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GENDERED FAMILIALISM:
THE CZECH FAMILY POLICY
BETWEEN 1995-2012
IN COMPARISON WITH SWEDISH MODEL

Master thesis

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Abstract

The main aim of this thesis is to analyse the Czech family policy, compare it with the Swedish family policy and ascertain whether the Czech legislation advanced to the so-called Scandinavian welfare state model in years 1995-2012. The main research questions focus on the development of the Czech legislation on parental leave and parental allowances in years during the monitored period in terms of gender-sensitive welfare state typologies and comparison of the Czech and Swedish legislation.

Key words: welfare state, familialism, family policy, Czech Republic, Sweden, gender-sensitive approach.

Abstrakt:

Hlavním cílem této diplomové práce je analyzovat českou rodinnou politiku, srovnat ji s rodinnou politikou ve Švédsku a zjistit, zda se česká legislativa v letech 1995-2012 přiblížila k takzvanému skandinávskému modelu sociálního státu. Hlavní výzkumný záměr se soustředil na vývoj české legislativy ve sledovaném období týkající se rodičovské dovolené a rodičovského příspěvku z hlediska genderově citlivých typologií a srovnání české legislativy se švédskou

Klíčová slova: sociální stát, familialismus, rodinná politika, Česká republika, Švédsko, genderově citlivý přístup.

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1 Introduction

1.1.1

In the debate on family policies in the Czech Republic in the last years, more and more arguments referred to the so-called Swedish model. However, these arguments often lack even elementary factual knowledge of the Swedish system or understanding to its historical context. I have decided to focus on the family policy since it is an integral part of everyone's life. Monique Kremer argued in her critical work on the care in welfare states that every human being is in at least several parts of her or his life recipient of care (Kremer: 2007, 28), most of us are also care-givers. The concept of care is very important in terms of feminist approaches, since the care is traditionally assigned to women and men are often presented only as its recipients. Despite the fact that the Czech law allows men to participate on parental benefits (in case of parental allowances since 1990), the traditional gendered division of labour remains the dominant approach in the mainstream debate. This work's main aim was to analyse the Czech family policy, compare it with the Swedish family policy and ascertain whether the Czech legislation advanced to the so-called Scandinavian welfare state model in years 1995-2012. The main research questions were: what was the development of the Czech legislation on parental leave and parental allowances in years 1995-2012 in terms of gender-sensitive welfare state typology? Did this development approximated the Czech legislation to Swedish social democratic model? Although family policy also consists of another pillars, such as support of institutional care through providing public child-care institutions, I decided to focus on policies aimed at support of parental care-giving, since the examination of the state of research proved that issues of public kindergartens in the Czech Republic have been already explored by numerous researchers. Since the focus of this analysis is on the development of the legislation, the primary source were the particular legal acts and their novelizations in case of the Czech Republic, and current legislation in case of Sweden. The primary focus of this thesis is on thorough analysis and comparison of these systems in Sweden and the Czech Republic. After the research on the welfare-state debate, I decided to base the analysis on Gøsta Esping-Andersen' typology of three kinds of welfare states, the concept of gendered familialism by Sigrid Leitner and fairy-tales approach to care as theorized by Monique Kremer. Since the focus of my analysis is on development of particular policies, whereas Esping-Andersen's typology concerns whole state systems, I utilized his concept of three

different allocations of care between market, family and state for the analysis of the particular policies. I defined a set of questions to which I am finding answers through analysis of the legislative acts. Among the evaluated signs belonged not only a definition of the person entitled to parental benefit, length and amount of parental benefit, but also incentives to participation of both parents or particular treatment of single parents and heterosexual couples. These characteristics allowed me to analyse particular policies. I consider them significant for the characteristic of family policies in general, since they have important impact on particular families; therefore they traditionally belong to the mostly discussed. Additionally, these characteristics allowed me to connect mainstream typology with gender-sensitive approach.

2 Theoretical part

2.1 Welfare states: debate on the typology

The main aim of the following part is to introduce the debate on the welfare state definitions and typology between the mainstream sociology and the feminist critics. The debate opened the influential text “Three Worlds of Welfare Capitalism” written by Danish sociologist Gøsta Esping-Andersen in 1990. I decided to use Esping-Andersen's typology, since it has been a key contribution in this field leading to many interesting criticisms and reformulations. His approach has been a starting point for various feminist scholars who aimed to gender different dimensions of his analysis of the three welfare regimes which lead to developing of different theoretical frameworks for a gender-sensitive analysis of the relationships among states, markets and families (Sümer, 2009: 19). Among his most significant critiques belong Ann Orloff, Jane Lewis and Mary Daly, who enriched the concept of welfare state by the concept of gender which as they argued was essential for any welfare state typology. Esping-Andersen reacted to these critics in his later work, he revised his welfare state typology and introduced the idea of familialism, which created the basis for his division of welfare regimes. Sigrid Leitner focused on public policies which explicitly support the family in its caring function as an indicator for familialism and to emphasize the gender perspective of family policy (Leitner: 2003, p. 354). Her analysis introduced four particular types of familialism in state policies which proved to be an especially useful instrument for analysis of legislative changes, since her approach is focused on particular policies, rather than on welfare states or welfare regimes in general. Monique Kremer's aim in her theory of two different approaches to care is how the concept of care can help to include women in the concept of citizenship which can produce new insights into the gendered outcomes of welfare states. She focuses on the status of caregivers, who are primarily women (Kremer, 2007: 27). Her approach was also very useful for this analysis and it represents one of current feminist approaches.

2.1.1 Three Worlds of Welfare Capitalism

Esping-Andersen's typology of welfare states was published in 1990. His analysis of welfare regimes was based on T. H. Marshall's proposition that social citizenship constitutes the core idea of a welfare state and he identifies three key principles involved in

social citizenship: de-commodification, social stratification, and relations between state, market and family (Sümer, Sevil. 2009: 20). Esping-Andersen claims that when: “we survey international variations in social rights and welfare-state stratification, we will find qualitatively different arrangements between state, market and the family. The welfare state variations we find are therefore not linearly distributed, but clustered by regime-types.” (Esping-Andersen, 1990: 143). He recognizes three kinds of welfare states: liberal, conservative, and social democratic. Liberal model is characterized by means-tested assistance, modest universal transfers and modest social-insurance plans, whose receivers are dominantly members of lower income class (Esping-Andersen, 1990: 143). The main aim of the conservative model is the preservation of status differentials with social rights attached more or less tightly to the class and status (Esping-Andersen, 1990: 143). Third model, which he named social democratic “since social democracy was clearly the dominant force behind social reform” pursues “a welfare state that would promote an equality of the highest standards, not an equality of minimal needs as was pursued elsewhere.” (Esping-Andersen, 1990, p. 143). Although Esping-Andersen stresses that there is no state regime which represents any pure type, he constructs the types on particular states, or rather state clusters based on the level of de-commodification; the highest level of de-commodification is usual in social democratic welfare states, the lowest level is connected with the liberal welfare states. (Esping-Andersen, 1990, p. 140).

The liberal welfare state is represented by Anglo-Saxon states, particularly the United Kingdom, the USA, Australia or Canada. The welfare in these states is provided by the market, the society is rather individualistic and the role of state is limited to those, who are not provided by market or family. This system does not rely the one-(male)-breadwinner model, on the contrary it encourages parents' involvement in paid employment. Women participation in the labour market is therefore comparatively high. On the other hand, this system usually does not provide considerable amount of public services, such as education, health care or general insurance, leaving their provision to the market.

The conservative welfare state is represented by former Western Germany, Italy or France. One of the important features of these regimes is that they “are also typically shaped by the Church, and hence strongly committed to the preservation of traditional familyhood.” (Esping-Andersen, 1990: 143). The one-breadwinner model is therefore enhanced and gender stereotypical division of labour is supported by the state. Political means of this support can vary from common taxing for married couples (Gärtner, 2014:

150), through not providing accessible public pre-school childcare, to excluding unemployed married women (housewives) from receiving unemployment or parental allowances. Similarly to the liberal model, the role of state in conservative states is rather limited, however, the main provider is not the market but the family. This type of welfare state does not support women participation in labour market and its rate is typically the lowest from all three systems, since women are encouraged to stay at home and provide care for their children. According to Esping-Andersen neither liberal nor conservative regime considers “full employment as an integral part of their welfare state commitment“ (Esping-Andersen, 1990: 145), since “ in the liberal ideal, concerns of gender matter less than the sanctity of the market“ (Esping-Andersen, 1990: 145).

The social democratic welfare state is represented by countries “in which the principles of universalism and de-commodification of social rights were extended also to the new middle classes” (Esping-Andersen,1990:143). The state assistance is usually neither means-tested nor class or status connected and “all strata are incorporated under one universal insurance system, yet benefits are graduated according to accustomed earnings. ... All benefit; all are dependent; and all will presumably feel obliged to pay. ” (Esping-Andersen,1990:145). The relationship between the individual and the state is strongest from all three systems, but as Esping-Andersen claims, it brings the independence of the individual from both the market and the family (Esping-Andersen,1990:145). This type of welfare state typically assists the family with childcare, usually by providing both locally and financially available institutional care, and allows women to participate in labour market; therefore the women participation on the labour market is the highest of all the systems. Naturally, “the most salient characteristic of the social democratic regime is its fusion of welfare and work” (Esping-Andersen,1990:145). Although Esping-Andersen does not present any other state apart from Scandinavian countries as a representant of the social democratic model, he stresses that even the Scandinavian countries “are not free of crucial liberal elements (Esping-Andersen, 1990: 145).

2.1.2 Feminist critics of “Three Worlds of Welfare Capitalism”

Esping-Andersen's typology have been criticized by many feminist analysts for its gender-blindness (Orloff, 1996: 65). Among the most influential ones belong Ann Orloff, Jane Lewis and Mary Daly¹ whose works need to be briefly presented.

¹ I am aware that the list of Esping-Andersen's critiques is definitely not complete, however, it is not in scope of this thesis. I decided to present Orloff, Lewis and Daly for their notable impact on the field.

Ann Orloff published her critical work *Gender in the Welfare State* in 1996, in which she among others critically approached Esping-Andersen's typology of three welfare states. She summarized different feminist critiques into following points: Esping-Andersen's citizens are implicitly male workers, his analysis omits gender differences within classes and relationship between states and families, and it neglects women care-work (Orloff, 1996: 65). Orloff further evolved these critiques by stressing the importance of involving gender sensitivity into the analysis, she argued for: “including a stratification dimension, to include both gender differentiation and gender inequality” (Orloff, 1996: 72). She recognized three basic demands of gender-sensitive approach: the organization of state-market relations and of the power balance among labour, state, and capital (Orloff, 1996: 71), access to paid work and to the services that facilitate employment for caregivers (Orloff, 1996: 72), and access to benefits of similar quality for men and women in a range of different statuses (Orloff, 1996: 72). Firstly, the state-market relations influence women participation on labour market and the “organization of family support systems (e.g. unpaid care work, services)” (Orloff, 1996: 71). The access to paid work is “critical gender dimensions of welfare regime variability, and reflect core gendered interests of women” (Orloff, 1996: 72). Thirdly, she considered the access to comparable benefits to be a key element women's interests in the welfare state (Orloff, 1996: 72). Her ideas were echoed in many other analysts and Esping-Andersen in his later work on familism reflected them and focused more on the relationship between states and families (Esping-Andersen, 1999).

Jane Lewis's critical work “Gender and Welfare Regimes: Further Thoughts,” was published in 1997, and it reviewed Esping-Andersen's three welfare states typology, together with her own typology of gender and welfare regimes (Lewis, 1997). Lewis identified two main questions for gender-sensitive analysis of the provision of unpaid work are how to value it, and how to share it more equally between men and women (Lewis, 1997: 170). Lewis criticized Esping-Andersen for neglecting “the importance of unpaid work and the fact that primarily women in families have played a huge part in doing this unpaid work” (Lewis, 1997: 161) and she stresses the importance of relationship between paid work, unpaid work, and welfare. Similarly to Orloff (Orloff, 1996), Lewis described Esping-Andersen's model worker as male, whose “mobilization may actually depend as much on unpaid female household labour as on social welfare policies” (Lewis, 1997: 162). Following this argument, she argued that concept of de-commodification is gendered and that “de-commodification for women is likely to result in their carrying out unpaid

care-giving work (Lewis, 1997: 162). She also problematizes the endeavour of creation of a single typology of welfare states which and argues that “the measures will inevitably reflect what is considered to be the most important issue at stake” (Sümer, 2009: 27), since she argued that “women's relationship to paid work, unpaid work and to welfare makes the search for gender-centered measures complicated” (Lewis, 1997: 160). Lewis's critique was responded in Esping-Andersen's later work, where he revised the impact of familialistic regimes on women participation in labour market and the amount of care provided by the families (Esping-Andersen, 1999).

