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**Paternity Benefit Leaves in India: Need, Cost**  
**and Gender Reform**

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## **Abstract**

*The recent onset of maternity leaves is essential for empowering the modern-day woman. But at the same time, it continues to reinforce the idea of 'Women as the caregiver.' We raise a simple question - what about the duty of Fathers as equal caregivers? In the 21st century, we continue to battle against a plethora of gender-biased norms reflected in a country's legal regime. This social construct discriminates against people based on their gender overlooking the abilities they possess. Beyond breaking these taboos, we prove that Paternity leaves foster better bonds between the father and child while increasing the economic labour force participation of women. To live up to the constitutional principle of equality, the recently introduced Indian Paternity Leave Bill rekindles hope for creating an economically viable policy to enable Indian men to take up greater household roles. We propagate for learning from the Scandinavian countries and instilling their best practices in domestic policy. To conclude, we aim to establish the need for lengthened paternity leaves as a policy measure and as a reform that transforms social structures.*

## **1.0 Introduction**

Parental leave is a labour benefit law that provides job-protected leaves to care for a newly born or adopted child. It can be paid or unpaid. It solely ensures that the caretaker can balance both a family and a job. However, we often see it getting translated only in maternal leave policies, owing to the cultural and structural barriers that society possesses. The inherent problem with the absence of paternity benefit leaves is that it reinforces gender- roles in society - fathers are the 'breadwinners' while mothers are the 'caretakers'. To achieve greater gender equality, both at the workplace and home, structures must provide men with equal opportunity to spend time and care for their newborn children. Paternity benefit leave is an employee benefit provided to new fathers for childcare, whether for newborn babies or adopted children. While maternity leaves for new mothers are available all across the world, adequate paternity leaves are hardly provided. Only 43 countries in the world provide paid leaves of over 14 weeks. There are no national policies in countries like India, United States, Sri Lanka, UAE among many others. This goes to say that the lack of paternity leaves is not a problem restricted to Asia or the developing world, but pervades global boundaries.

International Labour Organization's (ILO) Maternity and Paternity at Work Report 2014 quotes, “*By drawing fathers into the daily realities of childcare, free of workplace constraints, extended time off provides the space necessary for fathers to develop the parenting skills and sense of responsibility that then allows them to be active co-parents rather than helpers to their female partners.*” (Rehel, 2013) (Addati, Cassirer, Gilchrist, 2014). The objective of this paper is not to challenge maternity leaves at all, but to propagate the necessity of paternal leaves in an attempt to battle the biased status quo.

Studies show that paternity leaves not only push fathers to assume greater parental responsibilities but also foster better relations and growth of the child. In India, where the patriarchal society continues to exercise dominant roots, it becomes even more pertinent to address the benefits that will accrue from this move. Currently, only government services provide 15 days of paternity leaves. This is extremely less; the proposed bill suggests extending this up to 3 months. Any such benefit provided in the private sector is contingent upon their policies. While there are tangible benefits of providing this benefit, there do exist arguments against this provision - primarily focused on the increased economic burden on firms.

Through a Cost-Benefit Analysis, the paper will address these concerns and attempt to provide counter-arguments that emphasize the urgent need for paternity leave benefits. This paper will also address the issues from an economic lens, wherein there exists a dichotomy or perceived trade-off between economic growth and labour rights. It will carry out a comparative analysis of paternal leave policies that have been implemented in other countries, with the existing rules in India. Through this analysis, the paper will also attempt to address gaps or shortcomings of the proposed bill and provide recommendations to plug the leaks by creating a feasible and practical mechanism for the implementation of these benefits. The objective of this paper is therefore to establish a need for paternity leaves by elaborating on the far-reaching benefits.

Further, it will address the resistance that is often raised against paternity benefits. We analyze the current Indian Paternity Bill 2017 that has been introduced in the parliament and finally conclude by taking recommendations from developed countries around the world to ensure the provision of an optimum paternal leave.

