain a wide catalogue of employees' rights related to motherhood, but there are, however, regulations giving parents certain rights. The female employees of supermarkets were not able to use them, as they said themselves, because of the excess of work and a small number of workers. These are not, as it seems, valid reasons for an employer to deny or make it difficult for an employee to claim the parental rights she is eligible for. Problems pointed out earlier, such as high rotation of employees, maintaining a minimal number of workers and inappropriate work organisation also have a negative impact on people and lead to violations of employee rights.

8. Trade unions

The level of knowledge of the interviewees about trade unions and the area of their activity in their workplaces was limited. None of them belonged to a trade union, most of them were not interested in membership. The interviewees described the role of unions in very general terms as an organisation looking after the security of employees' rights or providing social benefits. When asked what they thought unions should be dealing with, they answered: control of work schedules, hours worked, possibility of using breaks and days off by the employees, control of

salary, immediate social benefits or taking care of proper relations between the workers and the superiors.

The labour code mentions unions only in a few articles. This issue is specifically regulated by rules in the act on trade unions. A trade union during its statutory activity is independent on the employer, state administration and local government or other organisations.

According to the report "Working Polish People 2006" (12) less than 15% of workers total belong to trade unions, and the scale of "unionisation" is at a similar, low level. It seems that the ratio is even lower in supermarkets, which is likely a result of a high employee rotation, hiring employees under temporary contracts and other difficulties from the employers. Union members are often persecuted and discriminated against at work. It may be related to the fact that the goals of unions include, among others, protection of employees from exploitation which seems to be taking place in supermarkets.

9. Summary

As it is shown in the post-inspection report of PIP (State Labour Inspection), observations of non-governmental organisations and media reports, employees' rights in retail chains are still subject to violations. A small fraction of cases ends up in labour courts or with law enforcement authorities. Supermarket employees, pressed by the economic situation, afraid of either losing their job or being persecuted, often give up on the arduous process of claiming their rights. It is a result of a limited awareness of law, lack of knowledge regarding employee rights and responsibilities of employers. The research shows that, for example, mobbing is confused with discrimination by the female employees of supermarkets.

Another factor which negatively affects the abilities of protecting employees' rights is shortage of professional and affordable legal aid. Salary of supermarket workers is usually around the minimum wage and they cannot afford to hire a lawyer who could take their case. Social organisations attempt to fill the gap in the legal aid, but these attempts do not bring about the desired effect. Polish legal authorities do not promote in their ranks providing *pro bono* type of aid for the economically underprivileged social groups.

It also seems necessary to, for example, essentially strengthen union workers. It is disturbing that only a few percent of complaints received yearly by PIP come from the unions. The competences of PIP inspectors are also not adequately used, because they could give out payment orders, removal of violations, moving of an employee, they can issue tickets, direct complaints to courts and file notifications on suspecting a crime being committed.

Despite the fact that based on regulations it is essentially possible to protect the rights of supermarket employees from abuse and exploitation by employers, according to the KARAT Coalition's research, the violations still take place there. The violations are mostly related to the hours worked (such as illegally lengthening time of work, lack of breaks at work, disregarding length of vacation time, not paying appropriate remuneration and benefits for overtime) and BHP (work health and safety). There is also mobbing, the female workers are persecuted. Other issues are related to signing appropriate work agreements and delegating the employees to perform tasks listed in their job descriptions, referring to doctor's examination, issuing proper vacation time and other days off work.

According to the interviewees, the reasons of these violations are related to insufficient numbers of employees, which is caused by thriftiness of stores managers and high rotation. The employees often leave their jobs very quickly because earnings in super- and hypermarkets are very low. The work conditions are difficult, mainly due to taking advantage of the employees and giving them too many responsibilities, as well as necessity to work on Saturdays, Sundays and holidays. The leave also because the relations between the workers and their superiors are inappropriate, which causes work atmosphere to be unbearable. One should also add lack of knowledge of the employment law by employers, management staff and the employees themselves (low legal awareness), inappropriate applying of regulations and also incorrect managing of stores chains and particular supermarkets.

As a result of the inspection in 2007 PIP revealed yet again the existence of several violations related to work conditions and inadequate protection of workers' rights in super- and hypermarkets. They are to a large extent similar to the violations shown by the KARAT Coalition's research, but they are worth mentioning because PIP inspections also reveal the scale of the violations. The inspectors exposed 126 violations against employees' rights, most of which were violations against work health and safety rules. In 40 cases they stopped the work due to glaring violations of the regulations, directly threatening health and life of the employees, and transferred 31 persons to other jobs – they were mostly women – due to excessive weight of transported goods. In 51% of inspected stores PIP discovered violations regarding employees personal files, in 31% of the stores errors in time-taking records (faulty calculations of overtime and night shifts) and in 21% the inaccuracies related to lack of payment or lowering the payment for overtime. In 20% of workplaces PIP revealed violations in using eligible vacation time, 24% ignored the norms of 5-day work weeks, in 25% of the inspected stores the vacation time was inaccurately issued to employees who gained eligibility for it in the given year. In 27% of workplaces there were inaccuracies concerning work agreements. In 50% of inspected workplaces goods are improperly warehoused and cleanliness and order were not respected in passageways. Other revealed violations in the area of work health and safety, as has been mentioned earlier, were related mainly to lack of equipment in the health-sanitary rooms, ignoring the norms of manual handling of goods, marking and securing dangerous zones, exploitation of engine carts, disregarding the rules concerning proper clothing and footwear for the employees (39%) and means of personal safety (19%) (13).