Mary Daly published several works on the topic of gender and welfare state. In *The Gender Division of Welfare* (Daly, 2000), she researched the impact of British and German welfare states on gender relations and she focused on “the structure or content of relevant policies, the processes to which policies give rise, and the outcomes that are effected by policies” (Daly, 2000: 231). In *Gender and the Welfare State* (Daly, Rake, 2003), she, together with Katherine Rake, provided a thorough gender analysis of particular aspects of welfare state, such as provision of care, work, or gender relations in respect to individual and household resources and their redistribution. In her chapter “Paid work, unpaid work and welfare: Towards a framework for studying welfare state variation” in *Gender, Welfare State and the Market : Towards a New Division of Labour* (ed. Boje and Leira, 2000), she problematized three main points in typologies of welfare states, including Esping-Andersen's typology of three welfare states: the nature of the typologizing methodology, the coherence of the regime clusters identified and the appropriate characterization of particular countries (Daly, 2000: 31). Daly specified three main approaches in the debate, according to the main concepts which they use: concept of care, concept of citizenship and constructing typologies, where she placed Esping-Andersen's typology. She focused on two points of the critical debate which she considered supporting: problematic nature of some countries disabling their classification and incompleteness of Esping-Andersen's clusters (Daly, 2000: 31). Daly argued for more extensive cooperation between particular approaches, since while typologies are useful in analysing the architecture and design of policies, the concept of care “speaks most readily to the processes and relations set in train by the welfare state in telling us how welfare state (and other) provisions construct particular types of labour...as paid or unpaid and formal and informal” (Daly, 2000: 35).

2.1.3 Welfare state revisited

After several critics of his welfare state typology, Esping-Andersen revised and developed his theory in *Social Foundations of Postindustrial Economies* published in 1999. He presented three major critics of his typology, which led him to this revision: narrow focus on income-maintenance programmes, focus only on relationship between state and market, and building the typology solely on the male production worker (Esping-Andersen, 1999: p.74). Although his critics offered also other problematic points, among others cultural and regional differences (Sümer, 2009: 27), these are not a part of this work, since they are not applicable on the two countries compared in the analysis.

The most significant changes in Esping-Andersen's approach to the welfare is the shift from examination of welfare states to welfare 'regimes', by which Esping-Andersen refers "to the ways in which welfare production is allocated between state, market, and households" (Esping-Andersen, 1999: p.74), and from the de-commodification to de-familialization. The concept of de-familialization was initially used by feminist scholars as a precondition for their capacity to commodify themselves and it was advanced by Jane Lewis or Ann Orloff (Sümer, 2009: 27). Esping-Andersen paralleled the concept of de-familialization with the concept of de-commodification" (Esping-Andersen, 1999: 51). He reacted on Ann Orloff's critique (Orloff, 1993) and agreed that "for women de-familialization is generally a precondition for their capacity to 'commodify themselves' (Esping-Andersen, 1999: 51). In agreement with Saraceno (1996), Esping-Andersen discussed degrees of familialism and de-familialization, since the main point of his analysis was "the degree to which families absorb social risks" (Esping-Andersen, 1999: 51). His definition of de-familialization is based on the degree to which the families are relieved from their caring responsibilities through benefits of the welfare state or the market. He stresses that de-familialism does not imply anti-family approaches but a regime "which seeks to unburden the household and diminish individuals' welfare dependence on kinship" (Esping-Andersen, 1999: 51) and simultaneously "lessen individuals' reliance on the family' that maximize individuals' command of economic resources independently of familial or conjugal reciprocities (Esping-Andersen, 1999: 46). Similarly, familialism does not mean pro-family policies but such system "in which public policy assumes – indeed insists - that households must carry the principal responsibility for their member welfare" (Esping-Andersen, 1999: 51), a system "that assigns a maximum of welfare obligations to the household" (Esping-Andersen, 1999: 46).

Esping-Andersen also provides a certain level of integration of gender into the

concept of familialism and de-familialism commenting on traditional women's role:

Given that women's (or at least mothers') family responsibilities easily restrict their ability to gain full economic independence solely via work, their de-familialization, as many studies have shown, depends uniquely on the welfare state" (Esping-Andersen, 1999: p. 46)

Hence, de-familialization would indicate the degree to which social policy (or perhaps markets) render women autonomous to become 'commodified', or to set up independent households, in the first place (Esping-Andersen, 1999: 51).

2.1.4 Varieties of familialism

Sigrid Leitner reacted on Esping-Andersen's work on welfare regimes from 1999 in her essay "Varieties of Familialism. The caring function of the family in comparative perspective". She agreed on the importance of familialism for analytical work but she criticized his narrow identifying of "familialistic and de-familializing welfare regimes with regard to the extent to which families are held responsible for their members' welfare" (Leitner: 2003, p. 354). The main aim of her work was to developed this narrow approach into "a gender-sensitive theoretical concept of familialism which allows to identify real world variations of familialism" (Leitner: 2003, p. 354). She refused the general typology of states and focused on typization of particular policies which she developed into four different types, according to the familialistic and de-familialistic policies which they contain: explicit familialism, optional familialism, implicit familialism, and de-familialism. Additionally, Leitner interconnected familialism with gender whereby she distinguished gendered and de-gendered familialism. That allowed her to distinct three forms of sexual differentiation in family policies: distinction between man and woman due to biological characteristics, distinction between man and woman due to the gendered division of labour, and distinction between 'male' and 'female' sexuality. Based on these differentiations, Leitner distinguished following types of gender discrimination in family care: due to biological sex differentiation, due to the devaluation of family care, and due to labour market disincentives for carers. This typology was significantly helpful for gender sensitive analysis of legislation development in empirical part of this thesis.

2.1.4.1 Four types of familialism

Leitner characterizes a familialistic system as "one in which public policy assumes – indeed insists – that households must carry the principal responsibility for their members'

welfare“ (Leitner: 2003: 536). Accordingly, “the *explicit familialism* not only strengthens the family in caring for children, the handicapped and the elderly through familialistic policies. It also lacks the provision of any alternative to family care. This lack in public and market driven care provision together with strong familialization explicitly enforces the caring function of the family“ (Leitner: 2003: 358). Explicit familialistic policies are represented by no or only minimal support of institutional childcare care *and* support of parental care. Explicit familialism resembles conservative welfare regime, with which it shares the support of gender division of labour, especially in the field of care, provided primarily or entirely by the family; therefore in most of cases by women. This policies are based on and inherently support the male breadwinner model, forcing women out of labour market to the households and the sector of unpaid care work. Explicitly familialistic policies are also heteronormative, since they usually do not consider another types of families, whether they are homosexual couples, single parents, or dual earner families.

Optional familialism on the other hand provides services *and* supportive care policies (Leitner, 2003: 359). In the field of family policies, it means that the state either provide or support institutional childcare in addition to providing of parental leave together with parental allowances, which provides the possibility of choice. Leitner explains that while both explicit and optional familialism stress the right to time to care, only in the optional familialism 'the family right' does not implicitly mean the women's duty (Leitner, 2003: 359), since the family receive the option to transfer the caring responsibilities to the state (Leitner, 2003: 359). This approach therefore weakens the male breadwinner model and allows women participation in labour market and securing economic independence, together with sustaining their choice to provide care for their families. Due its variability, the optional familialism is also less heteronormative and therefore better available to other than traditional heterosexual families.

Implicit familialism is characterized by none or minimal support of institutional care and none or minimal support of parental care. It “neither offers de-familialization nor actively supports the caring function of the family through any kind of familialistic policy“ (Leitner, 2003: 359). Despite the lack of active incentives to family to provide care for its members, in case of implicit familialism is the family the primary (if not only) caretaker since the state does not provide any alternative. This type, therefore, relies implicitly upon the family when it comes to care issues (Leitner, 2003: 359). Nevertheless, this approach can be compared to the liberal welfare regime which localizes the care to the market, thus it must be stressed that it does not explicitly support male breadwinner model, since it

neither encourages women to stay at home financially, nor punishes families for marketizing the care². Similarly, as the implicit familialism can be described the situation in less developed countries which cannot be classified as welfare states, due their lack of resources which they can allocate for supportive family policies.

The last type, de-familialism is characterized by available institutional care provided by state but limited or no support for providing parental care. Thus, family carers are (partly) unburdened but the family's right to care is not honoured (Leitner, 2003: 359). Leitner considers these care policies to weaken breadwinner models in which one person is employed and the other person is available for family care and they represent an important structural condition for gender equality in the labour market. The effect will be most widespread in the field of child care where formal care arrangements enable parents (mostly: mothers) to participate in the labour market (Leitner, 2003: 366). Nevertheless, this approach limits the families' and women's (or men's) options, since it (in its pure form) does not support women to provide the care themselves. On the other hand, de-familialism is probably the least heteronormative of these four regimes, since it allows all parents to transfer the care to the state institutions and participate equally in the labour market regardless their gender or structure of their family.

Leitner emphasizes that de-familializing care policies are inherent part of both the de-familialism and the optional familialism but they are complemented by support of family care only in the optional familialism. She contrasts the optional familialism with the de-familialism which provides the parents the option of labour market participation (Leitner, 2003: 366). However, his definition seems to be in some respect narrow, since the optional familialism also allows labour market participation, it neither explicitly support male breadwinner model, nor punishes other family arrangements. On the other hand, the optional familialism definitely offers “better opportunity to choose between family care and formal care than de-familialism which does not actively enable family care (Leitner, 2003: 366) and gives all actual and potential caregivers the widest range of options.

2.1.4.2 Gendered, or de-gendered familialism?

Another distinction which Leitner uses in her analysis is gendered determinacy of the familialism. She claims that “in contrast to de-familializing care policies, familialistic care policies directly regulate gender relations” (Leitner, 2003: 366). As has been already mentioned, the familiastic policies, used by the optional and the explicit familialism,

2 The punishment for marketizing the care was until recently part of Czech family policies, as will be documented later in empirical part.

enhance the male breadwinner model, since they locate the care into the family where it is traditionally and until these days in majority performed by women. Consequently, “these policies will not only support the family as such in its caring function but will also strengthen the caring role of women and, thus, reproduce the gendered division of family care” (Leitner, 2003: 366).

Through the analysis of particular familialistic policies, Leitner recognizes three forms of sexual differentiation used by familialistic regimes: the distinction between man and woman due to biological characteristics, the distinction between man and woman due to the gendered division of labour, and the distinction between ‘male’ and ‘female’ sexuality (Leitner, 2003: 367). The distinction between man and woman due to biological characteristics is solely based on the biological sex. Its institutionalization is apparent when the legislation treats women and men differently only because of their sex, regardless their activity or occupation. Leitner gives an example of such policies as allocating parental allowances exclusively to women, which omits any man providing the primary care (Leitner, 2003: 367). The distinction between man and woman due to the gendered division of labour is based on gender assigned spheres of occupation: male public sphere of paid employment versus female private sphere of unpaid work (Leitner, 2003: 367). This kind of distinction is problematic from two perspectives. Firstly: the private work rarely receives equal financial value, social benefits and protection as paid employment, which applies even in the most generous social democratic welfare states. Secondly, this kind of distinction limits opportunities of both women and men to their gender assigned areas and omits or even punishes those who chooses different paths, whether they are professional women or care providing men. The third distinction between ‘male’ and ‘female’ sexuality “reflects the norm of heterosexuality” (Leitner, 2003: 368). This distinction can have different forms: from applying family benefits exclusively to married heterosexual couples, through non-existing homoparental legislation, to non-supporting single parents. As Leitner states: “familialistic policies discriminate against alternative family care arrangements if they do not provide comparable benefits” (Leitner, 2003: 368) to those which it provides for married heterosexual couples. Ideal type of gendered familialism is characteristic by assigning the care to families, lesser value of care compared to employment, limited choices for localization of the care and focus on heterosexual married couples. On contrary. the ideal type of de-gendered familialism is characterized by gender neutral policies, financial independence of the carer, choices of localization of the care, and equal involving of other than heterosexual family

arrangements into its policies (Leitner, 2003: 368). Based on them she distinguished three types of gender discrimination in family policies: the discrimination due to biological sex differentiation, the discrimination due to the devaluation of family care, and the discrimination due to labour market disincentives for carers (Leitner, 2003: 370). The discrimination due to biological sex differentiation is represented by the legislative determination of whether both women and men can participate on parental leave, whether are both sexes encouraged to participate on parental leave, or even punished if they do not participate. The discrimination due to the devaluation of family care is expressed, for example, by the level of parental allowances in comparison to the previous parent's wage. The discrimination due to labour market disincentives for carers is represented by the length of parental leave, job protection of the current caregiver, support of part-time jobs for parents of small children, or limiting the paid employment which a parent is allowed to exercise concurrently with receiving parental benefits.

2.1.5 Fairy-tales underlining debate on care

Monique Kremer in her work *How Welfare States Care : Culture, Gender, and Parenting in Europe*, which was published in 2007, focuses on the question how the concept of care, the 'one of the truly original concepts to have emerged from feminist scholarship' (Daly and Lewis, 1998: 4), can help to include women in the concept of citizenship (Kremer, 2007: 28). Kremer uses the traditional concepts of welfare state, such as Marshall's or Esping-Andersen's but she argues that "putting the focus on care brings gender into the study of welfare states (Kremer, 2007: 28) since the previous model citizens were men. Kremer emphasized the importance of care in lives of all people, regardless their gender:

At least at one moment during their lives, every person is likely to be in need of care. No matter how much money one earns, no matter how 'independently' one can live from family and friends, everyone has been a child in the past, has been ill, and may need help when they are elderly. The need for care is inevitable. In practice, nobody can be left to his own devices all of the time (Kremer, 2007: 29).

Through the concept of care, Kremer comes to refusing the idea of "completely independent individualised people without ties" (Kremer, 2007: 34). She also criticizes the traditional concept of citizenship where "men have always been constructed as independent beings and citizens while women have been constructed as dependants" (Kremer, 2007: 34). Kremer stresses the mutual dependency of both genders upon each others in traditional gender labour division: women on men for financial support and men

on women for care-giving; therefore she prefers term interdependence instead of independence (Kremer, 2007: 34).

