

# The Horizons of Parental Co-Responsibility in Ibero-America\*

## Abstract

This study examines the implementation of paternity and parental leave policies across Ibero-America, drawing attention to the similarities and differences between countries in the region. An exploratory review was conducted in Scopus. The results were filtered by time. Matches were then found based on abstracts and keywords. Official repositories were subsequently consulted to validate the results. Finally, the search was expanded to Google Scholar, which provided additional information and enabled the selection of three relevant cases (Chile, Colombia and Spain). This limited the analysis to the Ibero-American sphere. The results revealed significant variations in leave duration and usage, suggesting which countries are more likely to foster greater paternal involvement and reduce gender inequality in the workplace. The study discusses how differences in legislation and policies impact fathers' involvement in childcare and its relation to workplace gender equality. The study highlights the need to strengthen family protection frameworks and parental co-responsibility models in Ibero-America, in order to support a more equitable distribution of childcare responsibilities within families, and to promote gender equality in the workplace and in wider society. In short, the study provides a critical analysis of parental models across Ibero-America, with the aim of informing changes in family dynamics and labour practices throughout the region.

**KEYWORDS:** childcare, gender equality, Ibero-America, leave, parental co-responsibility

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\* This paper is the result of the research project “Nuevas paternidades en el derecho en América Latina [New Forms of Parenthood in Latin American Law]”, code INV3473, which received internal funding from the Universidad Cooperativa de Colombia.

# 1 | Introduction

Gender equality and co-responsibility within households have become priority issues on contemporary global, social, and political agendas. Paternity leave has proven to be a key tool in promoting the active participation of fathers in childcare, across different countries and regions, including Ibero-America. Although legislative progress has been made in some Ibero-American countries, significant differences remain in the duration, conditions and, in some cases, the availability of paternity and parental leave. These disparities continue to limit men's involvement in family life, while contributing to reinforcing existing gender inequalities and creating new ones.

In many cases, fathers choose not to take paternity and/or parental leave due to the additional financial and social burdens this may place on their families. This reluctance is further influenced by a broader lack of societal and state commitment to addressing gender inequalities and providing families with adequate protection and support.

This study analyzes the evolution of regulations and policies related to parental co-responsibility in Ibero-America, with a focus on the persistent inequalities in the duration and conditions of paternity and parental leave across several countries in the region. It incorporates a wide range of data on current legislation, the use of parental leave, and studies on the social and economic impacts of such leave on the family and workplace.

Academically, it will contribute to reflections on gender equality and parental co-responsibility in the Ibero-American context, thus favoring the development of knowledge in this area. Research on this phenomenon is key to understanding the similarities and differences in leave implementation and effectiveness in promoting gender equality at home and in the workplace across different countries in the region. The significance of this study lies not only in its contribution to the academic understanding of paternity and parental leave, but also in its aim to inform legislators and policymakers, enabling them to make equitable and well-informed decisions that benefit families across Ibero-America.

## 2 | Methodology

This study adopts a qualitative approach, utilizing documentary review techniques to analyze normative and technical materials alongside previous studies related to the subject across different countries in the region. Thus, it adopts an approach utilized in previous research, updating the current state of knowledge and evaluating parental co-responsibility legislation and policies in Ibero-America to identify areas requiring improvement and opportunities for innovation.

A preliminary search was conducted in Scopus using the TITLE-ABS-KEY filter (Parental Co-Responsibility), yielding 41 results. This number was reduced to 22 between 2020 and 2025. After reviewing the abstracts and keywords, only six were deemed relevant. Official archives were then consulted, yielding one valid result. Due to the limited number of results, the search was expanded to Google Scholar. This allowed us to supplement the information and select three relevant cases (Chile, Colombia, and Spain), thus limiting the analysis to the Ibero-American sphere.

It should be noted that the figure in the Results section was created using data collected by the author and through interaction with the DeepSeek chatbot.

## 3 | Results

Paternity leave in Ibero-America has evolved within a historical and social context characterized by the struggle for gender equality and the growing recognition of fathers' significant role in child development. In recent decades, changes in family structures and the increased participation of women in the labor market have prompted scholars and society to reconsider domestic responsibilities and childcare.<sup>[1]</sup>

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<sup>1</sup> Ximena Briceño, Tatiana Saavedra, "Relaciones de género y corresponsabilidad parental: Contribuciones desde relatos de vida," [in:] *Separación, divorcio y relaciones familiares: Un análisis multidisciplinario*, ed. Cecilia Mayorga Muñoz, Lorena Valencia Gálvez, Marta Arranz Montull (Santiago: Ariadna Ediciones, 2023), 107-108; Gracia Maroto Navarro, "Discursos, prácticas y producción científica sobre paternidad desde la perspectiva de género" (PhD diss., Universidad de Sevilla, 2020), 96-97; María Ramírez Uribe, Blas Valenzuela Camacho, "Revisión sistemática de

Compared with other regions, legislative changes concerning paternity leave in Ibero-America have been adopted and implemented at a slower pace. In its “Gender Equality Bulletin,” the Economic Commission for Latin America and the Caribbean (ECLAC) and the International Labour Organization (ILO) provided a comprehensive mapping of paternity leave policies across Latin America.