### **1.1 Need of Paternity Benefits**

Gender roles are how we are expected to present ourselves in front of everyone by our assigned sex. For example, historically women were expected to be docile and soft-spoken. Men on the other hand were expected to be strong, aggressive, and bold. Stereotypical norms dictate widely accepted judgment or bias towards certain groups or communities, even though it is mostly inaccurate or is presented in an overly simplified manner. These norms often lead to direct oppression and systematic inequality within a structure. “These gender norms do not represent innate truth”; this is a concept widely accepted by the society that solely distinguishes the identity of men and women based on their intellectual, cultural, physical, and behavioural traits. Therefore the roles assigned to certain sex are based on this social construct rather than their capabilities. Even biologically, no evidence inherently assigns child-rearing responsibilities solely to a mother and breadwinner model to men. A country is a reflection of its people and the narrative they hold. These outdated oppressive structures pave their way into the legal regimes and market economies, significantly disadvantaged women on a broad scale.

In the 21st century, one of the most significant changes that India witnessed in its demography was a paradigm shift from a gender-biased society towards gender equality. Women struggled in every sphere to be on an equal pedestal as men. In the status quo, even though single women are independent and empowered, it is statistically proven that career-oriented women are detrimentally affected by their marriage and motherhood.

It is observed that even today these traditional norms compel women to do unpaid domestic work all by themselves along with their paid employment. “*The Organization for Economic Co-operation and Development (OECD) defines unpaid care work as washing, cleaning, cooking, shopping for domestic utilities, caring for children, elderly and sick people, tending to food, fuel and water collection, making energy provision, and doing family labour in agricultural settings among a host of other things. This is defined as a “double burden phenomenon” as women are expected to engage in unpaid care work in addition to successfully fulfilling commitments arising out of their paid work*”..(Waziri, 2021).

These deeply rooted patriarchal norms glorify this additional responsibility in various ways. Consider the Daily Indian Soaps on television that profusely propagate how a soft-spoken woman with traditional clothing doing household chores and managing work alongside is considered as cultured as opposed to a woman who is bold, frivolous, and ambitious not practising these norms. Consider all those marketing strategies and advertisements that often put mothers in the kitchen to cook and fathers reading newspapers before going to their workplace. These innocuous actions often lead to systematic discrimination against women in all aspects of their life. Women forcibly leave their jobs post-marriage or pregnancy due to this ‘double burden phenomenon’. Employers often hesitate to employ married women due to the gender-biased laws present in our legislation. This is because women are considered as primary caretakers and men as breadwinners; this notion is stigmatized to such an extent that men often hesitate to volunteer in their share of responsibility. *The lack of gender-just legislation on parental leave is directly proportional to the gender gap on sustained and equitable distribution of parenting roles. A scholarly study by the ILO titled Measuring Women’s Economic Empowerment talks about how gender equality in unpaid care work is furthermore directly proportional to women’s labour force participation* (Waziri, 2021). Therefore, there is a need for gender-neutral parenting laws that provides an incentive for male partners to share the child care responsibility and volunteer equally in the holistic development of the newborn child. India is one of those developing countries that fosters the importance of maternity leave benefits, but it is high time that it recognizes the need for paternity benefits and implements it in an effective way that will eventually provide women with equal economic status as that of men by shrugging off the extra burden of unpaid labour and childcare further breaking the stereotypical norms that exist in the society.

## **2.0 Benefits of Parental Leaves**

### **2.1 Empowering Women**

The availability of paid paternity, as mentioned earlier, reduces the double burden phenomenon. This essentially refers to the fact that women are expected to both perform unpaid household work, while also excelling at paid work at their organization. If organizations support

equitable paid leave for both the parents, it protects mothers from discrimination in hiring, promotion, and salary. Such discrimination is known as the motherhood penalty that mothers have to pay in the absence of equitable paternity leave.