Kremer theorizes two approaches to care in public and academic debates on care which are derived from popular fairy-tales Snow-white and Cinderella (Kremer, 2007: 29). She problematizes these approaches since they often portray caregivers only one-dimensionally, and mainly because, as she says, “the debate on care should not be guided by fairy tales” (Kremer, 2007: 29). She recognizes seven general characteristics of both approaches: the content of care, the motivation to care, the relationship between gender and care, the qualification of caring, the role of the state, the role of care in family relationships, and an image of the care receiver (Kremer, 2007: 29). Another point which is significant for both approaches their impact on men's participation on the care-giving Cinderella approach pictures care as a burden and sweating. It brings the caregiver little recognition, it belittles her value, it is not provided voluntarily and generally, it is presented as activity which the caregiver prefers to escape from. Contrarily, the Snow-white approach presents care as a joyful activity, even rather an attitude, which provides the caregiver with gratitude and appreciation, and makes her beautiful (Kremer, 2007: 29).

The Cinderella approach is often dominant in the social democratic welfare states such as Sweden (Kremer, 2007: 30). The care is seen as a burden which nobody performs willingly and happily, “caring is more likely to be considered work” (Kremer, 2007: 30). The solution of the care problem is seen as a simple one: “Since caring resembles paid work, society has to value caring as such. Care-giving needs a wage, preferably paid by the state” (Kremer, 2007: 30) However, this approach can lead to omitting the emotional aspects of care, the non-monetary satisfaction which is experienced by the person taking care about her or his significant others. On the other hand, despite the possible (and expectable) emotional satisfaction connected to the childcare, this kind of satisfaction is rarely connected to never-ending laborious housework, such as scrubbing floors or cleaning bathrooms. Cinderella approach usually tries to relieve women “from the oppressive load of care, as it is compulsory and consequently not a free choice” (Kremer, 2007: 30) and encourage them to greater participation in the labour market; therefore it localizes the reproductive and care work out of the family – typically to the state institutions. The usual policy applied in social democratic welfare states is the institutionalization of the reproductive work through publicly provided services. It usually creates more job opportunities in the public care sector. This model seemingly blurs gender boundaries between public and private sphere. Women enter public sphere but they remain responsible

for care providing. Men usually do not engage themselves into caring, since the care itself is generally considered unappealing. Under this approach, men tend to participate more significantly if they are encouraged by different incentives, such as economically efficient paternal leaves.

The Snow White approach is typical for conservative welfare states (Kremer, 2007: 31) and it is a usual justifying and explanatory approach for the male breadwinner model. It uses essentialist's arguments ascribing characteristics such as affection, caring, tenderness, neatness etc. to women. Despite the still accepted ideas about women nature, this concept originates in the late eighteenth century in the bourgeois model, which gendered the private and public sphere. This division was unknown in pre-industrial societies where both women and men worked and public and private sphere were not divided. One of the most severe consequences of the Snow White approach is a lesser women participation on the labour market - women often give up their jobs when they got married or give birth to their first child to provide care for their families (often also later when they take care about elderly parents). The care-giving is seen as an ideal women role but in fact, it is rather a necessity since there are usually not sufficient capacities of institutionalized care as daycare centres, elderly centres or school canteens. If such facilities exist, their function is rather to provide support to non-working mothers than to allow women to participate in the labour market. Under this approach, women are often ostracised when they pursue their carriers (which is considered not feminine enough), since caring and motherhood are seen as an important or even dominant part of the "proper" female identity. Men basically do not participate on any form of care-giving, since firstly, they usually do not have time for it being the family only breadwinner; secondly, the care-giving being ascribed to women does not fit to the ideal masculinity and its performance can be even threatening for the "proper" male identity.

We have seen that social democratic welfare states usually employ Cinderella approach, whereas conservative welfare states are more likely to adopt Snow-white approach to the care. Kremer claims that the Snow-white approach is usual in liberal welfare state which tends to stress the caring role of community. However, Cinderella approach can be seen as dominant in the liberal welfare state, since the care is localized out of the family here. Nevertheless, the solutions applied by the liberal welfare state and the social democratic state differs in the place of localization of the burden of care. We can observe two different approach according to the model of welfare state: the marketization of the reproductive work, often through employing of domestic workers (mostly women),

is the usual strategy in liberal welfare states; meanwhile is common in social democratic welfare states. Neither of these strategies effectively solves two other problems: the performance of the care work outside the family and the management of the care work in the family remain women responsibilities. Neither marketization nor institutionalization of the reproductive and care work do not influence their feminization. Marketization also often involves exploitation of immigrants, to bigger or lesser percentage the illegal ones (Anderson, 1999; Sotelo, 2007).

2.2 Swedish parental benefit and parental leave

2.2.1 Historical development of parental leave

Until 1974, only maternity leave existed. It consisted of 180 days during which the mother was entitled to a fixed amount of maternity benefit. The paternal leave was introduced in 1974 and it was supported by parental benefit in the amount of 90% of parent's wage. The total number of days was prolonged to 210 in 1976, to 270 days in 1978, to 360 in 1986 and to 450 in 1989. The parental leave allowed men to participate on the early child-care and its introduction was supported by numerous campaigns convincing men to participate on the leave. Nevertheless, in 1980, only 5% of total amount of parental leave days was used by men in comparison of 95% of women and it was increasing only slowly in following years, up to 10% in 1995. To change this situation and encourage parents to share the parental leave more equally, the Swedish government introduced so called “mother-/father-month”: the untransferable part of parental leave, that time 30 days of total amount of 225, in 1995. The untransferable period was later prolonged to 60 days in 2002, when the total length of parental leave was prolonged to 480 days, and even to 90 days in 2016³. The untransferable period presents a number of days out of total amount provided for parental leave, which is assigned to each of parents and which cannot be transferred and used by the other parent. This concept is derived from the idea that parental leave is seen by Swedish law as an individual right and as such is not transferable. Unless this period is drawn by the parent to whom it is assigned, the claim to these days forfeits. In consequence of this provision, the percentage of men taking the parental leave raised to 22% of total amount of parental leave days⁴ (Statistiska Centralbyrån, 2010: 39). In 2008, another incentive for encouraging more equal sharing of parental leave was introduced: so-called “equality bonus” which advantaged parents who share the parental leave more equally and which is highest when both parents take the same number of parental leave days (Statistiska Centralbyrån, 2010: 40). Sweden is also very supportive to rights of homosexuals: Registered Partnership Act (1994:1117) introduced registered partnership since 1995. Furthermore, this act was repealed in 2009 when the Marriage Code and other statutes involving spouses have been made gender-neutral (Government Office of Sweden, 2009). During the monitored period were all ministers of social affairs from Social

3 Since the focus of this thesis aims on the period between 1995 and 2012, the latest prolonging of the untransferable period is not a part of the analysis.

4 The percentage is even higher in case of temporary parental leave where it reaches 35%.

Democratic Party, except of years 2006-2012 when the minister of social affairs was Göran Hägglund from Christian Democratic Party.

2.2.2 Swedish legislation

The following parts are dedicated to the summary and brief analysis of the Swedish legislation concerned with family policy which was in force in 2012. The current Swedish legislation was employed as a referential point for the Czech legislation. Similarly to the contemporaneous Czech legislation, the Swedish law distinguished several categories of child-care providing parents' support which are contained in two different legal acts. This analysis focuses on following concepts: maternity leave, parental leave and parental benefit. Maternal and parental leave are contained in Parental Leave Act (1995:584), parental benefit is contained in Social Security Code (2010:110). The division is almost identical with the Czech law, as we will see later. The Parental Leave Act from 1995 defines parental and maternity leave and general conditions under which these leaves can be taken. Social Security Code from 2010 further specifies particular arrangements of parental benefit.

2.2.2.1 Parental Leave Act

Parental Leave Act contains provisions which specify when an employee receiving parental benefits is entitled to leave from his/her employment. Parental Leave Act begins with the list of people entitled to parental leave: a parent, a legal guardian of a child who has the child in care, a person with a custody of a child for permanent care, a person who permanently lives with a parent, provided that the employee is or has been married or has or has had a child with that parent.

Forms of parental leave

Parental Leave Act defines six forms of parental leave to care for children:

- full-time leave for female workers in connection with her child's birth and breastfeeding (maternity leave);
- full-time leave for a parent until the child is 18 months old or, provided that the parent then has full parental benefits, for the time thereafter (full-time parental leave, with or without parental benefits);
- leave for a parent in the form of shortening of the normal working hours by three-

- quarters, half, a quarter or an eighth, while the parent has three-quarter, half, a quarter or an eighth of the parental benefits (partial leave with parental benefits;
- shortening of normal working hours by up to one quarter until the child is eight years without parental benefits;
 - temporary care without parental benefits; and
 - full-time leave or leave in the form of shortening of the normal working hours by half for a parent of the child for whom full care allowance is provided.

Maternal leave

Maternal leave is not transferable to other person. A female employee is entitled to full leave in connection with her child's birth during a continuous period of at least seven weeks before the expected date of delivery and seven weeks after the birth. If she is not on leave from other reason, two weeks of this maternity leave must be obligatory before or after the childbirth. The employee is also entitled to leave to breastfeed her baby. Parental Leave Act additionally contains regulations for protection of pregnant and breastfeeding employees who are entitled to be reassigned to other work while retaining her employment benefits. In case that she can not perform physically demanding tasks, she has the right to be reassigned to another work with full employment benefits. This right to reassignment applies only from the sixtieth day before the estimated date of birth.

Length of parental leave

Parental Leave Act also specifies the length of parental leave: a parent is entitled to full-time leave for a child care until the child is 18 months old, the same rules applies for the care of intended adopted child. In case of adoption of employee's spouse's child or of employee's own child, the employee' has not additional right to leave to which s/he would be entitled if the adoption had not occurred. Since parents are allowed to choose the level of the parental benefit (which they can change three times a calendar year), Parental Leave Act additionally specifies that during the time when a parent receives a three-quarters, half, a quarter or an eighth of parental benefit, the parent is entitled to the reduction of normal working hours by three-quarters, half, quarter, respectively one-eighth. Another possibility defined by Parental Leave Act is a part leave without parental benefits. A parent is entitled to a reduction of normal working hours by up to a quarter to care for a child who has not reached the age of eight years or who is older than that but have not yet completed her/his

first year of school.

Employee's and employer's duties

Nevertheless, Parental Leave Act does not adjust only the arrangements of the parental leave but also employee's rights and obligations in respect to the employer. Among employee's duties belongs that an employee who wishes to exercise her/his right to leave shall notify the employer of that at least two months before the leave begins or, if that cannot happen, as soon as possible. On the other hand, an employee may abort her/his commenced leave and resume her/his work in the same extent as before the leave. Since the Parental Leave Act is primarily intended for the employees' protection, the list of employers' duties is rather extended. An employer may not discriminate a job applicant or an employee for reasons related to parental leave pursuant to this act, in case that the employer decides on an employment issue, selects a job applicant to the job interview promotion; other measures concerning other training; payment or other employment conditions, or in case that the employer manages and distributes work; or dismisses, terminates, lays off or takes other significant measures against an employee.

2.2.2.2 Social Security Code

Parental benefit is defined by chapters 11 and 12 of Social Security Code. This legal act specifies the concept of a parent as a parent's spouse who permanently lives with the parent; parent's live-in partner who has previously been married or have or have had a child with the parent; specially appointed guardian who care for the child, and prospective adoptive parent. All these people are further treated under same conditions. The right to parental benefits arises only to a parent who provides the care for a child who is a resident of Sweden (adopted child is considered a resident when the prospective parents are residents). The parental benefit can be provided for the same child and the same period only to one parent; regardless amount of children, the amount of provided benefit is never higher than assigned full (not partial) parental benefit. The parental benefit is not provided during sick leave or sickness benefit, or in case that comparable benefit is already provided for the care of the particular child by another state. Social Security Code covers the option of under-aged parenthood; in such a case the benefit may be provided to another appointed care-provider. Another special case presents the child's mother who is entitled to parental benefit from the sixtieth day before the estimated date of child's birth and even if she does

not have the child in her care, she has the right to parental benefit until the twenty-ninth day after delivery day.

Right to parental benefit

Social Security Code grants the right to parental benefit to an insured parent who cares for a child during the time when he or she does not work or refrains from work, providing the child is in care of the parent. There are distinguished two different bases of entitlement to the benefit: residence- and work, and the act further specifies three combinations of the claim: residence-based and work-based; residence-based; and work-based. Since the solely work-based claim is rather particular case, I will focus on the claim based solely on residence and on the claim based simultaneously on residence and work.

Parental benefit levels

Social Security Code defines different benefit levels, according to the proportion of parent's simultaneous employment: full (in case that parent is not gainfully employed during the period when the parental benefit is provided), three quarters of parental benefit (when the parent is gainfully employed for at most a quarter of normal working hours), and similarly a half of parental benefit, a quarter of parental benefit, and finally an eighth of parental benefit. Different proportions of parental benefit (identically as in case of parental leave) is not possible. The number of days of parental benefit is calculated according to their level (one, three quarters, a half, a quarter, or an eighth).

Benefit Period

Parents are entitled together to 480 days of parental benefit. In case of multiple birth, parental benefit is provided for up to further 180 days for each additional child. I will further use the basic amount of days (480) entitled to a child born in a single birth.

Parental benefit is provided up to child's twelve years of age, or at a later time when the child has completed the fifth school year at elementary school. In case of sole custody, the parent receives parental allowance for all 480 days. However, in case of joint custody is the situation more complicated: each parent is entitled to parental benefit for half of 480 days. Each parent receives parental benefit for half of the time for which the benefit is provided at the sickness benefit or basic level and for half of the time for which it is provided at the lowest level. If at least one of the parents is entitled to parental benefit, he or she is entitled to parental benefit throughout the whole period. Nevertheless, if a parent

is due to illness or disability permanently unable to care for the child, the other parent is entitled to parental benefit for the whole period.