As of 2025, 11 countries offer paid paternity leave of fewer than 10 days, whereas only 6 countries provide leaves lasting between 10 and 15 days. Of the 14 Caribbean countries, only Suriname offers paid paternity leave, which lasts for 8 days.<sup>[2]</sup>

While Spain is a member of the European Union and thus has access to and the ability to implement more advanced legislation, its significance within the Ibero-American region remains undeniable. This is due to its historical and cultural roots as well as the cultural and economic exchanges between these nations. Thus, it has been added to the scope of this study. In addition to the progress made in paternity leave legislation, it is evident that the realities of implementation differ significantly across countries and contexts, as indicated in the Figure.

Countries that offer longer paternity leave and promote fathers’ equal participation tend to experience positive outcomes in family dynamics and child development.<sup>[3]</sup> Recognizing the critical role that fathers play during the early stages of their children’s lives reinforces the understanding that greater paternal involvement benefits families while also positively impacting social cohesion and the economic sector.

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la participación de la mujer en el mercado de trabajo y su vínculo con el concepto de cuidado” *Revista de Investigación del Departamento de Humanidades y Ciencias Sociales*, No. 24 (2023).

<sup>2</sup> Economic Commission for Latin America and the Caribbean (ECLAC) and International Labour Organization (ILO), “Time for care in Latin America and the Caribbean: towards social and gender co-responsibility”, *Gender Equality Bulletin* no. 4 (2025): 5.

<sup>3</sup> García, *Perspectivas y desafíos del postnatal masculino en Chile*, 4; Vanessa Monterroza Baleta, “La legislación sobre licencias de maternidad y paternidad como factor de igualdad entre hombres y mujeres: el caso colombiano” *Precedente Revista Jurídica*, 17 (2020): 82.



However, fathers often face challenges in taking the full duration of leave to which they are entitled. On the one hand, this is due to a lack of awareness of their rights, and, on the other hand, work pressure continues to be

a significant barrier. This pattern is especially evident in Latin American countries, where the prevailing work culture perpetuates the stereotype of mothers as the primary caregivers.<sup>[4]</sup>

Fathers may feel pressured by their employers to forgo the full use of their paternity leave, reflecting cultural and economic resistance that impedes progress toward greater equality in parental responsibilities.<sup>[5]</sup> The limited utilization of paternity leave may perpetuate gender stereotypes that define women as primary caregivers and men solely as financial providers.

The significance of these findings lies in their potential to inform future reforms and shape policies aimed at promoting equality within the household, and fostering broader social change by encouraging the equitable distribution of childcare responsibilities between men and women.<sup>[6]</sup> Thus, this paper offers a critical assessment of the region's current policy framework, arguing that a genuine commitment to gender equality requires rethinking societal norms that assign caregiving primarily to women, and reallocating resources toward improved education and greater awareness of paternity rights.<sup>[7]</sup> Additionally, future interventions must take into account the social and cultural contexts of parenting to ensure that such changes are effective and sustainable.

It is worth noting that, in countries such as Chile, Colombia, and Spain, legislation has advanced toward greater inclusion of paternal rights through parental co-responsibility policies, contrasting with countries that

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<sup>4</sup> Juliana Martínez Franzoni, Wendy León Arias, "Trajectories of State Regulation of Paternity in Latin American and its Implications for Gender Equality," *Revista SAAP*, No. 1 (2022).

<sup>5</sup> Maroto Navarro, "Discursos, prácticas y producción científica sobre paternidad desde la perspectiva de género"; Brenda Tufiño Gómez, "Maternity and Paternity Leave Homologation in Mexico: An Imperative to Reduce the Massive Burden on Women" *Revista Trabalho, Direito e Justiça*, No. 1 (2024): 5.

<sup>6</sup> Mónica Cortés Gallego, *Significado de Maternidad y proceso de convertirse en madre en un grupo de mujeres trabajadoras* (PhD diss., Universitat Jaume I, 2023).

<sup>7</sup> Ibidem; José Fernando Lousada Arochena, "Evolución de la igualdad desde la Constitución de 1978: del patriarcado fuerte hacia la igualdad de género" *iQual. Revista de Género e Igualdad*, No. 5 (2022); Patricia Nieto Rojas, "La transposición de la directiva 2019/1158 de conciliación de la vida familiar y la vida profesional a través del RD Ley 5/2023" *Revista de Estudios Jurídico Laborales y de Seguridad Social (REJLSS)*, No. 7 (2023); Ramírez Uribe, Valenzuela Camacho, "Revisión sistemática de la participación de la mujer en el mercado de trabajo y su vínculo con el concepto de cuidado"; Leonor Riquelme and Francisco Riquelme, "Corresponsabilidad parental y conciliación trabajo-familia," [in:] *Separación, divorcio y relaciones familiares: Un análisis multidisciplinario*, ed. Cecilia Mayorga Muñoz, Lorena Valencia Gálvez, Marta Arranz Montull (Santiago de Chile: Ariadna Ediciones, 2023).