Akgunduz and Plantenga (2012) study the variation in the duration of total parental leave entitlements on women's employment using aggregated macro-level data of 16 European countries from 1970 –2010. They find that parental leave increases female employment-to-population rates indicating that longer leave durations positively affect women's employment participation. However, this effect diminishes with the duration of leave, indicating an inverted U-shape relation between leave length and female employment participation. Therefore either very short or very long durations of leave negatively affect women's employment participation, whereas moderate duration has a positive effect. Their analysis indicates an optimal paternity leave length, where women's labour force employment is maximized at 28 weeks. (Dearing, 2015).

Understanding this study is important because it provides a quantitative relation between the optimum paternity leave that yields the maximum benefit for women. A study done in Canada concluded that the increase in the number of paternity leave taken by fathers is directly proportional to the increase in the number of work hours by mothers. (Kritika, n.d.). Therefore, it empowers women to increase their economic participation by reducing the burden of household work on their shoulders. Simultaneously, it provides men with the incentive to assume greater responsibility in child-rearing activities.

## **2.2 Father-Child Relationship**

At the end of the day, Paternity benefit leaves are taken for child care. It enables fathers to spend time and bond with their child during crucial developmental months. This shared parenting between the two genders has a huge positive impact on the growth of the child. The emotional attachment during these years is said to culminate in better father-child relationships in the future as well. There is evidence that paternity leave-taking is positively associated with subsequent father involvement. Studies from Europe indicate that fathers who take longer periods of leave engage in child-care tasks more frequently and report closer relationships with their young children than fathers who take shorter periods of leave (Haas & Hwang, 2008;

Huerta et al., 2014; Tanaka & Waldfogel, 2007). When fathers engage in these activities from an early age, it enhances the child's attachment to parents, contributes to better health, and more positive educational outcomes.

Lamb, Pleck, Charnov, and Levine (1985) have identified three facets that are impacted by the father's presence, which is only made possible through paternity leaves. These are engagement (direct interaction with children), accessibility (being available to children), and responsibility (making decisions about or arrangements for children). These studies allow us to form a causal relationship between the impact of paternity leaves on future social, emotional, and intellectual growth. It also goes to say that recognizing these benefits to their child, fathers are incentivized and welcome policies which are family-friendly and supportive of these opportunities. (Nepomnyaschy, 2007)

### **3.0 Resistance for Paternity Leave**

#### **3.1 Biological Arguments**

One of the major arguments that boiled up against lengthened paternity leaves is the biological concept attached to raising a child. It was argued that the absence of a mother can have a detrimental impact on a child's holistic development since the early stages of a child need motherly care emphasizing 'breastfeeding' for the child's long-term well-being.

*"However, there is no consensus on the relationship between a child's health and the father quota. The Norwegian Directorate of Health, for example, recommends that mothers breastfeed babies for six months, at which time parents should begin introducing solid food to children's diets. If a woman takes both her full quota and the shared period off, she can spend seven paid months with her baby, which satisfies this recommendation".* (Rust, 2019).

Therefore, the above study proves that the biological arguments presented above don't shrug off the responsibility of fathers for childcare. Fathers can take charge immediately after the precaution period, encouraging women to get back to work within a stipulated period. This also helps in ensuring the burden of unpaid labour doesn't lie solely on mothers.

### **3.2 The Use of Parental Benefits Disproportionately**

It is widely observed that a lot of countries generously provide lengthened paternity benefits, however, the male community often makes little use of these benefits reinforcing the existing gender-specific specializations advocating mothers as primary caregivers, this social construct further strengthens the stereotypes making the efforts and policies of the governments ineffective. This creates a vicious trap wherein as soon as women attain an age of becoming stable mothers, the gender pay gap increases as companies start to view these women as liabilities rather than assets.

However, to fight against the gender pay gap and reinstall the ideals of equality, men need to use their paternity benefits at an equal rate as women for childcare, this will further help in breaking the preconceived notions about 'women' and will help in ensuring fair treatment at workplaces.