Due to all of the above-mentioned we recommend:
- raising the awareness of the workers' rights and the law system rules among the employees as well as encouraging them to be active in learning about their rights and job responsibilities themselves,
- developing a legal culture so that there is good will to properly use employment law in super- and hypermarkets, training the management staff in the area of employment law,
- carrying out an analysis of the ways of managing the markets; skilful recruitment of the management staff,
- supporting the establishment of workers' representations,
- improvement in the area of observing and applying BHP rules, meticulous PIP inspections,
- recording work time in such a way as to make it possible to properly calculate overtime, ensure the employees get an appropriate number of hours of rest and breaks during work hours, particularly meticulous analysis of documents related to schedules kept in markets by PIP inspectors.

Abbreviations
BHP – Work Health and Safety
PIP – State Labour Inspection
PIH – State Retail Inspection
ZUS – social insurance institution

(1) This is an abridged version of the report; full version available in Polish only. See: http://www.karat.org/userfiles/Work%20conditions%20and%20respecting%20of%20employees%27%20rights%20in%20supermarkets%20in%20Poland.pdf.
(2) Information about the project available at www.karat.org.
(3) The report omits issues of sexual harassment since during the focused research there was only one case of sexual harassment mentioned: the perpetrator was punished and lost the job, and the regulations of the labour code in this area do not cause concerns.
(4) Disproportionate number of men hired in managerial positions to the overall number of men employed in the large-area retail and also to the number of women employed there.
(5) Specifically there was a account of the necessity of explaining to the security guard frequent visits to the restroom during menstruation.
(6) Mandate contracts are mostly used during the time of high shopping traffic and work overload in the large-area stores during the pre-Christmas period, summer vacations to substitute the employees who are away on holidays or during inventory.
(7) It was not clear from the statements of the respondents, but it most likely refers to workers hired by agencies of temporary work.
(8) The respondents claimed this clause was usually printed in fine print.
(9) A permanent job contract cannot specify when it ends. It seems that this type of a contract is most advantageous to an employee. Terminating such a contract requires agreement of both parties, or the employer has to give reasons for the termination. This last type of job contract termination is regulated by law, which allows an employee to enjoy relative job stability.
(10) Emergencies and life situations of an employee are not taken into account at all in setting schedules. It is particularly problematic for single mothers and students.
(11) A person using sick leave is considered unavailable and inefficient which may result in loss of bonuses or a worse schedule.
(12) The research carried out by Zakład Badań Naukowych Polskiego Towarzystwa Socjologicznego for Polska Konfederacja Pracodawców Prywatnych Lewiatan; the report is available at: http://www.google.pl/search?hl=pl&q=raportu+%E2%80%9EPracuj%C4%85cy+Polacy+2006&lr=
(13) Report of the Chief Labour Inspector of the activities of the State Labour Inspection in 2007

State Social Security Benefits for the "Support of Families" in Slovakia: Analysis of Selected Provisions Passed at the Time of the Recession[39]

Janka Debrecéniová, Citizen, Democracy and Responsibility (Občan, demokracia a zodpovednosť)

Like many other women, a good friend of mine experienced the negative effects of state policies disfavoring women first hand. The ways in which legal and other social structures work against women may not be immediately obvious. My friend lost her job when her employer learnt she was pregnant. Consequently, she lost her social security insurance and health insurance, the latter of which serves as the calculation basis for maternity allowance at the time of maternity leave. The number of days she had been paying insurance thus dropped just below the mandatory minimum for claiming reasonable parental benefits and my friend's monthly parental allowance now amounts to EUR 164.22. If she had not lost her health insurance along with her job, she would have been eligible for EUR 256, the higher of the two amounts parental benefits are available in. In the last year, this parental allowance of EUR 164.22 has been her only income. On its potential to secure her independence, she commented as follows: "I told my husband: It is not a family benefit. It is a benefit for the husband."

Expressions such as "gender equality," "preventing discrimination", "equal treatment" and "equal opportunity" have been peppering the political discourse. The actions of policy makers, however, have failed to keep pace with their words. The policies passed before and during the period of the financial crisis (for the purposes of this paper set from 2008 to mid 2010 period) restrict women's autonomy rather than promote it. They are not implementations of these well-intentioned concepts, they serve to ridicule them.

In its 2006 Policy Statement, the Slovak government claimed that proactive family measures constitute an "essential duty of the state, particularly in regard to creating conditions friendly for young people starting new families." (Policy *Statement…*, 2006, p. 28). In this document, the government also promised to "adopt resolute measures to implement programs and projects that will stimulate social inclusion, prevent exclusion and support the integration of marginalized social groups into the labor market, especially new graduates, people with disabilities, mothers with children and people nearing retirement age." (Ibid., p. 23) According to the statement, special attention will be given to "members of marginalized Roma communities and to narrowing the gaps among the levels of employment and productivity in different regions." (Ibid.) To ensure this, "the scope and financing of such programs and projects will be extended." (Ibid.) Policies to support employment will be applied "with emphasis on equal opportunities and consistent prevention of discrimination on the grounds of gender, religion, race, ethnicity, disability, age or sexual orientation." (Ibid., p. 24) Finally, the government reiterated that "in the process of policy implementation, the principle of equal treatment of men and women will be strictly upheld and steps will be taken to eliminate all types of discrimination". (Ibid., p. 29)