Compensation levels

Parental benefit can be provided at three compensation levels: sickness benefit level, basic level, or lowest level. The level of the benefit is defined by the period for which it is provided and by the type of insurance.

Sickness benefit level may be provided:

- to a parent who is insured for residence-based and work-based parental benefits if a qualifying income can be determined for the parent;
- first 180 days as a residence-based and work-based parental benefit
- if the parent has been insured for sickness benefit for at least 240 consecutive days before the child birth or the estimated date of birth, and during all that time would have been entitled to a sickness benefit that exceeds the lowest level of parental benefit (240-day condition), and the full parental benefit at sickness benefit level exceeds 225 SEK a day.

It should be mentioned that in case of a parent who received sickness benefit or activation benefit, whole time when the parent received such compensation should be included into the calculation of the qualifying income.

Basic benefit level may be provided:

- first 180 days
 - if the parent has not been insured for sickness benefit for at least 240 consecutive days before the child birth or the estimated date of birth;
 - if the full parental benefit at sickness benefit level does not exceed 225 SEK a day; or
 - for a parent who is insured for only residence-based parental benefit;
- after 180 days for another 210 days
 - for a parent who is insured for both residence-based and work-based parental benefit; and
 - for a parent who is insured for only residence-based parental benefit.

Lowest benefit level may be provided:

- for last 90 days of parental benefit
 - for a parent who is insured for both residence-based and work-based parental benefit; or
 - for a parent who is insured for only residence-based parental benefit.

Overview of parental benefit days

	Days at sickness benefit level that <i>can</i> be transferred	Days at sickness benefit level that <i>cannot</i> be transferred	Days at the lowest level (SEK 180 per day) that <i>can</i> be transferred	Total
Parent 1	135	60	45	240
Parent 2	135	60	45	240

Source: www.forsakringskassan.se.

Equality bonus

The equality bonus is a benefit provided to parents who share parental leave more equally. It begins to count when the parent that has been on parental leave the shortest amount of time has taken out parental benefits for 60 days. For every day after that during which the parent takes out parental benefits, you get SEK 50 each. The maximum amount can be reached in case of perfectly equal share of parental benefit days and it is 13 500,- SEK totally per child (or 18 000,- SEK in case of multiple birth). To receive equality bonus, parents must have joint custody of the child (Forsäkringskassan).

3 Empirical part

3.1 Methodology

This work's main aim was to analyse the Czech family policy, compare it with the Swedish family policy and ascertain whether the Czech legislation in years 1995-2012 advanced toward the so-called Scandinavian welfare state model. State family policy typically consists of three different branches: support and protection of the family care through parental leave and parental benefits; support of institutional care through providing public child-care institutions, and tax reliefs for parents. However, covering all the three branches was not in options of this thesis. Additionally, examination of the state of research proved that issues of public kindergartens in the Czech Republic have been already explored by numerous researchers, among many by Hana Hašková (Hašková, 2011), Steven Saxonberg (Saxonberg, Hašková, Mudrák 2012), or Tomáš Sirovátka (Sirovátka, 2003); therefore I decided to focus on the direct parental support, namely on the parental allowance and parental leave. Although my original idea was to analyse solely parental leave and parental benefit, it became necessary to involve also maternity leave and maternity benefit since the Czech maternity leave significantly corresponds with Swedish parental benefits at sick benefits level. Since the focus of this analysis was on the development of the legislation, the primary source were the particular legal acts and their novelizations. Thus, the essential part of this thesis is the time-line of all legislative changes concerning parental allowance, parental leave, maternity benefit and maternity leave.

The fieldwork (such as questionnaires or interviews) whose use is typical for similar works focusing solely on the Czech Republic, on the other hand, is not a part of this thesis from two particular reasons: firstly, not only this thesis analyses situation in two different language areas, which would considerably burden any field research, additionally, it is written in a third language. Second reason represents the actual focus of this thesis which is not on the subjective parental experience with system of parental leave and parental allowance but on thorough analysis and comparison of these systems in Sweden and the Czech Republic.

From the research of welfare-state debate following criteria emerged for the analysis: the welfare-state typology according to Gøsta Esping-Andersen, the concept of gendered familialism by Sigrid Leitner and fairy-tales approach to care as theorized by Monique Kremer. Since the focus of my analysis is on development of particular policies,

whereas Esping-Andersen's typology concerns whole state systems, I utilized his concept of three different allocations of care between market, family and state for the analysis of particular policies.

These concepts allowed to analyse and consequently compared two different legislative systems based on following characteristics:

1. Who is entitled to parental leave and parental benefit? Gender equality of parental leave and parental allowance utilization.
2. What is the length of parental leave and parental allowance utilization and what is the differences between these periods?
3. What is the amount of parental allowance in comparison to parent's previous wage, or in case of flat rate benefits, to the average wage in the country?
4. Do exist any incentives to participation of both parents? Dividing of parental leave and parental allowance between parents, equality benefits for more equal participation on parental leave utilization, untransferable period.
5. Does the law treat particularly single parents?
6. Does the law benefit the law heterosexual couples? Is the law heteronormative?
7. Does the law set any limitations for child's attendance at public daycare institutions?
8. Does the law set any limitations for parent's gainful employment during receiving parental benefit?

These characteristics allowed me to analyse particular policies. I consider them significant for the characteristic of family policies in general, since they have important impact on particular families; therefore they traditionally belong to the mostly discussed.

Additionally, these characteristics allowed me to connect mainstream typology with gender-sensitive approach which I find essential, since my standpoint as a researcher grows from critical feminist view and fierce focus on all, both actual and potential gender inequalities.

Since there do not exist any official versions of either Czech or Swedish legislations, all particular legal acts used in this thesis were translated by the authoress of this thesis. The vocabulary used in both translation and the thesis is, whenever available, according to official English materials of both countries, namely The Ministry of Labour and Social Affairs of the Czech Republic and Social Insurance Agency of Sweden. I decided to respect the official translations since the original terms “rodičovský příspěvek“

and "föräldrapenning" allows various translations, such as "allowance", "benefit", "money" or "subsidy". This is the reason, why I use the term "parental benefit" in case of Sweden, and "parental allowance" in case of the Czech Republic.

3.2 Timeline of legislative changes on the Czech family policies since 1948 to 2012

1948: Act 99/1948 Coll.

- introduced maternity benefit for 18 weeks.

1950: Act 66/1950 Coll.

- Introduced maternity leave 18 weeks long.

1965: Act 65/1965 Coll.

- prolonged paid maternal leave to 22 weeks, from the fourth week before estimated child birth;
- introduced additional maternity leave up to one year - without benefits.

1968: Act 88/1968 Coll.

- prolonged paid maternal leave to 26 weeks (Havelková, 2009: 192-193).

1969:

Act 153/1969 Coll.

- Additional maternity leave was prolonged up to two years.

Act 154/1969 Coll.

- Introduced maternity benefit for one year for all economically active women,

including students, if she was employed for at least 270 days in the last two years and contemporaneously provided full-day care for her own child younger than one year and another child before finishing compulsory school attendance; or at least one child if she is not married, she is a widow or divorced, or the child is invalid.

1971: Act 107/1971 Coll.

- prolonged the period of providing the maternity benefit up to two years under the same conditions, and if the woman was employed on day of the childbirth and she participated on the sickness insurance for at least 90 days during the year before the childbirth (students were considered as employees).

1984: Act 110/1984 Coll.

- introduced unconditional maternity benefit for one year.
- Maternity benefit for the second year is provided under the same conditions, additionally, it is also provided for students' wives.
- It introduced the option of providing maternity benefit to a man who provided the care to a child younger than two years, if he was single, a widower, a divorcee and not living with a spouse, or whose wife could not provided the care for a child.

1987: Act 50/1987 Coll.

- prolonged the conditional part of additional maternity benefit up to three years.

1988: Act 188/1988 Coll.

- prolonged the additional maternity leave to three years.

1990: Act 382/1990 Coll.

- introduced parental benefit for the care of child younger than three years.
- The parental benefit was also provided in case of parent's additional income which

was smaller than 1800,- CZK per month.

1995: Act 117/1995 Coll. on State Social Support

- Period for receiving parental allowance was prolonged from 3 years to 4 years, respectively to 7 years in case of a disabled child.

1996: Act 65/1965 Coll., the Labour Code

- Maternity leave was prolonged to 28 weeks, in case of multiple birth or lonely mothers up to 37 weeks.
- The claim to 22 weeks of maternity leave and to the additional leave had also the woman who assumed a child into a permanent surrogate care, who was entrusted to her for later adoption or foster care; or a child whose mother died.

1998: Act 117/1995 Coll. on State Social Support

- Child's attendance of a public institution providing care for pre-school children was allowed, up to 3 days a month.
- Time limitation of parent's occupational activity was abolished, the income from the occupational activity remained limited to living minimum.
- Parental allowance became equal to 1,1 times living minimum.

2001:

Act 65/1965 Coll., the Labour Code

- Additional maternity leave was abolished, instead parental leave was introduced. Parental leave was granted up to the child's third birthday.
- Maternity leave and parental leave could be taken concurrently by a female and a male employee.

Act 117/1995 Coll. on State Social Support

- Child's attendance of a public institution providing care for pre-school children was increased up to 5 days a month.
- Parental allowance was increased to 1,5 times living minimum.

2004: Act 117/1995 Coll. on State Social Support

- The parent was allowed the income from the occupational activity up to 1,54 times living minimum

2005: Act 117/1995 Coll. on State Social Support

- The attendance of a public institution providing care for pre-school children was allowed to children who reached 3 years of age up to 4 hours a day.
- The attendance of a public institution providing care for pre-school children allowed to children, who have not reached 3 years of age, remained limited to 5 days a month.

2006: Act 115/2006 Coll. on Registered Partnership

- The Act introducing registered partnership for homosexual couples came into force. It specified following arrangements regarding parenting:
 - a person in registered partnership is not allowed to foster a child;
 - registered partnership does not present any obstacle in custody of parent's own child;
 - in case of a family household, a registered partner participates on providing care for her or his spouse's child which is in spouse's custody.

2006: Act 262/2006 Coll., the Labour Code

- Longer period of maternity leave (37 weeks) was no longer available to lonely mothers, further only in case of multiple births.
- Maternity benefit could be provided also to mother's husband or to child's father, in case that he concluded with the mother a contract transferring the claim to maternity leave from the mother to him.
- Parental allowance became equal to 40% of average monthly salary two years ago.

2008: Act 117/1995 Coll. on State Social Support

- 3-level parental allowance was introduced, parental allowance could be drawn at three different speeds and rates: increased (two years, 11 400,- CZK per month); basic (up to child reaches three years, 7600,- CZK per month); and decreased (up to

child reaches four years, 3800,- CZK per month). The parent could have chosen the rate whose conditions s/he met and any slower rate.

2009: Act 117/1995 Coll. on State Social Support

- The attendance of a public childcare institution was prolonged up to 6 hours a day, or 5 days a month for children who reached 3 years of age.

2011: Act 117/1995 Coll. on State Social Support

- Period of basic rate was decreased from 21 months of child's age to 9 months.

2012: Act 117/1995 Coll. on State Social Support

- The attendance of a public institution providing care for pre-school children is no more limited for children who reached 2 years of age.
- The attendance of a public institution providing care for pre-school children was increased to 46 hours a month for children who reached 2 years of age.
- Three rates of parental allowance were introduced: 70% of wage if in interval 7600 - 11500 CZK, in case of lower or no previous income 7600,-CZK until the child reaches 10 month, then 3800,- CZK until the child is 48 months old.
- Daily assessment base can be calculated from the income of either parent, regardless who actually receives the parental benefit.

3.3 Analysis of the Czech legislative changes

1995

Changes:

1. Period for receiving parental allowance was prolonged from 3 years of child's age up to 4 years of child's age, or up to 7 years in case of a disabled child (*State Social Support Act 117/1995 Coll.*, 1995).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1	-	+	+	+	-	-	+	+	-	-	+

1. Prolonging the period for which parental allowance is provided, is a typical familialistic policy which strengthens caring responsibilities of the family. Although familialistic policies are usual in conservative welfare state which allocates the care into family, the pure prolonging the period of providing parental allowances from three years to four years, ergo increasing the total amount of provided benefit by a third, represents a higher participation of the state; thus a shift towards social democratic state. Since this arrangement allowed parents (almost entirely women) to stay at home and provide care for their child for a longer period, it seems to reflect Cinderella approach. However, the main aim of this policy was macroeconomic: to exclude part of the population of the labour market (particularly young women), thus prevent the expected (and feared) growth of unemployment rate in the middle of 1990's⁵.

Another problem presents distinction between gendered and de-gendered familialism. Strictly speaking, this policy can be classified as de-gendered, since it does not distinguish between women and men; either parent had the claim to parental allowances. On the other hand, since the amount of men taking parental leave is in long term very low (around 1%), this arrangement effectively enhanced gendered division of labour by pushing women out of the labour market for

⁵ More about this strategy Martin Myant and Jan Drahokoupil (Myant, Drahokoupil, 2014: 529), or Hana Hašková (Hašková, 2010: 4-20).

additional year. Since the policy was neither limited to married couples nor disadvantaged single parents, it could not be classified as distinctive between 'male' and 'female' sexuality. Additionally, this policy was not heteronormative, since the parent was entitled to the parental allowances regardless her or his sexuality or family arrangements.