maintain more traditional practices that limit fathers to short-term leaves. Furthermore, parental leave awareness and information policies have a direct impact on the use of leaves. For example, in Spain, increased awareness of labor rights, specifically those regarding work-life balance, has fostered a co-responsible use of leaves between men and women.<sup>[8]</sup>

Chile, Colombia, and Spain were selected as case studies based on convenience sampling due to their relevance to the subject matter. Other countries were excluded from the sample because of their lack of legislation on parental and paternity leaves, or since they do not establish their mandatory nature.<sup>[9]</sup> In the case of Cuba, even though legislation specifies parental leave for one of the parents, it does not expressly stipulate paternity leave as such for the father.<sup>[10]</sup> In Uruguay, besides the maternity and paternity leave, the law provides for a parental leave, although it is not mandatory and is only partially granted.<sup>[11]</sup>

## 4 | Chile

Although the ILO signed the Workers with Family Responsibilities Convention in 1981, it was not until 1993 that Chile enacted a law granting father's access to postnatal leave in the event of the serious illness of a child under one year of age, provided this was authorized by a working mother who could not engage in childcare.<sup>[12]</sup> This leave was applied in a limited manner,

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<sup>8</sup> Elena García Testal, "Conciliación entre la vida laboral y la vida familiar: un análisis de la no discriminación, la corresponsabilidad y la flexibilidad como elementos para la igualdad laboral de las mujeres en la Directiva (UE) 2019/1158 y en su trasposición al ordenamiento" *Lan Harremanak*, 51 (2024): 176.

<sup>9</sup> Paternity leave is the term used to refer to the paid leave granted to the father for the birth or adoption of a child or the fostering of a minor, for the purposes of meeting the care needs of the child in the first days of his/her life or after arriving home. On the other hand, parental leave is known as the paid leave granted to one or both parents, either exclusively or shared, in addition to the maternity or paternity leave. Its objective is to equally distribute care tasks between both parents for a longer period.

<sup>10</sup> Valentina Perrotta, *Las licencias parentales y la corresponsabilidad de género en Uruguay: las políticas, las prácticas y los mandatos de género en tensión* (PhD diss., Universidad de la República, 2020), 159.

<sup>11</sup> *Ibidem*, 198.

<sup>12</sup> Law No. 19, 250.

as the legal entitlement belonged exclusively to the mother and fathers could access it only with her explicit authorization. Almost two decades later, in 2011, a new law<sup>[13]</sup> was enacted, which for the first time in Chile formally recognized mandatory postnatal leave for fathers, granting a period of five days.<sup>[14]</sup> Chile was subsequently followed by other countries in the region, which also incorporated paternity leave provisions into their national legislation. For example, Mexico reformed its labor code in 2012 to introduce a five-day paternity leave. Similarly, Nicaragua granted fathers the right to five days of paternity leave in 2014, with Bolivia and Panama offering a three-day leave.”<sup>[15]</sup>

The trend has shifted from a complementary parental model, where the mother is primarily responsible for childrearing and the father plays a more supportive role, to a co-responsibility model that emphasizes the father’s increased participation in childcare tasks.<sup>[16]</sup> This is evidenced in the fact that some countries have progressively increased the duration of existing paternity leaves: For example, paternity leave increased from 3 to 14 days in Paraguay in 2015; from 4 to 10 days in Peru in 2018; and from 3 to 13 days in Uruguay in 2013, reflecting a 10-day increase.<sup>[17]</sup>

This same trend has been found in other countries, such as Chile, Colombia, and Spain, which have adopted models encouraging co-responsibility through parental leaves and have sought to balance the financial and housekeeping duties between men and women. However, the actual use of these leaves among fathers has been relatively low, suggesting that, despite policies, men’s active participation in childcare remains limited due to traditional social norms.<sup>[18]</sup>

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<sup>13</sup> Law No. 20, 545.

<sup>14</sup> Andrea Serrano España, “Evolución y tratamiento legal del derecho a descanso de pre y postnatal” *Revista de Derecho de la Universidad Católica de la Santísima Concepción*, 44 (2024): 63-64.

<sup>15</sup> Addati, Laura, Umberto Cattaneo, Emanuela Pozzan, *Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work* (Geneva: International Labour Organization, 2022), 115.

<sup>16</sup> Francisco Aguayo, “Masculinities and Public Policies in Latin America”, *Men and Masculinities*, No. 5 (2023): 697; Juliana Martínez Franzoni, “Understanding the State Regulation of Fatherhood in Latin America: Complementary versus Co-responsible” *Journal of Latin American Studies*, No. 3 (2021): 522.

<sup>17</sup> Addati, Cattaneo, Pozzan, *Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work*, 115.

<sup>18</sup> Ibidem, 132-133; Aguayo, “Masculinities and Public Policies in Latin America,” 698; Martínez Franzoni, León Arias, “Trajectories of State Regulation of Paternity

Chile's 2011 reform promoted an approach that recognizes the need for fathers to actively participate in parenting.<sup>[19]</sup> In addition to the 12-week postnatal leave for mothers and the 5-day leave for fathers, a postnatal parental leave of 12 weeks was introduced. From the seventh week onward, this leave can be shared with the father for a number of weeks according to the mother's preference. The weeks that correspond to the father must be used during the final period of parental leave.