The following text examines the extent to which the Slovak government under the leadership of Prime Minister Fico (July 2006 - July 2010) stood up to its obligations to secure financial assistance for young parents with the help of its policies. Additionally, the impact of the financial recession on the actions of the government in respect to family policies will be

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assessed. The focus of our analysis is the laws which regulate some social security benefits for young parents and which were adopted or amended during the period of the recession. Specifically, they are provisions which regulate:

a) parental allowance

b) childcare allowance

c) child birth allowance

d) child birth allowance supplement (supplementary allowance)

These regulations have distinct gender dimensions. Although explicitly formulated to assist "families", "parents" or to "meet the needs of children", these four benefits are usually claimed by women, in line with established gender roles. The child birth allowance (and its supplement) is officially available to women only. This legislative framework directly affects women's reproductive rights and in combination with other legal and social institutions - such as the labor market, the social security system with its differential benefits for women and men, social services, the sexual and reproductive health protection system, the political establishment and the electoral system and others - it creates the context in which women practice their individual, economic, social, civic and political rights. Naturally, the position of women in the society is influenced by all these factors. The provisions selected for our analysis specifically impact the practice of women's right to personal autonomy, the right to privacy and family life, women's right to work for pay, the right to receive social security at old age, the right to health (and its protection) and the right to participate in public affairs by voting or in any other, broader sense of the term.

Despite the clear gender aspects of these laws or their recent amendments, the accompanying explanatory memoranda do not include any gender perspective. More than that: gender equality is never mentioned, not even as a formality.

Similarly, neither of the memoranda on the provisions passed or amended during the financial recession responded to the economic context of the time. The resulting policies apparently ignored the financial crisis and were not adjusted to mitigate its negative effects.

Well-conceived policies would have been able to prevent some of the negative impacts of the recession and would have helped prevent discrimination. By failing to consider issues from a gender perspective and omitting to respond to the recession (which impacted each gender differently), however, the government created legislation that discriminates women. Its discriminatory potential multiplies in situations when different grounds for discrimination intersect (Roma women, single mothers or women with disabilities). The measures we are going to discuss restrict women's autonomy in a variety of ways. For example, the policies on parenting and childcare allowances force women to stay at home and look after children for up to three years of their age. The policy is set so that the nominal amount of the parental allowance represents the only income mothers have. As their career prospects diminish with each year away from employment, the financial dependence on their partners grows. Under current legislation, women are also unable to make free decisions about becoming single parents while securing safe and dignified living conditions for themselves and their children at the same time. Finally, the child birth allowance policy restricts women's autonomy by taking away their right to decide how to practice their reproductive rights during pregnancy. It also ignores the situation of vulnerable women, such as Roma women or single mothers with more children, who thus face secondary victimization.

In the next section, we will describe three specific policy measures - the parental allowance, the childcare allowance and the child birth allowance and its supplement as of June 30, 2010. Each regulation will be introduced and discussed from the perspectives of gender and human rights. Given the lack of reliable data, we understand that our analysis is not and cannot be complete and exhaustive. However, we believe it can serve as a departure point for future gender-sensitive legislation.

1. Parental Allowance Act and Childcare Allowance Act

1.1 Brief Overview of Current Legislation

The Parental Allowance Act (No. 571/2009 Coll., effective as of Jan 1, 2010)[1] establishes the allowance as a social security benefit[2] provided by the state to eligible persons such as parents or caregivers who have custody of a child until it reaches three years of age (or six years of age under specific circumstances)[3], as long as it receives proper care.

"Proper care" is defined by law as "personal care by an authorized person that promotes the child's overall physical and psychological development; in particular, it includes appropriate nutrition, hygiene, upbringing and preventive medical check-ups."[4] Under specified circumstances, this requirement can be satisfied even when the parents or caregiver do not devote themselves to childcare full time, i.e. do not spend all their time with the child.[5] These circumstances include long-term health problems of the child or the caregiver as long as the child attends kindergarten for no longer than four hours a day.[6] If the recipient of parental allowance has a disability[7] or attends secondary school, university or vocational training and her child goes to kindergarten or is looked after by another adult or another authorized person (while the parent attends classes)[8], the legal requirement of "proper care" is met and parental allowance granted. As illustrated, the eligibility criteria for parental allowance are very restricted whether the caregiver is a parent (usually the mother) or another adult. By prohibiting any income-generating activities[9] while receiving allowance, the provision effectively prevents the recipients, including single mothers, from working for pay.

The solicitous - and successful - effort of the lawmakers to prevent women from working for any other income besides the parental allowance is obvious, however nominal their income may be. The law defines income-generating activities as any kind of employment contract or as engagement in private enterprise in Slovakia or abroad, which would generate taxable income. Compensation for temporary inability to work, sick pay or care allowance are also considered income-generating activities.[10] Finally, it is not possible to receive maternity allowance and parental allowance at the same time.[11]

Parental allowance is provided in two amounts – EUR 164.22 or EUR 256 per month. In Slovakia, social security benefits are not based on merit. The eligibility criteria for parental allowance, however, represent an exception. Parental allowance in the amount of EUR 256 is only granted to previous recipients of maternity allowance. In other words, only mothers who had health insurance for a minimum of 270 days in the course of the two years prior to childbirth are eligible for the higher amount of the parental allowance.[12] In reality, this means that these women must have either been employed in the two years before childbirth, or that they were able to pay for their health insurance out of their own pockets. The higher allowance of EUR 256 is paid out only until the child reaches two years of age[13]. The lower

allowance of EUR 164.22 is payable until the child reaches three years of age (and until six years of age if the child suffers from long-term health problems).