### **3.3 Cost-Benefit Analysis**

It is often argued that the cost incurred due to increased paternity benefits can be covered by large established companies but it becomes a detrimental factor for small businesses or companies to cover the cost as they are constantly strapped on cash. Productivity may rise due to an increase in employee morale but collective productivity may fall due to cost incurred in the reallocation of resources and shuffling of training skills. This can further lead to a decline in economic growth.

However, there exists a mutual relationship between labour rights and economic growth. In a coloured lens, this might seem like a trade-off for various companies, who might condemn a decrease in productivity due to loss of human resources, but at the same time, if we observe it through an analytical perspective, this introduction of paternity benefits will not only help in breaking the patriarchal notions but will ensure women utilize their capabilities to the maximum free from any kind of gender bias because now, these women do not have bear the brunt of "Double Burden Phenomenon". This policy acts as a stepping stone in building foundations of equality, wherein even a married woman or a mother can prosper in every sphere, increasing the potential of long-term growth. There can be short-term loss of human resources, but this policy

will help in ensuring maximum employment of women regardless of their marital status leading to the long growth of companies. This will further enhance productivity in companies by increasing employee morale and attracting various talents by proposing liberal policies. Therefore, the short-term cost incurred by incorporating this policy will reap long-term benefits to various companies. When we observe men and women working on equal grounds without any discrimination, this will eventually lead to economic growth as now women do not have to bear the brunt of domestic labour solely and work with utmost dedication in an all-inclusive safe environment.

#### **4.0 India and Paternity Benefits**

##### **4.1 Legal Status Quo**

Indian society is known to have built its foundation as a largely patriarchal one. It has rigid traditions and cultures that enforce the gender-conforming roles of men and women. As more and more women step out to work, there is a necessary shift in the power dynamics of society. The Indian Government was hailed for its landmark judgment with regards to the Indian Maternity Benefits bill 2017, which increased the duration up to 6 months, becoming one of the most progressive maternity benefit laws in the world. This, while necessary, re-establishes the thought that childcare is solely a woman's responsibility. Recognizing this, the government introduced the 'Indian Paternity Benefit Bill 2017', which was introduced in the parliament in 2018 but hasn't become a law yet. Currently, the only law in place in India can be found in government services. The Central Civil Services (Leave) Rules, 1972, allows male government employees to take paternity leave 15 days before or within six months of the delivery of the child or at the time of adoption of a new child (Online, 2020). In October 2020, the Center entitled male employees of the government to Child Care Leave (CCL). However, the provision and privilege of CCL will be available only for those male employees who are single parents, which may include male employees who are widowers or divorcees or even unmarried and may, therefore, be expected to take up the responsibility of child care as a single-handed parent. While this is a welcomed move, it goes to say that a man's role in child care is to be considered as a last resort, rather than a matter of natural occurrence. It continues to support the same entrenched stereotypical notions of gender relations being reflected in policies and laws.

#### **4.2 Indian Paternity Benefit Bill 2017**

The Paternity benefit bill comes into the picture to showcase the significance of gender-balanced parental leave policies in India. It has the potential to lead to the abolition of the structural gender-specific specializations as “it seeks to break the patriarchal notion that advocates responsibility of child-care lies solely on women, and aims to normalize the concept of fatherhood” (MAHAJAN, 2019).

This bill is extremely progressive concerning its applicability and scope of benefit. Extending to the whole of India, this act shall apply to all the establishments like a factory, mine, plantation, etc either belonging to the Government of India or private sectors. The provisions include all the men of the government sector and private sector, also including those who are self-employed or working in an unorganized sector where less than ten persons are employed (Pandey, 2019). The bill provides for ‘Paid’ leaves in case of a newborn child, adopted child, or surrogate child. This payment will be at the same rate as the average daily wage payable to the father on days which he has worked or the minimum rate of wage fixed or revised under the Minimum Wages Act, 1948. Any man with less than two surviving children will be entitled to receive paternity benefit for **fifteen days, extendable up to three months**, with up to seven days before the date of delivery. It will be available up to three months from the date of delivery of the child (Pandey, 2019). It even goes ahead to recognize extreme, unfortunate circumstances such as the death of the father during paternity leave, in which case the entire benefit must be made; or the death of the child, in which case benefits up to the date of death will be provided. It provides for 7 days of benefit at the same wage rate in case of a miscarriage.