When the Chilean government presented the bill, the proposal aimed to expand access to postnatal parental leave to reach the majority of women, particularly those most vulnerable.<sup>[20]</sup> The Law mandates the payment of a subsidy by the State to the parent utilizing the postnatal parental leave, which was capped at 72.3 UF (adjusted for inflation) per month. While lower-income women generally do not face significant financial obstacles in sharing postnatal parental leave with their husbands or partners, higher-income women often encounter greater difficulties. For these women, sharing leaves can result in a substantial reduction in household income and pose challenges to the equitable division of parental responsibilities and their reintegration into the labor market. Since the Law came into force, and its limitations have become evident, it has been concluded that it is necessary to create incentives for parental co-responsibility to be truly effective.<sup>[21]</sup>

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in Latin American and its Implications for Gender Equality," 68.

<sup>19</sup> Martínez Franzoni, León Arias, "Trajectories of State Regulation of Paternity in Latin American and its Implications for Gender Equality," 81-82.

<sup>20</sup> Library of the National Congress of Chile, *Historia de la Ley N° 20.545* (2024), 9-10.

<sup>21</sup> García, *Perspectivas y desafíos del postnatal masculino en Chile*, 12-13; Miriam Henríquez Viñas, Lieta Vivaldi Macho, Ana María Fernández Marín, Victoria Martínez Placencia, *¿Derecho a cuidar? Modificaciones necesarias para avanzar hacia una corresponsabilidad social y de género* (Santiago de Chile: Centro Interdisciplinar de Políticas Públicas, 2024), 24; Serrano España, "Evolución y tratamiento legal del derecho a descanso de pre y postnatal," 75.

## 5 | Colombia

The first legislation in Colombia to recognize paid leave for fathers following the birth of a child or the adoption of a minor was Law No. 1,822 of 2017. Its main aim was to encourage the provision of adequate early childhood care and attention. The duration established for this type of leave was eight working days. More recently, Law No. 2,114 of 2021 was enacted, extending paternity leave and introducing parental leave as well as flexible part-time parental leave. This law was intended to improve child welfare and address workplace inequality.

Law No. 2,114 has undoubtedly brought about significant improvements; however, it has not fully overcome historical and structural challenges. For example, the difference between the duration of maternity and paternity leaves in Colombia continues to reinforce existing inequalities, with mothers entitled to 18 weeks of leave compared with just 2 weeks for fathers. This imbalance perpetuates gender stereotypes and results in mothers shouldering the majority of childrearing responsibilities. The legislation allows for the progressive extension of paternity leave up to five weeks; however, a substantial disparity in duration between maternity and paternity leaves persists. Consequently, this gap continues to restrict fathers' involvement in childrearing, particularly during the crucial early months following a newborn's arrival or the child's integration into the home.

There have also been objections from employers, which Santana Palomo summarized as follows:

From the working perspective, it would be a disadvantage for the employer or for the businessman hiring fathers or mothers who are heads of a household, since the employee would be away for more time with the child and would stop providing [...] services they were hired for. This places a heavier salary burden on employers because they would have to temporarily replace the parent on leave [...] for the time that the [...] paternity leave would last. This issue remains a subject of discussion and controversy among employers, who express concerns that company productivity may be affected and workloads could increase as a result.<sup>[22]</sup>

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<sup>22</sup> Sandra Lucia Santana Palomo, "Desigualdad de derechos del trabajador padre cabeza de familia respecto a la trabajadora madre cabeza de familia en conexidad con los derechos del menor" *Verba Luris* 51 (2024):138.

In turn, Law No. 2,114 introduced two new types of leave, which are worthy of analysis: shared and flexible part-time parental leave. In the case of shared parental leave, it should be noted that this type of leave initially corresponds to the mother. After the 12th week of their leave, they can choose to share it partially with the father, or continue using it entirely themselves. Thus, fathers only have access to this type of leave if the mother transfers part of it to them. Regarding part-time flexible parental leave, fathers may agree with their employers to exchange a portion of their paternity leave for a part-time work arrangement, with the part-time period being twice the duration of the leave exchanged. This option is available to fathers prior to the second week of paternity leave. Consequently, it is limited by the overall duration of the paternity leave, and does not significantly extend the father's time with the newborn or child.

The controversy surrounding these issues extends beyond paternity leave, shared parental leave, and flexible part-time parental leave to encompass other rights, such as strengthened job security—which safeguards workers from dismissal during and after leave—and the right to social security that shields workers and their families from the adverse effects of illness, old age, and death.<sup>[23]</sup> However, there remains a need to adopt a more comprehensive and integrated approach that considers fathers' rights, and the rights of newborns and minors to health, well-being, and a safe environment.<sup>[24]</sup>

In fact, Law No. 2,114 of 2021 has already been the subject of two constitutionality trials. In the first trial, through judgment C-415 of 2022, the Constitutional Court extended the effects of Section 2 of Law No. 2,114 of 2021 to adopting couples, including same-sex couples. In the second trial, through judgment C-324 of 2023, the Constitutional Court granted trans men and nonbinary individuals' access to leave for childbirth.