If several caregivers are eligible for parental allowance (typically the parents), only one parent may claim it[14], even though the law allows both parents to take parental leave. The other parent (person) may use his right to take parental leave, but the state does not support him with any parental benefits.

Families raising several children younger than three years of age (or six years for children with long-term health problems), are entitled to only one allowance per family and only one eligible person may claim it.[15] In other words, parents of two or more children under three receive only one parental allowance per month in the amount of EUR 164.22 (or EUR 256 if they meet all the criteria for this higher amount). This principle applies even when both parents take leave at the same time.

The allowance is paid retrospectively for the last month and it is disbursed by local Offices of Labor, Social Affairs and Family.[16]

As of January 1, 2009, a new Act No. 561/2008 on childcare allowance came into force, with additional provisions effective as of January 1, 2010.[17] According to this law, the state provides childcare allowance to parents of children younger than three (or six) who either work for pay (or engage in other income-generating activities) or study at secondary school or university.[18] The eligibility criteria stipulate that only the parent who has just stopped receiving parental allowance, may claim the childcare allowance[19]. This means that a mother, who does not take parental leave and does not claim the respective parental allowance[20] immediately after the end of her maternity leave but starts making an income instead, will lose her eligibility to the childcare allowance. This principle applies regardless of the length of the time period she takes parental leave after maternity leave and claims the parental allowance. In other words, she must claim parental allowance as soon as (or before) her maternity leave period expires and receive it for at least a day in order to be able to claim childcare allowance in the future.

If a family receives childcare allowance, care can be provided by a childcare institution or by another legal entity such as an NGO, as long as they meet the conditions required by the laws on education or social care. The child can also be looked after by a professional caregiver with a business licence.[21] If parents use these childcare options, they are entitled to a monthly allowance in the form of reimbursement for childcare expenses. These must be documented and their total may not exceed the lower tier parental allowance amount of EUR 164.22.[22] The parental allowance law does allow for childcare to be delivered by private individuals without a business license such as family members or the working parent[23], but the allowance amount is only as low as EUR 41.10 in this situation. This represents a quarter of the amount the family would receive in standard parental allowance (25% from EUR 164.22 = EUR 41.10).[24]

Unlike the parental allowance, the childcare allowance is provided until the child reaches three years of age (six for children with long-term health problems).[25] Childcare allowance is not provided to a family claiming maternity allowance[26], even if older child or children are looked after by a caregiver other than the mother (or another primary caregiver). This means that a family receiving maternity allowance after the birth of a new child for longer than six weeks after the birth is not eligible for a childcare benefit for its older children even if they are in the care of a person other than the mother (or the person claiming the maternity benefit).[27] Both benefits can be claimed simultaneously only for the first six weeks after birth.

1.2 Implications for gender and human rights

In Slovakia, childcare is primarily women's business. Even though there is no comprehensive data, since the state fails to stand up to its constitutional and international obligations to promote women's rights and fund relevant research, individual childcare in early childhood shows distinct gender elements. The explanatory memorandum for the Parental Allowance Act even states it in its introduction, albeit not in order to point out the unequal gender division of labor in this area. It says: "personal parental care, *primarily the care of mothers* for children under three years of age, has long been preferred as the most suitable form of care. It has a well-established history and it meets the needs of young children." (pg. 18, highlighted by the author) We certainly cannot contend that predominantly women's care for young children has a long tradition. We can, however, raise a discussion about the general "preference" of women as caregivers. Is it truly "preferred" and by whom? The benefit system in Slovakia, as defined by the parental and childcare allowance laws, suggests that out of all social actors, the one which is the most interested in maintaining this historical trend is the state. By failing to recognize that women in Slovakia take on the majority of childcare also because they earn a lot less than men, both laws and the respective explanatory memoranda show a complete lack of gender competence. The salary factor typically determines who in the family carries out routine care after a baby is born. Another sign of the state's ignorance of the situation is its refusal to collect gender specific data. For example, the authorities, such as the offices of the Department of Labor, Social Affairs and Family, keep no record about the gender of the recipients of parental allowance even though this data is readily available (see letter from the Central Office of Labor, Social Affairs and Family dated November 2, 2010, received in response to an information request). Such statistics would show how many women or men take parental leave in this country.

The parental and childcare allowance regulations effectively force "parents" (usually women) to devote themselves to childcare full time. This is simply because if the mother makes any income, however nominal it might be, she would lose the allowance. In theory, women on parental leave are allowed to work and to claim the childcare allowance in the amount of up to EUR 164,22 (lower tier) at the same time. Unfortunately, this amount does not usually cover childcare expenses if childcare is provided by a certified institution or a qualified caregiver with a business licence. In order to keep the allowance at the higher amount, care must only be secured with the help of one of these providers. If a family member, for example, looks after the child, the allowance amount drops to EUR 41,10. While most working women need to use a portion of their pay to cover the expenses for qualified childcare delivered by a relative stranger, many mothers find the option of claiming the parental allowance and looking after their children themselves more attractive. Women with low salaries, a combination which is, needless to say, much more common among women than it is among men, might find themselves in a situation when working for pay and losing the parenting benefit would represent a financial loss.