1996

Changes:

1. Maternity leave was prolonged to 28 weeks, in case of multiple birth or lonely mothers to 37 weeks (*LC, 1996*).
2. The claim to 22 weeks of maternity leave and to the additional leave had also the woman who assumed a child into a permanent surrogate care, who was entrusted to her for later adoption or foster care; or a child whose mother died (*LC, 1996*).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	-	+	+	+	-	+	+	+	-	-	+
2.	-	+	-	+	-	+	+	+	-	-	+

1. Prolonging of the paid maternity leave is, in terms of Esping-Andersen's welfare state typology, similar instrument as the previous prolonging of the period for which parental allowance is provided; therefore it also represents shift toward the social democratic welfare state, or to the conservative welfare state. It is a familialistic policy, led by the Snow-white approach in the endeavour to provide the newly mothers by longer time for convalescence and early care for the newborn child. However, since the introduction of parental allowances terminated the previous option to draw the maternity benefit by the child's father, this policy can be classified as gendered familialism which makes distinctions based on biological sex (only biological woman is entitled to take the leave) and based on gendered division of labour (since the care of a newborn child is supposed to be 'female' occupation). The distinction based on sexuality has, in case of this policy, even positive non-heteronormative effect. Since it does not distinguish women according to their sexuality and it furthermore benefits women who do not live in heterosexual (married) couples, it might even objectively benefit women in non-

traditional families (despite the intended aim of this benefit was to benefit heterosexual women who were lonely from “serious” reasons).

2. Providing the maternity leave also to non-biological women who provided care to a child in foster or adoptive care is a familialistic policy, which represents significant shift toward conservative welfare state, which tries to allocate the child-care into the family, even if it is not biological family⁶. Similarly guided by the Snow-white approach to care as an activity which a woman is willing to perform. Nevertheless, this exact arrangement even strengthens the gendered division of labour. Although the woman is not the biological mother, she is still supposed to provide the care for the child, whereas men are perfectly excluded from this option. This policy is strongly heteronormative: it does not take into account the possible adoption or fostering without presence of a woman.

1998

Changes:

1. Child's attendance of a public institution providing care for pre-school children was allowed, up to 3 days a month (*SSSA*, 1998).
2. Time limitation of parent's occupational activity was abolished, the income from the occupational activity remained limited to living minimum (*SSSA*, 1998).
3. Parental allowance became equal to 1,1 times living minimum (*SSSA*, 1998).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	0	+	+	+	-	0	0	0	0	+	-
2.	+	-	0	+	-	0	0	0	0	+	-
3.	-	+	-	+	-	-	-	-	+	+	-

1. Allowing child's attendance in the public child-care institution⁷ is a typical de-familialistic policy connected with the social democratic welfare state⁸. However,

6 This policy also represents concept of social motherhood when it grants to non-biological mothers same rights as to the biological mothers. The 6 weeks difference represents the period of the maternity leave which is supposed to be taken before the childbirth.

7 In 1998, the vast majority of kindergartens in the Czech Republic was public. There were only 102 private and church kindergartens out of total amount 6152 (Czech Statistical Office).

8 This policy represents typical optional familialism, since it provides the parent with the option to choose between family and institutional care.

since this arrangement allows only three days a month, it can barely be considered as a real opportunity for additional employment of the parent and it rather represents a conservative welfare state policy which is aimed to partially relieve the primary care-giver. It is an obvious Cinderella approach which recognizes that the primary care-giver needs to retrieve from her or his responsibilities. However, this policy was rather controversial. It has been argued that in case that a child in family care attends public child-care institution, the particular family receives double benefits: in form of parental allowances and in financial support of the public child-care institutions from public (mainly municipal) budgets.

2. The abolition of time limits of parent's employment was definitely a strong shift towards liberal welfare state and it represents a significantly de-familialistic policy. It was guided by Cinderella approach to care which is assumedly not the only occupation the parent wishes to perform. This policy might have allowed greater economic independence of the primary care-givers, however, the limitation of the income from such an employment to the amount of living minimum precluded any significant changes in one breadwinner model, since the primary care-giver's income remained just additional.
3. The increase of coefficient for the calculation of parental allowances represents both Cinderella approach to the care (care is work which should be rewarded) and conservative welfare state (which encourages women to stay at home and provide care for their children). On the other hand, it is also the opposite of devaluation of family care: it is a typical de-gendered familialistic policy, since it provided higher remuneration of the 'female' care but it aimed to encourage allocation of the care into family.

2001

Changes:

1. Additional maternity leave was abolished; instead parental leave was introduced. Parental leave was granted up to the child's third birthday (*LC*, 2001).
2. Maternity leave and parental leave could be taken concurrently by a female and a male employee (*LC*, 2001).
3. Child's attendance of a public institution providing care for pre-school children was increased up to 5 days a month (*SSSA*, 2001).
4. Parental allowance was increased to 1,5 times living minimum (*SSSA*, 2001).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	0	+	-	+	-	-	-	-	+	-	+
2.	-	0	0	-	+	-	-	+	-	-	+
3.	0	+	-	+	-	0	0	0	0	+	-
4.	-	+	-	+	-	-	-	-	+	+	-

1. This policy broadened the concept of 'right to care' to fathers, it was the first time when men became entitled to a parental leave in the Czech Republic. This change undermined the gendered division of labour, since it allowed fathers to become the primary care-giver while protecting their work place, whereas it ceased to allocate the care primarily to women. Thus, this policy is one of the purest examples of the de-gendered familialism. According to the welfare-state typology, it strengthens conservative welfare state by broadening family's options for providing care in the family, without encouraging male breadwinner model. Since this policy represented care as an activity which men should have right to perform and which they assumedly also want to perform, it might have been underlined by Snow-white approach in which care is seen as pleasant a rewarding activity, despite this approach allocated care to women. Nevertheless, the fact that the granted period of parental leave was only three years, in comparison with four years of providing parental benefit, proved to be problematic. To utilize granted financial support, the parent (in 99% a woman) was encouraged to stay at home and provide care for 4 years. However, her (or his) work place ceased to be granted already after three years. This arrangement in fact disadvantaged parents of pre-school children in labour market.
2. This policy is familialistic but rather unclassifiable in terms of welfare-state typology, except of weakening liberal welfare state. The opportunity to take in the same period maternity leave (for a women) and parental leave (for a man) was strongly heteronormative distinction based on parent sexuality. It omitted other family arrangements than heterosexual couples, and it did not provide them any

comparable benefits. On the other hand, this policy further undermined gendered division of labour and male breadwinner model when it provided men by the option to provide care for newborn children. Again, it may be presented as Snow-white approach in which care is seen as pleasant a rewarding activity, despite this approach allocated care to women.

3. Increasing of allowed period of child's attendance in the public child-care institution⁹ is a typical de-familialistic policy connected with the social democratic welfare state¹⁰. This arrangement allowed five days a month, which could have enabled the primary care-giver to get a quarter part-time job. However, since the part-time jobs were only rare in 2001¹¹ when only 5,4 %¹² of all employed women worked part-time, this policy might be classified similarly as the policy allowing the child's attendance for three days in 1998: a conservative welfare state policy which is aimed to partially relieve the primary care-giver.
4. Another increase of coefficient for the calculation of parental allowances can be classified similarly as in the previous case: Cinderella approach to the care, conservative welfare state, and de-gendered familialistic policy, since it provided higher remuneration of the 'female' care but it aimed to encourage allocation of the care into family.

2004

Changes:

1. The parent was allowed the income from the occupational activity up to 1,54 times living minimum (SSSA, 2004).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	+	-	-	-	+	-	-	-	-	+	-

9 In 2001, the vast majority of kindergartens in the Czech Republic was public. There were only 84 private and church kindergartens out of total amount 5776 (Czech Statistical Office).

10 This policy represents typical optional familialism, since it provides the parent with the option to choose between family and institutional care.

11 And they still are despite slight improvement.

12 World Databank. Gender statistics.

1. Increase of allowed additional income of the parent who receives parental benefit is another shift towards liberal welfare state and it represents a de-familialistic policy. It was underlined by Cinderella approach to care which is assumedly not the only occupation the parent wishes to perform. Due to this policy, the allowed amount of the additional income became even slightly higher than amount of the parental benefit. Although this policy allocates care providing into the family, it simultaneously weakens gendered division of labour, allowing the primary care-giver (woman) to increase her participation in the labour market and consequently her economic independence.

2005

Changes:

1. The attendance of a public institution providing care for pre-school children was allowed to children who reached 3 years of age up to 4 hours a day (SSSA, 2005).
2. The attendance of a public institution providing care for pre-school children allowed to children, who have not reached 3 years of age, remained limited to 5 days a month (SSSA, 2005).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	0	-	+	-	+	0	0	0	0	+	-
2.	-	+	-	+	-	0	+	-	-	-	+

1. Increasing of the allowed child's attendance in the public child-care institution¹³ is a typical de-familialistic policy connected with the social democratic welfare state and Cinderella approach to care. It broadened the opportunities of the primary care-giver to participate on the labour market, and theoretically improved the conditions of employed parents. This policy responded to the discrepancy between the length of parental leave and the period of providing parental allowances; it allowed the parent to return to her or his occupation for part-time work when the child reached

¹³ In 2005, the vast majority of kindergartens in the Czech Republic was public. There were only 93 private and church kindergartens out of total amount 4834 (MŠMT).

three years. However, the part-time positions remained rather rare, only 5,5% of women in 2005 worked part-time.

2. On other hand, this policy corresponded with the magical boundary three years of age until which time is supposed to be best for the child to be taken care of by his or her parent (preferably mother). This conservative familialistic approach is very influential in the Czech family debate¹⁴.

2006

Changes:

1. The Registered Partnership Act introducing registered partnership for homosexual couples came into force. It specified following arrangements regarding parenting: a person in registered partnership is not allowed to adopt a child; registered partnership does not present any obstacle in custody of parent's own child; in case of a family household, a registered partner participates on providing care for her or his spouse's child which is in spouse's custody (*RPA*, 2006).
2. According to the new Labour Code, the longer period of maternity leave (37 weeks) was no longer available to lonely mothers, further only in case of multiple births (*new LC*, 2006).
3. Maternity benefit could be provided also to mother's husband or to child's father, in case that he concluded a contract with the mother transferring the claim to maternity leave from the mother to him (*new LC*, 2006)..
4. Parental allowance became equal to 40% of average monthly salary two years ago (*new LC*, 2006).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	0	+	0	+	-	-	-	+	-	0	0
2.	+	-	-	+	-	+	+	+	-	0	0
3.	-	+	0	+	-	-	-	-	+	-	+
4.	-	+	-	+	-	-	-	-	+	+	-

¹⁴ More about this problem Hana Hašková, Jiří Mudrak and Steven Saxonberg. (Saxonberg, Hašková, Mudrak, 2012).

1. Although the Act 115/2006 Coll. about registered partnership is not direct part of Czech family legislation, it had direct consequences on family arrangements of homosexual couples and on (potential) homoparentality. This particular act is difficult, or rather impossible to classify in terms of welfare-state typology or fairy-tales approaches; therefore I will refrain from such efforts. However, this law represents a typical gendered familialism, specifically distinction based on sexuality and distinctive discrimination of homosexual couples. I will not argue about the justification of such a discrimination instead, I will focus on the approach of the law to children living in family households with registered partners, one of whom being child's biological parent (the legislation emphasizes that registered partnership cannot be an obstacle to the custody of registered partner's biological children). The prohibition of adoption is in this situation especially problematic: the non-biological parent is not allowed to adopt the child, on the other hand, the legislation imposes obligations on the non-biological parent without providing her or him by any rights. The Czech LGBT community pursuit legal change of this situation for several years, the draft act was introduced in the Parliament in 2014 but it has not been discussed yet¹⁵. This policy is in its consequences familialistic and conservative, since it allocated care providing into family and broadened the circle of adults responsible for the provision of care.
2. The termination of special treatment of lonely mothers was justified by assumed misusing of this benefit by women who classified themselves as lonely, but actually lived in a heterosexual family couples which were intentionally not institutionalized¹⁶ (Seemanová, 2013). However, this legislative change was at the expense of truly lonely mothers and contributed to worsening their and their children's situation. Nevertheless, this policy represents a shift from social democratic welfare state towards liberal. It can be classified as gendered familialism, since it transfer the responsibility for difficult life situation back to the family, in this case namely to the mothers and withdraw from them state social support, thus it indirectly support heterosexual partnerships.
3. This policy further broadened the concept of 'right to care' to fathers, it was the first time when men became entitled to maternity benefit based solely on the agreement

15 The draft should allow adoption of partner's child in registered partnership by the other, partner who is not a biological parent of the child. ("Novela registrovaného partnerství byla předložena". PROUD. 6. 8. 2014.)

16 More about lonely mothers and mothers self-classified as lonely Jana Seemanová (Seemanová, 2013).

with child's mother in the Czech Republic. This change undermined the gendered division of labour, since it strengthened fathers' opportunity to provide primary care for their newborn child, whereas it provided women the opportunity to return to their work before the end of maternity leave without losing the maternity benefit. Thus, this policy is another pure example of the de-gendered familialism. Similarly to the introduction of parental leave, this change, in terms of the welfare-state typology, strengthens conservative welfare state by broadening family's options for providing care in the family, without encouraging male breadwinner model. Since this policy represented care for children younger than 6 months as an activity which men might want to perform, it might have been underlined by Snow-white approach in which care is seen as pleasant a rewarding activity, despite this approach allocated care to women. Nevertheless, the maternity benefit was not renamed and it remained primarily designed to new mothers.