Both judgments have undoubtedly extended the *ratio legis* of Law No. 2,114 to new cases. However, there has been evidence of new cases that the Law does not account for in its original formulation and following the aforementioned judgments. An example of this is male gay couples where one parent has a genetic connection to the child while the other does not. Such

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<sup>23</sup> Cristhian Andrey Rosas Gutiérrez, Lázaro Ardila, Diana M. Gómez, "Familia y seguridad social colombiana" *Revista de la Facultad de Derecho y Ciencias Políticas*, No. 139 (2023).

<sup>24</sup> Santana Palomo, "Desigualdad de derechos del trabajador padre cabeza de familia respecto a la trabajadora madre cabeza de familia en conexidad con los derechos del menor," 142.

couples are therefore required to fulfill additional legal requirements to establish filiation between the newborn and the partner or spouse of the biological father, placing them at a disadvantage compared with other couples and exposing them to potential discrimination, as noted by a Court justice in a dissenting opinion in Judgment C-415 of 2022.<sup>[25]</sup>

The other case is that of trans men and nonbinary individuals. Despite being granted leave during childbirth by virtue of judgment C-324 of 2023, the potential for the inequitable distribution of caregiving tasks is inevitable, with the burden likely to be shouldered predominantly by trans and nonbinary parents after birth, exposing them to new forms of discrimination throughout pregnancy and parenthood<sup>[26]</sup>. Minimum legislative measures are necessary to prevent the unequal distribution of childcare responsibilities and promote balanced participation of both parents, ensuring equitable work-life balance for all individuals, regardless of sex or gender. This task corresponds, in its own right, to legislators.

One final possibility that has not yet been considered by legislators or the Constitutional Court in relation to parental leave is that of single men who resort to surrogate mothers to have a child. In 2022, the Constitutional Court issued Judgment T-275 of 2022, which granted protection to any citizen who had a daughter through surrogate motherhood and requested maternity leave. In this judgment, the Court noted the absence of norms regulating surrogate motherhood.<sup>[27]</sup> Law No. 2,114 only authorizes the extension of a mother's postnatal leave to the father in case of illness, the abandonment or death of the mother, and when the father is otherwise left in charge of the newborn child without the mother's support. However, the law does not address situations involving a mother who, under a surrogacy contract with the father, delivers the child born through surrogacy to the father in accordance with contractual obligations. None of the circumstances outlined in the law apply to such cases, thereby creating a legal gap that may leave children born through surrogate motherhood without adequate protection.

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<sup>25</sup> Carlos Jesús Molina-Ricaurte, "Las nuevas paternidades: una nueva posibilidad para las familias diversas en el ordenamiento jurídico colombiano," [in:] *Corresponsabilidad, espacios de cuidados y políticas públicas de igualdad de género en Iberoamérica*, ed. Marcela Iglesias, Sofía De Guzmán (Madrid: Dykinson, S.L., 2024), 433-434.

<sup>26</sup> Ibidem, 436.

<sup>27</sup> Ibidem, 434.

## 6 | Spain

In Spain, paternity leave was introduced by Organic Law No. 3/2007, granting 13 consecutive days of leave, which may be extended by 2 additional days in cases of multiple births, adoptions, or foster care for each child beyond the second. Subsequently, Royal Decree-Law No. 6/2019 equalized the duration of parental leave for both parents following the birth of a child to 16 weeks. The first six consecutive weeks immediately after birth are mandatory and must be taken on a full-time basis. The most recent legislative development is Royal Decree-Law No. 5/2023, which works toward balancing the family and professional life of parents, and caregivers and implementing and enforcing the European Union law.

Although Royal Decree-Law No. 6/2019 introduced the full alignment of parental leave for childbirth, adoption, or fostering (thus eliminating the differences between leaves and subjecting both parents to the same legal system), it was criticized as a “neutral” and ineffective measure when, in fact, “assertive action” was needed to truly guarantee more egalitarian family and labor relations.<sup>[28]</sup>

Conversely, Royal Decree-Law No. 5/2023 implemented European Union Directive No. 2019/1158. This led to the incorporation of force majeure leave under Article 37.9 of the Workers’ Statute, and parental leave for the care of a biological or foster child over one year of age, up to the age of eight. According to Articles 45.1.o and 48 bis of the same statute, this parental leave may last up to eight weeks and can be taken either continuously or intermittently. The decree also introduced Article 4.2.c, which establishes a new right for workers to be protected from “unfavorable treatment of women or men for exercising rights related to the balance or co-responsibility of family and work life.”