This system, reinforced by law, encourages women to forgo paid work and to look after their children full time until they reach the age of three. The longer they stay at home, however, the mothers' work skills might depreciate and their job prospects gradually dwindle. Consequently, they get increasingly financially and socially dependent on their partners. By applying a single perspective in its family policies, the state merely consolidates the heterosexual patriarchal model of the male breadwinner and the dependent, non-autonomous female homemaker. As a result, the traditional gender role model is strengthened symbolically and in practice. In this context, being a single mother is extremely difficult as

the system does not really enable single mothers to live independently and with a sense of dignity.

Other aspects of the legislation on early childcare in Slovakia are also based on patriarchal constructs. The mutually interlinked laws on parental and childcare allowance effectively discourage equal division of labor and responsibility in the family. For example, if both parents worked (possibly part-time) and took turns looking after children and used the occasional help of a family member or a friend, the only state benefit the family would be able to receive is the lower tier childcare allowance in the amount of EUR 41.10 (no parental allowance). If the family member or a friend providing childcare had a business license, the allowance might be as high as EUR 164.22. In practice, however, this situation is highly improbable. Operating a small business requires compliance with administrative, accounting and taxation regulations and other issues, which most people find too complicated to handle only for the sake of obtaining childcare allowance. As it is today, the entire legal machinery supports the traditional notion that childcare is women's work that is carried out for free by mothers or by grandmothers. No other argument explains why the benefits essentially supporting childcare have been divided into two separate forms using different legal concepts while their amounts are nearly equivalent. Moreover, the childcare allowance regulations are so restrictive that the majority of parents, usually mothers, find the allowance too difficult to obtain.

From the gender perspective, even the amount of the parental allowance itself is interesting. Both amounts, the lower and the higher tier (EUR 164.22 or EUR 256) are lower than the minimum wage. Their financial value represents the value the state puts on the work of women looking after children, especially considering that the amount does not adjust with the number of children (younger than three years or six) in her care. In contrast, if childcare is delivered by a licensed provider (whether an individual or an institution), the allowance is granted separately for each child under three. The gender dimensions of these regulations are even more apparent in contrast with other state benefits. For instance, the parenting benefits pale in comparison with the generous social security benefits provided to civil servants such as policemen, the army or the customs officers, “the men who serve the interests of the state.”

At the systemic level, the legal framework of the parental allowance scheme has further gender implication. The issue of men's motivation to participate in childcare is one example. In the context of the gender, social and economic structures we live in today, is the current amount of the parental allowance really going to encourage men to look after their children?

The merit aspect of this legislation is also fascinating, and highly controversial, from the gender perspective. As mentioned, the parental allowance is paid out in two amounts, determined by whether the claimant paid health insurance for 270 days in the two years before childbirth or not. In other words, a woman can only get the higher benefit if she was employed practically until she gave birth. At first glance, this principle seems fair. People who contribute to the social security funds can use the funds when they themselves are in need. From the gender point of view, this system can also be justified with the theoretical argument that it might motivate women to establish themselves in the labor market[28] before they have children and thus help increase their chances to fully practice their economic and social rights both in the short and in the long term. Upon scrutiny, however, too many gender elements of the system prove unjust. First, the money people put in can be taken out in the form of maternity allowance before they are allowed to claim parental allowance. The parental allowance is a social security benefit and its purpose is to at least partially compensate the work of raising children after the end of the maternity leave period (during

which the caregiver claimed the maternity allowance). This work is equal regardless of who provides the care and regardless of whether the caregiver has paid into the social security system. With a few limitations[29], the maternity allowance system is essentially merit-based. In contrast, the social security system in Slovakia is not merit-based and even though the two-tier parental allowance system might seem gender equal, the is unfair in practice, owing to its fundamental premise that everybody interested in working can do so and thus is able to contribute to the social security fund. The law does not take into account that women from vulnerable social groups may not be able to find employment. This is particularly true for situations where other grounds for potential discrimination besides gender intersect, including women of different ethnicities, women with disabilities, older women or women from rural regions. Matching parental allowance amounts to their history of social security contributions might lead to their secondary victimization. The current system therefore contains clear elements of multiple discrimination against women. Finally, the double-tier allowance system ignores other problematic contextual issues such as the insufficient protection of women's reproductive rights. For example, not all women are able to access contraception or abortion and therefore are not able to fully practice their reproductive rights.

2 Acts on the child birth allowance and the multiple birth allowance for parents of triplets (or more) or for parents raising multiple pairs of twins born within two years after each other

2.1 Brief Overview of Current Legislation

Act No. 235/1998 Coll. on the child birth allowance and the child birth allowance supplement (further referred to as the "law on child birth allowance") regulates these one-time social security benefits for parents which represent the state's assistance aimed to help offset expenses associated with childbirth. The supplementary child birth allowance is given to parents of triplets (or more children born at the same time) or to parents of multiple pairs of twins born within two years after each other. These benefits are called the child birth allowance and the child birth allowance supplement[30] and they are social security benefits representing "the state assistance with expenses necessary to cover the essential needs of a newborn."[31] The child birth allowance is provided to the parents for every child even when multiple children are born at the same time. The child birth allowance supplement is only granted for the first three children (see below). The amount of the child birth allowance is EUR 151.37[33] and it is usually claimed by the mother[34]. Under specific circumstances, it may also be paid out to the father[35] or to a person who has been authorized by court or another authority to carry out substitute parental care.[36] In the event the mother leaves the hospital after childbirth without her baby, she becomes ineligible for the child birth allowance unless she was permitted to leave by the doctor in charge of her care.[37]