4. Another increase parental allowances related its amount to average monthly wage. It can be classified similarly as in the previous cases: Cinderella approach to the care, conservative welfare state, and de-gendered familialistic policy, since it provided higher remuneration of the 'female' care but it aimed to encourage allocation of the care into family.

2008

Changes:

1. A 3-level parental allowance was introduced, parental allowance could be drawn at three different speeds and rates with the possibility of choice of higher rate based on parents previous income: up till the child reached two years at increased rate (11 400,- CZK per month, if the parent was entitled to the maternity benefit in minimally the same amount); up till the child reached 3 years at basic rate (7600,- CZK per month, if parent did not meet conditions for the increased rate but was entitled to maternity benefit); or up till the child reached 21 months at basic rate and then up till the child reached 4 years at decreased rate (3800,- CZK per month, if the parent was not entitled to maternity benefit). The parent could have chosen the rate whose conditions s/he met and any slower rate (SSSA, 2008).

Overview of parental benefit rates

	0 - 5 months	5 - 21 months	21 - 24 months	24 - 36 months	36 - 48 months
Claim to maternity benefit min. 11 400,-	Maternity leave, min. 11 400,-	11 400,-	11 400,-	X	X
Claim to maternity benefit less than 11 400,-	Maternity leave, less than 11400,-	7 600,-	7 600,-	7 600,-	X
No claim to maternity benefit	7 600,-	7 600,-	3 800,-	3 800,-	3 800,-

Assorted by Klaudia Teichmanová, source: Ministry of Labour and Social Affairs, CR.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	-	+	-	-	+	-	-	-	-	+	-

1. This policy represented a significant shift from social welfare state towards conservative welfare state, since it, for the first time in the Czech Republic, introduced different opportunities according to parent's income. The conservative welfare state is characteristic by its focus on maintaining the socio-economic status in case of required state assistance. This condition is met by determination of the possible rate of parental allowances by the previous income of the parent. This policy is de-familialistic, since it provides parents with the opportunity to transfer the child-care out of the family in shorter time by similar amount of benefit. It is probably inspired by Cinderella approach since it acknowledges parent's possible wish or need to return to employment before child's reaching third year and it does not punish parents for this transfer. However, the possibility of higher monthly amount of parental allowances was redeemed by shorter period of providing the benefit. Since the total amount of provided benefits was similar, the social equality

supposedly remained. However, this policy deprived parents with lower or no incomes (including jog aspirants and students) from making their own choices regarding the length of period and monthly amount of received parental allowances.

2009

Changes:

1. The attendance of a public childcare institution was prolonged up to 6 hours a day, or 5 days a month for children who reached 3 years of age (SSSA, 2009).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	0	0	+	- /+	+/-	0	0	0	0	+	-

1. Allowing child's attendance in the public child-care institution¹⁷ is a de-familialistic policy connected with the social democratic welfare state and Cinderella approach. Prolonging the allowed attendance to 6 hours a day enhanced parent's opportunities in participation in the labour market. However, despite the break of the three-year boundary in the previous change, change, it sustained in this policy, presenting familialistic aspect.

2011

Changes:

1. Period of basic rate was decreased from 21 months of child's age to 9 months (SSSA, 2011).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	+	0	-	+	-	0	+	-	-	-	+

¹⁷ In 2005, the vast majority of kindergartens in the Czech Republic was public. There were only 93 private and church kindergartens out of total amount 4834 (MŠMT).

1. This policy represented the first (and only) decrease of amount of parental allowances in the monitored period. It also weakened social welfare state and signified shift towards liberal welfare state. This policy is familialistic, since it strengthens parent's economic dependence on the family and supports male breadwinner model. It is a distinctive example of devaluation of family care; therefore it represents gendered familialism based on distinction of gendered division of labour. It may be interpreted by Snow-white approach, claiming that higher remuneration of the 'female' care is non-essential since providing child-care is not work but rather quality time which a mother spends with a child and it is unnecessary to reward her financially for this activity.

2012

Changes:

1. Three rates of parental allowance were introduced: 70% of wage if in interval 7600 - 11500 CZK, or, in case of lower or no previous income 7600,- CZK until the child reaches 10 months, then 3800,- CZK until the child is 48 months old (SSSA, 2012).
2. Daily assessment base can be calculated from the income of either parent, regardless who actually receives the parental benefit (SSSA, 2012).
3. Additional parent's income is no more tested (SSSA, 2012).
4. The attendance of a public institution providing care for pre-school children is no more limited for children who reached 2 years of age (SSSA, 2012).
5. The attendance of a public institution providing care for pre-school children was increased to 46 hours a month for children who reached 2 years of age (SSSA, 2012).

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1.	-	+	-	-	+	-	-	-	-	+	-
2.	-	+	-	+	-	-	+	+	-	0	0
3.	+	-	-	-	+	-	-	-	-	+	-
4.	0	0	+	-	+	0	0	0	0	+	-
5.	0	0	+	-	+	0	0	0	0	+	-

1. This policy adjusted the previous three-rate system of parental benefits, simplified several requirements and allocated the same sum of parental allowances to all particular rates. It also provided more flexibility by providing the possibility to change already chosen rate each three months. It sustained its characteristics of the conservative welfare state by different opportunities according to parent's income. The conservative welfare state is characteristic by its focus on maintaining the socio-economic status in case of required state assistance. This condition is met by determination of the possible rate of parental allowances by the previous income of the parent. This policy is de-familialistic, since it provides parents with the opportunity to transfer the child-care out of the family in shorter time by similar amount of benefit. It is probably inspired by Cinderella approach since it acknowledges parent's possible wish or need to return to employment before child's reaching third year and it does not punish parents for this transfer. However, the possibility of higher monthly amount of parental allowances was redeemed by shorter period of providing the benefit. Since the total amount of provided benefits was similar, the social equality supposedly remained. However, this policy deprived parents with lower or no incomes (including job aspirants and students) from making their own choices regarding the length of period and monthly amount of received parental allowances.

Overview of parental benefit rates in 2012

	0 – 10 months	10 – 24 months	24 - 36 months	36 - 48 months
70% of wage at least 11 500,-	Maternity leave, min. 11 400,-	11 400,-	X	X
70% of wage in interval 7 600,- – 11 500,-	Maternity leave, less than 11400,-	7600,-	7600,-	X
Lower or no income	7600,-	7600,-	3800,-	3800,-

Assorted by Klaudia Teichmanová, source: Ministry of Labour and Social Affairs, CR.

2. This policy presents considerable shift towards familialism and conservative welfare state. It provides an opportunity to families where only one parent has (higher) income to choose the rate of parental benefit. It enhances male

breadwinner model, since it relies rather on concept of family income rather than on individual income and due the gender payment gap it strengthens gendered division of labour. Similarly, this policy is an example of gendered distinction based on sexuality and heteronormativity, since it strictly benefits heterosexual couples and does not provide any comparable opportunity to non-heterosexual family arrangements.

3. This policy terminated limitations set on allowed additional income of the parent who was receiving parental benefit; this it presents significant shift towards liberal welfare state and it represents a de-familialistic policy. It was underlined by Cinderella approach to care. Although this policy allocates care providing into the family, it simultaneously weakens gendered division of labour, allowing the primary care-giver (woman) to increase her participation in the labour market and consequently her economic independence.
4. This change terminated the restrictions on the gainful employment of parents receiving parental benefit without setting any reductions on the amount of the provided parental allowances. Nevertheless, another problem might have raised in insufficient number of places in public day care institutions which effectively problematized the opportunity to work full-time. However, matters of public kindergartens are not the object of this analysis. Additionally, the unreduced parental benefit may be used for financing another provision of child-care such as a private kindergarten or non-institutional childcare; this policy definitely increased amount of parents' opportunities. Otherwise, previous classification of allowing child's attendance applies: a de-familialistic policy connected with the social democratic welfare state and Cinderella approach.
5. This arrangement harmonized discrepancies between different periods of providing parental benefit and working limitations of parents of children younger than three years. It allowed them to get employed at a quarter part-time. The amount of Czech women working part-time increased up to 8% in 2013 but it is still rather low in comparison with 18% of Swedish women working part-time. Allowing child's attendance in the public child-care institution is a typical de-familialistic policy connected with the social democratic welfare state and Cinderella approach.

3.4 Summary of the current state of Czech family policies

Currently valid policies according to the evaluates signs

1. Who is entitled to parental leave and parental benefit? Gender equality of parental leave and parental allowance utilization.
 - Both women and men are entitled to parental allowances and to parental leave under same conditions. The maternity leave (28 weeks) remains allocated to women, nevertheless men can take parental leave for the same period. Women are entitled to maternity benefit but they can transfer this right to the child's father or to their husband. This arrangements represent conservative welfare state guided by Snow-white approach, which allocates child-care into family considering child-care to be an self-rewarding activity which both parents wish to perform. Additionally, they can be classified as de-gendered familialism since they do not discriminate between men and women.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
who	-	+	-	+	-	-	-	-	+	-	+

2. What is the length of parental leave and parental allowance utilization and what is the differences between these periods?
 - The length of parental leave is up to child's three year. The length of parental allowances varies between two, three or four years. Its length can be chosen by the parent who takes it, provided meeting the conditions based on the high of income of either of child's parents. If any of them do not meet these conditions, the length of parental benefit is obligatory set to four years. Consequently, the length of parental benefit can be approximately six months shorter (maternity leave plus two-year parental benefit), same, or one year longer than parental leave.
 - This arrangement represents conservative welfare state which aims to sustain socio-economic status. On the other hand, it can be classified as de-familialism guided by Cinderella approach, providing parents (with sufficient income) by the opportunity

to choose the length of taking parental benefit and harmonize it with the length of parental leave.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
length	-	+	-	-	+	0	0	0	0	+	-

3. What is the amount of parental allowance in comparison to parent's previous wage, or in case of flat rate benefits, to the average wage in the country?
- Parents in the Czech Republic have currently three options of monthly amount of the parental benefit according to the rate and period. The following charter represents the three possible levels. The parent is allowed to choose the rate which conditions s/he meets and any lower pace. The sum of provided parental allowances is defined as 220 000,- CZK. The minimal monthly amount of parental allowance for employed parent is 7 600 CZK, which represents 30,3% of the average monthly wage. The maximum of maternity benefit is 1088,- CZK per day (32 640 CZK) (Ministry of Labour and Social Affairs).
 - This arrangement represents conservative welfare state which aims to sustain socio-economic status. On the other hand, it can be classified as de-familialism guided by Cinderella approach, providing parents (with sufficient income) by the opportunity to choose the length of taking parental benefit and harmonize it with the length of parental leave.

	154 days	180 days	270 days	390 days	480 days	Up to 2 years ¹⁸	Up to 3 years ¹⁹	Up to 4 years ²⁰
Income more than 30% AMW	70% of wage up to 130% AMW ²¹	Up to 45% AMW, no more than 70% of wage	Up to 45% AMW, no more than 70% of wage	Up to 45% AMW, no more than 70% of wage	Up to 45% AMW, no more than 70% of wage	Up to 45% AMW, no more than 70% of wage		
Income more less or equal 30% AMW	70% of wage	Up to 30% AMW	Up to 30% AMW	Up to 30% AMW	Up to 30% AMW	Up to 30% AMW	Up to 30% AMW	
No income	30% AMW	30% AMW	30% AMW	15% AMW	15% AMW	15% AMW	15% AMW	15% AMW

Assorted by Klaudia Teichmanová, source: Ministry of Labour and Social Affairs, CR.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
amount	-	+	-	-	+	0	0	0	0	+	-

4. Do exist any incentives to participation of both parents? Dividing of parental leave and parental allowance between parents, equality benefits for more equal participation on parental leave utilization, untransferable period.
- There are currently no legislative incentives to participation of both parents on parental leave, either equality benefits or untransferable period. This arrangement represents familialistic conservative approach which leaves the choice gendered division labour to the parents. However, there is a draft bill from presented by Ministry of Labour and Social Affairs introducing an untransferable period of two weeks.

18 Or until drawing the sum,- 220 000 CZK.

19 Or until drawing the sum,- 220 000 CZK.

20 Or until drawing the sum,- 220 000 CZK.

21 Reduced daily assessment.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
sharing	-	+	-	-	+	-	+	-	-	0	0

5. Does the law treat particularly single parents?

- The single parents are entitled to the same length of maternity leave and parental leave, and the same amount of maternity benefit and parental allowance as parents living with a spouse. This treatment represents liberal welfare state which locates responsibility primarily to the individual. However, it also represents gendered familialism since it forces women into greater dependency on their families.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
single	+	-	-	+	-	+	+	-	-	0	0

6. Does the law benefit the law heterosexual couples?

- The Czech family law is heteronormative – it is based on the model of heterosexual family and does not provide comparable benefits to homosexual individuals and couples. The most significant example is the imposing child-care responsibilities on the non-biological parent in registered partnership without providing her or him any parental rights. Another example is the calculation of the monthly amount of parental benefit regardless which parent is the actual receiver of the benefit. These arrangements represents familialistic approach of the conservative welfare state, with distinctions based on sexuality of the parents.

	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
hetero-normative	-	+	-	+	-	-	+	+	-	0	0

7. Does the law set any limitations for parent's gainful employment during receiving parental benefit?

- There are no limitations for parent's gainful employment during receiving parental benefit, neither temporal nor income-based. This policy represents de-familialistic liberal welfare state based on Cinderella approach.