The main criticism of this decree surrounds the partial implementation of Directive 2019/1158, specifically the omission of Article 5 and Article 8(3), which pertain to the remuneration or financial compensation associated with parental leave. According to Rodríguez Rodríguez: “Effectively, both provisions of the Directive refer to how the Member States or the social

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<sup>28</sup> Anna Escobedo, “Una oportunidad de ampliación y mejora del sistema español de licencias remuneradas parentales y por cuidados familiares” *IgualdadES* 7 (2022): 616-617; García Testal, “Conciliación entre la vida laboral y la vida familiar: un análisis de la no discriminación, la corresponsabilidad y la flexibilidad como elementos para la igualdad laboral de las mujeres en la Directiva (UE) 2019/1158 y en su trasposición al ordenamiento,” 153.

partners must guarantee sufficient remuneration or a financial benefit that «ensures an adequate standard of living» and enables both parents to enjoy their parental leave.<sup>[29]</sup>

Despite the extension of the deadline to 2 August 2024 for Member States to implement the Directive, Spain had not yet succeeded in doing so within the established period.<sup>[30]</sup> Critics argued that, unless this issue is addressed, particularly by ensuring adequate remuneration for both parents during parental leave, the measures introduced by the decree would be ineffective in practice and potentially counterproductive, as they may reinforce existing gender inequalities in the uptake of parental leave.<sup>[31]</sup>

A comparative legal analysis of paternity leave across Ibero-America reveals persistent and significant legislative shortcomings that perpetuate gender inequality within families and across society. Some scholars argue that current legislation, by granting significantly shorter paternity leave compared with maternity leave, reinforces traditional gender roles and perpetuates the perception of women as primary caregivers. This issue has been partially addressed through the introduction of parental leave. However, the nonmandatory nature of its use significantly limits the effectiveness of such measures. Furthermore, the fact that a father's role in the family is still viewed as more complementary than co-responsible prevents them from developing a significant emotional bond with their children during the initial months (either following birth or their arrival at home) and becoming more involved in caregiving tasks over time. Reforms in paternity and parental leave also affect equal treatment and opportunities, alongside family dynamics, highlighting the need to link labor and family policies. According to Escobedo, “parental leave policies are at the

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<sup>29</sup> Emma Rodríguez Rodríguez, “El nuevo permiso parental del estatuto de los trabajadores” *Lan Harremanak*, 51 (2024): 106.

<sup>30</sup> Parliamentary Question – P-001637/2024; José Antonio Rueda Monroy, “Los permisos retribuidos tras el RDL 5/2023: cuestiones pendientes y nuevos desafíos interpretativo” *Lan Harremanak*, 52 (2024): 87.

<sup>31</sup> García Testal, “Conciliación entre la vida laboral y la vida familiar: un análisis de la no discriminación, la corresponsabilidad y la flexibilidad como elementos para la igualdad laboral de las mujeres en la Directiva (UE) 2019/1158 y en su transposición al ordenamiento,” 167-168; Nieto Rojas, “La transposición de la directiva 2019/1158 de conciliación de la vida familiar y la vida profesional a través del RD Ley 5/2023,” 89-90; Rodríguez Rodríguez, “El nuevo permiso parental del estatuto de los trabajadores,” 106-107.

intersection between labor and family policies.”<sup>[32]</sup> Thus, paternity and parental leaves should focus on promoting gender equality and childcare.

With regard to parental support policies, Chile, Colombia, and Spain have taken steps toward more inclusive frameworks that promote greater equality in the distribution of childcare responsibilities. However, most governments continue to struggle with the effective implementation of policies that recognize parental rights and actively promote co-responsibility in childcare. Despite the positive changes that have been introduced, cultural and financial reluctance continues to affect the adoption of equitable practices.<sup>[33]</sup>

Beyond the introduction of reforms aimed at extending the duration of paternity leave and institutionalizing parental leave, it is necessary to promote cultural changes in the perception of the role of fathers<sup>[34]</sup>. Failure to do so makes any reform simply ineffective. Certain studies indicate that flexible labor policies are key to avoiding inequalities. Proposals have also suggested the adoption of quality public care services and policies for spreading awareness and information that encourage men to actively assume their responsibilities in the family environment, thus contributing

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<sup>32</sup> Escobedo, “Una oportunidad de ampliación y mejora del sistema español de licencias remuneradas parentales y por cuidados familiares,” 611.

<sup>33</sup> Economic Commission for Latin America and the Caribbean (ECLAC) and International Labour Organization (ILO), “Time for care in Latin America and the Caribbean: towards social and gender co-responsibility,” 5; Carina Lupica, María Harker Roza, Cecilia Beatriz Martínez Gómez, Daniela M. Brenes Morera, *Impulsando el bienestar, la equidad y la economía en América Latina y el Caribe* (Washington, DC: DC: Inter-American Development Bank, 2024); Carlos Jesús Molina-Ricaurte, “Nuevas paternidades en América Latina: avances y desafíos,” *Revista África e Africanidades*, No. 53 (2025).