The supplementary child birth allowance in the amount of EUR 678.49[38] is also provided to help offset expenses associated with the essential needs of a newborn child. Unlike the standard child birth allowance though, the supplementary allowance is only given to families whose baby lives at least 28 days.[39] This supplementary allowance was originally introduced by a 2006 amendment which came into effect on January 1, 2007 and at the time, its amount was 11,000 crowns. It was given to families upon the birth of their first child. Another amendment effective as of January 1, 2009[42] extended the birth allowance to the second and third child in the family[43] (given out for each child born as long as it lives at least 28 days[44]). Similarly to the standard birth allowance, the supplementary allowance is paid out to the

mother[45] unless specific circumstances determine the father to be the claimant.[46] No other person providing substitute parental care is eligible for this benefit under any circumstances.[47]

As in the case of the standard birth allowance, a mother loses eligibility for the allowance if she leaves the hospital alone (without her baby) without the permission of her doctor.[48] The mother's eligibility is also compromised if she is under age and parenting rights and duties have not been granted to her[49] or if she fails to attend monthly gynaecological check-ups since the fourth month of pregnancy.[50] Finally, if the court orders any form of substitute care for a previous child in the family, the parents are denied the allowance for all the children born later. Substitute care includes institutional care, protective care[51], foster[52] or adoptive care[53] or giving custody to a person other than the parent.

The child birth grant is paid out by the Office of Labor, Social Affairs and Family.[54] Individuals, organizations and health institutions are obligated to cooperate with these offices free of charge by sharing any information that may be relevant to the eligibility of families to this allowance.[55]

2.2. Implications for gender and human rights

The legislation described in this text, particularly the regulations on child birth allowance, is extremely controversial as it violates human rights in many respects. Although the childcare allowance is appreciated by many women and their families, it is not well incorporated into the system of other benefits for parents. For example, the grant amount of EUR 151.37 is severely disproportional to the monthly child allowance of EUR 21.99. The stipulation that the child whose needs the allowance is meant to serve must live at least 28 days also raises doubts, particularly as far as the timing of the supplementary allowance is concerned. The needs of a baby are most urgent at or immediately after birth and the highest expenses are thus incurred at this time, whether the child lives the first 28 days or not. Furthermore, unofficial sources suggest that the mortality rate is much higher among the Roma than non-Roma newborns, rendering this criteria rather racist.

The obligatory attendance of monthly gynaecological check-ups represents another problematic aspect of the legislation in respect to both women and children. For women, this regulation medicalizes pregnancy and denies women the choice of viewing their pregnancy as a medical issue or not. It violates women's right to refuse to seek and to obtain medical care and it does not allow women to choose a practitioner with another than conventional medical background for routine or preventive check-ups, if they wish. The requirement of regular appointments with medical professionals also violates women's right to confidentiality in health care because health care institutions are under a legal obligation to report any information relevant to benefit eligibility (child birth allowance, maternity allowance...) to the state authorities, specifically to the local job centers.

The requirement of monthly gynaecological checkup is unacceptable both from the gender and the human rights perspective for yet other reasons. Attending these appointments may be very difficult and even impossible, and therefore discriminatory for several demographic groups - for Roma women who face discrimination and might not trust gynaecologists for very real reasons (which have been documented); for single mothers who do not have access to any babysitting or childcare services when attending appointments; or for women from the countryside and socially disadvantaged groups who may not have the financial resources or access to transportation to the health center.

Finally, the regulation discriminates children of mothers who do not meet the regular check-ups in spite of the fact that the primary goal of the allowance is to help cover the needs of children.

Besides the condition that the baby must live for a minimum of 28 days after birth, the condition that mothers must attend monthly gynaecological check-ups, other aspects of this legislation are clearly racist. The grant is denied to women who leave the hospital after childbirth without their baby without the permission of the doctor. Incidents of mothers leaving the hospitals without their babies usually occur with Roma women, particularly with women from segregated communities. Conventional hospitals represent a stressful, foreign environment in which they frequently encounter real discrimination. The hospital staff can be quite inconsiderate, the women might not have anyone to help look after their other children at home[56] and as a result, they might feel the need to leave the hospital as soon after childbirth as possible. Finally, according to this law, families whose children have been put in other people's care or taken away for adoption are not entitled to the child birth allowance. This situation is more common among the Roma than among non-Roma. If the child birth allowance is meant to cover the needs of the child, why is the child punished for all the abovementioned issues?

The last discriminatory aspect of the legislation is denying the child birth grant to other caregivers than biological parents because the needs of children in substitute care are the same as those of children raised by their biological families. By viewing parenting as a strictly biological phenomenon, the law contains elements of potential racism. Unofficial data suggests that Roma children are ordered substitute parental care or put up for adoption more frequently than non-Roma children. Unfortunately, the state does not collect data on these issues nor does it support data collection by other agencies despite its constitutional and international obligations. In conclusion, we cannot help but ask whether the Slovak government and the Slovak National Council's decision to pass legislation that claims to help cover expenses associated with the essential needs of a child immediately after childbirth acted on legitimate impulses.