The government understands that providing paternity benefits will exacerbate the economic burden on firms. To that end, the act introduces a scheme with proper guidelines to establish a Parental Benefit Scheme for providing these paternity benefits to every man. Under this scheme, the government will create the Parental Benefit Scheme Fund to carry out paternity benefits. All employees (irrespective of gender), employers, and the Central Government would contribute to the Fund in a prescribed ratio. The Fund then will be utilized to meet the costs related to paternity benefit under this Act (Pandey, 2019). In the end, it protects men taking paternity leaves against wrongful termination by providing for imprisonment of 3 months up to one year and a fine of Rs 20,000 -50,000 rupees.

### **4.3 Addressing Policy Concerns**

In comparison to the 6-month maternity benefit leave, the proposed bill is still miles away from reducing gender parity concerning child-rearing responsibilities. The suggested time is not sufficient to build and foster a bond with the child and therefore, fails to enjoy the benefits which accrue from an extended period of paternity leave.

The Paternal Benefit Scheme Fund requires contribution from both men and women, putting women at a considerable disadvantage since the funds themselves will be utilized to only paternity benefit payments. If it requires contribution from both genders, then the fund should also be a joint parental fund and not exclusive.

The bill is ambitious in its mandate by including factories, plantations, and the informal sector in its ambit of providing paternity leaves. However, it fails to acknowledge the skewed mindsets in this sector, both concerning the employer and the employee. It does not provide for a monitoring or feedback mechanism that will allow authorities to ensure that these benefits accrue and are redeemed appropriately in these areas. If the implementation is not taken care of, the core principle behind this bill remains merely as a paper credential without any real-world impact.

Enacting a policy is not synonymous with effective implementation. It is imperative to realize that this policy is aimed at tackling a gender bias that has been ingrained in the structures of society and reinforced in various forms at the workplace and home. Data shows that in countries or companies where these benefits already exist, men seldom redeem the perks. Fathers take a day or two off, but not continuous paternity leave (Bhattacharya, 2019). It is due to the continuing prejudices about who should bear the responsibility of taking care of the child, the reaction and perception of men who choose to take these leaves, and the fear of a career setback, leading to missed growth opportunities. Thus, even with the new allowances, child-rearing responsibilities are often shifted to another female family member, such as the child's grandmother.

A recent study done by Promundo, a US-based organization, has revealed that over 80% of men in Egypt, India, Pakistan, Moldova, Nigeria, and Mali said changing nappies, bathing, and feeding children were a woman's job. It further stated that fewer than half of the fathers

around the world take all the paternity leave on offer. (Bhattacharya, 2019) There is a mindset problem that causes this reluctance. This means that the paternity leave policy needs to be designed to break through these prejudices and encourages fathers to take these leaves. These policies, therefore, need to be accompanied by active efforts at the workplace, and at the government to counter stereotypical notions. A fine example of the latter is IKEA's efforts through the "Swedish Dads" exhibition, which shows pictures of numerous fathers that chose to stay at home with their children for at least six months. Initiatives like these can significantly increase workplace recognition of the joy of spending time with one's children and contribute to a culture where paternity leave is both valued and preferred (Online, 2020).

## **5.0 Recommendations**

Many developed/developing countries provide lengthened paternity benefits to their citizens. These areas follow:-Nordic countries have been pioneers of paternity leave. Nordic countries consist of Finland, Denmark, Norway, Sweden, and Iceland.