	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
employment	+	-	-	-	+	0	0	0	0	+	-

8. Does the law set any limitations for child's attendance at public daycare institutions?

- There are no legislative limitations for child's attendance at public daycare institutions for the child older than two years. The attendance of children younger than two years is limited to 46 hours a month. This policy represents de-familialistic liberal welfare state based on Cinderella approach.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
inst. care	-	-	+	-	+	0	0	0	0	+	-

3.5 Summary of the Czech legislative development between years 1995-2012

3.5.1 Welfare-state typology

The dominant tendency towards a particular kind of welfare states, which manifested in the Czech family policies in the monitored period, indisputably was the shift towards conservative model. Rate of changes towards particular kinds of welfare states was following: 5 changes towards liberal welfare state : 15 changes towards conservative welfare state : 7 changes towards social democratic welfare state. Interesting fact is that of the 7 changes towards social democratic welfare state, only two were introduced by social democratic ministers. In both cases, the introduced change was the prolonging of the allowed child's attendance of a public childcare institution: up to 4 hours a day for children older than 3 years in 2005; later in 2009 up to 6 hours a day for children older than 3 years, and up to 5 days a month for children who younger than 3 years. The termination of limitations of this attendance for children who reached two years and its broadening for children younger than two years, was introduced by right-wing government.

On the other hand, most of the policies introduced by both wings represented shifts towards the conservative welfare state. The right-wing allowed strictly limited child's attendance in public kindergartens, which did not effectively allow parents to simultaneously participate in labour market (at least part-time), three-rate system of providing parental benefits and the option to calculate the monthly amount of parental benefit regardless which parent is the actual receiver of the benefit. Left-wing cabinets provided men with parental leave by changing the additional maternity leave to gender-neutral parental leave, entitled them to the transferred maternity benefit based solely on (written and announced to competent authorities) agreement with the mother entitled to the maternity benefit and several times increased the parental benefit. Last but not least, the social democratic cabinet imposed the child-care responsibilities on the non-biological parent in registered partnership without providing her or him by any parental rights to such a child.

Changes towards liberal states were the least often, and appeared rather sporadically across different cabinets. Among them belong the abolition of time limit for

parent's gainful employment, the gradual increase of the limit on parent's income from gainful employment up to final termination of testing of parent's income, the abolition of prolonged maternity leave for lonely mothers, or decrease of basic rate from up till 21 months of child's age to up till 9 months of child's age.

3.5.2 Familialism and de-familialism

Another type of policies which dominated this nearly twenty-year period, was familialism, at the rate 16 familialistic policies to 9 de-familialistic policies, which were introduced by both right-wing and left-wing cabinets. Nevertheless, whereas policies of the right-wing cabinets in late 1990's, such as prolonging the length of parental allowance up to four years, or prolonging the maternity leave, were strictly familialistic, the right-wing cabinets in the new millennium employed more or less de-familialistic policies, such as termination of testing of parent's income, the termination of limits for child's attendance in public kindergartens for child over two years and decreasing of limits for child's attendance in public kindergartens for child under two years. However, the right-wing cabinets also introduced several familialistic policies, for example the already mentioned option to calculate the monthly amount of parental benefit regardless which parent is the actual receiver of the benefit.

Left-wing cabinets introduced at the beginning of the new millennium several crucial familialistic policies: the abolition of prolonged maternity leave for lonely mothers and providing men with the right to parental leave. Whereas the left-wing cabinets tended to increase the parental benefit, the right-wing cabinets focused rather on gradual increase of the limit on parent's income from gainful employment until the final termination of testing of parent's income.

Majority of familialistic policies was gendered, usually distinguishing according to the gendered division of labour (7 policies) or sexuality (7 policies), the distinction based on biological sex was rather rare, it characterized only two policies: the prolonging maternity leave up to four years, and the abolition of prolonged maternity leave for lonely mothers. The analysis did not display any pattern connecting either wing with a particular kind of gendered familialism, although most of these policies were introduced by right-wing cabinets, for example calculation of the monthly amount of parental benefit regardless which parent is the actual receiver of the benefit.

Nearly all the de-gendered familialistic policies were introduced by social

democratic cabinets, the entitlement of fathers to transferred maternity benefit based solely on an (written and announced to competent authorities) agreement with the mother entitled to the maternity benefit, increasing amount of monthly parental benefit or providing men with parental leave by changing the additional maternity leave to gender-neutral parental leave. However in 2006, the social democratic party introduced probably the most distinctive example of discrimination based on sexuality, when they imposed child-care responsibilities on the non-biological parent in registered partnership without providing her or him by any parental rights.

3.5.3 Fairy-tales approaches

Despite the distinctive conservative tendencies both in legislation and public debate, the analysis displayed that the Cinderella approach was more influential: Cinderella 14 : Snow-white 8. The Snow-white approach influenced several family policies in the first years of the monitored period, such as prolonging the parental allowance up to four years, or providing men the right to parental leave by changing the additional maternity leave to gender-neutral parental leave. Later on, however, the Cinderella approach became more influential and provoked policies such as the termination of testing of parent's income, the termination of limits for child's attendance in public kindergartens for child over two years, or decreasing the limits for child's attendance in public kindergartens for child under two years.

	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
1995: (1)	-	+	+	+	-	-	+	+	-	-	+
1996: (1)	-	+	+	+	-	+	+	+	-	-	+
1996: (2)	-	+	-	+	-	+	+	+	-	-	+
1998: (1)	0	+	+	+	-	0	0	0	0	+	-
1998: (2)	+	-	0	+	-	0	0	0	0	+	-
1998: (3)	-	+	-	+	-	-	-	-	+	+	-
2001: (1)	0	+	-	+	-	-	-	-	+	-	+
2001: (2)	-	0	0	-	+	-	-	+	-	-	+
2001: (3)	0	+	-	+	-	0	0	0	0	+	-
2001: (4)	-	+	-	+	-	-	-	-	+	+	-
2004: (1)	+	-	-	-	+	-	-	-	-	+	-
2005: (1)	0	-	+	-	+	0	0	0	0	+	-
2005: (2)	-	+	-	+	-	0	+	-	-	-	+
2006: (1)	0	+	0	+	-	-	-	+	-	0	0
2006: (2)	+	-	-	+	-	+	+	+	-	0	0
2006: (3)	-	+	0	+	-	-	-	-	+	-	+
2006: (4)	-	+	-	+	-	-	-	-	+	+	-
2008: (1)	-	+	-	-	+	-	-	-	-	+	-
2009: (1)	0	0	+	- /+	+/-	0	0	0	0	+	-
2011: (1)	+	0	-	+	-	0	+	-	-	-	+
2012: (1)	-	+	-	-	+	-	-	-	-	+	-
2012: (2)	-	+	-	+	-	-	+	+	-	0	0
2012: (3)	+	-	-	-	+	-	-	-	-	+	-
2012: (4)	0	0	+	-	+	0	0	0	0	+	-
2012: (5)	0	0	+	-	+	0	0	0	0	+	-

Summary of legislative changes 1995-2012

3.6 Analysis of Swedish legislation in 2012

3.6.1.1 Currently valid policies according to the evaluated signs

1. Who is entitled to parental leave and parental benefit? Gender equality of parental leave and parental allowance utilization.
 - Any employee who is by the law recognized as a parent and has in care a child who is resident in Sweden is entitled to the parental leave and to the parental benefit under same conditions, regardless her or his gender. According to the Parental Leave Act, following people are entitled to the leave: a legal guardian of a child who has the child in care, a person with a custody of a child for permanent care, a person who permanently lives with a parent, provided that the employee is or has been married or has or has had a child with that parent. According to Social Security Code, following people are entitled to the parental benefit: parent's spouse who permanently lives with the parent; parent's live-in partner who has previously been married or have or have had a child with the parent; specially appointed guardian who care for the child, and prospective adoptive parent. Apart from the maternal leave, whose length is up till seven weeks before the childbirth and up to seven weeks after the childbirth, current Swedish law is gender neutral both in language and application. It strictly uses gender neutral word parent (in Swedish "förälder") and it does not advantage any of the genders in the use of both parental leave and parental benefit. This gender-neutral approach to parenthood represents de-gendered familialism, since it encourages family child-care (by providing parental leave and parental benefit) without distinguishing their biological sex, gender role or sexuality. However, approaching the care providing as an individual right, echoes the Snow-white approach. Similarly, since the state encourages family child-care by providing parental leave and parental benefit, it can be, in this particular respective, classified as the conservative welfare state.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
who	-	+	-	+	-	-	-	-	+	-	+

2. What is the length of parental leave and parental allowance utilization and what is the differences between these periods?
- A parent is entitled to the parental leave until the child is 18 months old. Parents are together entitled to 480 days of provided parental benefits. The number of days when parental benefit is provided together with the seven weeks of the maternity leave approximately corresponds with the length of parental leave. The limited time of parental leave (in comparison with the Czech Republic) encourages the early return of parents to their employment, which may be motivated by Cinderella approach to care. Since the state provides accessible and (mostly) sufficient kindergartens, it represents a typical de-familialistic social democratic welfare state which allocates the care to public institutions.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
length	-	-	+	-	+	0	0	0	0	+	-

3. What is the amount of parental allowance in comparison to parent's previous wage, or in case of flat rate benefits, to the average wage in the country?
- The maximal period of providing of parental benefit is 480 days. The amount provided for a day during the first 180 days is calculated as the qualified daily income times a coefficient 0, 776, up to maximum 946,- SEK per day²²; most of the parents therefore receive parental benefit in the amount of 77,6 % of their previous qualified income. The minimal amount of parental allowance for both employed and unemployed parent for the first 390 days is 225,- SEK for day, which represents 23,2% of the average monthly wage in 2012 which was 29 100,- SEK (Lonerapport, 2013). The amount of parental benefit for the last 90

²² The maximum 946,- SEK per day represents 97 % of the average monthly wage and it can be reached at monthly income 36 572,- SEK, which is equivalent to 125% of the average monthly wage.

days is set to 180,- SEK per day, for all parents regardless their previous income. This amount equals 18,5% of the average monthly wage.

- This arrangement can be classified as conservative welfare state which aims to sustain the parent's socio-economic status. It is rather familialistic, since the amount of benefit for the longer period presents less than 25% of the average monthly wage which enhances parent's dependency on family. It echoes the concept of 'right to care' and Snow-white approach.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
amount	-	+	-	+	-	-	-	-	+	-	+

4. Do exist any incentives to participation of both parents? Dividing of parental leave and parental allowance between parents, equality benefits for more equal participation on parental leave utilization, untransferable period.

- The law contain two direct incentives of participation of both parents on parental leave. Firstly, the "mother-/father-months", in other words the period of parental leave which cannot be transferred from one parent to the other. Secondly, the equality benefit, which financially rewards parents who share the parental leave behind the obligatorily assigned period with the maximal benefit in case of equal share of half of the period by each parent.
- This policy is significantly familialistic and despite its gender neutrality, it may be, in some cases, distinctive according to parent's sexuality. However, the main aim of this policy remains weakening of male breadwinner model and undermining the gendered division of labour. It is motivated by Cinderella approach: it supposes that parents (especially fathers) need to be motivated to participate on care-providing.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
sharing	0	0	0	+	-	-	-	(+)	-	+	-

5. Does the law treat particularly single parents?

- The law in particular level benefits the parent who has a child in solely custody. Such a parent is entitled to full number of parental leave without the need to share or without further penalization. However from this perspective is rather problematic the equality benefit which actually disadvantage lonely parents who cannot reach it by any means. In this perspective, the law is familialistic and possibly enhancing heteronormative family model.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
single	0	0	0	+	-	-	-	(+)	-	+	-

6. Does the law benefit the law heterosexual couples? Is the law heteronormative?

- The law advantages parents who equally share the parental benefit period. However, the law is gender neutral and the same benefit is applied to all parental couples, regardless their sexuality. On the other hand, the law is without doubts based on gender dichotomy and it may be difficult to apply it for family arrangements which are not created by two parents. Similarly, this legislation is an obvious example of heterosexualization of homosexuality, which was criticized by Eike Stedfeld (Stedfeld,1998). The homosexuality is approached from heteronormative standpoint and homosexuals are expected to adapt to heterosexual family norms. As such, it represents gendered familialism based on sexuality, despite its gender neutrality.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
hetero-normative	0	0	0	+	-	-	-	(+)	-	+	-

7. Does the law set any limitations for parent's gainful employment during receiving parental benefit?

- There is no restriction limiting parent's gainful employment during receiving parental benefit. The parent can decide at what rate s/he works and receives a relative part of parental benefit (for example, if the parent works for a quarter of normal working hours, s/he receives three quarters of the day parental benefit). However, the unused parts of parental benefit remains for the use of the parent who can this way use them for a longer period. This policy represents de-familialistic social democratic welfare state based on Cinderella approach whose aim is to substitute the part of parent's income lost by child-care.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
employ-ment	-	-	+	-	+	0	0	0	0	+	-

8. Does the law set any limitations for child's attendance at public daycare institutions?

- The law does not set any limitations for child's attendance at public daycare institutions. This policy represents de-familialistic liberal welfare state based on Cinderella approach

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
Inst. care	-	-	+	-	+	0	0	0	0	+	-

3.7 Development towards Swedish model? Comparison of the current Czech and Swedish family policies

1. Who is entitled to parental leave and parental benefit? Gender equality of parental leave and parental allowance utilization.