Notes:

1 After the October 2010 deadline for this text, this Act was amended. The amendment (the number of which was not known at the time of this note) was passed by the National Council of the Slovak Republic on December 2, 2010 and it introduced significant changes to the provisions discussed in this paper. It allowed working for pay and claiming parental allowance simultaneously and parental allowance was made available to families even when their children are not in their personal care. Additionally, the two-tier system of parental allowance was replaced with a system of single parental allowance of EUR 190.10. (Previously, the lower amount was EUR 164.22 and EUR 256, granted on the basis of days the recipient held health insurance in the two years prior to childbirth. The higher amount was only provided to claimants insured for at least 270 days at this time.) The amendment brought a reduction in the allowance among the recipients formerly getting the higher amount of EUR 256. No public debate or professional discussion preceded this shift in legislation.

2 See Parental Allowance Act, Sec. 1(2). One of the characteristics of state social security benefits is that eligibility is not based on merit (such as the amount paid into the social security system by the individual). On the contrary, eligibility is determined by the life situation of the recipient, i.e. every person whose life situation matches the benefit criteria is entitled to the benefit (in the case of the parental allowance it is being a parent or a custodian of a child under three (or six) years of age, for example).

3 Parental allowance is given to assist parents with childcare until six years of age if the child suffers long term health problems or if the child has been put in substitute parental care. Providers of substitute parental care are eligible for the benefit for up to three years from the date the first court order on substitute care came into effect. See Parental Allowance Act, Sec. 3(2)(b)(c).

4 See Parental Allowance Act, Sec. 3(3); highlights by the author

5 For details, see Parental Allowance Act, Sec. 3(4)

6 See Parental Allowance Act, Sec. 3(4)(b)

7 This applies only to single, divorced or widowed persons or to families in which both parents are disabled. If a parent with severe disability does not live alone (shares a household with a partner) or if only one of the parents is disabled, the parent cannot claim the allowance if the child attends kindergarten or a similar type of collective care, even if she or he actually looks after the child full time.

8 Parental Allowance Act, Sec. 3(4)(d) Even though the language of the parental allowance law is gender neutral, the statement that "if the authorized person…secures care by another authorized person" is, in fact, strongly patriarchal when contrasted with the social reality. It is explicitly and implicitly patriarchal because in Slovakia, the recipients of the parental allowance and the providers of the great majority of care for children are women. This seemingly neutral statement really means that if a mother on parental leave likes to attend to her personal development by going to school, for example, it is her responsibility to "secure" childcare by asking the father (or someone else) to help "her."

9 See Parental Allowance Act, Sec. 3(1)(c)

10 See Parental Allowance Act, Sec. 3(5).

11 See Parental Allowance Act, Sec. 3(9)(a)

12 See Parental Allowance Act, Sec. 4(1)(2)

13 See Parental Allowance Act, Sec. 4(2)

14 See Parental Allowance Act, Sec. 3(6)

15 See Parental Allowance Act, Sec. 3(7)

16 See Parental Allowance Act, Sec. 5(1)(3)

17 After the October 2010 deadline for this text, this Act was amended. The amendment (the number of which was not known at the time of this note) was passed by the National Council of the Slovak Republic on December 2, 2010. It introduced changes to the provision analyzed in this paper. The maximum amount of the childcare allowance was raised from EUR 164.22 to EUR 230 despite the plan to raise it up to EUR 300. MP Štefan

Kužma of SDKÚ-DS (Slovak Democratic and Christian Union - Democratic Party) made a motion against this plan and suggested the amount of EUR 230 instead, which was then unanimously passed by the coalition government party MPs.

18 See Childcare Allowance Act, Sec. 1(2) and Childcare Allowance Act, Sec. 2(1)

19 See Childcare Allowance Act, Sec. 3 (5)

20 According to the law, maternity leave is granted to mothers "in connection with childbirth and care for a newborn" for a period of 28 weeks (or for 37 weeks for single mothers or if multiple children were born in the same birth). Maternity leave usually starts six weeks before the expected date of birth. Parental leave, lasting up to three years, officially serves to "intensify the care for a child". If a woman had been insured for at least 270 days in the two years prior to childbirth (i.e. right before commencing maternity leave), she is entitled to maternity allowance, which is a social security benefit. At the end of maternity leave, she can take parental leave and claim parental allowance until the child reaches three years of age. If she had not held health insurance in line with the criteria above, a mother can start receiving parental allowance immediately after birth.

21 See Childcare Allowance Act, Sec. 2 (3)(a) to (c)

22 See Childcare Allowance Act, Sec. 5(1)(a)

23 See Childcare Allowance Act, Sec. 2(3)(a) to (c)

24 See Childcare Allowance Act, Sec. 5(1)(b)

25 See Childcare Allowance Act, Sec. 3(3)

26 See Childcare Allowance Act, Sec. 4(5)(a)

27 See Childcare Allowance Act, Sec. 4(4)

28 The government's explanatory memorandum for the Parental Leave Act did not include this argument.

29 The maximum total amount of maternity allowance is one of these restrictions.

30 See Birth Allowance Act, Sec. 1(1)

31 See Birth Allowance Act, Sec. 1(2)

32 See Birth Allowance Act, Sec. 3(3)

33 See Birth Allowance Act, Sec. 4(1)

34 See Birth Allowance Act, Sec. 2(1)(a)

35 If the child's mother dies, disappears or if the custody of the child has officially been given to the father (see Birth Allowance Act, Sec. 2(1)(b))