Sweden was the first country to allow paid parental leave in the year 1974. It grants the highest number of parental leave among Nordic countries i.e. 480 days, out of which 90 days are solely reserved for each parent. It means that these 90 days cannot be transferred from one parent to another, and if not availed it will lapse. In 2020, **Finland** is the first country to provide an equal proportion of maternity and paternity leave. Each parent has 164 days leave, out of which parents are allowed to transfer 69 days of quota. In **Norway**, under the 'daddy quota', fathers have exclusive paternity benefits that cannot be shifted to mothers. The statutory parental leave is either 49 weeks at 100% salary or 59 weeks at 80% salary that has to be divided between both parents but with some restrictions (Pandey, 2019). Denmark provides 52 weeks of parental leave for both parents. **Iceland** allows 3 months of paternity as well as maternity leave. Also, these 3 months' leave can be shared by the parents. **Portugal** has a parent-neutral leave policy, it allows 120 days leave with 100% salary and an optional 30 days leave with 80% salary. In **Spain**, fathers are entitled to 30 days paid leave at 100% of covered pay. (Kritika, n.d.). **Hungary** offers parents the opportunity to share 156 weeks of leave. One parent is entitled to take additional leave until the child reaches 2 years of age. The amount paid is 70% of previous earnings,

however, the amount cannot exceed 70% of twice the minimum daily wage. One parent is also entitled to extra annual paid time off, 2 days for 1 child, 4 days for 2 children, or 7 days for more than 2 children under 16 years of age (Globalization Partners, 2021).

Various companies that offer paternity benefits are:-

**Microsoft:** 12 weeks of Paternity Leave.

**Facebook:** 17 weeks of Paternity Leave.

**Starbucks:** 12 weeks of Paternity Leave.

**TCS:** 15 days of Paternity Leave.

**Deloitte:** 16 weeks of Paternity Leave.

**Zomato (Indian Food Delivery App):** 26 weeks of Paternity Leave

A developing country like India with a gigantic population needs to take inspiration from countries and companies mentioned above to install these policies into the legal framework along with considering the demographic, economic, and political scenario. However, complete elite imitation of these first-world countries isn't feasible in a country like India, but it can always study the models proposed by various countries and establish a suitable and equitable model of paternity benefits that will help India challenge the deep-rooted dilemma of gender discrimination.

## **6.0 Conclusion**

It is time we begin to see fathers as equally responsible caregivers, and in doing so, also see women as equally capable breadwinners (Online, 2020). The introduction of paternity leave will be a stepping stone in establishing gender-neutral parenting, gender parity at the workplace, and breakthrough gender stereotypes and gender-conditioned societal norms and practices. Paternity benefit leaves to address the stereotypes from a multitude of dimensions.

Firstly, it empowers the increased economic participation of women that allows this policy to break the gender bias. Secondly, it reduces the burden of women to carry out unpaid household work required during child-rearing. Thirdly, it reduces the cost of hiring women by equating the parental benefit requirements for both genders. Fourthly, it empowers men who want to take a

leave to do so without any shame, while simultaneously pressurizing the stereotypical men to rise and uphold the modern definition of parenthood.

The analysis of policies in different countries proves that there is growing awareness. The Nordic countries set an example for others to formulate policies that are in pursuit of the sustainable development goal of reduced inequality. We address the concerns of cost and expectations through a cost-benefit analysis that points out that the benefits of reduced gender inequalities uplift the society - socially and economically. Further, at the scrutiny of the proposed Indian Paternity Benefit Bill, we recognize the profound benefits of such a law, especially in an orthodox-patriarchial society. However, it is not free from faults. The job of policymakers is not to merely create laws, but to orchestrate reform. This is especially challenging given that the policy seeks to question and defeat a social norm that remains ingrained in the minds of both men and women. Men do not want to enjoy these benefits, while women fail to recognize the magnitude of harm that unpaid households do to their economic participation.

In conclusion, this paper emphasizes the need for paternity leaves foremost as a policy measure but also as a necessary social reform. In the 21st century, we must empower our women economically and our men socially to take up greater roles in society and break the binding gender norms, which continue to dictate who they should be and not who they want to be.

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