- In both countries, the employed parents are entitled to parental leave under same conditions regardless their gender. The claim to the parental leave have also parents' partners from both married and unmarried couples. Maternity leave in both countries is designed solely for women; on the other hand, there is a major difference in its length which is 14 weeks in Sweden and 28 weeks in the Czech Republic. However, during this period, child's father can take parental leave in the Czech Republic and he can even receive maternal benefit if the child's mother transfers him her claim.
- Swedish law is gender neutral both in language and application and it does not advantage any gender in the use of both parental leave and parental benefit. The Czech law significantly evolved in this respect during the monitored period, especially thanks to the series of de-familialistic policies broadening the parental support to parents instead of limiting it to mothers. As the following table displays, the Czech and Swedish law became in this respect almost identical; they are characterized by conservative welfare state, de-gendered familialism and Snow-white approach to care. One of the differences between them is represented by the possibility provided by the Czech law to take concurrently parental and maternity leave by a female and a male employee; whereas in Sweden, parental benefit can be provided for the same child and the same period only to one parent. However, this difference is primarily caused by different lengths of maternity leaves in both countries.

who	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
Sweden	-	+	-	+	-	-	-	-	+	-	+
CR	-	+	-	+	-	-	-	-	+	-	+

2. What is the length of parental leave and parental allowance utilization and what is the differences between these periods?
- Parental leave in Sweden is 18 months and parents are together entitled to 480 days of provided parental benefits. The number of days when parental benefit is provided together with the seven weeks of the maternity leave approximately corresponds with the length of parental leave. On contrary, the length of parental leave in the Czech Republic is up to child's three year and the length of parental allowances varies between two, three or four years.
 - The limited time of Swedish parental leave, in comparison with the Czech Republic, encourages the early return of parents to their employment motivated by Cinderella approach to care. Since the state provides accessible and (mostly) sufficient kindergartens, it represents a typical de-familialistic social democratic welfare state which allocates the care to public institutions. The Czech arrangement with one of the longest parental leave in EU represents typical conservative welfare state which allocates the child-care into family. On the other hand, providing parents (with sufficient income) by the opportunity to choose the length of taking parental benefit and harmonize it with the length of parental leave are de-familialistic policies guided by Cinderella approach. However, for the shift towards social democratic welfare state, the state would have to support higher participation of parents in the labour market by shortening the length of parental benefit and parental leave, with simultaneous extension of available public child-care.

length	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
Sweden	-	-	+	-	+	0	0	0	0	+	-
CR	-	+	-	-	+	0	0	0	0	+	-

3. What is the amount of parental allowance in comparison to parent's previous wage, or in case of flat rate benefits, to the average wage in the country?
- The maximal period of providing of parental benefit in Sweden is 480 days. The amount provided for a day during the first 180 days is calculated as the

qualified daily income times a coefficient 0, 776, up to maximum 946,- SEK per day²³; most of the parents therefore receive parental benefit in the amount of 77,6 % of their previous qualified income. The minimal amount of parental allowance for both employed and unemployed parent for the first 390 days is 225,- SEK for day, which represents 23,2% of the average monthly wage in 2012²⁴ which was 29 100,- SEK (Lonerapport, 2013). The amount of parental benefit for the last 90 days is set to 180,- SEK per day, for all parents regardless their previous income. This amount equals 18,5% of the average monthly wage.

- Parents in the Czech Republic have currently three options of monthly amount of the parental benefit according to the rate and period. The parent is allowed to choose the rate which conditions s/he meets and any lower pace. The sum of provided parental allowances is defined as 220 000,- CZK. The minimal monthly amount of parental allowance for employed parent is 7 600,- CZK, which represents 30,3% of the average monthly wage²⁵. The maximum of maternity benefit is 1088,- CZK per day (32 640 CZK) (Ministry of Labour and Social Affairs).
- These arrangements are similar in terms of calculation of the benefit according to parent's previous income. However, there is a main difference in the concept of equality in both countries, since it is time-based in Sweden, whereas it is based on the same sum of parental benefit in the Czech Republic. On one hand, the Swedish model aims at sustaining the parent's socio-economic status; on the other hand, compared to the Czech model, it encourages parents' to return to work. The Czech parents benefit from the opportunity to choose the length and monthly amount of parental allowances, some social groups, such as unemployed or students, are deprived of this option, which is highly discriminating. It can be problematic in case of parents without additional means of support, such as single parents, who should be the main recipients of social state support.

23 The maximum 946,- SEK per day represents 97 % of the average monthly wage and it can be reached at monthly income 36 572,- SEK, which is equivalent to 125% of the average monthly wage.

24 Average wage in the economy as a whole 2012 – 29 100 SEK (Lönerapport år 2013).

25 The average monthly wage in 2012 was 25 067 CZK (Czech Statistical Office).

amount	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
Sweden	-	+	-	+	-	-	-	-	+	-	+
CR	-	+	-	-	+	0	0	0	0	+	-

The following table displays the amounts of parental benefit in both countries based on average monthly wage in the respective country and the parent's income.

Period	154 days	180 days	270 days	390 days	480 days	29 months ²⁶	Up to 3 years ²⁷	Up to 4 years ²⁸
CR	Income more than 30% AMW	70% of wage up to 130% AMW ²⁹	Up to 45% AMW, no more than 70% of wage	Up to 45% AMW, no more than 70% of wage	Up to 45% AMW, no more than 70% of wage	Up to 45% AMW, no more than 70% of wage	Up to 45% AMW, no more than 70% of wage	
	Income more less or equal 30% AMW	70% of wage	Up to 30% AMW	Up to 30% AMW	Up to 30% AMW	Up to 30% AMW	Up to 30% AMW	Up to 30% AMW
	No income	30% AMW	30% AMW	30% AMW	15% AMW	15% AMW	15% AMW	15% AMW
Sweden	Income more than 23% AMW	77,6% of wage up to 97% AMW	77,6% of wage up to 97% AMW	77,6% of wage up to 97% AMW	77,6% of wage up to 97% AMW	18,5% AMW		
	Income equal or less than 23% AMW	23% AMW	23% AMW	23% AMW	23% AMW	18,5% AMW		
	No income	23% AMW	23% AMW	23% AMW	23% AMW	18,5% AMW		

Assorted by Klaudia Teichmanová, source: Ministry of Labour and Social Affairs, CR and Swedish Försäkringskasan.

26 or til drawing total 220 000 CZK

27 or til drawing total 220 000 CZK

28 or til drawing total 220 000 CZK

29 Reduced daily assessment

4. Do exist any incentives to participation of both parents? Dividing of parental leave and parental allowance between parents, equality benefits for more equal participation on parental leave utilization, untransferable period.

- The Swedish law contains two direct incentives of participation of both parents on parental leave. Firstly, the "mother-/father-months", in other words the period of parental leave which cannot be transferred from one parent to the other. Secondly, the equality benefit, which financially rewards parents who share the parental leave behind the obligatorily assigned period with the maximal benefit in case of equal share of half of the period by each parent. In contrast, the Czech law does not support sharing of parenthood by any means. However, there is a public debate on introducing an untransferable period of parental benefit, which is supported by the current minister of Labour and Social Affairs from the social democratic party, who is a proclaimed feminist. Nevertheless, the Swedish approach to the participation of both parents on child-care is strongly familialistic and de-gendered, whereas the Czech approach is still de-familialistic.

sharing	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
Sweden	0	0	0	+	-	-	-	(+)	-	+	-
CR	-	+	-	-	+	-	+	-	-	0	0

5. Does the law treat particularly single parents?

- The Swedish law in particular level benefits the parent who has a child in solely custody. Such a parent is entitled to full number of parental leave without the need to share parental benefit without further penalization. However from this perspective is rather problematic the equality benefit which actually disadvantage lonely parents who cannot reach it by any means. The Czech law directly supported employed single mothers by providing them by longer maternity leave and benefit but this arrangement has been abolished since 2006. In this perspective, the law is familialistic and possibly enhancing heteronormative family model.

single	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
Sweden	0	0	0	+	-	-	-	(+)	-	+	-
CR	+	-	-	+	-	+	+	-	-	0	0

6. Does the law benefit the law heterosexual couples? Is the law heteronormative?

- The Swedish law is gender neutral and it applies equality benefit to all parental couples, regardless their sexuality. On the other hand, the law is without doubts based on gender dichotomy and it may be difficult to apply it for family arrangements which are not created by two parents. Similarly, this legislation is an obvious example of heterosexualization of homosexuality, which was criticized by Eike Stedfeld (Stedfeld,1998). The homosexuality is approached from heteronormative standpoint and homosexuals are expected to adapt to heterosexual family norms. As such, it represents gendered familialism based on sexuality, despite its gender neutrality. The Czech family law is heteronormative – it is based on the model of heterosexual family and does not provide comparable benefits to homosexual individuals and couples. The most significant example is the imposing child-care responsibilities on the non-biological parent in registered partnership without providing her or him any parental rights. Another example is the calculation of the monthly amount of parental benefit regardless which parent is the actual receiver of the benefit. These arrangements represents familialistic approach of the conservative welfare state, with distinctions based on sexuality of the parents.

hetero-normative	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1.	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
Sweden	0	0	0	+	-	-	-	(+)	-	+	-
CR	-	+	-	+	-	-	+	+	-	0	0

7. Does the law set any limitations for parent's gainful employment during receiving parental benefit?

- Neither Swedish nor Czech legislation set restriction to parent's gainful employment during receiving parental benefit. Nevertheless, parents in Sweden can decide at what rate they work and they receive the relative part of parental benefit. However, the unused parts of parental benefit remains for the use of the parent who can this way use them for a longer period. Contrarily, there are no limitations for parent's gainful employment during receiving parental benefit in the Czech republic, neither temporal nor income-based and the amount of parent's benefit remains unchanged. Nevertheless, both arrangements represent de-familialism based on Cinderella approach to care.

Change	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1.	1.2.	1.3.	2.1	2.2.	3.1.	3.2.	3.3.	3.4.	4.1.	4.2.
employment				.							
Sweden	-	-	+	-	+	0	0	0	0	+	-
CR	+	-	-	-	+	0	0	0	0	+	-

8. Does the law set any limitations for child's attendance at public daycare institutions?

- The Swedish law does not set any limitations for child's attendance at public daycare institutions. The Czech family policy evolved in the monitored period from the total restriction of child's attendance at public daycare institutions during the period when a parent was receiving parental allowances, to unlimited attendance of children older than two years. However, the attendance of children younger than two years is limited to 46 hours a month. Despite remaining limitations for younger children, policies of both countries represent de-familialistic liberal welfare state based on Cinderella approach.

Institutional care	Type of welfare state			De-/familialism		De-/gendered familialism				Fairy-tales approaches	
	1.1	1.2	1.3	2.1	2.2	3.1	3.2	3.3	3.4	4.1	4.2
		
Sweden	-	-	+	-	+	0	0	0	0	+	-
CR	-	-	+	-	+	0	0	0	0	+	-

4 Conclusion

The main aim of this thesis was to analyse the Czech family policy, compare it with the Swedish family policy and ascertain whether the Czech legislation advanced to the so-called Scandinavian welfare state model in years 1995-2012. The main research questions were: what was the development of the Czech legislation on parental leave and parental allowances in years 1995-2012 in terms of gender-sensitive welfare state typology? Did this development approximate the Czech legislation to Swedish social democratic model? The analysis of the Czech policies development revealed that the dominant tendency towards a particular kind of welfare states, which manifested in the Czech family policies in the monitored period, indisputably was the shift towards conservative model. Another type of policies which dominated this nearly twenty-year period, was familialism. However, there is a growing trend of de-familialistic policies in last years. Despite the distinctive conservative tendencies both in legislation and public debate, the analysis displayed that the Cinderella approach was more influential than Snow-white approach, however dominant the latter is in the the public debate.

The comparison of the current Czech and Swedish legislations displayed that Swedish law is gender neutral both in language and application and it does not advantage any gender in the use of both parental leave and parental benefit. The Czech law significantly evolved in this respect during the monitored period, especially thanks to the series of de-familialistic policies broadening the parental support to parents instead of limiting it to mothers. In both countries, the employed parents are entitled to parental leave under same conditions regardless their gender, whereas maternity leave in both countries is designed solely for women.

Despite the de-familialistic approach allowing parents to choose the length of taking parental benefit, for the shift towards social democratic welfare state, the state would have to support higher participation of parents in the labour market by shortening the length of parental benefit and parental leave, with simultaneous extension of available public child-care.

The Swedish law is gender neutral and it applies equality benefit to all parental couples, regardless their sexuality. On the other hand, the law is without doubts based on gender dichotomy and it may be difficult to apply it for family arrangements which are not created by two parents. As such, it represents gendered familialism based on sexuality, despite its

gender neutrality. The Czech family law is heteronormative – it is based on the model of heterosexual family and does not provide comparable benefits to homosexual individuals and couples. The most significant example is the imposing child-care responsibilities on the non-biological parent in registered partnership without providing her or him any parental rights. Another example is the calculation of the monthly amount of parental benefit regardless which parent is the actual receiver of the benefit. These arrangements represents familialistic approach of the conservative welfare state, with distinctions based on sexuality of the parents.

To sum up, we can say that the Czech family policies in monitored period approximated towards the Swedish model. However, there still remains several significant conservative and familialistic aspects.

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6 List of used abbreviations

LC	<i>Labour Code 65/1965 Coll.</i>
new LC	<i>Labour code 262/2006 Coll.</i>
LGBT	lesbian, gay, bisexual, trans-sexual
RPA	<i>Registered Partnership Act 115/2006 Coll.</i>
SSSA	<i>State Social Support Act 117/1995 Coll.</i>