Rights of parents in the employer employee relationship

Introductory remarks:

There are different measures developed enabling men and women to reconcile their occupational and family obligations. New flexible ways of organizing work and time, which are better suited to the changing needs of society may take into account the needs of both undertakings and workers. This is also important to promote equal opportunities and equal treatment between men and women. Flexibility and diversity of child-care services is part of a strategy to meet the different preferences, needs and circumstances of children and their parents.

The three main field of this questionnaire are

a. maternity leave for women –related to maternity and birth
b. parental leave (distinct from maternity leave) for men and women related to the upbringing of infants and
c. time off from work on grounds of other urgent family reasons

A Maternity leave

1. When shall pregnant employees inform their employer of their condition?

At least 2 weeks before the leave.
2. Are pregnant employees and employees who have recently given birth entitled to a continuous period of maternity leave. How long is this leave and when is it allocated before?

A mother or father shall be granted parental leave at his or her request for raising a child of up to 3 years of age. A parental leave terminates not later than on the day which follows the day on which the child reaches 3 years of age.

If a mother or father does not use a parental leave, the leave may be granted to the actual caregiver of the child who lawfully resides in the Republic of Estonia.

Parental leave may be used in one part or in parts at any time for raising a child of up to 3 years of age.

3. Do they maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before?

100%, but not bigger than 3-time statistical average salary of the country.

4. What rights are acquired by the worker on the date on which maternity leave starts until the end?

See p 6,7

5. Is there continuity of the entitlements to social security, in particular regarding health care?

Yes

6. Do workers at the end of maternity leave have the right to return to the same job or, if that is not possible, to an equivalent or similar job?

Yes

7. Are employees protected against dismissal?

Yes

8. Do exist special provisions to meet the operational and organizational requirements of small undertakings?
9. Are employees entitled to time off in order to attend ante-natal examinations, if such examinations have to take place during working hours?

No regulation.

10. What are the most common cases at courts related to this?

B – Parental leave

1. What are the conditions of access and rules for applying for parental leave?
Describe Your system (full-time or part-time basis, time-credit system....).
See p 2

A father has the right to be granted an additional child care leave of fourteen calendar days during the pregnancy leave or maternity leave of the mother or within two months after the birth of the child.

2. Is the entitlement to parental leave subject to a period of work qualification and/or a length of service qualification and which period?

No.

3. Which notice periods do exist for the worker when exercising the right to parental leave, specifying the beginning and the end of the period of leave?

Employers shall prepare a holiday schedule for every calendar year and communicate it to the employees during the month of January. By agreement of the parties, a holiday schedule may be changed.

Employers shall prepare a holiday schedule based on the interests of work management, taking requests of employees into consideration if possible.

Upon preparing a holiday schedule, employers are required to consider the requests of the employees who by law have the right to receive holidays at a time suitable for them.

If an employer does not communicate a holiday schedule to employees, the employees have the right to take holiday at the time chosen by them and shall notify the employer thereof in writing at least two weeks in advance.
4. Is an employer allowed to postpone the granting of parental leave for reasons related to the operation of the undertaking (e.g. where a replacement cannot be found within the notice period?

*An employer is required to grant a holiday at the time requested by the employee to the following:*

1) *a woman immediately before and after pregnancy leave or maternity leave or immediately after parental leave;*

2) *a man immediately after a parental leave or during pregnancy leave or maternity leave of his wife;*

3) *a parent raising a child of up to 7 years of age;*

4) *a parent raising a child of between 7 and 10 years of age, during a school holiday of the child;*

5. Do employees maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before?

*See A p 3*

6. What rights are acquired by the employees on the date on which parental leave starts until the end of parental leave?

*See p 7,8,9*

7. Is there a continuity of the entitlements to social security, in particular regarding health care?

*Yes.*

8. Do employees at the end of parental leave have the right to return to the same job or, if that is not possible, to an equivalent or similar job?

*Yes*

9. Are employees protected against dismissal on the grounds of an application for, or the taking of, parental leave?

*Yes*

10. Do exist special provisions to meet the operational and organizational requirements of small undertakings?

*No regulation.*
11. Does Your system also grant access to parental leave for adoption cases and are there specific rules for applying parental leave to the special circumstances of adoption.

*The regulation applies for adoption cases.*

12. What are the most common cases at courts related to this?

**C. Time off from work on grounds of urgent family reasons**

1. Are employed parents with responsibility for the care and upbringing of children entitled to time off from work on grounds of urgent family reasons in cases (sickness or other reasons related to family members making the immediate presence of the worker indispensable)?

   Yes

2. What are the conditions of access for applying for this kind of time off?

   *A mother or father shall be granted an additional child care leave every working year at his or her request as follows:*

   1) *child care leave of three calendar days if the mother or father has one or two children under 14 years of age;*

   2) *child care leave of six calendar days if the mother or father has three or more children under 14 years of age or at least one child under 3 years of age.*

   (3) A guardian raising a child without parents is also entitled to the leave.

   *An additional child care leave shall be granted in the year that a child reaches 3 years of age and 14 years of age regardless of whether the child’s birthday is before or after the leave.*

   *An additional child care leave shall be added to an annual holiday, additional holiday or extended annual holiday and shall be granted together with the same or, by agreement of the parties, at another time during the same working year.*

   *An additional child care leave shall not be granted if the child lives in a social welfare institution.*
At the request of the employee, the employer is required to grant an additional child care leave without pay to:

1) a parent who is raising a child of 14 years of age, and a guardian or caregiver;

2) a parent who is raising a disabled child under the age of 18, and a guardian or caregiver.

An additional child care leave without pay shall be granted for up to fourteen calendar days during a working year at a time established by agreement of the parties.

3. Is this time off limited to a certain amount of time per year or per case?
   See p 2

4. Do employees maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before?
   See p 2

5. Is there a continuity of the entitlements to social security, in particular regarding health care?
   Yes.

6. Are these employees protected against dismissal?
   Yes.

7. Do there exist special provisions to meet the operational and organizational requirements of small undertakings?
   No regulation.

8. What are the most common cases at courts related to this?