<sup>34</sup> Economic Commission for Latin America and the Caribbean (ECLAC) and International Labour Organization (ILO), “Time for care in Latin America and the Caribbean: towards social and gender co-responsibility,” 8-9; Patricia Fuenzalida Martínez, Florencia Herrera Maldonado, “Maternidad, labores de cuidado e igualdad en la legislación laboral chilena” *Revista de Derecho Aplicado LLM UC*, No. 11 (2023): 32-34; García, *Perspectivas y desafíos del postnatal masculino en Chile*, 11-13; Henríquez Viñas, Vivaldi Macho, Fernandez Marín, Martínez Placencia, ¿Derecho a cuidar? *Modificaciones necesarias para avanzar hacia una corresponsabilidad social y de género*, 24; Martínez Franzoni and León Arias, “Trajectories of State Regulation of Paternity in Latin American and its Implications for Gender Equality,” 87; Monterroza Baleta, “La legislación sobre licencias de maternidad y paternidad como factor de igualdad entre hombres y mujeres: el caso colombiano,” 84-85.

to a change in gender dynamics.<sup>[35]</sup> Additionally, economic constraints and inadequate working conditions influence parents' decisions to take leave, highlighting that the implementation of effective policies must account for labor-related and cultural factors. In this context, ensuring equitable access to paternity leave is essential not only for strengthening the role of the father but also for advancing gender equality. To this end, it is also necessary to involve employers to bring about effective changes.

This highlights the importance of further exploring how legislative and policy reforms can serve as tools to drive social change and promote gender equality. Several studies have shown that paternal participation increases with the implementation of parental co-responsibility policies,<sup>[36]</sup> thereby supporting the pursuit of more inclusive policies.<sup>[37]</sup>

Preliminary observations indicate that legislative reforms and parental co-responsibility policies contribute to a fairer and more balanced work environment, thereby transforming family dynamics and enhancing children's well-being.<sup>[38]</sup> However, diverse experiences in Ibero-America lead to a complex panorama in which paternity rights are influenced by different cultural, economic, and legal factors. Many countries in the region continue to face challenges in implementing policies that promote genuine co-responsibility and challenge cultural norms perpetuating traditional gender roles. Therefore, legislative reforms must be complemented by awareness campaigns that address the social perception of fatherhood as a shared responsibility.<sup>[39]</sup>

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<sup>35</sup> García Testal, "Conciliación entre la vida laboral y la vida familiar: un análisis de la no discriminación, la corresponsabilidad y la flexibilidad como elementos para la igualdad laboral de las mujeres en la Directiva (UE) 2019/1158 y en su trasposición al ordenamiento," 176.

<sup>36</sup> Aguayo, "Masculinities and Public Policies in Latin America," 697-698; Maroto Navarro, "Discursos, prácticas y producción científica sobre paternidad desde la perspectiva de género"; Tufiño Gómez, "La homologación de las licencias de paternidad y maternidad en México: un imperativo para reducir la losa de hormigón," 11.

<sup>37</sup> Blanca Alexandra Oñate Bastidas, Martha Asunción Franco Monserrate, Silvia Elizabeth Cárdenas Sánchez, "Flexibilidad y políticas laborales: Correlación y tendencias legales en los derechos de trabajadores en Ecuador" *Revista de Ciencias Sociales*, 30 (2024): 447.

<sup>38</sup> García, *Perspectivas y desafíos del postnatal masculino en Chile*, 4; Monterroza Baleta, "La legislación sobre licencias de maternidad y paternidad como factor de igualdad entre hombres y mujeres: el caso colombiano," 94.

<sup>39</sup> Lupica, Harker Rozo, Martínez Gómez and Brenes Morera, *Impulsando el bienestar, la equidad y la economía en América Latina y el Caribe*, 22.

This review reaffirms that paternity and parental leave extend beyond administrative formalities; they represent a crucial mechanism for fostering significant transformations in the family and social structures of Ibero-America. By progressively advancing towards a more inclusive regulatory framework that promotes co-responsibility in caregiving and gender equality, the region can make a substantial contribution to the development of fairer and more equitable societies. This is essential for the well-being of families as well as for the sustainable development of societies that value and promote equality in all aspects of life.

## 7 | Discussion

In Ibero-America, the debate surrounding paternity leave occurs within a broader context, where gender equality is a central objective. This debate seeks to transform traditional gender roles with regard to labor, childrearing, and childcare. The case studies indicate that, despite legislative reforms promoting fathers' participation through extended, flexible, and shared paternity leave options, prevailing economic structures and workplace and social cultures in many Ibero-American countries continue to restrict the effective utilization of these rights.

Thus, this study offers theoretical and practical insights. From a theoretical point of view, the findings support the need to further modify current parental and caregiving models. From a practical perspective, there is a proven need for continued legislative changes, including at the constitutional level,<sup>[40]</sup> to ensure a healthier work-life balance for parents and greater family well-being. However, such changes are of little use without relevant social changes.

Legislative reforms, therefore, must be accompanied by policies that include educational programs and awareness campaigns that transform societal perceptions of gender roles and parenting.<sup>[41]</sup> These policies should

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<sup>40</sup> Alejandra Hermosilla Besoain, Hugo Tórtora Aravena, "La importancia de constitucionalizar la corresponsabilidad parental en Chile" *Revista de Ciencias Sociales*, No. 8 (2022); Lousada Arochena, "Evolución de la igualdad desde la Constitución de 1978: del patriarcado fuerte hacia la igualdad de género".