36 See Birth Allowance Act, Sec. 2(1)(c)

37 See Birth Allowance Act, Sec. 3(5)

38 See Birth Allowance Act, Sec. 4(3)

39 See Birth Allowance Act, Sec. 1(3)

40 Act No. 676/2006 Coll.

41 The amendment of Act No. 592/2007 Coll., effective as of February 1, 2008, raised the amount to 20,444 Slovak crowns.

42 Act No. 554/2008 Coll.

43 See Birth Allowance Act, Sec. 1(3)

44 See Birth Allowance Act, Sec. 3 and Birth Allowance Act, Sec. 2

45 See Birth Allowance Act, Sec. 2(2)(a)

46 If the child's mother died, disappeared or if the custody of the child has officially been given to the father and the child lives at least 28 days (see Birth Allowance Act, Sec. 2(2)(b))

47 This wording was included in the Act despite the effort of Iveta Radičová, a Member of Parliament at the time and the current Prime Minister, who made a motion to make the supplementary birth allowance available to providers of substitute parental care under the same conditions as biological parents (on August 10, 2010, her proposal was available at this link: http://www.nrsr.sk/Default.aspx?sid=zakony/zakon&ZakZborID=13&CisObdobia=4&CPT=790,). Her motion was denied because of the abstention of most of the MPs present, most of whom represented the parties of the coalition government.

48 See Birth Allowance Act, Sec. 3(a)(1)(a)

49 See Birth Allowance Act, Sec. 3(a)(3)

50 See Birth Allowance Act, Sec. 3(a)(4)

51 See Birth Allowance Act, Sec. 3(a)(5)(a)

52 See Birth Allowance Act, Sec. 3(a)(5)(b)

53 See Birth Allowance Act, Sec. 3(a)(5)(c)

54 See Birth Allowance Act, Sec. 8(1)

55 See Birth Allowance Act, Sec. 14

56 More information can be found in reports by the Center for Civil and Human Rights. The Center conducted field research on the impact of Act No. 235/1998 Coll., Sec. 3(4). See also the Slovak National Center for Human Rights: *Expert opinion…*

Sources:

Document No. UV-16398/2007 – the explanatory memorandum and the draft of an amendment to Act No. 235/1998 Coll. on child birth allowance, which proposed to institute a child birth allowance supplement for parents of triplets or more children born at the same time or for parents of multiple pairs of twins born within two years from each other can be viewed at:
http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=13211

Letter from the Central Office of Labor, Social Affairs and Family, dated November 2, 2010, written in response to an information request from October 25, 2010.

Center for Civil and Human Rights. Field research on the impact of Sec. 3 (4) of the Act No. 235/1998 Coll. on birth allowance, which proposed to institute a child birth allowance supplement for parents of triplets or more children born at the same time or for parents of multiple pairs of twins born within two years from each other can be viewed at: http://www.poradna-prava.sk/dok/Terenny%20prieskum%20-%202006.pdf, http://www.poradna-prava.sk/dok/Prieskum%20Poradna%20-%20maj%202007.pdf,http://www.poradna-prava.sk/dok/Prieskum%20POradna%20-%20august%202007.pdf

Policy Statement of the Government of the Slovak Republic. 2006. Can be viewed at:
http://www.vlada.gov.sk/6380/programove-vyhlasenie-vlady-slovenskej-republiky-(od-04-07-2006-do-08-07-2010).php

Slovak National Center for Human Rights. *In accordance with Sec. 1 (2)(f) of Act No. 308/1993 Coll. on the establishment of the Slovak Center for Civil and Human Rights, effective as of August 15, 2007, this expert opinion was formed upon the request No. 62 of the Committee on Human Rights, Minorities and the Status of Women of the Slovak National Council from April 26, 2007. It concerned a proposal to change of Act No. 235/1998 Coll. on child birth allowance, which sought to introduce a child birth allowance supplement for*

parents of triplets or more children born at the same time or for parents of multiple pairs of twins born within two years from each other. This would also reflect on other provisions in Act 471/2005 Coll.

Explanatory memorandum (Pub.No. 1247) and the draft of an amendment to Act No. 235/1998 Coll. on child birth allowance, that would institute a child birth allowance supplement for parents of triplets or more children born at the same time or for parents of multiple pairs of twins born within two years from each other can be viewed at: http://www.nrsr.sk/Default.aspx?sid=zakony/zakon&ZakZborID=13&CisObdobia=4&CPT=790

Draft of the Parental Allowance Act - Explanatory memorandum (Pub. No. 790) can be viewed at: www.nrsr.sk/Dynamic/Download.aspx?DocID=333449

Act No. 235/1998 Coll. on child birth allowance, which introduces a child birth allowance supplement for parents of triplets or more children born at the same time or for parents of multiple pairs of twins born within two years from each other, which would reflect on other provisions

Labor Code, Act No. 311/2001 Coll.,

Social Security Law, Act No. 461/2003 Coll.

Act No. 561/2008 Coll. on childcare allowance and on respective changes and additions to previous provisions

Act No. 571/2009 Coll. on parental allowance and on respective changes and additions to previous provisions

Websites:

Ministry of Labor, Social Affairs and Family of the Slovak Republic - www.employment.gov.sk

Ministry of Justice of the Slovak Republic – www.justice.gov.sk

National Council of the Slovak Republic - www.nrsr.sk

Center for Civil and Human Rights - www.poradna-prava.sk

Slovak National Center for Human Rights -www.snslp.sk

Central Office of Labor, Social Affairs and Family - www.upsvar.sk

Government of the Slovak Republic – www.vlada.gov.sk