<sup>41</sup> Addati, Cattaneo, Pozzan, *Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work*, 132-133; Lupica, Harker Roza, Martínez Gómez

also include mechanisms to verify and evaluate the use of paternity and parental leaves. Finally, incentives must be provided for companies to encourage their employees to make use of these rights, and implement a system of complementary care services. Thus, active collaboration between governments, employers, and the community at large is essential to establish an environment that effectively supports gender equality and family well-being through the use of paternity and parental leaves.<sup>[42]</sup>

This comprehensive approach facilitates the greater use of paternity and parental leave by men, and helps foster a culture that values the contributions of both parents in childrearing. Future actions and policies aimed at transforming family dynamics in Ibero-America must promote equality, not only within the home, but also in the workplace.

When compared to other geographical areas (e.g. Scandinavian countries), the need to implement more robust policies that address the duration of maternity and paternity leaves and promote a healthy work-life balance for parents becomes evident, particularly during the early years following the birth or arrival of children at home.<sup>[43]</sup> Moreover, it is imperative that parental co-responsibility policies in the region incorporate educational campaigns aimed at fostering fathers' active participation in childcare during the early years of their children's lives.

This study highlights the need for a broader approach that explores the context of paternity and parental leave through studies that consider aspects such as socioeconomic status, ethnicity, and sexual orientation. Different studies have shown that the financial and social composition of households – including the sexual orientation and gender identity of members – has a significant impact on the exercise of these rights.<sup>[44]</sup> Incorpor-

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and Brenes Morera, *Impulsando el bienestar, la equidad y la economía en América Latina y el Caribe*.

<sup>42</sup> Lupica, Harker Rozo, Martínez Gómez, Brenes Morera, *Impulsando el bienestar, la equidad y la economía en América Latina y el Caribe*.

<sup>43</sup> Addati, Cattaneo, Pozzan, *Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work*, 344, 383; Emilia García, *Perspectivas y desafíos del postnatal masculino en Chile* (Santiago: IdeaPaís, 2022).

<sup>44</sup> Andrea Cetré Castilblanco, "Care Policies in Some Latin American Countries. A Feminist Perspective" *Ánfora*, No. 54 (2023): 153-154; Molina-Ricaurte, "Las nuevas paternidades: una nueva posibilidad para las familias diversas en el ordenamiento jurídico colombiano"; ONU Mujeres México, *La igualdad de género* (n.d.), 3; Ramírez Uribe, Valenzuela Camacho, "Revisión sistemática de la participación de la mujer en el mercado de trabajo y su vínculo con el concepto de cuidado"; Janaína Reckziegel, Rommy Alvarez Escudero, Amalia Cobos Campos, "La gestación

rating diverse voices and experiences could better illuminate how current policies can be more inclusive and effective for all families. Therefore, it is crucial for future research to focus on assessing the effectiveness of current policies in relation to their implementation and impact on the families' daily lives.

Finally, there is a lack of longitudinal research examining how family and work dynamics evolve in relation to paternity and parental leaves. This study aims to clarify current parenting norms in Ibero-America and offer guidance on best practices and legislative reforms needed to promote greater equality and co-responsibility. Therefore, it is critical to move toward a more inclusive, comprehensive research framework to develop policies that promote gender equality in parenting and at the workplace.<sup>[45]</sup> Future research should, therefore, examine paternity and parental leave policies alongside the roles of political stakeholders, employers, and communities in promoting cultural change that supports co-responsibility in childcare.

## 8 | Conclusion

This study has examined the evolution of paternity leave in three Ibero-American countries, and assessed its impact. There are notable differences in national laws and their implementation across the region. Although some countries have made policy advancements, these measures remain insufficient in achieving gender equality in the workplace and at home. This study has helped clarify the issue by analyzing the actual use of paternity and parental leave, demonstrating how current regulations limit their accessibility and reinforce gender stereotypes.

The findings are relevant to academic and practical contexts, as they highlight the urgent need for reforms that promote co-responsibility in childcare, which are likely to yield long-term economic and social benefits. Facilitating the effective integration of women into the labor market

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sustituta ante las prestaciones por maternidad: Un estudio comparado entre Brasil, Chile y México" *Revista de El Colegio de San Luis*, No. 24 (2023): 23; Tufiño Gómez, "La homologación de las licencias de paternidad y maternidad en México: un imperativo para reducir la losa de hormigón," 9.

<sup>45</sup> Lupica, Harker Roza, Martínez Gómez and Brenes Morera, *Impulsando el bienestar, la equidad y la economía en América Latina y el Caribe*.

enhances their productive capacity, leading to increased wealth and purchasing power. Simultaneously, greater paternal involvement supports work-life balance and ensures improved care for dependents. Additionally, encouraging paternal involvement in caregiving contributes to improved child well-being and enhanced family mental health.

Further comparative studies on the implementation of similar policies across diverse social and cultural contexts are strongly recommended, as they can offer a broader perspective on how paternity and parental leave policies may be effectively designed to promote gender equality and enhance co-responsible parental policies in Ibero-America.

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